

STATE OF INDIANA)
) SS:
COUNTY OF CARROLL)

IN THE CARROLL CIRCUIT COURT

STATE OF INDIANA)
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RICHARD M. ALLEN)

CAUSE NUMBER: 08C01-2210-MR-00001

**STATE’S RESPONSE TO DEFENDANT’S MOTION TO COMPEL
AND REQUEST FOR SANCTIONS**

Now comes the State of Indiana, by Prosecuting Attorney, Nicholas C. McLeland, and respectfully files its response to the Defendant’s Motion to Compel and Request for Sanctions.

The State would ask the Court to consider the following:

1. That all discovery and exculpatory information in the State’s possession has been provided to the Defense. The State has receipts for all information provided to the defense and the dates of transfer.
2. When the Defense has requested information, the State has endeavored to locate those items and provide them, even when this results in providing a duplication of prior discovery and when items appear to be irrelevant.
3. The State is not required to hand over every lead and inquiry during this 6-plus year investigation as part of discovery, much of which is neither relevant nor related to the State of Indiana v. Richard Allen. However, the State has gone beyond the requirements of discovery in the information we have provided.
4. When additional information is received the State forwards it to the Defense.
5. That the State began delivery of discovery on December 7, 2022. The Court ordered the State provide Discovery to the Defense by November 1, 2023, and the State has complied with that deadline.

6. When the State has discovered new items, the State promptly creates a copy and notifies defense of its availability. For instance, the State recently became aware that four (4) interviews in 2017 were recorded on an iRecord device and had not been uploaded and attached to the ISP video recordings in evidence. These recorded interviews of Becky Patty, Mike Patty, Ron Logan and Daniel Pearson were located by Det. Harper and have been immediately made available to the Defense. Prior to November 1, 2023, the absence of these recorded interviews in discovery was not known to the State. The interviews turned over correspond to law enforcement narrative reports already contained in discovery and provided in February 2023, therefore it is not new information.
7. That during the course of this case, the Defense asked the State to re-interview certain witnesses and the State has done so and provided the interviews.
8. The law enforcement geofence reports have been provided to the Defense to the best of our knowledge.
9. In discovery provided to Defense, one hard drive is missing interviews from February 14, 2017, through February 20, 2017, and one other hard drive contains video interviews without audio. The Defense has been notified of the missing data and the events which lead to the corrupted or lost files. The State is at the same disadvantage as the Defense, for the reason that the content of relevant interviews related to this case can only be identified by reviewing narrative summaries prepared by law enforcement and contained within reports disclosed in discovery in February 2023 and thereafter.
10. The Defense has mischaracterized the information specific to Professor Turco. In reality, they requested the name of a Purdue Professor consulted by law enforcement based on a report in discovery that did not identify the author. The State endeavored to find such

information locating Professor Turco and disclosed this to the Defense. The interpretation of his report is up for debate amongst the parties and Professor Turco himself states that the Defense has mischaracterized his opinions. If the Defense would speak directly to Professor Turco, as the State has, they would know Professor Turco's opinion is not consistent with their characterization.

11. Contrary to the Defense's representation, the State did respond to the Defense's certified letter of February 20, 2024, and provided the Defense with our response on March 8, 2024, by e-mail and by e-discovery.
12. That the State has not intentionally withheld discovery and therefore, sanctions and attributing delay to the State is not appropriate.

Wherefore, now comes the State of Indiana, by Prosecuting Attorney, Nicholas C McLeland, and files their response to the Defendant's Motion to Compel and Request for Sanctions and would ask the Court to dismiss this Motion without a hearing.



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 e-filing system and filed with Carroll Circuit Court, this _17th_ day of March, 2024.



Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney