

STATE OF INDIANA) IN THE CARROLL CIRCUIT COURT
) SS:
COUNTY OF CARROLL)

STATE OF INDIANA) CAUSE NUMBER: 08C01-2210-MR-00001
)
VS.)
)
RICHARD M. ALLEN)

STATE'S MOTION TO COMPEL DISCOVERY

COMES NOW the State of Indiana, by its prosecuting attorney, Nicholas C. McLeland, and respectfully requests the Court Order the Defendant to comply with Indiana Supreme Court Rules of Criminal Procedure, Rule 2.5, and previously Carroll County Local Court Rules, and in support states the following:


1. That Charges were filed against the Defendant on October 28, 2022.
2. That the Court granted a Motion by Defense for a Discovery Deadline ordering the State to produce discovery by November 1, 2023.
3. That the State complied with that Order.
4. That Carroll County Local Court Rules direct that all discovery is to be exchanged between the State and Defense automatically and continuously.
5. That, effective January 1, 2024, the Indiana Supreme Court issued Rules of Criminal Procedure wherein Rule 2.5 Discovery states that the parties must endeavor to share information without court involvement. Subsection (C) Disclosure by the Defense, states that within thirty (30) days after the prosecutor's disclosure the defense must furnish the State with the following material and information within the defense's possession or control: (a) The

names and last known addresses of persons whom the defense intends to call as witnesses, with their relevant written or recorded statements. The defense may refrain from providing a witness' address or other contact information under this rule if the defense in good faith believes the disclosure of the witness' address or other contact information may jeopardize the safety of the witness or the witness' immediate family. If the defense does not disclose the witness' address or other contact information in its possession for the reason stated under this rule, then the defense must make the witness available to the state upon reasonable notice. (b) Any books, papers, documents, photographs, or tangible objects the defense intends to use as evidence. (c) Any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments, or comparisons, that may be used at a hearing or trial. 7 (2) The defense must disclose any statutory defense in writing by the statutory deadline or, if there is no statutory deadline, within a reasonable time.

6. That to date, the Defense has neither turned over any discovery nor have they provided the State with a list of Expert witnesses that they intend to call at trial or at any other pre-trial hearing.
7. That despite requests by the State for Defense to disclose any exhibits they intend to use in depositions, Defense has failed to provide the State with those exhibits prior to the commencement of depositions, thus far.
8. That the State believes the Defense intends to introduce expert testimony, exhibits and evidence at the pre-trial hearings and at trial.

9. That the State intends to depose all Defense expert witnesses and/or other witnesses in preparation for pre-trial hearings and jury trial, but cannot do so without full discovery disclosure as required by the Rules.


WHEREFORE, the State of Indiana, by Prosecuting Attorney, Nicholas C McLeland, requests an Order to Compel Discovery by the Defense within a reasonable time not to exceed thirty (30) days and for all other just and proper relief.



Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the Defendant's attorney of record, through personally delivery, ordinary mail with proper postage affixed or by service through the e-filing system and filed with Carroll Circuit Court, this 26th day of January, 2024.



Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney