

Relevant Facts and Procedural History

1. Allen's defense team consists of the following 7 people:
 - a. Attorneys Rozzi and Baldwin,
 - b. Matt Hoffman, a retired fire chief of Carmel who has been instrumental in sorting through tips, and sorting through and analyzing evidence and is a key resource for the case.
 - c. Max Baker, a full-time student at IU Bloomington who assists as he is able, including full time over the summer of 2023.
 - d. Brad Rozzi's paralegal Sarah who assists with administrative tasks related to the case.
 - e. Andy Baldwin's paralegal Sarah who assists with administrative tasks.
 - f. Brian Alvey. Investigator who has tracked down and spoken with key witnesses, as well as performed other tasks.

2. Additionally, for a very short period of time, the defense team had utilized another investigator out of Utah due to his experience but found the geography interfered with the ability to perform the functions needed in Indiana.

3. The Court previously allowed Matt Hoffman to be paid at \$15/hour not to exceed \$6,000. Hoffman was paid the \$6,000. However, Matt Hoffman's hours have well exceeded \$6,000, even at the rate of \$15/hour. His time spent on the case equates to thousands of hours, including late nights. However, after the Indiana Supreme Court put attorneys Rozzi and Baldwin back on the case, Judge Gull has now denied any further payment to Hoffman, who is continuing to work at least 30-40 hours per week (and at times much more) on this case. Without Hoffman, the defense would not be able to be prepared for trial nearly as quickly as it is.

4. In early October 2023, Attorney Rozzi submitted invoices seeking payment to this Court for the time he had personally spent working on this case, the administrative expenses he had incurred, and the time his investigator had spent up to that point working on the case. The invoices totaled just over \$51,000.

5. As a point of reference, Baldwin has been paid on two occasions, but on both occasions, he was only paid after sending multiple emails essentially begging the Court to be paid, as the Court's refusal to pay attorney's fees was having an impact on Baldwin and his firm. The first payment came 4 months after its request. The second payment came approximately 3 months after Baldwin's request.

6. Presumably, the State of Indiana and all of its law enforcement agencies, staff and experts are getting paid regularly without having to beg to be paid.

7. On January 5, 2024, while Attorney Rozzi and Baldwin were waiting for the Supreme Court to address their removal from this case, Attorney Rozzi sent an email to Leslie Ross, the Allen Superior Court Financial Coordinator, seeking information regarding his invoices that were initially submitted to the Court for approval on October 4, 2023. Attorney Rozzi attached a copy of the invoices to the email, and Ms. Ross indicated she had forwarded them for review to this Court. This invoice was for work performed before October 2023.

8. A few days later, Attorney Rozzi was notified by Ms. Ross that his invoices were being forwarded for review. On January 10th, 2024, Attorney Rozzi was informed by Ms. Ross that orders were being forwarded to Carroll County for payment. Shortly thereafter, Attorney Rozzi learned that Baldwin's fees have been satisfied but that Rozzi's fees and investigator Alvey's fees had not.

9. On January 10th, Attorney Rozzi inquired with Ms. Ross about the fact that he (and Alvey) had not been paid. Ms. Ross responded and communicated that the Judge was still reviewing said invoices. Rozzi heard nothing more. When he (Rozzi) had not received any payment by end of February 2024, he contacted Ms. Ross again to inquire about his requests. On March 6, 2024, Ms. Ross asked Attorney Rozzi to submit the invoices for a third time, which he did. As of the date of filing of this motion, Attorney Rozzi has not received payment or an update on his requests. He has been seeking payment for services already performed now for nearly 6 months.

10. On February 24, 2024, defense counsel filed a verified *ex parte* motion for a hearing on funding for experts. The 8-page motion contained requests for funding for the services of several experts and assistants counsel identified as necessary to prepare Allen's defense.

11. In an order dated March 7, 2024, this Court granted some of the funding requests but denied others. The order is not noted on the CCS.

12. Rozzi's now nearly six month old outstanding attorney's bill, and Rozzi's multiple emails directed to Judge Gull and her staff concerning Rozzi not getting paid, were not discussed in the order. Rozzi therefore remains unpaid for work has performed on the case and has no idea if the court will ever pay him.

13. At the very least, there are three pieces of evidence critical to this case: the bullet purportedly found at the crime scene; digital data pulled from cell phones belonging to the victims and other individuals; and Allen's purported post-arrest "confession." Allen's request for funding related to obtaining expert assistance to investigate each of the three critical pieces of evidence, and for general assistance given the enormity of this case is reasonable.

