

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.)

ORDER OR JUDGMENT OF THE COURT

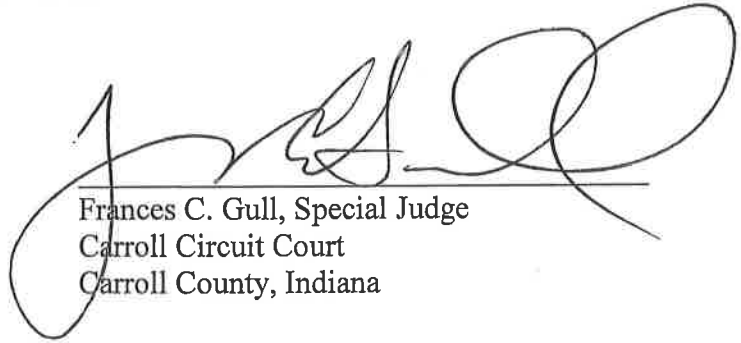
The Court, having had this matter under advisement following a hearing conducted on November 22, 2022, and having considered the evidence submitted and the arguments of counsel, now denies the State's Verified Request to Prohibit Public Access to a Court Record, in part. The Court finds that the State has failed to prove by clear and convincing evidence that the Affidavit of Probable Cause and the Charging Informations should be excluded from public access. The Court finds that the public interest is not served by prohibiting access, and that the protection and safety of witnesses can be ensured by redacting their names from the Affidavit, and that the defendant's personal information can be removed from the Charging Informations.

The Court notes that the Prosecuting Attorney submitted Charging Informations and a Probable Cause Affidavit at the November 22, 2022, hearing that was redacted, eliminating the witnesses' names and identifying personal information of the defendant. Those documents will be released to the public and made part of the record of this cause. The original Charging Informations and Affidavit of Probable Cause shall remain as sealed and confidential Court records as they are not redacted.

The Court further finds that the Media Intervenors' Motion for Leave to Intervene is moot, and therefore, denied.

Court Orders that the redacted Charging Informations and Affidavit for Probable Cause, submitted by the State at the hearing conducted on November 22, 2022, be filed with the Clerk of the Court with this Order, and further that the Clerk shall not release (without prior Court approval) the original, sealed unredacted Informations and Affidavit

Dated: November 28, 2022



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

NOTICE TO BE GIVEN BY: 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
Prosecuting Attorney Nicholas McLeland
Court File

DATED: _____

INITIAL OF PERSON WHO NOTIFIED PARTIES: _____ COURT _____ CLERK

STATE OF INDIANA
COUNTY OF CARROLL, SS:
STATE OF INDIANA

CARROLL CIRCUIT COURT
CAUSE NUMBER 08C01-2210-MR-01
INFORMATION

VS

RICHARD M. ALLEN
DOB: 9/9/1972
SSN: XXX-XX-3934

COUNT 1:
MURDER
a Felony I.C. 35-42-1-1(2)

Nicholas C. McLeland, being first duly sworn upon his oath, says that on or about February 13, 2017, in the County of Carroll, the State of Indiana, Richard M. Allen, did kill another human being, to wit: Victim 1; while committing or attempting to commit kidnapping of Victim 1.

All of which is contrary to the form of the statute in such cases made and provided, to-wit: I.C. 35-42-1-1(2), and against the peace and dignity of the State of Indiana.

I affirm, under the penalty of perjury as specified in I.C. 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas C. McLeland

Nicholas C. McLeland

Approved by me this date, October 27, 2022.

My term expires: December 31, 2022

/s/ Nicholas C. McLeland

Nicholas C. McLeland

Witnesses:

Bench Warrant to issue; bond is set at \$ _____

Judge, Carroll Circuit Court

STATE OF INDIANA
COUNTY OF CARROLL, SS:
STATE OF INDIANA

CARROLL CIRCUIT COURT
CAUSE NUMBER 08C01-2210-MR-01
INFORMATION

VS

RICHARD M. ALLEN
DOB: 9/9/1972
SSN: XXX-XX-3934

COUNT 2:
MURDER
a Felony I.C. 35-42-1-1(2)

Nicholas C. McLeland, being first duly sworn upon his oath, says that on or about February 13, 2017, in the County of Carroll, the State of Indiana, Richard M. Allen, did kill another human being, to wit: Victim 2; while committing or attempting to commit kidnapping of Victim 2.

