

STATE OF INDIANA)
) SS: IN THE MARION COUNTY SUPERIOR COURT 32
COUNTY OF MARION) CRIMINAL DIVISION

STATE OF INDIANA)
)
 v.)
) CAUSE NO. 49D32-2004-MR-013622
ELLIAHS LAMAR DORSEY)

STATE’S MOTION TO DISMISS REQUEST FOR DEATH SENTENCE

Comes now the State of Indiana, by its Deputy Prosecuting Attorney Robert Beatson, and moves to dismiss the Request for Death Sentence filed under this cause on January 26, 2021. In support of its Motion, the State notes the following:

1. On April 14, 2020, the State charged Defendant with the murder of IMPD Ofc. Breann Leath in addition to the attempted murder of three other IMPD officers and one civilian.
2. On January 26, 2021, the State filed a Request for Death Sentence under I.C. 35-50-2-9(b)(6)(A), alleging as an enhancing circumstance that Defendant committed the murder of Breann Leath while she was acting in the course of her duty as a law enforcement officer.
3. On May 24, 2023, Defendant filed a Verified Motion to File Belated Notice of Insanity Defense.
4. Indiana law requires a notice of insanity to be filed not later than 20 days before the omnibus date, which in this case was June 30, 2020.
5. In his Belated Notice of Insanity Defense, Defendant cited the COVID-19 pandemic, the need to conduct clinical evaluations, and the gradual development of the attorney-client relationship as the basis for exceeding the filing deadline by 1,078 days.
6. Under I.C. 36-36-2-2(c), once a defendant files notice of an insanity defense, the court must appoint two or three expert witnesses to examine the defendant and testify at trial.
7. On September 1, 2023, the Court finalized the appointment of two doctors to evaluate Defendant.
8. On September 6, 2023, the State received from defense counsel medical records related to Defendant’s incarceration in the Marion County Jail and the Department of Correction.
9. On November 6, 2023, the State received the first court-appointed doctor’s evaluation; the second court-appointed doctor’s evaluation was received on December 1, 2023.
10. The United States Constitution forbids the execution of mentally ill defendants.
11. After reviewing the psychiatric evaluations prepared by the Court-appointed doctors, the State has determined that Defendant is constitutionally ineligible to receive the death penalty.

12. However, Defendant's psychiatric history does not prohibit the State from prosecuting him for Murder and Attempted Murder.

Respectfully submitted,

/s/ Robert Beatson
Robert Beatson, 31221-49
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that a complete and accurate copy of the foregoing was served upon Defendant's counsel via the Public Defender Agency's mailbox; by U.S. Mail, postage prepaid and properly addressed to the attorney of record; or by electronic service pursuant to Indiana Rules of Trial Procedure Rule 86, this date of filing.

/s/ Robert Beatson
Robert Beatson
Deputy Prosecuting Attorney
251 E. Ohio St., Ste. 160
Indianapolis, IN 46204
(317) 327-3522