

STATE OF INDIANA)
)SS:
COUNTY OF CARROLL)

IN THE CARROLL CIRCUIT COURT 1
CAUSE NO.08C01-2210-MR-000001

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

ACCUSED'S RESPONSE TO STATE'S MOTION TO COMPEL DISCOVERY

Comes now the Accused, Richard Allen, by and through counsel, Andrew Baldwin and Bradley Rozzi and files his response to State's Motion to Compel Discovery:

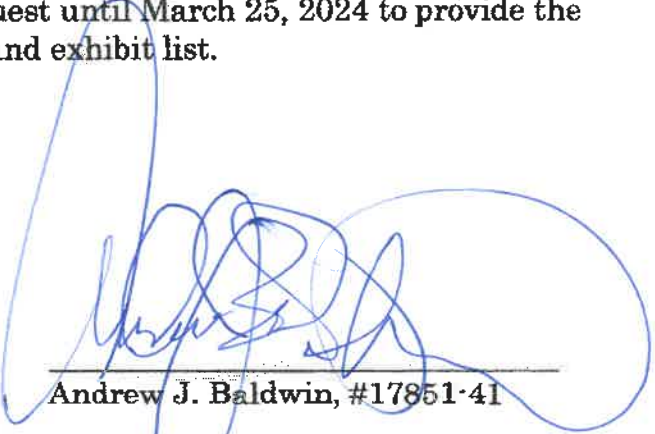
1. On January 27, 2024 the State of Indiana filed a pleading entitled "State's Motion to Compel Discovery" requesting until February 26, 2024 for a response.
2. On February 8, 2024, the Court ordered "defendant to respond to the State's Motion to Compel Discovery on or before February 21, 2024, or provide the discovery requested."
3. The defense attorneys on this matter were reinstated on January 18, 2024.
4. Twelve days later (January 30, 2024) the defense received the bulk of the discovery in the form of multiple hard drives.
5. In addition, between January 29th and Jan 31st, the defense received 6 separate eDiscovery emails from the State, all of which contains volumes of audio, video, reports, transcripts and other docs.
6. After reviewing just a portion of the evidence contained on the hard drives and eDiscovery drops, it became apparent to the defense that the discovery received includes evidence the defense believes it has never viewed or had a chance to view. Perhaps between September 2023 and January 18, 2024, the State of Indiana provided this evidence to counsel that replaced Attorneys Rozzi and Baldwin?
7. The State and defense are also in ongoing communications regarding

evidence that may exist but has not yet been found by the defense.

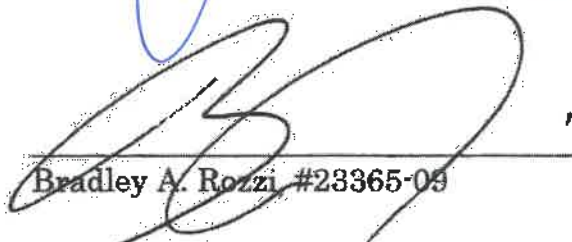
8. Regardless, the defense is reviewing the discovery as quickly and efficiently as possible, often late into the night, to determine what discovery exists on the hard drives that was already known to the defense on October 12, 2023 versus new discovery that the defense does not believe it has ever viewed, and evidence that the defense believes exists it can not locate in the discovery provided.
9. The volume of discovery is massive (including minimally 20 hard drives as well as 6 separate eDiscovery emails) and as of the date of filing, the defense has had less than 3 weeks to review this discovery.
10. In terms of the State's request for the defense to provide a witness and exhibit list, the defense would seek an extension of time to file its preliminary witness and exhibit list until Monday, March 25, 2024. This will hopefully provide the defense enough time to review the massive discovery to determine what witness it may call at trial, including expert witnesses, and what exhibits it would expect to introduce.
11. Certainly, the defense wants to accommodate the State's request, especially as it relates to the State's need to react to any expert witnesses that the defense may present at trial.
12. The defense believes that by March 25, 2024, the defense should have a much better grasp of the discovery it has received, and therefore a much better grasp of which fact witness and expert witnesses it expects to call and what exhibits it may introduce.
13. To show evidence of good faith, the defense has already provided the State of Indiana with the names of certain expert witnesses and other witnesses that the defense currently plans on calling at trial. This information was provided to the State of Indiana on or about February 14, 2024.
14. In its motion, the State of Indiana also requested that the defense provide the State of Indiana, in advance, notice of any exhibits concerning which the defense intends to question the deponent(s).
15. The defense does not believe this request is legally sustainable as no local or trial rule mandates that either side is required to turn over exhibits before depositions. Additionally, providing the deponent an

opportunity to review certain exhibits before the deposition takes away the spontaneous responses of deponents that often reveal dishonest answers that are later useful at trial. When deponents have a chance to prepare for their answers by reviewing evidence ahead of time, the answers are no longer spontaneous but are prepared. The defense would object to the State and deponents from having a preview of any exhibit the defense plans on introducing at deposition as violative of trial strategy for both sides.

Wherefore, the defense would request until March 25, 2024 to provide the State of Indiana with its witness and exhibit list.



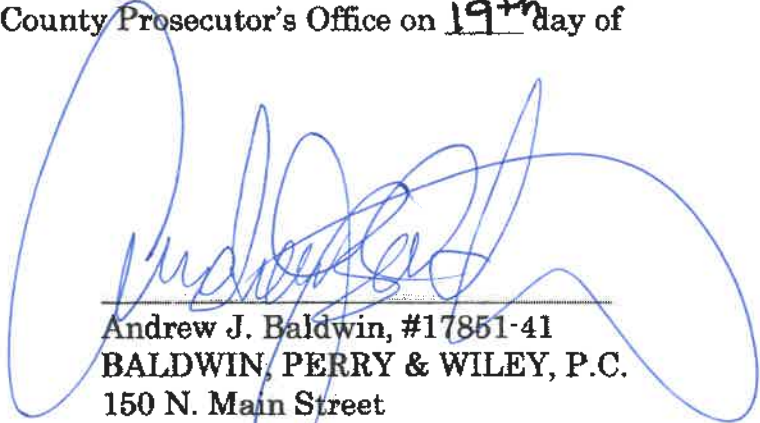
Andrew J. Baldwin, #17851-41



Bradley A. Rozzi #23365-09

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 19th day of February, 2024.



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