

STATE OF INDIAN )  
 ) IN THE CARROLL CIRCUIT COURT  
 )SS:  
COUNTY OF CARROLL ) CAUSE NO. 08C01-2210-MR-000001  
 )  
STATE OF INDIANA )  
 )  
v. )  
 )  
RICHARD ALLEN )

**DEFENDANT'S REPLY TO "STATE'S RESONSE TO DEFENSE'S 4<sup>TH</sup> MOTION FOR FRANKS HEARING" and REQUEST FOR HEARING FOR REASONS DETAILED HEREIN**

Comes now Richard Allen, by counsel, and files his reply to "State's Response to Defense's 4<sup>th</sup> Motion for Franks Hearing". In support of said reply, the defense states the following:

1. On April 29<sup>th</sup>, the accused, Richard Allen, filed a new request for a Franks hearing, based upon new evidence.
2. Said request was the 4<sup>th</sup> Franks notice filed by the defense.
3. In said request, the defense detailed newly discovered evidence, hereafter called the "Blocher report" that suggests that the phone that was found at the scene where the victims of the murders were ultimately found on February 14, 2017, had actually been taken out of the area on February 13, 2017, before being brought back to the area at some point in time on February 14, 2017.
4. The prosecution turned over the Blocher report approximately 14 months after the State was required to turn over the evidence, and this newly discovered evidence shows that on February 13, 2017, one of the victim's phones were outside the area of where the bodies were ultimately found. Judge Diener had a right to know this information before issuing a search warrant as said evidence completely throws off the State's timeline of events, thereby exonerating Richard Allen.

5. This is important because law enforcement have maintained from the beginning of the case that the girls were murdered on February 13, 2017, and remained in the place they were found from the following day, never leaving the area where they were ultimately found.
6. This new evidence, therefore, would show that the phone and the victims were taken outside of the area where they were ultimately found, but then brought back to the area at a later time.
7. In his response to the 4<sup>th</sup> Franks request, the prosecution makes several assertions that simply aren't accurate or true.
8. The prosecutor is not a digital forensic expert and his assertions should not be accepted as true or accurate by this Court until he presents evidence and/or testimony that supports his assertions.
9. Similarly, the Defense attorneys are not digital forensic experts as well and therefore, the Defense would also request this Court to not accept their assertions as fact.
10. Rather, on such an important issue as to whether law enforcement failed to inform Judge Diener concerning evidence related to the timeline that would have indicated to Judge Diener that Richard Allen did not commit these murders, the Defense would request this Court to set a Franks hearing to hear both sides before making any determinations.
11. Simply stated, through the pleadings filed by both sides, two competing narratives have formed: (1) the State of Indiana disagrees with the Defense's interpretation of the digital forensic evidence and the Blocher report while (2) the Defense disagrees with the State of Indiana and its interpretation of the digital evidence and Blocher report.
12. A hearing would allow the Court to listen to the evidence and draw its own conclusions from that evidence, rather than believing one side or the other on these issues of "pings" and the Blocher report as this Court has little or no context concerning the facts to make any decisions, nor (presumably) the expertise to make such a decision based solely upon pleadings filed by each side.

WHEREFORE, the Defense requests that this Court to simply not accept the prosecution's, nor the Defense's assertions concerning "pings" and the impact of Sgt. Blocher's report and to set this matter for a hearing where the Court can hear direct testimony of State and Defense witnesses, subject to cross-examination before making any rulings on this important matter.

Respectfully submitted,

/s/ Andrew J. Baldwin  
Andrew J. Baldwin, #17851-41

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document by the County e-filing system upon the Carroll County Prosecutor's Office on 23rd day of July, 2024.

/s/ Andrew J. Baldwin  
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