

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 RESPONSE TO DEFENDANT'S MOTION FOR DISCOVERY DEADLINE**

Now comes the State of Indiana, by Prosecuting Attorney, Nicholas C. McLeland, and respectfully files its response to the Defendant's Motion for Discovery Deadline and would ask the Court to consider the following:

1. That the State of Indiana filed 2 Counts of Murder against the Defendant on October 28<sup>th</sup>, 2022, under I.C. 35-42-1-1(2).
2. That at the time of filing the discovery material in this case consisted of 1,000's of tips consisting of phone messages and emails, thousands of police reports, video interviews, audio interviews, lab reports, pictures, phone extractions and other documents of the like.
3. That this investigation involved multiple law enforcement agencies from around the world, including local and State police, United States Marshals Office, and the FBI.
4. That when the State filed the charges, the discovery was not in a format that could easily be provided to the defense, meaning that all the paper documents had to be copied or scanned and all the electronic data had to be copied to external hard drives and all the reports from law enforcement had to be collected.
5. That this consisted of hundreds of man hours to copy each paper document associated with a 6-year investigation, along with coping millions of terabytes of electronic data for the defense.
6. That the State believes it has turned over everything in its possession and has no


objection to a discovery deadline.

7. That the State may learn of information in a deposition setting where Defense counsel is present that will need to be investigated to prepare for trial.
8. That does not mean that the State has reopened any investigation. It simply means that the State is doing its due diligence to prepare for trial.
9. That the State will discover any exculpatory evidence received in preparation for trial.
10. That the Defense's theory that the State is intentionally withholding evidence because it is exculpatory is not true.
11. There was never any evidence intentionally withheld from the Defense at any time.
12. That the State does not believe it is in possession of any exculpatory evidence for the Defense.
13. That the allegation that the State held onto evidence until it knew about the Defense's theory has no basis or facts in support thereof.
14. Any additional requests for discovery have been answered and any discovery in possession of the State pursuant to the request has been turned over.
15. That the Defense has not turned over one piece of evidence from their investigation, interviews or their participation in this case.
16. That the State requests any discovery deadline be imposed upon both parties, and the Defendant be subject to Carroll County Local Rules, in which the Defendant is required to disclose: the names of any witnesses he intends to call at trial or any hearing, along with their last known addresses, copies of their recorded statements and/or recorded statements; any books, papers, documents, photographs, or tangible objects he intends to use as evidence at trial or any hearing; any medical, scientific, or expert witness evaluations, statements, reports, or testimony which may be used at trial or any hearing; any defense, procedural or substantive, which the Defendant intends to make at any hearing or trial; any record of prior criminal convictions known to the Defendant or Defense Counsel that may be used for impeachment of the persons whom the Defense intends to call at any hearing or trial. The State has received no reciprocal discovery thus

far.


17. Further the State would ask the Court to admonish the Defense to turn over any evidence as they get it and not dump all the evidence on the State on November 1<sup>st</sup>, 2023 at 11:59 P.M.

Wherefore, now comes the State of Indiana, by Prosecuting Attorney, Nicholas C McLeland, and files their response to the Defendant's Motion for Discovery Request and ask the Court to consider the same and for all other just and proper relief in the premises.

  
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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 \_\_10<sup>th</sup>\_\_ day of October 2023.

  
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Nicholas C. McLeland  
Attorney #28300-08  
Prosecuting Attorney