14. The first piece of critical evidence is the bullet purportedly found at the crime scene. The State utilized the Indiana State Police Crime Lab's Firearms Unit, which employs 15 people, to examine the bullet found at the crime scene. Defense counsel retained a firearm/toolmark expert to conduct an independent analysis and to assist them in reviewing the Crime Lab's analysis. The funds needed to retain the firearm/toolmark expert and begin working on Allen's case were advanced by Attorney Rozzi in the amount of \$2,550. Defense counsel requested reimbursement for that amount, as well as authorization to pay the expert for additional services needed to prepare Allen's defense.

This Court authorized reimbursement for the amount Attorney Rozzi had already paid but denied the request for defense counsel to continue receiving the expert's services, finding that the request was "unsupported."

15. The second piece of evidence is the digital data collected from various sources, including cell phones, location data, and social media data. The State

utilized the Indiana State Police Crime Lab's Digital Forensic Unit, which employs 14 people, to examine the large amount of digital data collected in this case. Defense counsel retained a digital forensic expert to help them decipher, interpret, and analyze the digital data. The funds needed to retain the expert and begin working on Allen's case were advanced by Attorney Baldwin in the amount of \$3,712.50. Defense counsel requested reimbursement for that amount, as well as authorization to pay the expert for additional services necessary to prepare Allen's defense.

This Court authorized reimbursement for the amount Attorney Baldwin had already paid but denied the request for defense counsel to continue receiving the expert's services, finding that this request was also "unsupported."

16. The third piece of critical evidence is Allen's alleged confession. The State has utilized investigators, police officers, and experts from the Carroll County Sheriff's Department, the Indiana State Police, the Delphi City Police Department, the Federal Bureau of Investigation, the U.S. Marshals Service, the Indiana Department of Natural Resources, and other law enforcement agencies around the state, to assist in the investigation that led to Allen's prosecution. Allen's alleged confession was obtained while Allen was held for safekeeping in solitary confinement in the D.O.C. Since being reinstated in this case, the State of Indiana has served up additional discovery to the Defense in the form of multiple interviews conducted by law enforcement with Westville prisoners and correctional officers. In these interviews, law enforcement investigators have inquired about the interviewees' opinions regarding Defendant Allen's state of mental health, practically seeking clinical diagnostic opinions from these lay witnesses. Defense counsel retained a clinical psychologist to evaluate Allen and review health records and video relevant to Allen's confinement conditions. This Court previously authorized funds for the defense to retain the expert. However, those funds are now depleted, and additional services are still needed.

This Court authorized payment for the two-hour visit defense counsel had scheduled with the expert but denied the request for additional funding, finding

that the “unsupported request is denied as an unreasonable expenditure of county funds.”

Defense counsel also requested funding to hire a confession expert to educate counsel and possibly the jury on the impacts solitary confinement has on individuals accused of crimes, particularly in relation to the voluntariness of a confession made in those conditions. Through the process of conducting discovery, Defense counsel has learned that Defendant Allen’s pre-trial detention in the segregation unit at Westville, may be the first time an innocent man has been confined in such a setting in the history of the institution and possibly this State. Moreover, Allen’s detention is the direct result of the Carroll County Sheriff’s request for a safekeeping order. He, the requesting Sheriff, created this circumstance. It is indisputable that the issue of the impact of Allen’s unique and unprecedented pre-trial detention circumstances on his overall mental health is germane to his defense. Despite this, the Court declined defense counsel’s request for additional funding as being “unsupported.”

17. Defense counsel made other requests for funding as well. Counsel requested funding for the services of an independent forensic pathologist to review and consult with the defense on issues related to the crime scene, the pathology of the victims, and the cause, manner, and timing of death. This Court declined the request as being “unsupported.”

18. Defense counsel requested funding for additional in-office assistant services. The State has enlisted help from at least two other prosecutors, as well as an untold number of law enforcement officers and their support staff, as well as the prosecutor’s support staff. In February 2023, the Carroll County Prosecutor obtained funding to hire a full-time investigator, a full-time secretary, and a special prosecutor, all for this case; and raises for himself, his current secretary, and his chief deputy prosecutor, given the additional hours they were working on this case. He told his county council that his office was “drowning right now” and needed more people to work on this case. Recognizing the uniqueness of this case, Carroll County appropriated an additional \$2.1 million in funding for Allen’s case.

