

STATE OF INDIANA) IN THE CARROLL CIRCUIT COURT
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COUNTY OF CARROLL) CAUSE NO. 08C01-2210-MR-00001

STATE OF INDIANA)
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RICHARD ALLEN)

VERIFIED MOTION FOR CHANGE OF VENUE FROM THE COUNTY

Comes now the accused, Richard Allen, by and through counsel Brad Rozzi and Andrew J. Baldwin and pursuant to Criminal Rule 12(A) of the Indiana Rules of Criminal Procedure, requests that this court change venue from Carroll County.

In support of said motion, the accused and his counsel swears and affirms the following:

1. On October 28, 2022 the State of Indiana filed a probable cause affidavit and charging information alleging that Richard Allen murdered “Victim 1 and Victim 2” on or about February 13th, 2017.
2. That the allegations stem from the highly publicized death of two Carroll County teenagers.
3. That even before Richard Allen had been accused of these crimes, the matter had been highly publicized.
4. The extensive media attention began while the victims were missing.
5. The extensive media attention continued after the victims were found.
6. The extensive media attention continued for the next 80 months (5+ years) in a variety of formats, until Richard Allen was arrested:
 - a. Coverage on local, statewide, and national television media.
 - b. Coverage on local, statewide and national print media.
 - c. Coverage on several podcasts that reach local, state, national and international audiences.

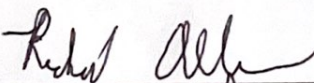
- d. Coverage on the internet in a variety of social media platforms, including Twitter, Reddit, YouTube and Facebook.
7. The media coverage included multiple press conferences by state and local authorities, including press conferences in which the elected prosecutor participated.
8. The extensive media attention continued after Richard Allen was arrested, including the following:
 - a. Coverage on local, statewide and national television media.
 - b. Coverage on local, statewide, national and international print media.
 - c. Coverage on a variety of social media platforms, including Twitter, YouTube, Reddit and Facebook.
9. After the arrest of Richard Allen, a press conference was held by state and local authorities.
10. Although it could be argued that the amount of publicity that this particular case has received in the past 5+ years will make it difficult to find a jury that has not heard of this case, Richard Allen's defense team has gleaned statistical data that would strongly indicate that moving the case/trial just 150 miles away would significantly reduce the likelihood of obtaining a tainted jury pool.
11. That since his arrest, data procured from "Google Trends" and "Google Ads" details the amount of internet interest through Google searches for "Richard Allen" and the data is quite telling:
 - a. During the month of October, the search for "Richard Allen" in Carroll County ranged between 1,000 and 10,000 searches for a county with just over 20,000 residents.
 - b. On average, around one in every two (50%) of Carroll County residents have conducted on-line searches of Richard Allen during the month of October following his arrest.
 - c. Comparatively speaking, Fort Wayne is a city with over 260,000 residents, roughly thirteen times the size of Carroll County. In the month of October, following his arrest, the average monthly searches for "Richard Allen" in Fort Wayne ranged between 1,000 and 10,000 searches.

- d. On average, therefore, 1 in every 26 (3.8462%) residents in Fort Wayne have performed an on-line search of “Richard Allen” compared to one in every two (50%) residents of Carroll County conducting the same internet search of “Richard Allen” after his arrest.
 - e. Fort Wayne is less than 100 miles from Delphi but in that 100 miles, internet searches fell from roughly 50% of residents in Carroll County googling “Richard Allen” to less than 5% of residents googling “Richard Allen. This would mean that Carroll County residents have searched “Richard Allen” over ten times more often than those residents in Fort Wayne, a city less than 100 miles from Delphi. Presumably, jury pools from counties even farther away would have searched “Richard Allen”
12. In addition, according to various sources, as many as 300 people were actively involved in the search of the two victims while they were missing.
 13. The 2022 population of Delphi Indiana is under 3,000 residents and therefore it may be the case that as much as roughly 10% of the Delphi population was actively involved in participating for the search of the victims and presumably, therefore, arguably heavily invested in the matter and the outcome of the case.
 14. Those involved in the search for the victims, in addition to showing a strong investment in the case, arguably could be called as witnesses, or (at a minimum) their involvement in the search should prevent them from serving on the jury as they may have information concerning the layout of the area searched that could infect the jury, and have opinions based upon their involvement in the search for the victims.
 15. Additionally, arguably any of the family and friends of anyone involved in the search for the victims could be tainted as well from serving on a jury.
 16. Additionally, many Carroll County residents have been involved in some aspect of this case, whether it be in an investigative capacity (police), or as fact-witnesses that could be called as witnesses in the case, or those that searched for the victims, or residents who simply are interested in the matter and have conducted their own independent investigation.
 17. Additionally, because of the small number of residents in Carroll County, juxtaposed against the large percentage of the population that may have been involved in one of the capacities detailed in the previous paragraph, the likelihood for a tainted jury pool is excessive.

