

STATE OF INDIANA)
)ss:
COUNTY OF CARROLL)

STATE OF INDIANA)
)
vs.)
)
RICHARD M. ALLEN)

IN THE CARROLL CIRCUIT COURT
CAUSE NO. 08C01-2210-MR-000001

**SUPPLEMENTAL MOTION FOR DISCOVERY AND REQUEST
FOR RULE 404 AND 405 EVIDENCE**

The Defendant, by counsel, moves the State of Indiana to produce the following with regard to the above captioned cause of action to-wit:

1. The names and last known addresses of persons whom the State of Indiana intends to call as witnesses together with their written statements, recorded or taped statements, video taped statements, memoranda containing substantially verbatim reports of their oral statements and memoranda reporting or summarizing their oral statements, including but not limited to any person referred to as a "confidential informant" who offered up information that may lead to the discovery of relevant information in this cause.
2. The names and last known addresses of persons known by the State of Indiana to have knowledge pertinent to this cause of action but who the State of Indiana does not intend to call as witnesses.
3. Any and all written or recorded statements and the substance of any oral statements made by the accused, or by any other person alleging statements made by the Defendant, regardless of whether the State of Indiana intends to call such persons as a witness or

indicates the person is a confidential informant, and a list of witnesses to the making and acknowledgment of such statements.

4. Any and all reports or statements of experts or other individuals who conducted any test, experiment, examination, or comparison, made in connection with this particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons, whether the State intends to use these reports or statements or not.

5. A statement as to whether the Defendant, or any other person who participated in the alleged crime, was acting directly or indirectly at the investigation, or on the behalf of the State of Indiana, or one of its agents, and if so, state the names and addresses of said individuals.

6. A statement as to any consideration and benefits incurred or offered, the State of Indiana has given or intends to give any witness, in exchange for his/her testimony, including but not limited to monies paid, a change of prison accommodations and/or work station, or any state action that could reasonably effect the witness' bias, and disclosure of any and all State action its agents actions taken during the time the witness was cooperating.

7. The names and last known addresses of persons not intended to be called as the State of Indiana's witnesses but who have been questioned or interviewed by the State of Indiana or its agents in preparation of this case, together with their relevant written or recorded statements, including memoranda reporting or summarizing their oral statements and any record of prior criminal convictions.

8. Grand jury testimony of a witness, once he/she has testified. Lockridge v. State, 263 Ind. 678, 338 N.E.2d 275 (1975).

9. A summary of any statement or conversation made by or engaged in by the Defendant and overheard by any persons known to the State of Indiana and a list of any

witnesses who overheard such statements or conversations, together with any and all reports, documents, correspondence and/or videotapes made or received, together with a statement in writing as to whether there has been any electronic surveillance or recordings of conversation to which the Defendant was a party.

10. A statement as to whether any telephone calls were made by the Defendant following his arrest and whether the calls were taped or overheard by any persons known to the State of Indiana. If the call was taped, produce the tape recording or if the conversation was overheard, then produce a memorandum of the conversation overheard together with the names and addresses of all persons overhearing such conversation or conversations.

11. All phone records, books, papers, records, tapes, documents, photographs, video tapes and other tangible objects and evidence which the State of Indiana may use in the prosecution of this matter or which were obtained from or belonged to the Defendant, or any witness, whether as substantive or demonstrative evidence.

12. A record of arrests, criminal convictions and juvenile records which may be used of any witness who may be called by the State of Indiana, including but not limited to, the Defendant.

13. A record of arrests, criminal convictions and juvenile records which may be used of any witness who is listed on the defense witness list, including but not limited to, the Defendant.

14. True copies of all written case reports and all other written reports, notes, memoranda, maps, drawings or diagrams, written, drawn or otherwise prepared by the County Sheriff's Department, City Police Department, Indiana State Police Department, the Federal Bureau of Investigation, the County Medical Examiner's Office, and any other law enforcement

agency or any private individual in connection with or pertaining to the investigation of the crime charged against the Defendant.

15. A list of dates and times that the Defendant appeared in any lineups either in person or in a photo array, the names and addresses of persons who appeared in each of the lineups or photo arrays with the Defendant, the names and addresses of any persons who viewed the lineups or photo array as alleged witnesses or victims and what each of those persons stated regarding identification after viewing the lineups or photo arrays.

16. A statement as to whether or not the Defendant, any vehicle in which he had an interest or his residence were searched following his arrest either with or without a Search Warrant and, if so, a statement of information contained and the items seized as a result of the search. In addition, if the search was made pursuant to a Court authorized Search Warrant, produce a copy of the Search Warrant together with a copy of the Return. Further a statement regarding all areas searched in the investigation of this case, and a statement of information contained and the items seized as a result of the search. If the search was made by a court authorized search warrant, produce a copy of the warrant together with a copy of the return and a transcription of testimony at the probable cause hearing to obtain the search warrant. If any search was made by consent, produce a copy of the consent to search form. With regards to all searches made in connection with this investigation, produce all reports, receipts, inventories, documents, tapes, and other tangible objects and evidence collected, along with a statement concerning where the evidence is currently stored.

