

STATE OF INDIANA)
)SS:
COUNTY OF CARROLL)

IN THE CARROLL CIRCUIT COURT
CAUSE NO. 08C01-2210-MR-1

STATE OF INDIANA,)
Plaintiff,)
)
VS.)
)
RICHARD M. ALLEN,)
Defendant.)

AMENDED ORDER OR JUDGMENT OF THE COURT

The Court, having had this matter under advisement following a hearing conducted on July 31, 2024, on the Defendant's Motion to Suppress Statements (filed April 11, 2024), the State's Objection to Defendant's Motion to Suppress Filed April 11, 2024 (filed April 23, 2024), the State's Motion to Dismiss the Motion to Suppress Filed April 11, 2024 (filed May 17, 2024), and the State's Motion for Admissibility (filed May 6, 2024), and having considered the witnesses' testimony, the exhibits admitted into evidence, the arguments of counsel, and the applicable statutes and case law, now grants the State's Request for Pre-Trial Ruling on Admissibility pursuant to I.C. 25-33-1-17. The statements given by defendant to Dr. Monica H. Wala, Psy.D., are not privileged based upon the exception noted in the Statute, "(1) Trials for homicide when the disclosure relates directly to the fact or immediate circumstances of said homicide." All statements given by defendant to Dr. Wala are admissible in the trial. Defendant's arguments to the contrary go to the weight the jury would give such statements, not their admissibility.

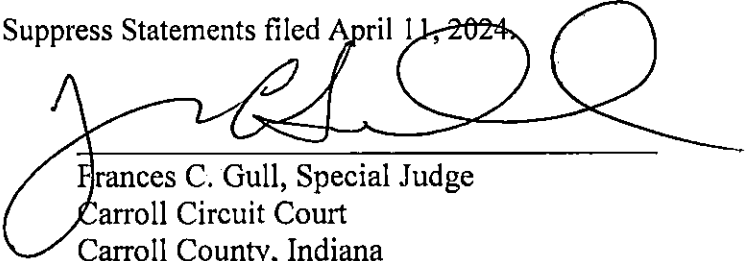
Having taken the State's Motion to Dismiss the Motion to Suppress Filed April 11, 2024 under advisement at the hearing, the Court agrees with the State that the defendant has failed to comply with the Criminal Rules of Procedure by neglecting to clearly state which specific statements he is seeking to suppress, nor the legal basis for the suppression. Despite these deficiencies, the Court has been able to determine that the statements given to the defendant's family members were voluntary, not coerced by any State action, and were not made under threats of violence, or improper influence. Although the Defendant is clearly in custody, he initiated the communication with his family and was not subject to custodial

interrogation when he spoke to this family.

Further, the statements given by defendant to the correctional officers, inmate companions, the Warden, mental health personnel, medical personnel, and the Indiana State Police were unsolicited by any of those individuals and were voluntarily given without coercion or interrogation. The defendant has not shown that he suffered from psychological coercion by the State which caused him to make these statements. To the contrary, the evidence shows he specifically sought out the Warden by written communication he initiated, and verbal statements he offered to guards, inmate companions, mental health professionals, and medical personnel. The defendant has failed to show any of these statements were the result of coercive interrogation by the State, or that they were the result of his pre-trial detention. The totality of the circumstances of defendant's pre-trial detention were not intended to force confessions from the defendant. The defendant's pre-trial detention is to protect him from harm. The Court is not persuaded that the detention caused the defendant to make incriminating statements. While the defendant does suffer from major depressive disorder and anxiety, those are not serious mental illnesses that prevent the defendant from making voluntary statements.

The Court finds the statements given by the defendant to Dr. Wala, the Warden, inmates, guards, medical personnel, mental health professionals, and law enforcement personnel were not coerced, were voluntary, were not the result of interrogation by the State or its actors, nor the product of his confinement and, therefore, denies the defendant's Motion to Suppress Statements filed April 11, 2024.

Dated: August 28, 2024



Frances C. Gull, Special Judge
Carroll Circuit Court
Carroll County, Indiana

NOTICE TO BE GIVEN BY: XX COURT CLERK OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed to the following persons:

cc: Bradley Rozzi – Attorney for Defendant
Andrew Baldwin – Attorney for Defendant
Jennifer Auger – Attorney for Defendant
Prosecuting Attorney Nicholas McLeland
Prosecuting Attorney James Luttrull
Prosecuting Attorney Stacey Diener
Court File

DATED: _____

INITIAL OF PERSON WHO NOTIFIED PARTIES: JW COURT CLERK