All of which is contrary to the form of the statute in such cases made and provided, to-wit: I.C. 35-42-1-1(2), and against the peace and dignity of the State of Indiana.

I affirm, under the penalty of perjury as specified in I.C. 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas C. McLeland

Nicholas C. McLeland

Approved by me this date, October 27, 2022.

My term expires: December 31, 2022

/s/ Nicholas C. McLeland

Nicholas C. McLeland

Witnesses:

Bench Warrant to issue; bond is set at \$ _____

Judge, Carroll Circuit Court

CARROLL CIRCUIT COURT

Date: October 27, 2022

STATE OF INDIANA

CAUSE NUMBER 08C01-2210-MR-01

VS

RICHARD M. ALLEN

1967 Whiteman Drive,
Delphi, IN 46923

DOB: 9/9/1972

SSN: XXX-XX-3934

The Court will please enter the following minutes:

State of Indiana by Nicholas C. McLeland, Prosecuting Attorney, files probable cause affidavit executed by Tony Liggett and information for: Count 1: Murder, a Felony; and Count 2: Murder, a Felony.

The Defendant being in custody, the court determines that probable cause does exist. The Court sets bond in this matter at

_____.
Initial hearing is set at _____ on: _____.

Entry Approved:

Benjamin A. Diener, Judge
Carroll Circuit Court

/s/Nicholas C. McLeland

Nicholas C. McLeland
Prosecuting Attorney
Attorney # 28300-08

STATE OF INDIANA
COUNTY OF CARROLL

SS:

CARROLL CIRCUIT COURT
DELPHI, INDIANA

STATE OF INDIANA
VS.
RICHARD M. ALLEN

CAUSE NO. 08C01-2210-MR-01

PROBABLE CAUSE AFFIDAVIT

I, the undersigned affiant, submit the following information pursuant to I.C. 35-33-7-2 as a sworn affidavit setting forth the facts and circumstances known to law enforcement of Carroll County as the basis for probable cause to arrest without a warrant or to establish probable cause for issuance of an arrest warrant for the above named defendant.

That the facts and circumstances described below would be sufficient basis for a person of reasonable caution and prudence to believe that the accused has committed or attempted to commit the offense(s) described and that if arrested without a warrant, such would be authorized under I.C. 35-33-1-1.

That the hearsay statements of witnesses contained herein are considered reliable and credible due to the witness's personal knowledge and/or are corroborated by the totality of the circumstances.

That on February 14th, 2017 Victim 1 and Victim 2 were found deceased in the woods approximately 0.2 miles northeast of the Monon High Bridge in Carroll County. Their bodies were located on the north side of the Deer Creek.

At the time, the Monon High Bridge Trail was an approximately 1 mile gravel trail terminating at the Monon High Bridge. The Monon High Bridge is an abandoned railroad trestle approximately 0.25 miles long spanning the Deer Creek and Deer Creek valley on the southeast end of the trail. Approximately 0.7 miles northwest on the trail from the northwestern edge of the Monon High Bridge is the Freedom Bridge, which is a pedestrian bridge spanning State Road 25. Approximately 350 feet west of Freedom Bridge was a former railroad overpass over Old State Road 25 (also known as County Road 300 North). The trail terminates just west of the former railroad overpass. The majority of the trail is in a wooded area with a

steep embankment on the south side of the trail. The entirety of the trail and the location of the girls bodies were and are located in Carroll County, Indiana.

Through interviews, reviews of electronic records, and review of video at the Hoosier Harvestore, investigators believe Victim 1 and Victim 2 were dropped off across from the Mears Farm at 1:49 p.m. on February 13th, 2017 by . The Mears farm is located on the north side of County Road 300 North near an entrance to the trails. A video from Victim 2's phone shows that at 2:13 p.m. Victim 1 and Victim 2 encountered a male subject on the southeast portion of the Monon High Bridge. The male ordered the girls "Guys, Down the hill". No witnesses saw them after this time. No outgoing communications were found on Victim 2's phone after this time. Their bodies were discovered on February 14th, 2017.

