

STATE OF INDIANA
CARROLL CIRCUIT COURT

STATE OF INDIANA

V.

CAUSE NO. 08C01-2210-MR-1

RICHARD M. ALLEN
DOB: 09/09/1972
SSN: XXX-XX-3934

PRE-OMNIBUS ORDER

This cause is set for trial by jury on **March 20, 2023, at 9:00 a.m.** as a first setting. The omnibus date is **January 13, 2023**. Pre-trial conference is set for **January 13, 2023, at 9:00 a.m.** at which time the defendant and counsel for the parties are ORDERED and DIRECTED to appear.

1. **DISCOVERY**. Discovery shall be completed as provided by Local Criminal Rule LR08-CR00-18 on or before the fifteenth day prior to the trial date.

2. **PRE-OMNIBUS MEETING OF ATTORNEYS**. Trial counsel for the defense and State shall meet prior to the omnibus hearing; in the absence of agreement as to the time and place of meeting, they shall meet at a place designated by the State and shall undertake and consider the following:

- A. They shall complete the Omnibus Report which shall then be filed with the Court prior to the omnibus hearing.
- B. They shall exchange lists of the names and addresses of witnesses and exhibits.
- C. They shall discuss simplifications of the issues, motions then pending or which may be filed before the commencement of trial, stipulations, theories of prosecution and defense, and plea negotiations, if any.

3. **OMNIBUS HEARING**. All cases scheduled for trial on the date set in this order will be scheduled for Omnibus Hearing at the same time. The Court will first determine if the parties contemplate the entry of a plea of guilty by the defendant, either with or without a plea agreement. If there is to be a plea of guilty, the plea will be entered following any other scheduled Omnibus Hearings. **The court will not accept a plea agreement after the Omnibus Hearing without a showing of good cause why the plea agreement could not have been reached at or prior to the Omnibus Hearing.**

If no plea of guilty is entered, the Court will determine whether any cases with an earlier filing date or cases which the Court has assigned a higher priority remain scheduled for the same trial date. If there are none, then the trial date will stand, otherwise, a new trial date will be set.

ENTERED

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4. **WITNESSES AND EXHIBIT.** Lists of witnesses and exhibits in writing shall be prepared, exchanged, and filed with the Court at the omnibus hearing.

5. **JURY INSTRUCTIONS.** Preliminary and final instructions shall be tendered to the Court and exchanged by the parties no later than three court days prior to the trial. The Court will permit the tender of additional instructions during the trial on matters which could not reasonably have been anticipated in advance of trial. Counsel shall not refer to or read any proposed instructions to the jury in voir dire examination, opening statement, or otherwise, unless such instruction has been previously submitted to and approved by the Court.

ENTERED this 28th day of October 2022.



Benjamin A. Diener, Judge
Carroll Circuit Court

pc: State: Attorney Nicholas C. McLeland
Defendant: Richard M. Allen c/o Sheriff of Carroll County, Indiana