

STATE OF INDIANA    )  
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COUNTY OF CARROLL)            CAUSE NO.08C01-2210-MR-000001

STATE OF INDIANA    )  
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RICHARD ALLEN        )

**MOTION TO COMPEL and REQUEST FOR SANCTIONS**

Comes now the accused, Richard Allen, by and through counsel, Andrew Baldwin and Bradley Rozzi and moves this court to compel the State of Indiana to provide certain discovery that the defense believes exists but that the State of Indiana has not provided to the defense. Additionally, the defense seeks a sanction against the State of Indiana for a variety of discovery violations detailed herein. The sanction requested is simply that any delay in the trial created by the State’s violation of rules of discovery be assessed against the State of Indiana. In support of said motion, the accused states the following:

1. The defense has attempted to cooperate with the State of Indiana in order to comply with the spirit of Local Rule 08-CR00-18 (which is attached and marked as defense exhibit A for the sole purpose of assisting the court and supplementing this motion to compel).
2. Pursuant to the local rule, the State of Indiana shall disclose and furnish all relevant items and information under the rule to the defendant within 30 days from the date of the appearance, subject to Constitutional limitations and other limitations and the defense shall provide the same within 30 days of the State providing its evidence.
3. Pursuant to said local rule, the party seeking disclosure of evidence shall include in the party’s motion or request a statement showing that the attorney making the motion or request has made a reasonable effort to

reach agreement with opposing counsel concerning matters set forth in the motion or request, including date, time, place and manner of this effort to reach an agreement.

4. To this day, the State of Indiana continues to provide late discovery of items and information that it was required to provide no later than December 14, 2022, pursuant to local rule.
5. For example, on February 20, 2024 the defense sent a certified letter to the prosecutor's office seeking many pieces of evidence (over 20) that the defense believes exists but it appears that the state of Indiana has failed to turn over to the defense.
6. In that certified letter, the defense requested a determination if said evidence exists, and if so, to determine if that evidence has been turned over to the defense as the defense was unable to locate any of the aforementioned evidence in the vast amount of discovery provided by the State of Indiana. In other words, the defense was seeking clarity as to whether the prosecution had turned over certain evidence or whether said evidence even exists.
7. The State of Indiana did not respond to the letter, but rather sent one e-discovery strand which contained a small portion of that evidence requested, including certain videotaped interviews that have never been turned over involving people integral to the timeline.
8. The State of Indiana turned over these pieces of evidence more than 14 months late (pursuant to the local rule) without explanation.
9. Pursuant to the local rule, the defense is not required to make *specific* requests for any evidence (as the State of Indiana is required to turn over all relevant items), yet without making the specific requests it appears that the defense would never have received these most recent pieces of evidence (i.e. the videotaped interviews of certain witnesses).
10. The frustration from the defense is that this is not the first time that the defense has had to make *specific* requests for *specific* evidence that the State had failed to turn over to the defense.
11. Because law enforcement and the prosecution are in total control of what evidence is ultimately turned over to the defense, the defense has no choice but to hope that the State of Indiana turns over all relevant evidence, especially exculpatory evidence. The defense simply does not have the luxury of knowing what relevant/exculpatory evidence the State

possesses and has turned over versus what relevant/exculpatory evidence that the State of Indiana possesses but has failed to turn over.

12. Over the course of this case, the defense has learned of certain evidence referenced in other discovered documents or mentioned from other sources or from exercising common sense that has caused it (the defense) to believe that said evidence does exist but that the prosecution had failed to turn over said evidence to the defense – and then the defense later determined that the prosecution did in fact possess those items but failed to turn those items over to the defense until requested to do so by the defense.
13. The history of the prosecutor failing to turn over all relevant evidence to the defense has caused great concern to the defense.
14. Over the course of this case, many of the items that the State of Indiana has failed to provide to the defense in a timely manner are what the defense would label as major pieces of evidence, even exculpatory evidence.
15. Many of the items that the State of Indiana failed to provide to the defense in a timely manner were only provided after the defense had specifically requested the items that it (the defense) came to learn existed, but the State of Indiana had failed to turn over.
16. For example, one of the more important pieces of evidence in this case is the data retrieved from the phone found at the scene where the victims were found, as this piece of evidence contains data concerning the “down the hill” video and other important information.
17. This phone, and the data contained on the phone, has been available since 2017, yet the defense did not receive the data from that phone by the deadline of December 14, 2022, as designated by local rule.
18. The defense, knowing that this evidence simply had to exist, finally sent an email to the prosecutor on June 17, 2023, requesting the data from several phones, including the phone in question that belonged to Liberty German.
19. The State of Indiana did not provide the phone data from Liberty German’s phone until September 8, 2023, nearly 9 months after the State of Indiana should have turned over that evidence, and nearly three

months after the defense specifically requested that evidence (even though the defense is not required to make a specific request for relevant evidence).