In addition to assistance from the law enforcement agencies and the multisite Indiana State Police Crime lab outlined above, as well as the assistance the State received from hiring more employees to work on the case, the State has received help from forensic pathologists, a university professor, DNA analysts, voice data analysts, cold case investigative units, search and rescue units, helicopter pilots, drone operators, and fingerprint examiners.

Even as this motion was being prepared, the State filed an amended exhibit and witness list identifying no less than three new and not previously discovered experts, Ronald Nichols (toolmark id.), David Schilling (Odinism expert), and Pat Cicero (blood pattern/stain analysis expert). The State's resources, both financial and from a personnel standpoint, are endless.

To date, defense counsel has received 25 hard drives containing at least 40 TB of information, plus an additional 300 GB of e-discovery. The State has investigated this case and collected this information over a period of 7 years. Defense counsel has only had 1 year to organize, catalogue, and review this massive amount of discovery, while also screening and investigating dozens of tips received weekly, and identifying and retaining experts. Attorneys Baldwin and Rozzi have each employed an in-office assistant to help them with the discovery, payable at a rate of only \$15 per hour.

It should be noted, and not understated, that the State of Indiana has violated the local rules on discovery by dumping massive amounts of discovery, much of it exculpatory in nature, on defense counsel well past the discovery deadline forcing the defense to work beyond their capacity to view and analyze the evidence over the course of a very short period of time rather than over the course of months. Richard Allen, on the other hand, remains isolated, now in a solitary confinement unit in the southwest corner of the state, some 175 miles from the location where this case is pending; certainly not within a reasonable range for any sense of routine visits by his lawyers while they are completely inundated with trying to keep up with newly received discovery and trial preparation. While all of this is ongoing, Prosecutor McLeland has violated the discovery order causing

delays and difficulty for the defense. Due to McLeland's discovery violations, the defense needs funding for additional staff to review untimely discovered documents.

Defense counsel requested additional funding for their two in-office assistants. Otherwise, they will be forced to pay for the assistants' services from the \$100 per hour rate they are receiving as Allen's lawyers. This Court denied the funding request, finding that one assistant's invoices had been "inadequate," and the need for the assistants was "unsupported."

This Court's denial of funding ensures an unfair, inequitable trial.

Underlying every facet of the criminal justice system of Indiana and the United States of America is the immutable principle that citizens targeted and charged by the State for prosecution will have a fair opportunity to protect their liberty, including the opportunity to investigate the charges and the evidence, and to defend themselves.

The scales of justice must be carefully balanced, and the courts are the fulcrum of the scale. "It [is] the duty of the court having [defendant's] cases in charge to see that they were denied no necessary incident of a fair trial [P]erhaps the most critical period of proceedings against [a] defendant [is] from the time of their arraignment until the beginning of trial, when consultation, thorough on-going investigation and preparation are vitally important[.]" *Powell v. Alabama*, 287 U.S. 45, 52, 57 (1932).

The Comprehensive Plan for Indigent Defense Services in Carroll County, subsection B.3, requires that assigned counsel, such as Baldwin and Rozzi, "request ex parte authorization from the judge hearing the case for expenditures for investigative services, expert witnesses, or other services necessary to provide adequate legal representation." To comply, Baldwin and Rozzi have submitted detailed *ex parte* requests¹ for expenses already incurred, and for expenses

¹ Despite filing the motion ex parte and clearly labeling the motion as such in bold lettering at the top, someone has shared those ex parte pleadings with the State. The State chose to review them in detail, and refer to one of the motions at length in a publicly filed

expected. The Court has denied all requests for anticipated expenses and costs that have not yet been incurred, excluding one (services for a private investigator), and stated that it “may authorize expenditures for paralegal services.” However, for the investigative and paralegal services, the Court has instructed that it will require detailed invoices, meaning that Baldwin and Rozzi will have to carry the obligation to pay even those services out of pocket, until such time that the Court may find that the invoices are adequate, and services are necessary.

For several reasons, this Court’s denial of offer to pay for anticipated services and costs necessary to defend Allen, and requirement that Baldwin and Rozzi front the obligation to pay for the very limited investigation and litigation support that the Court offered to potentially reimburse for denies Allen of the following: due process of law; the opportunity to the free administration of justice; due course of law; and privileges and immunities. It also imposes upon Baldwin and Rozzi obligations, without just compensation, altogether working a fundamental denial of an opportunity at a fair trial.

I. Due process of law requires balance between the State and defense in order to provide an opportunity for a fair trial, which must include a level of parity between the resources of the defense and State.

