

STATE OF INDIANA)
)SS:
COUNTY OF CARROLL)

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

IN THE CARROLL CIRCUIT COURT
TO THE 2022 TERM

ENTERED
NOV 03 2022
CARROLL CIRCUIT COURT

CASE NUMBER: 08C01-2210-MR-1

COURT ORDER

On November 2, 2022, Tobe H. Leazenby, Sheriff of Carroll County, filed a Request by the Sheriff of Carroll County to Transfer inmate from Carroll County Jail to the Custody of the Indiana Department of Corrections for Safekeeping.

The Court, being duly advised, FINDS that Defendant is an inmate awaiting trial and is in imminent danger of serious bodily injury or death, or represents a substantial threat to the safety of others. This FINDING is not predicated on any acts or alleged acts of the Defendant, since arrest, rather a toxic and harmful insistence on “public information” about Defendant and this case.

In general, this Court has thirty (30) days to rule on any Motion that is filed by a Party in any case. See Ind. Trial Rule 53.1(A).

Yet, concurrent to the actual case naturally occurring, this judicial officer keeps getting direct requests from non-parties for “public information,” claiming that this officer has seven (7) days or one (1) day, when hand delivered, to respond to the request or face litigation!

While this officer is responsible for the entirety of the Circuit Court docket it attempts to ignore the maelstrom of “interest” from the public, it is known that YouTube already hosts content regarding family members of this judicial officer, including photos.

The public’s blood lust for information, before it exists, is extremely dangerous. ALL PUBLIC SERVANTS administering this action do not feel safe and are not protected.

The Carroll County Sheriff has limited resources to conduct its base operations, let alone any duties mandated by our Supreme Court.

All Defendants in all actions are presumed innocent. All public information will be available the second it exists. None of the family members of public servants are part of this action. All of the public servants are simply people doing their jobs. Most of the public servants are woefully underpaid. Most of the “public interest” consists of people attempting to raise their status or profit financially.

When the public peddles misinformation with reckless abandon, we all are not safe.

As far as the public's desire to learn about access to court records, that educational effort cannot be by this officer educating each individual, ad-hoc, whenever they choose to seek "public information." These inquiries are inherently disruptive to the operations of the Court as they are wholly outside the operations of the Court.

As a branch of the Supreme Court, any requests for public information about this action should be directed to whomever is the public information coordinator for the Courts in general. If there is not such a position, our state may need one.

Defendant indicated at the initial hearing an intention to hire private counsel.

Defendant is reminded that he must retain counsel within 20 days of the initial hearing because there are deadlines for filing motions and raising defenses and, if those deadlines are missed, the legal issues and defenses that could have been raised will be waived or given up.


If Defendant is unable to retain counsel of his choosing due to financial indigency, Defendant is reminded that he is entitled to court-appointed counsel and Defendant will be examined upon request.

The Court notes, for the public, that when Defendant appeared for the initial hearing, he was clad in protective gear. That protection was not to protect Defendant from the Court. That protection was to protect Defendant from the public.

Until a finding of guilt or a judgment of conviction occurs, in any case, judgment must be reserved and the presumption of innocence must be respected and preserved.

Accordingly, pursuant to Ind. Code § 35-33-11-1, the Court ORDERS the Sheriff of Carroll County to transfer Defendant to a facility of the department of correction designated by the commissioner of the department as suitable for the confinement of Defendant and provided that space is available.

So ORDERED this 3rd day of November, 2022.


Benjamin A. Diener, Judge
Carroll Circuit Court



pc: Prosecuting Attorney
Defendant C/O Sheriff of Carroll County
Sheriff of Carroll County
Indiana Department of Correction

State of Indiana)
County of Carroll)
State of Indiana)
vs.)
Richard Matthew Allen)

SS: In the Carroll Circuit Court

Cause Number 08C01-2210-MR-000001

FILED
NOV 03 2022

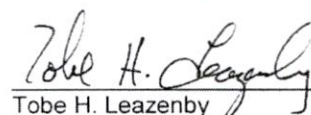
Sharon E. Mickburn
CLERK CARROLL CIRCUIT COURT

Request by the Sheriff of Carroll County, Indiana to Transfer Inmate from the Custody of the Sheriff to the Custody of the Indiana Department of Corrections for Safekeeping

The undersigned states:

1. I am the duly elected Sheriff of Carroll County, Indiana.
2. The aforementioned defendant, Richard Matthew Allen, has been incarcerated since October 26th, 2022, initially, at the Carroll County Jail, and then transferred to the White County Jail, at my request as Sheriff of Carroll County, Indiana.
3. The defendant has been charged in a high profile cause, creating potential safety and security concerns because of extensive coverage from an array of various media platforms, both mainstream and social, throughout this state, the United States, and the world.
4. In that the defendant has been charged in said high profile cause, it is felt by the undersigned, potential safety and security concerns exist involving not only the defendant but also both jail facilities in Carroll and White Counties within the State of Indiana.
5. Because of the aforementioned reasons, as Sheriff of Carroll County, Indiana, I cannot provide the services, attention, or supervision necessary to protect or meet the defendant's needs or to insure, protect, and guarantee the safety or security of the defendant, staff, or facilities.
6. Pursuant to Indiana Code 35-33-11-1, I respectfully request from the Court an order approving and directing the transfer of the defendant to the custody of the Indiana Department of Corrections. Said agency has agreed to accept custody of the defendant for safekeeping.
7. As provided by Indiana Code 35-33-11-5, I will be responsible for transporting, or for coordinating transportation arrangements with the Indiana Department of Corrections, the defendant to and from their respective facility for further Court proceedings.
8. I certify to the best of my knowledge that the information set forth herein is true and correct.

Date: 2 November 2022


Tobe H. Leazenby
Sheriff of Carroll County, Indiana

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CASE NUMBER: 08C01-2210-MR-1

ORDER ACKNOWLEDGING PUBLIC HEARING

A public hearing will be conducted pursuant to Ind. Code § 5-14-3-5.5 and Indiana Rules of Court, Rules on Access to Court Records, Rule 6, November 22, 2022 at 9:00 a.m. in the Carroll Circuit Court.

Parties or members of the general public will be permitted to testify and submit written briefs, subject to reasonable time constraints imposed by the Court.

A decision to seal all or part of a public record must be based on findings of fact and conclusions of law, showing that the remedial benefits to be gained by effectuating the public policy of the state declared in section 1 of this chapter are outweighed by proof by a preponderance of the evidence by the person seeking the sealing of the record that:

- 1) A public interest will be secured by sealing the record;
- 2) Dissemination of the information contained in the record will create a serious and imminent danger to that public interest;
- 3) Any prejudicial effect created by dissemination of the information cannot be avoided by any reasonable method other than sealing the record;
- 4) There is a substantial probability that sealing the record will be effective in protecting the public interest against the perceived danger; and
- 5) It is reasonably necessary for the record to remain sealed for a period of time.

Sealed records shall be unsealed at the earliest possible time after the circumstances necessitating the sealing of the records no longer exist.

SO ORDERED this 2nd day of November, 2022.



Benjamin A. Diener, Judge
Carroll Circuit Court

PC:
State: Atty. Nicholas C. McLeland
Defendant: c/o Carroll County Sheriff