The video recovered from Victim 2's phone shows Victim 1 walking southeast on the Monon High Bridge while a male subject wearing a dark jacket and jeans walks behind her. As the male subject approaches Victim 1 and Victim 2, one of the victims mentions, "gun". Near the end of the video a male is seen and heard telling the girls, "Guys, Down the hill." The girls then begin to proceed down the hill and the video ends. A still photograph taken from the video and the "Guys, Down the hill" audio was subsequently released to the public to assist investigators in identifying the male.

Victim 1 and Victim 2's deaths were ruled as homicides. Clothes were found in the Deer Creek belonging to Victim 1 and Victim 2, south of where their bodies were located. There was also a .40 caliber unspent round less than two feet away from Victim 2's body, between Victim 1 and Victim 2's bodies. The round was unspent and had extraction marks on it.

Interviews were conducted with 3 juveniles, and . They advised they were on the Monon High Bridge Trail on February 13th, 2017. They advised they were walking on the trail toward Freedom Bridge to go home when they encountered a male walking from Freedom Bridge toward the Monon High Bridge. described the male as "kind of creepy" and advised he was wearing "like blue jeans a like really light blue jacket and he his hair was gray maybe a little brown and he did not really show his face." She advised the jacket was a duck canvas type jacket. advised she said "Hi" to the male but he just glared at them. She recalled him being in all black and had something covering his mouth. She described him as "not very tall" with a bigger build. She said he was not bigger than 5'10". advised he was wearing a black hoodie, black jeans, and black boots. She stated he had his hands in his pockets.

showed investigators photographs she took on her phone while she was on the trail that day. The

photographs included a photo of the Monon High Bridge taken at 12:43 p.m., and another one taken at 1:26 p.m. of the bench East of the Freedom Bridge. advised after she took the photo of the bench they started walking back toward Freedom Bridge. She advised that was when they encountered the man who matched the description of the photograph taken from Victim 2's video. described the man she encountered on the trail as wearing a blue or black windbreaker jacket. She advised the jacket had a collar and he had his hood up from the clothing underneath his jacket. She advised he was wearing baggy jeans and was taller than her. She advised her head came up to approximately his shoulder. She advised said "Hi" to the man and that he said nothing back. She stated he was walking with a purpose like he knew where he was going. She stated he had his hands in his pockets and kept his head down. She advised she did not get a good look at his face but believed him to be a white male. The girls advised after encountering the male they continued their walk across Freedom Bridge and the old railroad bridge over Old State Road 25.

Investigators spoke with who advised she was on the trails on February 13th, 2017. Video from the Hoosier Harvestore captured vehicle traveling eastbound at 1:46 p.m. toward the entrance across from the Mears farm. advised she saw 4 juvenile females walking on the bridge over Old State Road 25 as she was driving underneath on her way to park. advised there were no other cars parked across from the Mears farm when she parked. She advised she walked to the Monon High Bridge and observed a male matching the one from Victim 2's video. She described the male she saw as a white male, wearing blue jeans and a blue jean jacket. She advised he was standing on the first platform of the Monon High Bridge, approximately 50 feet from her. She advised she turned around at the bridge and continued her walk. She advised approximately halfway between the bridge and the parking area across from Mears farm, she passed two girls walking toward Monon High Bridge. She advised she believed the girls were Victim 1 and Victim 2. Video from the Hoosier Harvestore shows at 1:49 p.m. a white car matching vehicle traveling away from the entrance across from the Mears farm. advised she finished her walk and saw no other adults other than the male on the bridge. Her vehicle is seen on Hoosier Harvestore video at 2:14 p.m. leaving westbound from the trails. advised when she was leaving she noted a vehicle was parked in an odd manner at the old Child Protective Services building. She said it was not odd for vehicles to be parked there but she noticed it was odd because of the manner it was parked, backed in near the building. Investigators received a tip from in which he stated he was on his way

to Delphi on State Road 25 around 2:10 p.m. on February 13th, 2017. He observed a purple PT Cruiser or a small SUV type vehicle parked on the south side of the old CPS building. He stated it appeared as though it was backed in as to conceal the license plate of the vehicle. both drew diagrams of where they saw the vehicle parked and their diagrams generally matched as to the area the vehicle was parked and the manner in which it was parked. advised he remembered seeing a smaller dark colored car parked at the old CPS building. He described it as possibly being a "smart" car. vehicle is seen leaving at 2:28 p.m. on the Hoosier Harvestore video.

