

STATE OF INDIANA)
)SS:
COUNTY OF CARROLL)

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

STATE OF INDIANA)
)
 v.)
)
RICHARD ALLEN)

MOTION TO VACATE HEARING

Comes now the Accused, by counsel, and moves the Court to vacate the February 12, 2024 hearing. In support thereof counsel states:

1. The Defense filed a “Verified Motion to Disqualify on January 28, 2024 at 10:00 p.m.
2. The State filed a “Verified Information for Contemptuous Conduct on January 29, 2024 at 4:34 p.m. In that pleading the State requested the Court to issue rule to show cause, set a hearing and order Mr. Baldwin and Mr. Rozzi to appear and show cause. This has not been done.
3. Additionally, upon the filing for disqualification the Court was divested of jurisdiction to act in the case on any matter other than the motion for change of judge or emergency matters. *State ex. rel. Wade v. Cass Circuit Court*, 447 N.E.2d 1082, 1083 (Ind. 1983).
4. On February 1, 2024 the Court set the State’s request to amend the charging information and their allegation of “contemptuous conduct” for hearing on February 12, 2024, at 9:00 a.m.

5. Before the Court takes any action on any motions, there should first be a hearing on the motion to disqualify.

WHEREFORE; the Accused respectfully prays the Court to vacate the February 12, 2024, hearing and schedule a hearing on the motion for disqualification, and for all other relief just and proper in the premises.

Respectfully submitted,

/s/ Andrew Baldwin

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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

BALDWIN PERRY & WILEY P.C.