Section 1 of the Fourteenth Amendment to the United States Constitution provides that: “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” Further, the Sixth Amendment provides Allen a right to “have the Assistance of Counsel for his defense.” Similarly, Indiana Constitution Article 1, Section 12 provides that “All courts shall be open; and every person, for injury done to him in his person,

pleading—letting the whole world know what should have been protected information. Attorney Rozzi alerted this Court and the State by email of the breach of confidentiality, requesting information as to how it occurred and whether it could be remedied. To date, counsel has not received a response from the Court, nor the Stat, evidencing some attempt by either to remedy the problem.

property, or reputation, shall have remedy by due course of law. Justice shall be administered freely, and without purchase; completely, and without denial; speedily, and without delay.” And Article 1, Section 13 provides Allen the rights “to be heard by himself and counsel [and] to have compulsory process for obtaining witnesses in his favor.”

The importance of a publicly funded defense is a staple of Indiana law, recognized in cases preceding federal authority on the subject. The Indiana Supreme Court recognized the fundamental needs of poor persons charged by the State in one of its earliest decisions:

A poor prisoner, as to his physical wants, falls within the reason of the law, and, to that extent, is clearly embraced in the law. If the prisoner was brought into Court not decently or comfortably clad, and was too poor to provide for himself, no one would doubt the power and duty of the Court, on general principles, without any statute, to order suitable clothes for him. It cannot be admitted for a moment that the law regards the physical wants of the citizen of more consequence than his life or his liberty. Whenever, therefore, the law makes provision for the one, at the public expense, the other, being within the reason of the law, is also embraced. It seems eminently proper and just, that the treasury of the county, which bears the expense of his support, imprisonment and trial, should also be chargeable with his defense.

Webb v. Baird, 6 Ind. 13, 19 (1854). Inherent in the right to assistance of counsel for one’s defense, and the right to obtain witnesses in one’s favor, is the right for poor persons to have ordinary and necessary costs of that defense paid for at public expense. That said, our federal contemporaries have chosen to address the right to parity in resources from the framework of a right to a fair trial, incorporated within the Due Process Clause.

The Supreme Court of the United States “has long recognized that when a State brings its judicial power to bear on an indigent defendant in a criminal proceeding, it must take steps to assure that the defendant has a fair opportunity to present his defense.” *Ake v. Oklahoma*, 470 U.S. 68, 76 (1985). “[M]ere access to the courthouse doors does not by itself assure a proper functioning of the adversarial

process[;] a criminal trial is fundamentally unfair if the State proceeds against an indigent defendant without making certain that he has access to the raw materials integral to the building of an effective defense.” *Id.* at 77. To effectuate these goals, the *Ake* Court held that where the State had made the mental condition of a defendant relevant to his criminal culpability and to the punishment he might suffer, the defense must have access to a competent psychiatrist and an appropriate examination thereby, in order to “assist in evaluation, preparation, and presentation of the defense.” *Id.* at 82-83.

Moreover, there must be balance in the pretrial discovery process. “Although the Due Process Clause has little to say regarding the amount of discovery which the parties must be afforded[,] it does speak to the balance of forces between the accused and his accuser.” *Wardius v. Oregon*, 412 U.S. 470, 474 (1973). In similar vein, the Indiana Supreme Court “requires that discovery rules be fairly balanced between the State and the defendant.” *Wiseheart v. State*, 491 N.E.2d 985, 990 (Ind. 1986).

Balance can be seen in several rules regarding pretrial proceedings designed to provide an opportunity for a fair trial. Suppression of any evidence favorable to the defendant by the prosecutor, either with respect to guilt or punishment, is a violation of due process, irrespective of the good or bad faith of the prosecutor. *Brady v. Maryland*, 373 U.S. 83, 87 (1963). This includes access to information in the files of any officers who have investigated the circumstances of the case that may have a reasonable probability of impacting the result of the case. *See Kyles v. Whitley*, 514 U.S. 419 (1995). However, the balance created by these discovery protections rings hollow if the defense is denied reasonable resources to review and probe the discovery disclosed.

II. Allen has demonstrated a need for resources. By refusing to pay for necessary expected expenses, and by requiring invoices before paying for the limited services the Court will potentially pay, this Court has put the defense at an unfair disadvantage.