Investigators spoke with , who stated that she was traveling East on 300 North on February 13th, 2022 and observed a male subject walking west, on the North side of 300 North, away from the Monon High Bridge. advised that the male subject was wearing a blue colored jacket and blue jeans and was muddy and bloody. She further stated, that it appeared he had gotten into a fight. Investigators were able to determine from watching the video from the Hoosier Harvestore that was traveling on CR 300 North at approximately 3:57 p.m.

Through interviews, electronic data, photographs, and video from the Hoosier Harvestore investigators determined that there were other people on the trail that day after 2:13 p.m. Those people were interviewed and none of those individuals encountered the male subject referenced above, witnessed by the juvenile girls, and . Further none of those individuals witnessed Victim 1 and Victim 2.

Investigators reviewing prior tips encountered a tip narrative from an officer who interviewed Richard M. Allen in 2017. That narrative stated:

Mr. Allen was on the trail between 1330-1530. He parked at the old Farm Bureau building and walked to the new Freedom Bridge. While at the Freedom Bridge he saw three females. He noted one was taller and had brown or black hair. He did not remember description nor did he speak with them. He walked from the Freedom Bridge to the High Bridge. He did not see anybody, although he stated he was watching a stock ticker on his phone as he walked. He stated there were vehicles parked at the High Bridge trail head, however did not pay attention to them. He did not take any photos or video.

His cell phone did not list an IMEI but did have the following:

MEID-256 691 463 100 153 495

MEIDHEX-9900247025797

Potential follow up information: Who were the three girls walking in the area of Freedom Bridge?

Investigators believe Mr. Allen was referring to the former Child Protective Services building as there

was not a Farm Bureau building in the area nor had there been. Investigators believe the females he saw included and due to the time they were leaving the trail, the time he reported getting to the trail, and the descriptions the three females gave.

Investigators discovered Richard Allen owned two vehicles in 2017 – a 2016 black Ford Focus and a 2006 gray Ford 500. Investigators observed a vehicle that resembled Allen's 2016 Ford Focus on the Hoosier Harvestore video at 1:27 p.m traveling westbound on CR 300 North in front of the Hoosier Harvestore, which coincided with his statement that he arrived around 1:30 p.m. at the trails.

Investigators note witnesses described the vehicle parked at the former Child Protective Services Building as a PT Cruiser, small SUV, or "Smart" car. Investigators believe those descriptions are similar in nature to a 2016 Ford Focus.

On October 13th, 2022 Richard Allen was interviewed again by investigators. He advised he was on the trails on February 13th, 2017. He stated he saw juvenile girls on the trails east of Freedom Bridge and that he went onto the Monon High Bridge. Richard Allen further stated he went out onto the Monon High Bridge to watch the fish. Later in his statement, he said he walked out to the first platform on the bridge. He stated he then walked back, sat on a bench on the trail and then left. He stated he parked his car on the side of an old building. He told investigators that he was wearing blue jeans and a blue or black Carhartt jacket with a hood. He advised he may have been wearing some type of head covering as well. He further claimed he saw no one else except for the juvenile girls he saw east of the Freedom Bridge. He told investigators that he owns firearms and they are at his home.

Richard M. Allen's wife, Kathy Allen, also spoke to investigators. She confirmed that Richard did have guns and knives at the residence. She also stated that Richard still owns a blue Carhartt jacket.

On October 13th, 2022, Investigators executed a search warrant of Richard Allen's residence at 1967 North Whiteman Drive, Delphi, Carroll County, Indiana. Among other items, officers located jackets, boots, knives and firearms, including a Sig Sauer, Model P226, .40 caliber pistol with serial number U 625 627.

Between October 14th, 2022 and October 19th, 2022 the Indiana State Police Laboratory performed an analysis on Allen's Sig Sauer Model P226. The Laboratory performed a physical examination and classification of the firearm, function test, barrel and overall length measurement, test firing, ammunition component characterization, microscopic comparison, and NIBIN. The Laboratory determined the

unspent round located within two feet of Victim 2's body had been cycled through Richard M. Allen's Sig Sauer Model P226. The Laboratory remarked:

An identification opinion is reached when the evidence exhibits an agreement of class characteristics and a sufficient agreement of individual marks. Sufficient agreement is related to the significant duplication of random striated/impressed marks as evidenced by the correspondence of a pattern or combination of patterns of surface contours. The interpretation of identification is subjective in nature, and based on relevant scientific research and the reporting examiner's training and experience.

