

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)

DEFENDANT'S REPLY TO STATE'S OBJECTION TO DEFENDANT'S
MOTION TO CONTINUE

Comes now the accused, Richard Allen, by and through counsel Brad Rozzi and Andrew Baldwin and files his reply to the State's Objection to Defendant's Motion to Continue the upcoming hearings on May 21st through 23rd, 2024.

1. The State made an erroneous comment in paragraph 8 of their objection to Defense's Motion to Continue claiming:

"The Defense did contact the State and the State did notify the Defense that they object to this continuance but the Defense did not state that clearly in their motion."

2. Paragraph 17 of the Defense's Motion to Continue states the following which notes the State's objection.

"The prosecution has been contacted and does object to this request."

3. The Defense clearly stated that the prosecution objected to their request and is not sure why the prosecution believes this was unclear.

4. The State of Indiana cites no case law to support its proposition that a continuance is requested due to the pending request to disqualify Judge Gull, nor does he cite any case law negating the case law provided by Defense counsel that supports the Defense's position that a continuance is required due to the disqualification motion.
5. Furthermore, again, on May 15, 2024 the prosecution provided a new phone extraction that the Defense believes will be useful for the Defense at the Motion in Limine hearing but needs additional time to review this voluminous extraction as well as the anticipated report that will be filed by First Sgt. Christopher Cecil that will also be useful at the Motion in Limine hearing.
6. It is surprising that the State of Indiana would object to a continuance of the Motion in Limine hearing when the State of Indiana only produced a piece of evidence that will be used at said hearing less than a week before said hearing.

WHEREFORE, the accused, by and through counsel, offers his reply to the State's Objection the Defendant's Motion to Continue.

Respectfully submitted,

/s/ Andrew Baldwin

Andrew Baldwin, Atty. No.17851-41

Counsel for Defendant

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CERTIFICATE OF SERVICE

This is to certify a copy of the foregoing pleading has been provided to all counsel of record for the opposing party, via IEFS this same day of filing.

/s/ Andrew Baldwin

BALDWIN PERRY & WILEY, P.C.