The appointment of experts for indigent defendants is left to the trial court's discretion. *Beauchamp v. State*, 788 N.E.2d 881, 888 (Ind. Ct. App. 2003). The trial court is not required to approve payment for any expert that the defendant might find helpful. *Id.* The defendant bears the burden of demonstrating the need for the appointment, with the central inquiry being whether the services are necessary to ensure an adequate defense. *Id.*

Some factors which guide trial courts in this determination, include:

(1) Whether the services would bear on an issue generally regarded to be within the common experience of the average person, or on one for which an expert opinion would be necessary; (2) Whether the requested expert services could nonetheless be performed by counsel; (3) Whether the proposed expert could demonstrate that which the defendant desires from the expert; (4) Whether the purpose for the expert appears to be only exploratory; (5) Whether the expert services will go toward answering a substantial question in the case or simply an ancillary one; (6) The seriousness of the charge; (7) Whether the State is relying upon an expert and expending substantial resources on the case; (8) Whether a defendant with monetary resources would choose to hire such an expert; (9) The costs of the expert services; (10) The timeliness of the request for the expert and whether it was made in good faith; and (11) Whether there is cumulative evidence of the defendant's guilt.

Schuck v. State, 53 N.E.3d 571, 574-75 (Ind. Ct. App. 2016). These factors may be focused on the request for funds for experts, but it is proper for the defense to request funds for investigative- and litigation-related expenses as well. *See id.*

The *Schuck* factors reveal that defense counsel's requests for funding are necessary to prepare and present Allen's defense:

- Evidence involving toolmark examination, digital data forensics, the voluntariness of confessions, and the cause, manner, and timing of death require consultation and testimony from expert witnesses, as they are not

within the common experience of the average person. This evidence is also critical to the case;

- the charges in this case are the most serious offenses under Indiana law;
- the State has relied upon dozens of experts and investigators to assist it in prosecuting this case. The State has utilized the assistance of several law enforcement agencies, and the Indiana State Police Crime lab and its numerous analysts. But even those resources were not sufficient, so last year the State received additional funding from the county to hire an investigator and a secretary to work full-time just on this case. Altogether, the State has had the entirety of at least 6 law enforcement agencies available at its disposal, 4 prosecutors, 2 investigators, and 2 secretaries working on this case; and
- a defendant who could afford his own representation would hire these experts, and an attorney who did not do so would be deficient in his performance as counsel.

III. Because Allen is being prosecuted in Carroll County, where the judge is in charge of determining what is a necessary expense for his defense, he is being denied privileges and immunities afforded to other similarly situated Hoosiers accused of crimes.

“Justice by geography” is a reality that shows its face in the distribution and control of defense services in Indiana, as evidenced by this case. Although Carroll County participates in the Indiana Public Defender Commission reimbursement system, which is designed to provide better, more stable resources for criminal defense, it does not have a chief public defender, or a public defense office. As a result, the Court is in charge of determining whether a defense expenditure or cost is appropriate or justified, as opposed to a public defender.

Indiana Constitution Article 1, Section 23 provides: “The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms, shall not equally belong to all citizens.” The challenge for violating this clause is subjected to a two-part test. *Smith v. State*, 194 N.E.3d 118,

127 (Ind. Ct. App. 2022). “First, the disparate treatment accorded by the legislation must be reasonably related to inherent characteristics that distinguish the unequally treated classes, and, second, the preferential treatment must be uniformly applicable and equally available to all persons similarly situated.” *Id.*

In the Final Report of the Indiana Task Force on Public Defense, the Task Force recognized the need for independence from the judiciary: “Public defense attorneys should be as independent as possible from the judge before whom they appear.”² Elaborating, the Task Force explained that the “lack of independence [from the judiciary] can ‘violate [] the right to effective assistance when it interferes in certain ways with the ability of counsel to make independent decisions about how to conduct the defense.’”³

Had Allen been charged in an Indiana county with a chief public defender and a public defender office, his work-product-laden request for funds would not have been shared with the judge ruling over his case, and would not have landed on the desk of the prosecutor (however that occurred). More importantly, his request for reasonable resources, that pale in comparison to the resources expended by the State in this matter, would have likely been approved without issue. The unequal treatment of Allen, both the hurdle to obtain defense funds, and the denial thereof, are not related to any reasonable distinction. The failure of the State to adequately fund and staff public defender services has served to deny Allen a constitutional right to fair and equitable treatment and should not be tolerated.

IV. By requiring the defense to incur the obligation to pay for defense costs and then seek reimbursement which *may* be available, the court has imposed unfair obligations upon the defense.

With respect to defense’s request for paralegal services, the Court stated it “may authorize additional expenditures . . . upon presentation of proper invoices.”