20. Most of the other items requested in that June 17, 2023 email to the prosecution still, to this day, have not been turned over to the defense. This includes data, reports and other information related to the images of the bridge purportedly taken on Liberty German's phone at 2:05 pm on February 13, 2017, as well as an image of Abigail Williams walking on the bridge purportedly taken on Liberty German's phone at 2:07 pm on February 13, 2017; both purportedly sent through SnapChat.
21. The week of August 5, 2023, the defense took several depositions. At the conclusion of that week, it became clear to the prosecution that the defense was pursuing information concerning certain Odinists that had been investigated by three law enforcement officers: Todd Click, Greg Ferency and Kevin Murphy.
22. On or about September 8, 2023 (nearly a month after said depositions) the prosecutor provided a daunting amount of newly discovered evidence, including a letter from Todd Click's lawyer discussing Click's concern, essentially, that the prosecution might be unaware of law enforcement's investigation into Brad Holder, Patrick Westfall, Elvis Fields and others Click believed were likely involved in the murders. This letter and its contents were highly exculpatory.
23. Upon receiving this missing evidence, the defense was surprised/shocked to learn that on May 1, 2023, the prosecutor's office signed for the Todd Click letter and the exculpatory evidence and information contained in that letter, *yet failed to alert the defense as to the existence of this exculpatory discovery until after the prosecutor knew for certain that the defense would definitely be calling Todd Click in for a future depositions (at which point in time the defense would most assuredly learn of the existence of this exculpatory evidence)*. McLeland did not turn over the letter and its exculpatory material to the defense until September 8, 2023. It took McLeland 131 days to turn over this exculpatory evidence, and it was only turned over after McLeland knew that the defense would ultimately find out about the exculpatory evidence.
24. The prosecutor offered no explanation whatsoever as to why he had held on to exculpatory evidence for several months and only provided it to the defense once it became obvious that the defense would learn of the existence of that exculpatory evidence.

25. Certainly, the defense would have been much further ahead in their defense of Richard Allen had the prosecutor turned over the Click information in a timely manner. Certainly, the defense would have been even more prepared for the August depositions had the prosecutor turned over that exculpatory evidence.
26. Between September 8, 2023, and October 6, 2023 (approximately 90 days before the January 2024 trial date that had been set) the State of Indiana dumped 14 hard drives, 5 flash drives, one disc and certain e-discovery on the defense, including several videotaped interviews of third-party suspects that the defense had focused on when deposing law enforcement in early August 2023.
27. The State of Indiana provided no explanation whatsoever why they had not turned over to the defense this massive amount of evidence (exculpatory or not) 9 months later than required under the local rule – and a month after the prosecution learned that the defense was pursuing a defense that certain third parties were involved in the murders. Much of the late discovered/missing evidence pertained to the focus of law enforcement on certain suspects involved in Odinism.
28. It was apparent that had the defense not alerted the State of Indiana as to their strategy to pursue the Odinist angle in defending their client (and therefore the likelihood that the defense would talk to Todd Click who would then reveal the existence of the letter) it is highly likely that the prosecutor would never have turned over that exculpatory evidence to the defense.
29. The very last discovered item that the defense received before the prosecutor requested that the defense be kicked off the case was geofencing evidence that the defense believes was received on October 6, 2023.
30. This geofencing evidence was received nearly 10 months after the State was required to turn it over, and contained what appeared to be highly exculpatory evidence concerning a variety of important matters including the phone numbers of multiple people who appear to have either been at the crime scene, or within 60 yards to 100 yards of the crime scene, during the very times when the victims were purportedly being murdered, according to the State's time line provided in the probable cause affidavit.
31. In this late discovery, the defense found a map prepared by someone (presumably law enforcement) that appears to track the movements of these people in and around the crime scene the afternoon of December 13,

2017, including between 3:02 pm and 3:27 pm at or very near the location (within 60-100 yards) of where the bodies were ultimately found the following day.

