

STATE OF INDIANA)
) SS:
COUNTY OF CARROLL)

IN THE CARROLL CIRCUIT COURT

STATE OF INDIANA)
)
VS.)
)
RICHARD M. ALLEN)

CAUSE NUMBER: 08C01-2210-MR-00001

**STATE’S MOTION TO ENTER PROTECTIVE ORDER FOR EVIDENCE GATHERED
FROM THE INDIANA DEPARTMENT OF CORRECTION**

Now comes the State of Indiana, by Prosecuting Attorney, Nicholas C. McLeland, and respectfully requests the Court to enter a protective order over all evidence and testimony subpoenaed from the Indiana Department of Correction (the “IDOC”). The State asks the Court to consider limiting the questioning of all IDOC staff to their direct interaction with the Defendant. The State has an articulable interest to ensure the safety and security of its prison system and the policies and procedures that govern this outside agency.


The Indiana Department of Correction and its employees are not a party to this case. The IDOC was court ordered to house Richard Allen as a safekeeper. The IDOC received the safekeeping order and immediately assisted the State by placing the Defendant at Westville Correctional Facility. The time that Defendant spent at Westville Correctional Facility is not relevant to this proceeding except in his own actions and statements while being housed in that facility. Westville staff and the innerworkings of the Indiana Department of Correction are outside the scope of this proceeding. The State would ask the Court to consider the following:

1. That the State of Indiana filed 2 Counts of Murder against the Defendant on October 28th, 2023, under I.C. 35-42-1-1(2).
2. That the Defendant has been housed in the Indiana Department of Correction during the pendency of this case for safekeeping.
3. That Trial Rule 26(C) permits the court to protect against oppression, undue burden and expense by requiring that discovery be conducted “on specified terms and conditions.”
4. That the Indiana Department of Correction has cooperated with this Court’s

orders and has become an interested non-party in this proceeding.

5. That there are articulable concerns based on prior behavior that Defense counsel will release information to the media that could publicly embarrass the IDOC or further place its employees in danger or subject to ridicule or harassment.
6. That there are permissible ways to conduct depositions that allow the evidence to be protected from the media, under Trial Rule 26(C).
7. That Trial Rule 26(B)(1) limits discovery to matters “relevant to the subject matter involved in the pending action” including the claims and defenses of the parties.
8. That Defense counsel has not made a record as to what evidence they plan to elicit from the Indiana Department of Correction that would be admissible evidence for the underlying charges.
9. That there is potential that any probative value that may be gained by unrestrained subject matter depositions is outweighed by the prejudicial effect on the witnesses and the State.


Wherefore, now comes the State of Indiana, by Prosecuting Attorney, Nicholas C McLeland, and files their request for a protective order and would ask the Court to consider the same and for all other just and proper relief in the premises.



Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the Defendant’s attorney of record, through personally delivery, ordinary mail with proper postage affixed or by service through the efileing system and filed with Carroll Circuit Court, this __17th__ day of March, 2024.



Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney