

## ANDREW J. BALDWIN

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**From:** Frances Gull <Frances.Gull@allensuperiorcourt.us>  
**Sent:** Thursday, October 12, 2023 6:59 AM  
**To:** Nicholas McLeland; Brad Rozzi; ANDREW J. BALDWIN  
**Subject:** Re: URGENT

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Gentlemen,

This is beyond tragic...once again I'm at a loss for words.

I'm deeply concerned that Mr. Allen's defense is being compromised by all these recent events. I will have my staff schedule a hearing in Fort Wayne for next Thursday, October 19, 2023 at 2:00 pm to discuss these recent developments and the upcoming hearing on October 31. I will have a transport Order prepared to get Mr. Allen to the hearing. Please arrange your schedules accordingly to appear in Allen Superior Court. Mr. Rozzi and Mr. Baldwin, please cease work on Mr. Allen's case until we meet on the 19th.

Judge Gull

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**From:** Nicholas McLeland <nmcleland@CarrollCountyProsecutor.com>  
**Sent:** Thursday, October 12, 2023 4:07:48 AM  
**To:** Frances Gull <Frances.Gull@allensuperiorcourt.us>; Brad Rozzi <brozzi30@yahoo.com>; ANDREW J. BALDWIN <andrew@criminaldefenseteam.com>  
**Subject:** URGENT

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Judge and Gentlemen,

It is currently 3:53 A.M. and I just got off the phone with ISP. From the phone conference that the 4 of us had on Tuesday afternoon October 10<sup>th</sup>, Andy Baldwin informed us that Mitch Westerman went into his conference room sometime in August and took pictures of evidence in this case and then "leaked" or forwarded those pictures to an individual by the name of Robert Fortson. Robert Fortson then "leaked" or forwarded them on down the chain and eventually it was made public that the documents were leaked.

Robert Fortson lives in Fishers Indiana and is employed as a civilian Title 32 technician at the Fort Wayne US Air Force Base. As part of the investigation, an ISP detective went to the Air Force Base in Fort Wayne to interview Robert Fortson on Tuesday afternoon to get a statement from him about the leaked information. The goal was to 1) gather the photos that he had and make sure they were deleted from his phone and 2) find out who gave him the photos and who he gave the photos to.

Robert Fortson met with the ISP detective but refused to answer any questions and stated that he wanted an attorney. Soon after that we had our phone conference between the 4 of us. At 10:00 P.M. last night, Robert Fortson

committed suicide. One self inflicted gun shot wound. He is married and has a teenage daughter. The initial information that I have is that his wife stated that he was worried sick about being in this situation and the last info that I have is that Robert stated to his wife that if I just be honest or "come clean" about where I got the photos I will be ok.

I am not sure if this is the appropriate way to notify everyone of this but it is 4 A.M. and this is the latest in bizarre twists in this case. This is getting serious and way out of control gentlemen. If you have additional information about this leak, please forward it on to me or ISP Detective Holeman immediately. I do not want to get another phone call like this that Mitch or someone else involved in this leak has hurt themselves or someone else.

I am up if anyone needs to call. My cell is 317-430-0192. Thank you and I apologize about the email.

Sincerely,  
Nicholas C. McLeland

Nicholas C. McLeland  
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**From:** Frances Gull <Frances.Gull@allensuperiorcourt.us>  
**Sent:** Sunday, October 8, 2023 11:05 AM  
**To:** Brad Rozzi <brozzi30@yahoo.com>; Nicholas McLeland <nmcleland@CarrollCountyProsecutor.com>; ANDREW J. BALDWIN <andrew@criminaldefenseteam.com>  
**Subject:** RE: Leaked info

Good morning Gentlemen,

Thank you for passing this troubling information along to me, I am quite disturbed by this new development. Since Nick has been made aware of this information, I am making some assumptions that I would like a response to:

1. I assume that law enforcement is investigating
2. I assume the "local contact creator", Rick Snay, has been interviewed
3. I assume the individuals named, Aine and Kevin, have been interviewed
4. I assume law enforcement has demanded the return of the photographs in the possession of Rick Snay, Aine, and Kevin
5. I assume that Brad and Andy have provided the name of their staff member and the uninvolved third party to Nick for interview by law enforcement

I recall our communication back in December 2022 regarding an email from Andy to Brad which contained discovery information but was sent to the wrong "Brad" in Andy's address book. Has that individual been interviewed? Could that be the source of the leak?

I am also recalling a bill I received from Brad and Andy for duplication of exhibits by a vendor which I disallowed...is it possible that vendor is involved? Brad and Andy should share the name of that vendor and the date that vendor was hired to Nick and/or law enforcement for investigation as a possible source of the leak.

These local content creators are not journalists and have no right to claim any type of privilege. They should divulge to law enforcement who they got these photographs from to allow law enforcement to continue to investigate. The photographs must be returned to law enforcement. If they refuse to turn them over voluntarily, I will issue an order directing the immediate return or they will be subject to contempt of Court. That contempt will result in an immediate arrest and incarceration until such time as the photographs are returned. This is a drastic measure I should not have to take but will if necessary.

Each of you have numerous staff and assistants helping you with your work. I am also assuming that you all trust those individuals to maintain the integrity of the case and that you are confident none of those individuals are involved.

Please let me know at your earliest convenience what your thoughts are about moving forward.

J. Gull

**From:** Brad Rozzi <[brozzi30@yahoo.com](mailto:brozzi30@yahoo.com)>

**Sent:** Friday, October 6, 2023 4:13 PM

**To:** Frances Gull <[Frances.Gull@allensuperiorcourt.us](mailto:Frances.Gull@allensuperiorcourt.us)>; Nicholas McLeland <[nmcleland@carrollcountyprosecutor.com](mailto:nmcleland@carrollcountyprosecutor.com)>; ANDREW J. BALDWIN <[andrew@criminaldefenseteam.com](mailto:andrew@criminaldefenseteam.com)>

**Subject:** Leaked info

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Good afternoon judge. Andy and I wanted to touch base with you before the end of the work week. The issue revolves around the possibility that some of the crime scene photos have been leaked, so to speak, and are in the hands of the public. There is most certainly a photo of the "f tree" that is floating around in public. The photo itself, is not overly disturbing, but the concept that it is in the hands of the public is of concern.

Of greater concern is the fact that a local content creator, by the name of Rick snay, has apparently communicated to the public that he has copies of the crime scene photos. I am attaching a copy of the communication that was forwarded to one of our staff members by a an uninvolved third party. We just learned of this in the last hour. I immediately called Nick and informed him of the circumstance. Turns out, Nick has known about this for the past 24 to 30 hours or so. He informed me that they are looking into the matter.

The primary purpose of this email is to communicate our concerns with the situation. We most certainly, did not leak this information. We wanted to make sure we got out ahead of this and informed the court, as well as Nick, in the event these pictures found their way on the internet. This might be a circumstance which requires the courts attention. I say that in terms of conducting some inquiry into the source of this information leak. Otherwise, Andy and I are both available for a phone call if necessary. Nick informed me earlier that he too, is available for a phone call throughout the weekend, if necessary.

We await your response.

BR