

STATE OF INDIANA)
) CARROLL CIRCUIT COURT
) SS:
COUNTY OF CARROLL)

STATE OF INDIANA) CAUSE NUMBER: 08C01-2210-MR-000001
)
VS.)
)
RICHARD ALLEN)

STATE'S MOTION FOR LEAVE TO AMEND CHARGING INFORMATION


Comes now the State of Indiana by Prosecuting Attorney Nicholas C. McLeland, and hereby respectfully asks the Court for leave to amend the Charging Information filed in this cause on October 28th, 2022 and, in support therefor, does aver:

1. On October 28th, 2022, the State filed a Charging Information alleging these offenses:
Murder as outlined in Count I and Murder as outlined in Count II.
2. The Defendant was arrested on October 26th, 2022 by a detective with the Carroll County Sheriff's Department.
3. The probable cause affidavit executed by then Detective, now Sheriff Tony Liggett and filed by the State on October 28th, 2022, identifies acts of Murder on or about February 13th, 2017.
4. The discovery in this Cause also revolves around acts of Murder occurring in Carroll County on that date.
5. The Charging Information and the probable cause in this matter reflect the charge of murder under I.C. 35-42-1-1(2), commonly referred to as Felony Murder. Specifically that Richard Allen did kidnap Victim 1 and Victim 2 by force and in the process of committing that felony, both Victim 1 and Victim 2 were murdered.
6. The State hereby moves to amend the charging information to add additional counts which include Murder under I.C. 35-42-1-1(1) for both Victim 1 and Victim 2; along

with Kidnapping under I.C. 35-42-3-2(a) and I.C. 35-42-3-2(b)(2)(A) for both Victim 1 and Victim 2.

7. The State is asking the Court for leave to file these Amended Charges because the charges more accurately aligns the Charging Information with the cause's discovery and probable cause affidavit. See IND. CODE § 35-34-1-5(a)(1), (7), (9). Because of the clarity of the discovery and probable cause affidavit, the Defendant has been on notice since the beginning of this case.
8. That this amendment does not prejudice the Defendant's substantial rights.
9. That the trial for this matter is 9 months away, giving Defense adequate time to prepare to defend the amended charges.
10. That this amendment does not substantially change the State's theory of the case.


Wherefore, now comes the State of Indiana, by Prosecuting Attorney Nicholas C. McLeland, and prays the Court to grant the State leave to amend the Charging Information filed in this cause on October 28th, 2022 and for all other just and proper relief in the premises.



Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the Defendant's attorney of record, through personally delivery, ordinary mail with proper postage affixed or by service through the e filing system and filed with Carroll County Circuit Court, this 18th day of January, 2024.



Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney