



4. That the Defense team has continued this extrajudicial grandstanding throughout their motions including the Emergency Motion to Modify Safekeeping Order filed April 5<sup>th</sup>, 2023, and most recently with their Verified Motion for Immediate Transfer of Custody and the Motion for Frank's Hearing with attached memorandum in support, all filed on September 18<sup>th</sup>, 2023.
5. That the broadcasting of pretrial and trial proceedings create the same concerns, if not more, given that an attorney is immune from libel proceedings for statements made in open court.
6. That Defense counsel continues to use inflammatory language in pleadings, including statements that are simply not true, and there is no reason to think they will not continue to use supercilious language in court, designed as soundbites for recording on the national stage, for example the language used by Defense describing "the conditions under which Mr. Allen has been forced to endure are akin to that of a prisoner of war".
7. That the Defense has filed its 136-page Memorandum in Support of the Franks hearing in which only 13 pages refers to any allegations relevant to the question of a *Franks* inquiry. The remaining 90% of the Memorandum outlines its fanciful defense for social media to devour.
8. That the Defense has already moved for a change of venue, citing prejudicial publicity and if the Court were to allow broadcasting of pretrial hearings, that publicity would be pervasive and, as the Defendant notes, will be without boundaries given the world-wide interest in the proceedings.
9. That the State believes that the duty of managing the broadcast media that is imposed on the Court may become distracting, considering the number of media outlets that may

request access to the broadcast, the fact that the Judge is in an unfamiliar courtroom, the length and complexity of the case, the duty to protect the jurors identities and the sensitive content that will be presented at the trial and pretrial hearings.

10. That the State believes that these hurdles may also have a negative impact on the participants in the proceedings and impair the dignity of the trial.
11. That the Defense has already expressed its intent to attack not only the evidence, but the credibility of those who investigated the case, which will allow the Defense team to grandstand on camera about the imagined bad motives of the State actors. This is put on display in the Defense's Memorandum in Support of the Accused Motion for Franks Hearing, where the Defense spends much of its time disparaging not the evidence, but the State, the investigators and other State actors. This does nothing to increase public confidence in the system.
12. That given the layout of the courtroom, the State has concerns that with cameras in the courtroom, those cameras may broadcast the jurors, witnesses who are minors, attorney-client communications and materials on counsel's tables.
13. That the State believes the Defendant's statement that the jurisprudence in the State of Indiana will be scrutinized in a manner that is unusual and rare in Indiana Courts because of the circumstances surrounding this case is unprecedented.
14. That the Defendant's claim that the Community Relations Committee of the Judicial Conference of Indiana favored the COSCA article favorably is false. The COSCA article makes several recommendations to Courts on how to build public trust and confidence including expanding transparency, increasing social media presence, publishing summaries of court decisions directed to a general public audience and continued civics

education. A committee member mentioned the pilot program was highlighted in that article, not that the committee favorably considered the article.

15. That cameras have never been allowed in the Carroll County Circuit Court during any proceedings and the State has concerns about a case of this magnitude being the pilot case in which cameras are allowed to record proceedings.

16. That the Defense notes that the size of the courtroom lends itself to many onlookers, meaning that there is plenty of room for legacy press to attend and report the activities of the Court and in fact, the press has widely, accurately and without incident, covered the pretrial proceedings thus far without issue. There is no reason to believe that the media could not continue to effectively report to the public the pretrial proceedings and trial.

17. That having cameras in the Courtroom makes it difficult to have a separation of witnesses for any testimony that witnesses plan to give, and the State is concerned that witnesses may inadvertently violate any separation of witness order, due to the potential pervasiveness of media related to this case, creating issues with the admissibility or reliability of their evidence.

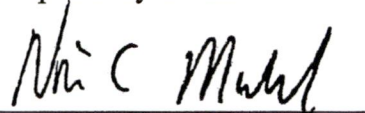
18. That broadcasting the evidence out to the public allows for the potential of members of the public seeing gruesome images of the deaths of two little girls while also seeing the toll that it takes on the family to see this tragedy play out in court.

19. That allowing cameras in such a highly-publicized and sensationalized case runs the risk of creating a circus atmosphere both in person and online, where 15-second clips taken out of context can race around the world in seconds, giving an inaccurate impression of the actual evidence and conduct of court proceedings.

20. That the allegations that the fact that the families have voluntarily taken to social media and other media outlets somehow abrogates their right to privacy is unfair. The family used those outlets to help generate tips and clues so that law enforcement could arrest the person responsible for this. That is a far cry from having the family members on camera as they relive the worst day of their lives and see evidence of this nature presented to the Court.
21. That the State does not agree with the Defendant's theory that having cameras in the courtroom will reduce unpredictable behavior from witness and other participants. The State believes that having cameras in the courtroom will give participants in the courtroom a nationwide platform to further their own agenda to build their brand, promote whatever platform they want and generally showboat, instead of focus on presenting the evidence in a professional concise manner.
22. That the pilot programs in Indiana were conducted prior to the popularity of artificial intelligence software that allows for the creation of "deep fakes" that intentionally and undetectably can alter the things that are said in court, giving the inaccurate impression of the actual business of the court. Given the highly sensationalized nature of the coverage on this case, this is a concern the court should consider in exercising its discretion.

WHEREFORE, the State would ask the Court to consider these points when making its decision on whether or not to broadcast future pretrial hearings and the trial in this matter.

Respectfully submitted.

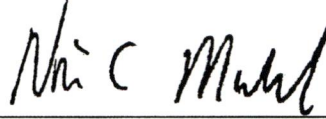


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CERTIFICATE OF SERVICE

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 efileing system and filed with Carroll County Circuit Court, this 25<sup>TH</sup> day of September, 2023.



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