17. A statement in writing by the Prosecuting Attorney that he has or has no information touching upon any matter of law or fact favorable to and/or exculpatory of the Defendant or a written memorandum of such favorable or exculpatory information.

18. Any and all evidence in the possession or control of the State of Indiana or its agents which may be favorable to the Defendant and material to the issue of guilt or punishment or could reasonably weaken or affect any evidence proposed to be introduced against the Defendant or is relevant to the subject matter or the charge filed herein or which in any manner may aid the Defendant in the ascertainment of the truth.

19. Any and all demonstrative exhibits prepared by the State, its agents or experts, including but not limited to animations, charts, experiments, maps, reenactments.

20. Any report by any cellular carrier whose records were obtained to determine the location of where calls originated or were received by the identification of cellular tower sites.

21. Copies of any and all documents and audio/video records pertaining to any completed or ongoing litigation (whether threatened or filed in a court of law) involving the Carroll County Sheriff's Department, Tobe Leazenby, Tony Liggett, Michael Thomas or any other law enforcement or civilian employee who was named as a potential witness or participant in said litigation including, but not limited to, any negotiated settlement agreements resulting from said litigation.

22. Copies of any and all personnel files of Tobe Leazenby, Tony Liggett, and Michael Thomas related to their employment with the Carroll County Sheriff Department.

23. Copies of any and all documents and audio/video records pertaining to any completed or ongoing litigation (whether threatened or filed in a court of law) involving the Carroll County Sheriff's Department and the processing of any evidence in any criminal investigation dating back to February 13, 2017.

24. A complete list of any individuals who assisted in any way, with the investigation associated with the crimes alleged in this case, including the name, address and contact information of all individuals.

25. Documentation, photos, videos and/or audio recordings associated with any viewings facilitated by law enforcement authorities at or near the Freedom Bridge/Monon Trail involving persons of interest, suspects, or witnesses associated with the criminal charges lodged against Richard Allen in this matter.

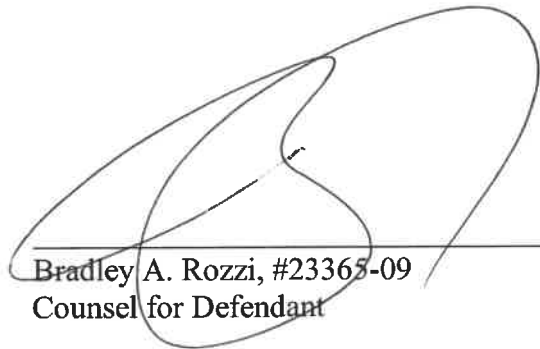
26. Pursuant to Rule 404 of the Indiana Rules of Evidence, you are requested to state the general nature of any evidence of other crimes, wrongs, or acts of the Defendant or any anticipated defense witness which the State intends to offer for any purpose, and state which exception the State would rely upon as contained in the Indiana Rules of Evidence Rule 404(b), for its admission. You are also requested to supply the names and last known addresses of all witnesses that may be called to testify as to any evidence of other crimes, wrongs or acts of the Defendant or any defense witness, and specify the other crime, wrong or act to which each witness may be testifying.

27. Pursuant to Rule 404 of the Indiana Rules of Evidence, you are requested to state the general nature of any evidence of other crimes, wrongs, or acts of any witness which the State may call to testify in this matter for any purpose.

28. Pursuant to Rule 405 of the Indiana Rules of Evidence you are requested to provide the undersigned with any and all relevant specific instances of conduct to be used by the State in cross examination relative to evidence of character or a trait of character of any person which is material to any of the criminal charges in this cause.

29. A copy of any information collected by or in the possession of the Prosecutor or his/her office pertaining to or informing him/her regarding any prospective jurors that might be called to serve in this case.

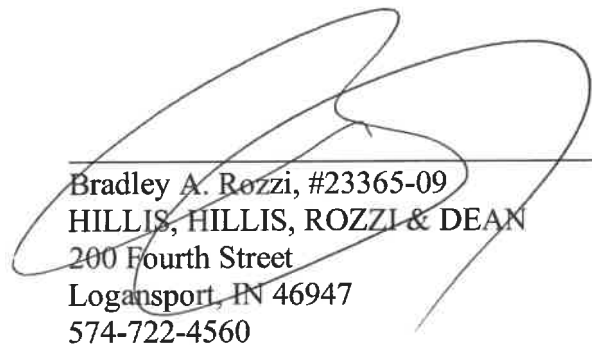
The disclosure and production shall be made without regard to whether the evidence to be disclosed and produced is deemed admissible at the trial herein. All responses shall be reasonably supplemented, corrected or amended when additional and/or different information and material becomes available.



Bradley A. Rozzi, #23365-09
Counsel for Defendant

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document by the County e-filing system upon the Carroll County Prosecutor's Office and Andrew J. Baldwin the 30th day of December, 2022.



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