32. Since their return to Richard Allen's defense, Allen's attorneys have specifically requested via email (February 26, 2024) that the State of Indiana provide all narrative reports related to the geofencing data, as well as all documents related to the geofencing data, but the State of Indiana so far has claimed that no such documents exist.
33. Again, the defense is at the mercy of the prosecutor's claims of the existence – or non-existence – of such evidence.
34. As it relates to the geofencing evidence, it would be shocking that law enforcement would take the time to put a map together tracking the movements of certain phones in and around the crime scene between 12:39:54 pm and 5:49:06 pm on February 13, 2017, but would then not follow up with detailed narrative reports concerning the geofencing analysis of that data.
35. Yet, the prosecution claims no such geofencing reports exist. However, the defense has heard this type of answer from the prosecution in the past only to learn that the prosecution's claims that documents did not exist weren't true.
  - a. Within the last two weeks the defense deposed the state's phone dump expert who presumably will be testifying concerning the data found on Liberty German's phone.
  - b. Before that deposition, the defense had emailed the prosecution on February 26, 2024 seeking reports related to the phone dump of that particular phone in order to prepare for said deposition.
  - c. The prosecution responded to the defense claiming that there were no reports related to the phone dump from the expert.
  - d. Then at the deposition, minutes before the deposition began, the prosecutor handed over 2-3 pages of notes that the state's phone dump expert had made, providing the defense zero time to review as part of its preparation for the deposition and providing no opportunity for the defense to meet with its own technology expert in order to learn what questions would be wise ask the state's expert at said deposition.

- e. The prosecutor handed over these notes without explanation and with no apparent reasons as to why the prosecutor had previously told the defense that no such documents exist – when in fact they did.
  - f. The prosecutor’s denial of the existence of certain documents regarding the phone dump before the deposition followed by the unexplained production of certain documents within minutes of the deposition sadly was not surprising but highlights once again the less than forthright style in which the prosecution has been turning over evidence to the defense dating back to the beginning of the case.
36. Furthermore, because of the lack of candor concerning the existence – or non-existence – of certain evidence, the defense cannot be sure whether certain documentation exists concerning geofencing analysis, even though the prosecution is claiming that no such documentation exists.
37. Since rejoining the case, the defense has sought out the name(s) of the geofencing expert(s) who analyzed the geofencing evidence for purposes of preparing for depositions to determine if the State’s expert has an explanation as to why the geofencing evidence displays what appears to be extremely exculpatory evidence of people walking in and around the crime scene during times when law enforcement is claiming that the murders were taking place. At first, the prosecutor refused to provide the names of his experts, but then told the defense he would ask his investigator.
38. Again, specifically, someone prepared a map which tracked the February 13, 2017 afternoon movements of multiple phones in and around the place where the victims were ultimately found the following day. Particularly, some of these movements appeared to have occurred between 3:02 pm and 3:27 pm either at the scene where the victims were ultimately found on February 14, 2017 or within 60-100 yards from that site and none of the phones or people associated with the phones have any affiliation with Richard Allen.
39. Following the request for the identity of the geofencing experts, the prosecution claimed that he had no idea who analyzed the geofencing data but then the State of Indiana provided the names of 4 people that may be called as a state’s expert witness on geofencing.
40. Nowhere in discovery has the defense located any narrative reports or other documentation or analysis of the geofencing data from any of the 4

identified state geofencing “experts”.

