

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

**FILED**  
JUN 13 2023

**STATE'S OBJECTION TO DEFENDANT'S MOTION FOR ORDER ON CONTINUING DISCLOSURE OF DEFENDANT'S MENTAL HEALTH RECORDS**

Now comes the State of Indiana, by Prosecuting Attorney, Nicholas C. McLeland, and respectfully objects to the Defendant's Motion for Order on Continuing Disclosure of Defendant's Mental Health Records and in support of said motion states the following:

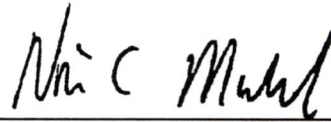
1. That on June 7<sup>th</sup>, 2023, the Defendant filed a Motion for Order on Continuing Disclosure of Defendant's Mental Health Records asking this Court for an Order to the Indiana Department of Corrections, and the Carroll County Sheriff's Department to release Richard Allen's mental health records.
2. That the State filed a Motion for Leave of the Court to file a 3<sup>rd</sup> Party Subpoena for Richard Allen's mental health records on April 20<sup>th</sup>, 2023.
3. That the Defense filed a Motion to Quash the subpoena filed by the State, stating that the subpoena violated the Defendant's privacy rights and that the records requested are irrelevant as there are no pending matters pertaining to the Defendant's competency to stand trial, nor has the defense of insanity been raised.
4. That the State believes these records are relevant due to the allegations of lack of competency made in the Defendant's Emergency Motion to Modify Safekeeping Order;

Defendant's Motion to Reconsider and Request for Due Process Hearing; along with various letters and emails from the Defense stating that the Defendant's mental stability and competency are in question since his stay at the Indiana Department of Corrections.

5. That the Defense even calls into question the Defendant's competency in their Motion for Order on Continuing Disclosure of Defendant's Mental Health Records.
6. That the subpoenas filed by the State only requested the mental health records for the Defendant for the time that he has been incarcerated in the Department of Corrections.
7. In their various court communications, the Defense has implied that although Richard Allen was competent at the onset of this case, since he has been incarcerated, he has become incompetent.
8. That the Defendant has admitted that he committed the offenses that he is charged with no less than 5 times while talking to his wife and his mother on the public jail phones available at the Indiana Department of Corrections.
9. That the State believes that these admissions are going to be challenged by the Defense because of a lack of competency of the Defendant.
10. That the State is concerned about the ability to respond to the motions filed by the Defense without knowing if the Defendant is competent or not.
11. That the State would have no objection to this motion if the records are presented to the State as well.

WHEREFORE, the State objects to the Defendant's Motion for Order on Continuing Disclosure of Defendant's Mental Health Records and would ask the Court to deny the same.

Respectfully submitted.



Nicholas C. McLeland  
Attorney #28300-08  
Prosecuting Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon his attorney of record, through personally delivery, ordinary mail with proper postage affixed or by service through the e filing system and filed with Carroll County Circuit Court, this \_\_13<sup>th</sup>\_ day of June, 2023.



Nicholas C. McLeland  
Attorney #28300-08  
Prosecuting Attorney