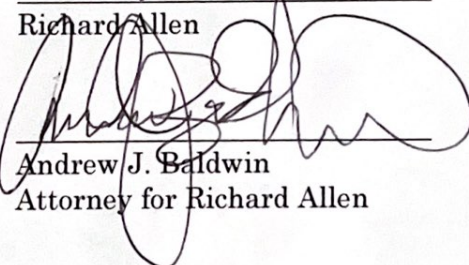
18. During the five years following the disappearance of the victims, the Indiana State Police and other law enforcement agencies established an active command post in Delphi to conduct interviews and press conferences, all of which increased the interest in the investigation. This increased exposure lends itself to the tainting of jurors and increased possibility of a biased jury panel.
19. While it is impossible for the defense to accurately predict (having received only minimal discovery), it is likely that the law enforcement investigation has conducted possibly hundreds of interviews of potential witnesses and other community members that may or may not have information regarding the crime. Again, the raw number of people in the Carroll County community directly or indirectly involved with the investigation, juxtaposed with the small number of residents in Carroll County, render it impossible to find jurors without connection to the case or to someone involved in the case or without pre-conceived notions about Richard Allen's guilt or innocence.
20. Presumably, residents from other counties around Indiana (especially further away from Carroll County) will not include any residents who are fact witnesses or friends and family of fact witnesses or those involved in the investigation or those that have conducted their own investigation or participated in the search of the victims or who have entrenched opinions on the case based upon, in part, their knowledge of witnesses or facts from the case.
21. It is common sense to presume that residents from counties further away from Carroll County will not have the same level of investment in the case and therefore will be able to more fairly decide the matter without concern about how their verdict may affect their relationships with other Carroll County residents.
22. Additionally, the amount of media coverage of the case has been so extensive that the Court was compelled to engage numerous law enforcement personnel to ensure the safety and security of all actors, including the accused, from any actual or perceived threats of harm that surrounded a somewhat simple pretrial hearing in this case. Subjecting potential jurors to such an environment in what may be a multi-week trial would undoubtedly distract jurors to a point that impartiality could not be obtained.

23. Additionally, the fact that the prosecutor requested that the probable cause affidavit be sealed, and that the original sitting judge sua sponte recused himself from the case, is anecdotal evidence that both the prosecutor and prior judge also recognize the magnitude of interest and publicity in this case and the practical problems associated with the interest and publicity in Carroll County.
24. Additionally, Richard Allen was a community member who, for many years, worked at CVS in Delphi. As CVS is the type of business that is commonly visited by the general public, Richard Allen would have come in close contact with many of the Delphi and Carroll County citizens, creating another real concern of a high probability of bias among potential jurors in Carroll County.
25. That Richard Allen's defense team believes the best means to avoid a tainted jury pool and to receive a fair venire for both sides would be to venue the matter to a county at least 150 miles from Carroll County and to conduct the jury trial in the chosen county.

I swear under penalties of perjury that the statements contained in this pleading are true and accurate to the best of my knowledge.



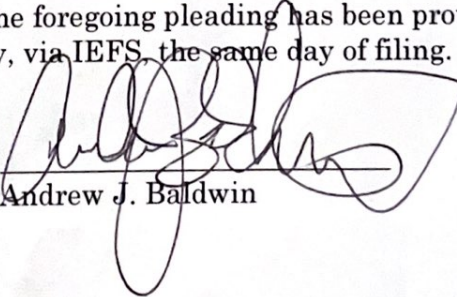
Richard Allen



Andrew J. Baldwin
Attorney for Richard Allen

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing pleading has been provided to all counsel of record for the opposing party, via IEFS, the same day of filing.



Andrew J. Baldwin