41. Nowhere in discovery has the defense found any documentation negating the defense’ analysis that the geofencing evidence shows multiple people were found in and near the crime scene at a time when law enforcement claims the murders were occurring.
42. Additionally, the defense has reviewed all discovery provided by the State of Indiana and has not yet found a single interview of any of the people whose phones, according the geofencing data, were found the afternoon of February 13, 2024, moving in or around the location where the bodies were ultimately found the following day at times when the murders would have taken place, according to law enforcement timelines.
43. The defense did locate very limited background information concerning one of the owners of one of the phones, but did not locate any narrative reports, interviews or notes concerning the owner of the phone.
44. It would be shocking if the owners of these phones were not interviewed when their movements were tracked and then replicated on a map depicting their movements around the crime scene based upon geofencing coordinates, yet the defense has not located any interviews of the owners of those phones.
45. The defense has located no information or interviews contained in any investigative documents concerning any other person/people whose phone numbers are identified on February 13, 2017, as walking in or around the same area where the victims were ultimately located the next day.
46. Again, someone in law enforcement summarized these movements by replicating them on a map, yet no narrative report can be found to explain why law enforcement reduced the movements to a map of the multiple people using multiple phones at or near the crime scene at the time the murders were purportedly committed.
47. While it is possible that the geofencing is not what it appears to be or perhaps was later debunked in some document that has not been turned over to the defense, the defense has found no documentation that dispels that the geofencing appears to be highly exculpatory in nature. The defense is attempting to verify what the geofencing evidence appears to show, and (based upon the map that tracks the movements of multiple people) to verify what law enforcement also apparently believes the geofencing coordinates show.



48. After the debacle involving the identity of the Purdue professor, the defense has no faith at all that the prosecution will produce evidence, such as geofencing analysis, as required under Local Rule 08-CR00-018.
49. As detailed in the Franks memorandum filed September 18, 2023, as well as the “Defendant’s Additional Franks Notice” filed October 3, 2023, since August 10, 2023, the defense had asked the prosecutor to identify the Purdue professor whose findings thwarted investigative efforts to look into Odinism as being involved in the murders.
50. According to Sgt. Jerry Holeman, the Purdue professor had reviewed the arrangement of certain sticks left at the crime scene and concluded that the sticks found on the girls at the crime scene (according to Holeman) did not represent “Odinism or any type of cult worshipping or any type of a group that would have committed the crime.” (Holeman depo. P. 63, lines 15-20).
51. However, after his deposition, the defense sought the identity of this Purdue professor who altered the way that the case was investigated. No one from the prosecution or law enforcement claimed that they could remember this Purdue Professor’s name.
52. After the defense made several requests from the prosecutor to identify the Purdue professor for purposes of conducting a deposition, the prosecutor sent an email to the defense on September 6, 2023 that read: “As stated before we are trying to identify the Purdue professor, but no luck yet. Detective Holeman has reached out to the FBI and Purdue and has not gotten a response yet. We will continue our endeavors but may not be able to identify him/her.”
53. This response from the prosecutor seemed utterly preposterous. It had been nearly a month since the defense first made its request for the prosecutor to identify the Purdue professor, and the State Police with all the resources at its disposal claims that it was unable to identify the Purdue professor; even indicating that they may not ever be able to identify of the Purdue Professor. The prosecutor’s email seemed implausible.
54. The mere identity of the Purdue professor is considered discovery that should have been turned over to the defense. His name and reports should have been provided to the defense no later than December 14, 2022, according to local rule. Yet on September 6, 2023 the prosecutor told the defense that Jerry Holeman and the vast resources of the Indiana State Police could not figure out who this professor was nor did the prosecutor

turn over any of the Purdue professor's reports.

55. However, since getting back on the case, the defense has learned that Jerry Holeman did in fact learn the identity of the Purdue professor (Jeffrey Turco) on August 12, 2023, through the Purdue Police department, and Turco's identity was confirmed a few days later by other law enforcement. Holeman even had possession of Turco's report which contradicted Holeman's August 10, 2023 sworn testimony during this same time frame.
56. The information contained in paragraph 55 above came directly from Jerry Holeman's own report prepared September 22, 2023. Holeman's report was not made available to the defense until February 2024.
57. Holeman's September 22, 2023 report exposed the following concerning the State of Indiana's intentional violation of the discovery order due to their attempt to hide the identity of an exculpatory witness:
  - a. During the month of August, 2023, the defense made multiple requests for the State of Indiana to identify the Purdue professor who, according to Jerry Holeman and Tony Liggett, altered the way the case was investigated.
  - b. By mid-August 2023, Holeman knew the identity of the Purdue professor yet throughout all of August and September, McLeland told the defense on multiple occasions that Holeman and/or law enforcement could not figure out the identity of the Purdue professor.
  - c. McLeland's September 6, 2023 email to the defense detailing Holeman's inability to identify the Purdue professor was clearly not true.
  - d. After the filing of the Franks memorandum on September 18, 2023, Jerry Holeman was forced to interview the Purdue professor before the professor learned that he was missing. Holeman interviewed the Purdue professor the very next day (September 19, 2023).
  - e. Holeman's September 22, 2023 report memorializing his meeting with Turco is filled with multiple falsehoods and mischaracterizations concerning his conversation with Turco.
    - i. In what appears to be an attempt to water down Turco's actual opinion that "it was a given" that someone was trying

to replicate a Germanic runic script”, Holeman memorialized Turco’s conclusions as “inconclusive”.

- ii. Despite how Holeman drafted his report, Turco’s conclusions were not “inconclusive” whatsoever. Turco was clear that in his opinion and that of a Harvard expert, the sticks found at the scene were an attempt to replicate a Germanic rune script. The only thing that Turco could not say for certain was the intended meaning of the person(s) who left the runic script at the crime scene.
- iii. Holeman also attempted to deceive those reading his report when he (Holeman) wrote in his report that Turco stated that no evidence or research indicated that those involved in Odinism “practices ritualistic human sacrifices.”
- iv. Holeman chose to not include Turco’s actual words that the stick configurations were pretty clearly runic and that he (Turco) “could certainly imagine that this was somebody’s idea that when you do *human sacrifices* you carve runes...there are some poetic sources that would sort of support that idea that somebody might have come across...that scenario seem entirely plausible to me.” (Turco tape statement 15:00 – 15:50).
- v. Whereas Turco told Holeman to his face that the people who placed these sticks on the girls clearly were attempting to create runes and that it was entirely plausible that the perpetrator would believe that after a human sacrifice, he/they should carve runes, Holeman attempted to deceive the reader of the report by implying that Turco totally disregarded the possibility of the involvement of human sacrifice. That is not what Turco said.

58. Holeman certainly understood that on August 10, 2023 he (Holeman) did not tell the truth under oath at his deposition concerning the findings of the Purdue professor, then tried to hide the identity of the Purdue professor. While Holeman was attempting to hide the identity of the Purdue professor, what Holeman did not account for was that the Franks memorandum would be filed on September 18, 2023 and the Franks memo would call out Holeman and McLeland for claiming that they could not figure out the identity of the Purdue professor.

59. Furthermore, McLeland never once contacted the defense and alerted them that the Purdue professor had been found.
60. Furthermore, McLeland has still never explained to the defense why he (McLeland) had sent an email on September 6, 2023, claiming that the identity of the Purdue professor was still unknown, when it was later revealed that Holeman had known of the identity of the Purdue professor several weeks earlier.
61. Additionally, McLeland never turned over the Purdue report until receiving an email from the defense requesting that he turn over the report.
62. McLeland finally turned over the Purdue report on October 4, 2023 at 9:43 pm via email, nearly 10 months after he was required to do so under local rules and well over a month after Holeman had received the report in mid-August 2023.
63. The Purdue report that the prosecutor finally turned over to defense further exposed the lack of veracity of Liggett's and Holeman's August 2023 deposition testimony which further explained why Holeman tried to hide the identity of the Purdue professor and the contents of his 2017 report.
64. In addition to those discovery violations already identified, the State of Indiana has also failed to produce other evidence that the defense has had to either pursue on its own or make a specific request from the prosecution. Some of this evidence includes, but is not limited to, the following:
  - a. The faked crime scene image found on Brad Holder's Facebook page. The defense had to travel to Georgia to retrieve a copy of that image. To this day the State of Indiana has not turned over a copy of said faked crime scene image, while having to admit in deposition testimony that it is real and was found on Brad Holder's Facebook page within weeks of the murders.
  - b. Video of a ritual in Fort Wayne involving Brad Holder and Patrick Westfall in which Westfall can be seen marking a tree using his hand at a similar height on that tree as the F was found on the tree at the crime scene. After finding references to that ritualistic video in an email from Detective Greg Ferency to Tony Liggett, the defense had to ask for that video as the prosecution had not yet turned the video over to the defense. The video was finally received

on or about September 8, 2023 around 10 months after the prosecutor was required to turn it over to the defense.