² See <https://www.in.gov/publicdefender/files/Indiana-Task-Force-Report.pdf> (last visited, March 15, 2024).

³ *Id.* at 38 (citing *Strickland v. Washington*, 466 U.S. 668, 686 (1984); see also *Powell v. Alabama*, 287 U.S. 45, 62 (1932)).

Likewise, the Court stated that it would reimburse for criminal investigative services, as long as a proper invoice was submitted. No indication was given as to what limitations the Court would put on such requests for payment in the future.

Thus, in order to secure these services, Baldwin and Rozzi will be required to incur the expenses, and carry them until such time as the Court hopefully approves payment, but also gamble that payment will not be approved. Considering that Attorney Rozzi has not been paid for his legal services and administrative expenses, for which he has sought payment for nearly 6 months, it appears to be a losing bet.

As can be seen at the Carroll County Council meeting in February 2023,⁴ Prosecutor McLeland is required to request the Council for additional funds, but is not required to front the money for the salaries of additional employees and investigation/ litigation costs from his personal income prior to seeking potential reimbursement (and subject to potential rejection).

For obvious reasons, the law providing for the appointment of counsel for poor defendants, also requires that they be compensated. *Knox Cty. Council v. State ex rel. McCormick*, 217 Ind. 493, 512, 29 N.E.2d 405, 413 (1940) (“[T]hese cases cannot be legally tried unless the defendant, if he is pauper, is provided with counsel; that attorneys cannot be compelled to serve without compensation[.]”). For the same reasons that counsel appointed for indigent defendants must be paid, counsel for indigent defendants should not be required to front necessary expenditures for building and litigating the defense.

Because this Court has found that criminal investigation and paralegal services are necessary to the investigation and presentation of Allen’s defense, it should articulate a reasonable amount of funds available and dedicated to those defense services. Furthermore, any additional awards for expert witness costs, discovery processing and organization costs, and other defense services costs should be granted with the amount available expressed so that Allen’s defense team is not gambling with their personal finances in hope that reimbursement might come.

⁴ See <https://www.youtube.com/watch?v=RdySWImBm6U&t=785s> (last visited, March 15, 2024).

Request for Relief

Allen requests that Attorney Rozzi be reimbursed for the invoices he submitted in October 2023, which covered his legal services, his administrative services, and the services of his investigator. These invoices totaled \$51,049 and were submitted to this Court on 3 occasions. The Court has ignored Rozzi's requests now for 5 months. Rozzi has staff to pay and a family to feed, and this refusal/unwillingness to even explain why the Court has not paid Rozzi is inexplicable.

However, the main thrust of this motion is related to Richard Allen's right to a fair trial. To balance the scales of justice, Allen requests that one of three potential remedies be ordered. Preferably, this Court should reconsider the denial of funds for defense investigative and expert expenses, as requested in the most recent ex parte motion. Alternatively, this Court should **exclude** at trial any testimony or evidence related to the bullet, the digital data, Allen's purported confession, and the cause, manner, and timing of death. Finally, if denial of the defense's requests remains, and the State is allowed to proffer testimony on the critical evidence discussed above, the only truly equitable relief would be to order the Carroll County Prosecutor to pay for any expert and investigative services, from this point forward, out of his own personal finances.

WHEREFORE, the defense requests this Court to reconsider its denial of anticipated defense costs, including administrative costs, and including those costs associated with expert witness preparation and trial testimony. In the alternative, the defense requests the Court to exclude all witnesses who would testify as to any matter in which an expert could have assisted Richard Allen in his defense, but due to this Court denying expenses for expert witnesses (because of the Court's belief that such requests are unsupported) will deny Richard Allen access to the same opportunities as the State of Indiana ergo violating Allen's due process rights. In the event the Court is not willing to grant relief consistent with one or both of the aforementioned prayers, the defense requests that this Court order the State of

Indiana, through Prosecutor McLeland, to assume the expenses of all experts, law enforcement officers, administrative staff and any other expenses arising out of the prosecution of Richard Allen, from this point forward, from his own personal finances. These requests are made to level the playing field between the accused, Richard Allen, and the Government with its infinite amount of resources, all of which are currently being used to overwhelm Allen and his understaffed and underfunded legal team.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify a copy of the foregoing pleading has been provided to all counsel of record for the opposing party, via IEFS this same day of filing.

/s/ Andrew Baldwin
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/s/ Bradley A. Rozzi
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