Investigators then ran the firearm and found that the firearm was purchased by Richard Allen in 2001. Richard Allen voluntarily came to the Indiana State Police post on October 26th, 2022. He spoke with investigators and stated that he never allowed anyone to use or borrow the Sig Sauer Model P226 firearm. When asked about the unspent bullet, he did not have an explanation of why the bullet was found between the bodies of Victim 1 and Victim 2. He again admitted that he was on the trail but denied knowing Victim 1 or Victim 2 and denied any involvement in their murders.

Carroll County Sheriff's Department Detective [redacted] has been part of the investigation since it started in 2017. He has had an opportunity to review and examine evidence gathered in this investigation. Detective [redacted], along with other investigators, believe the evidence gathered shows that Richard Allen is the male subject seen on the video from Victim 2's phone who forced the victims down the hill. Further, that the victims were forced down the hill by Richard Allen and lead to the location where they were murdered.

Through the statements and photographs of the juvenile females and the statement of [redacted], and [redacted] were at the southeast edge of the trail at 12:43 p.m., east of Freedom Bridge at 1:26 p.m., and walked across the former railroad overpass over Old State Road 25 after 1:26 p.m. and before 1:46 p.m. They walked the entirety of the trail and observed only one person – an adult male. [redacted] vehicle is seen on Hoosier Harvestore video at 1:46 p.m. and leaving at 2:14 p.m. and she stated she only saw one adult male. [redacted], and [redacted] described the male in similar manners, wearing similar clothing, leading investigators to believe all four saw the same male individual.

Investigators believe the male observed by [redacted], and [redacted] is the same male depicted in the video from Victim 2's phone due to the descriptions of the male by the four females matching the male in the video. Furthermore, Victim 2's video was taken at 2:13 p.m., and [redacted] saw only one male while she was on the trail from approximately 1:46 p.m. to 2:14 p.m.

Investigators believe Richard Allen was the male seen by _____, and _____ and the male seen in Victim 2's video. Richard Allen told investigators he was on the trail from 1:30 p.m. to 3:30 p.m. that day. Video from Hoosier Harvestore shows a vehicle that matches the description of Richard Allen's vehicle passing at 1:27 p.m. toward the former CPS building. The clothing he told investigators he was wearing match the clothing of the male in Victim 2's video and the clothing descriptions provided by _____, and _____. A vehicle matching the description of his 2016 Ford Focus is seen at or around 2:10 p.m., 2:14 p.m., and 2:28 p.m. at the former CPS building. Through his own admissions, Richard Allen walked the trails and eventually hiked to the Monon High Bridge and walked out onto the Monon High Bridge.

A male subject matching Richard Allen's description was not seen on the trail after 2:13 p.m. Investigators identified other individuals on the trails or C.R. 300 North between 2:30 p.m. and 4:11 p.m. None of those individuals saw a male subject matching the description of Richard Allen on the trail. Furthermore, Richard Allen stated that he only saw three girls on the trail, who investigators believe to be _____.

Investigators believe Richard Allen was not seen on the trail after 2:13 p.m. because he was in the woods with Victim 1 and Victim 2. An unspent .40 caliber round between the bodies of Victim 1 and Victim 2, was forensically determined to have been cycled through Richard Allen's Sig Sauer Model P226. The Sig Sauer Model P226 was found at Richard Allen's residence and he admitted to owning it. Investigators were able to determine that he had owned it since 2001. Richard Allen stated he had not been on that property where the unspent round was found, that he did not know the property owner, and that he had no explanation as to why a round cycled through his firearm would be at that location. Furthermore, he stated that he never allowed anyone to use or borrow the Sig Sauer Model P226. Investigators believe that after the victims were murdered, Richard Allen returned to his vehicle by walking down CR 300 North. Investigators believe he was seen by _____ walking back to his vehicle on CR 300 north, with clothes that were muddy and bloody.

_____, along with investigators, believe the statements made by the witnesses because the statements corroborate the timeline of the death the two victims, as well as coincide with the admissions made by Richard Allen. Further, the accounts relayed by _____, and _____ are similar in nature and time stamps on photographs taken by _____ correspond to the times the juvenile females said they were on the trail and saw male individual.