

STATE OF INDIANA) IN THE CARROLL CIRCUIT COURT
)ss:
COUNTY OF CARROLL) CAUSE NO. 08C01-2210-MR-000001

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

MOTION FOR CONTINUANCE

Comes now the Defendant, Richard Allen, by Attorneys, Bradley A. Rozzi and Andrew J. Baldwin, and respectfully requests that this Court continue the February 12, 2024, hearing on State’s Motion to Amend Information filed on January 18, 2024. In support of said Motion, Attorneys Rozzi and Baldwin state as follows:

1. On January 18, 2024, the State filed an Amended Charging Information and Motion for Leave to Amend said information. The State’s request is to add four (4) additional Counts to the original Charging Information;
2. On February 1, 2024, the Court issued an Order setting the State’s Motion to Amend for hearing on February 12, 2024, at 9:00 a.m.;
3. At the time of filing of the Amended Information, Attorney Rozzi and Attorney Baldwin were not acting as Richard Allen’s lawyers. It was approximately six hours later that they were reinstated as Richard Allen’s lawyers in this cause;
4. As of the date of this Motion, Attorneys Rozzi and Baldwin are in the process of recovering the voluminous discovery in this cause. The recovery has involved the transfer of information from Attorneys Scremin and Lebrato to Prosecutor McLeland and then to Attorney Rozzi’s Office. The discovery must then be shared between Attorney’s Rozzi and Baldwin, who’s law offices are separated by nearly 100 miles;
5. In addition to recovering discovery that was previously possessed by Attorney Rozzi and Attorney Baldwin, the Prosecutor’s Office has now directed additional and what appears to be new discovery, to Attorneys Rozzi and Baldwin. The new discovery, upon initial review, appears to be quite voluminous and will likely take several weeks for Attorneys Rozzi and Baldwin to review. There is also the difficulty of communicating with their Client regarding the new discovery considering the distance between the Client and the lawyers;

**HILLIS, HILLIS,
ROZZI & DEAN, LLC**
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46947
(574) 722-4580
FAX (574) 722-2659

JOHN R. HILLIS
I.D. #7533-09
BRADLEY A. ROZZI
I.D. #23365-09
BRADEN J. DEAN
I.D. #31941-34

6. Without having an opportunity to review the entirety of the new discovery, Attorneys Rozzi and Baldwin have no way of determining whether or not the amendments will prejudice the substantial rights of the Defendant;

7. Attorneys Rozzi and Baldwin are private practitioners and therefore, have other Clients and responsibilities that must be prioritized in addition to their Client, Richard Allen. Some of these priorities involve client conferences and scheduled hearings set during the week of February 5th, 2024;

8. Furthermore, Attorney Rozzi is scheduled to be out of the State of Indiana on Monday February 12, 2024, on personal matters;

9. Any reasonable delay allowing for Attorneys Rozzi and Baldwin to get back up to speed, exchange discovery, communicate with Defendant Allen, and review the new discovery would not be of any detriment to the State; and

10. On January 29, 2024, Defendant Allen filed his Verified Motion to Disqualify and accompanying Affidavit. The filing of a motion for disqualification and/or request for recusal strips the Court of jurisdiction to decide on any matters until a ruling on the disqualification motion occurs. Lucas v. State, 249 Ind. 637, (S. Ct. 1968). Therefore, it seems logical that the Motion to Disqualify would be fully adjudicated before any further hearings take place or before any further Orders are issued by this Court.

Wherefore, Attorneys Rozzi and Baldwin respectfully request that this Court continue the February 12, 2024, hearing on the State's Motion to Amend Charging Information and reschedule the matter on a date and time convenient for all parties and after a full and just adjudication on Defendant Allen's Verified Motion to Disqualify takes place.

Respectfully Submitted

Bradley A. Rozzi #23365-09

Andrew J. Baldwin #17351-41

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPOET, IN 46047
(574) 782-4560
FAX (574) 782-4059

JOHN R. HILLIS
I.D. #7539-08

BRADLEY A. ROZZI
I.D. #23365-09

BRADEN J. DEAN
I.D. #31041-34

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 the 4th day of February, 2024.

Bradley A. Rozzi, #23365-09
HILLIS, HILLIS, ROZZI & DEAN
200 Fourth Street
Logansport, IN 46047

Andrew J. Baldwin, #17851-41
BALDWIN, PERRY & WILEY, P.C.
150 N. Main Street
Franklin, IN 46131

HILLIS, HILLIS,
ROZZI & DEAN, LLC
ATTORNEYS AT LAW
200 FOURTH ST.
LOGANSPORT, IN 46047
1574) 722-4500
FAX (574) 722-9659

JOHN R. HILLIS
I.D. #7533-09

BRADLEY A. ROZZI
I.D. #23365-09

BRADEN J. DEAN
I.D. #91941-84