

STATE OF INDIANA )  
 )SS:  
COUNTY OF CARROLL )  
  
STATE OF INDIANA )  
 )  
 V. )  
 )  
RICHARD M. ALLEN )

IN THE CARROLL CIRCUIT COURT  
TO THE 2022 TERM

**ENTERED**  
NOV 03 2022  
CARROLL CIRCUIT COURT

CASE NUMBER: 08C01-2210-MR-1

**COURT ORDER**

On November 2, 2022, Tobe H. Leazenby, Sheriff of Carroll County, filed a Request by the Sheriff of Carroll County to Transfer inmate from Carroll County Jail to the Custody of the Indiana Department of Corrections for Safekeeping.

The Court, being duly advised, FINDS that Defendant is an inmate awaiting trial and is in imminent danger of serious bodily injury or death, or represents a substantial threat to the safety of others. This FINDING is not predicated on any acts or alleged acts of the Defendant, since arrest, rather a toxic and harmful insistence on “public information” about Defendant and this case.

In general, this Court has thirty (30) days to rule on any Motion that is filed by a Party in any case. See Ind. Trial Rule 53.1(A).

Yet, concurrent to the actual case naturally occurring, this judicial officer keeps getting direct requests from non-parties for “public information,” claiming that this officer has seven (7) days or one (1) day, when hand delivered, to respond to the request or face litigation!

While this officer is responsible for the entirety of the Circuit Court docket it attempts to ignore the maelstrom of “interest” from the public, it is known that YouTube already hosts content regarding family members of this judicial officer, including photos.

The public’s blood lust for information, before it exists, is extremely dangerous. ALL PUBLIC SERVANTS administering this action do not feel safe and are not protected.

The Carroll County Sheriff has limited resources to conduct its base operations, let alone any duties mandated by our Supreme Court.

All Defendants in all actions are presumed innocent. All public information will be available the second it exists. None of the family members of public servants are part of this action. All of the public servants are simply people doing their jobs. Most of the public servants are woefully underpaid. Most of the “public interest” consists of people attempting to raise their status or profit financially.

When the public peddles misinformation with reckless abandon, we all are not safe.

As far as the public's desire to learn about access to court records, that educational effort cannot be by this officer educating each individual, ad-hoc, whenever they choose to seek "public information." These inquiries are inherently disruptive to the operations of the Court as they are wholly outside the operations of the Court.

As a branch of the Supreme Court, any requests for public information about this action should be directed to whomever is the public information coordinator for the Courts in general. If there is not such a position, our state may need one.

Defendant indicated at the initial hearing an intention to hire private counsel.

Defendant is reminded that he must retain counsel within 20 days of the initial hearing because there are deadlines for filing motions and raising defenses and, if those deadlines are missed, the legal issues and defenses that could have been raised will be waived or given up.


If Defendant is unable to retain counsel of his choosing due to financial indigency, Defendant is reminded that he is entitled to court-appointed counsel and Defendant will be examined upon request.

The Court notes, for the public, that when Defendant appeared for the initial hearing, he was clad in protective gear. That protection was not to protect Defendant from the Court. That protection was to protect Defendant from the public.

Until a finding of guilt or a judgment of conviction occurs, in any case, judgment must be reserved and the presumption of innocence must be respected and preserved.

Accordingly, pursuant to Ind. Code § 35-33-11-1, the Court ORDERS the Sheriff of Carroll County to transfer Defendant to a facility of the department of correction designated by the commissioner of the department as suitable for the confinement of Defendant and provided that space is available.

So ORDERED this 3<sup>rd</sup> day of November, 2022.

  
Benjamin A. Diener, Judge  
Carroll Circuit Court



pc: Prosecuting Attorney  
Defendant C/O Sheriff of Carroll County  
Sheriff of Carroll County  
Indiana Department of Correction