- c. Video of Elvis Fields interview was not turned over until September 8, 2023.
  - d. Video of Johnny Messer interview was not turned over until September 8, 2023.
  - e. Video of Rod Abrams interview was not turned over until September 8, 2023.
  - f. Video of Ned Smith interview was not turned over until September 8, 2023.
65. These attempts at concealing evidence at the hands of Holeman and the prosecution detailed in this motion provides the underpinnings to support the defense position that law enforcement and the prosecution continue to hide evidence from the defense and do so without care or concern of any consequences from this court.
66. The defense recently filed its motion for early trial for several reasons, including concern for their client's safety and mental and physical health.
67. The biggest concern that the defense has concerning the early trial request is the prosecution's continued violation of the discovery rules.
68. The defense would therefore request the court to COMPEL the State of Indiana and law enforcement to turn over ALL relevant evidence in its possession. Again, as the defense does not have the luxury of knowing what is in the State's possession, the defense can only specifically request discovery that the defense believes exists based upon a common sense understanding of the evidence that they currently have in their possession and the evidence that should exist as an extension of the evidence that the defense has already received.
69. The defense is requesting the court to compel the State of Indiana to turn over to the defense by no later than Monday March 18, 2024 all evidence that it may have in its possession but has failed to turn over, including the following:
- a. All reports that detail how certain videos that should have been found on a hard drive labeled DelphiDVR\_Original were purportedly deleted between February 13 – February 20, 2017,

including deleted videotaped interviews of Brad Holder and Patrick Westfall. This would include any reports that detail how the erased videos were discovered, what attempts were made to retrieve the erased videos, an explanation for how the deleted videos were erased and any attempts to contact the subjects of the erased interviews for a re-interview.

- b. All reports that detail how certain audio is missing in certain videos found on a hard drive labeled DelphiDVR\_Original in which the video is present but the audio is not. The defense would further request all reports that detail why there is not audio, what efforts have been made to retrieve the audio, and any attempts at recreating the audio by reinterviewing those seen, but not heard, on the video.
- c. The identity of all persons whose interviews were erased as detailed in paragraph 69a above, and also the identity of all persons who are viewed on all video in which there is no audio, as detailed in paragraph 69b above.
- d. Similarly, the State of Indiana provided hard drive DelphiDVRDrive 1 Export in which the State of Indiana claims that "There is no detectible audio on the original drive from which the duplicate was made." The defense requests the court to compel the State of Indiana to identify all persons viewed on this hard drive in which no audio is available, as well as a synopsis of what was said on the missing audio.
- e. On hard drive DelphiDVR Drive 1 Export, it appears that a sketch artist met with a lady and then sketched out an image of a male. The defense has never seen this sketch, nor has the prosecutor produced this sketch to the defense. The defense requests the name of the female who appears to provide the information that resulted in the sketch, as well as all documents of the sketch artist (that the defense has seen other sketch artists produce in other sketches) and the substance of the conversation between the sketch artist and the lady providing the information and all law enforcement reports detailing why law enforcement asked this witness to provide information for a sketch artist. Furthermore, the defense requests the court to compel the State of Indiana to produce the sketch itself.
- f. All of Derek German's law enforcement interviews, including video/audio and/or notes/reports memorializing any law enforcement interview. If he was never interviewed, the defense

would ask for confirmation of that fact.

- g. For purposes of establishing a timeline, all of Kelsey German's phone dumps of all phones attributable to Kelsey German. If her phone was never collected, the defense would request confirmation of this fact. Furthermore, every law enforcement interview of Kelsey German, including video/audio and/or notes/reports memorializing any law enforcement interviews. If she was never interviewed, the defense would ask for confirmation of that fact.
- h. All of Cody Patty's phone dumps of all phones attributable to Cody Patty. If his phone was never collected, the defense would request confirmation of this fact. Furthermore, of every law enforcement interview of Cody Patty, including video/audio and/or notes/reports memorializing any law enforcement interviews. If he was never interviewed, the defense would ask for confirmation of that fact.
- i. There are two images that exist but which the State of Indiana has not turned over to the defense. Those images can be found on the internet, with at least one of those images seemingly adopted by law enforcement as being legitimate as it has been utilized by law enforcement in various media appearances, including a 2019 press conference. We are talking about the photo of Abby Williams walking on the bridge purportedly taken at 2:07 pm on 2/13/17 attributable to being sent via SnapChat from Liberty German's phone. Also, an image of the Monon High Bridge purportedly taken at 2:05 pm also attributable to being sent via SnapChat from Liberty German's phone. Related to those items, the defense would ask the court to compel the State of Indiana for the following that so far has not been produced:
  - i. Interviews or reports of Kyle Smith or anyone else that received either or both images taken on the bridge purportedly at 2:05 pm and 2:07 pm purportedly from Libby's SnapChat.
  - ii. All reports, analysis and documentation detailing any information about the images purportedly taken at 2:05 pm and 2:07 pm and sent out via SnapChat.
  - iii. All reports, documentation and analysis from SnapChat or any law enforcement agency dealing with the data confirming when those images were taken, where they were taken and how they were distributed, including all reports

related to the data and metadata.

- iv. Any analysis related to those images that has been conducted by any law enforcement agency (or by any person or governmental or private entity that has worked with law enforcement).
- v. If the State of Indiana does not believe that the image of Abby walking on the bridge at 2:07 pm and of the bridge taken at 2:05 pm are discoverable because the State of Indiana does not claim those images as relevant or reliable, then the defense requests confirmation of the same.
- j. All reports and/or documents, including phone dumps from any phone or electronic device that was believed to possibly be a phone or electronic device of either victim used near the Monon High Bridge or in an area that was geofenced near the Monon High Bridge and was identified as a victim phone that is different than the phone found at the crime scene.
- k. All emails between Professor Turco and any law enforcement officer from 2017 – present.
- l. All reports, documentation, notes or any analysis of geofencing data related to this case.
- m. The identity of the person or persons (presumably law enforcement) that labeled the geofencing data, including labeling a second phone as “Geo Fence Victim” that was not the phone belonging to Liberty German.
- n. The identity of “Geo Fence Victim” from a phone that does not belong to Liberty German.
- o. The identity of the person or persons (presumably law enforcement) that reduced the geofencing coordinates of multiple phones on February 13, 2017 between 12:39:54 pm and 5:49:23 to a map tracking the various phones on that date between those times.
- p. All interviews, reports, documents or memorialization of interviews of anyone whose phone was found through geofencing in or around the crime scene at the time law enforcement is claiming that the murders took place the afternoon of February 13, 2017.

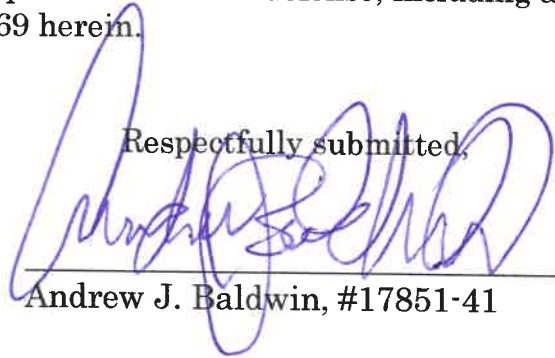


q. All reports of all leak investigations not related to the Mitch Westerman leak investigations, including any reports made by Nick McLeland of content providers reaching out to him claiming that they were in possession of leaked information and which McLeland then ordered the content provider to delete the images.

70. The defense further requests that the State of Indiana be sanctioned for the variety of discovery violations detailed in this document. Specifically, the defense requests that should any violations result in the need for a continuance of the early trial in order to evaluate late-discovered evidence, that the time be applied against the State of Indiana and not Richard Allen.

Wherefore, the accused moves this court to compel the State of Indiana to provide all relevant evidence in its possession to the defense, including all specific requests made in paragraph 69 herein.

Respectfully submitted,

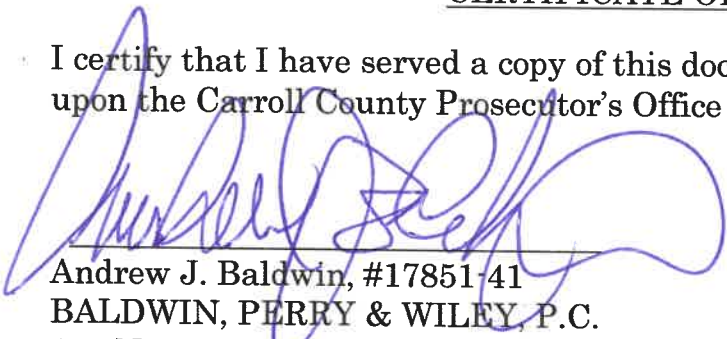


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Andrew J. Baldwin, #17851-41

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 on 12th day of March, 2024.



Andrew J. Baldwin, #17851-41  
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