

STATE OF INDIANA)
)ss:
COUNTY OF CARROLL)

STATE OF INDIANA)
)
vs.)
)
RICHARD M. ALLEN)

IN THE CARROLL CIRCUIT COURT

CAUSE NO. 08C01-2210-MR-000001

VERIFIED MOTION FOR IMMEDIATE TRANSFER OF CUSTODY

Comes now the Defendant, Richard M. Allen, by Counsel, Bradley A. Rozzi and Andrew J. Baldwin, and in support of their Verified Motion for Immediate Transfer of Custody, Counsel Rozzi and Baldwin swear and affirm to the following:

1. Pursuant to the Charging Information filed on or about October 28, 2022, Richard M. Allen is currently facing two Counts of Felony Murder;
2. On November 3, 2022, the Honorable Benjamin A. Diener, Judge of the Carroll Circuit Court, issued a Court Order which has been previously referred to, in this cause, as the "Safekeeping Order." Pursuant to the Safekeeping Order, the Carroll County Sheriff relinquished jurisdiction of Defendant Allen's care and custody to the Indiana Department of Corrections;
3. Shortly after the Safekeeping Order was entered, Defendant Allen was transported to the Westville Correctional Facility and jailed in the maximum security unit within the confines of Westville Correctional Facility. Defendant Allen has remained incarcerated in said unit, continuously, since November of 2022;
4. Counsel for Defendant Allen have previously requested that Defendant Allen be removed from the Westville Correctional Facility on the basis that Defendant Allen has been exposed to conditions far more harsh than those of other pre-trial detainees across the State of Indiana. In its Order of July 19, 2023, the Court denied Counsels' request for transfer and in fact, found that Defendant Allen was being "treated more favorably than other inmates housed at the Westville Correctional Facility." Counsel for Defendant Allen believe that it is improper to compare Defendant Allen's circumstances with those of other offenders who have been

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convicted of crimes such as murder, rape, child molesting, and Robbery, to mention a few. Defendant Allen's incarceration in the maximum security unit has exposed him to the most isolated conditions an offender can be subjected to while imprisoned. Moreover, the unit wherein he is currently being isolated is designed for the sole purpose of segregating and punishing the worst and most heinous offenders in our prison system. As an innocent man, Defendant Allen cannot be classified as such. Attorney's for Defendant Allen have discovered additional circumstances which lend support to the unjust and inhuman conditions under which Defendant Allen has been detained for the past 9 months;

5. Simultaneously herewith, Defendant Allen's Attorneys have filed various pleadings including, but not limited to, a Motion for Frank's Hearing (hereinafter "Frank's Notice"). Within the Frank's Notice and supporting Memorandum, Defendant Allen's defense offers up numerous facts and circumstances which connect members of the *Son's of Odin* (a/k/a Odinites/Odinism/Vinlanders and various other splinter groups), a white supremacist group, to the murders of Abigail Williams and Libby German. A large majority of the facts and circumstances referenced in the Frank's Notice and supporting Memorandum were obtained through the normal course of discovery, from law enforcement files. It is, however, notable that there have been very few, if any, references by law enforcement authorities to these Odinistic ties, throughout the six year investigation in this case. Said information was noticeably absent from the Probable Cause Affidavit filed with this Court on October 28, 2022, which supported the search of Defendant Allen's home. Counsel incorporates herein, all references to the Son's of Odin/Odinites/Odinism/Vinlanders, etc., referenced in the Frank's Notice and supporting Memorandum;

6. Allen's defense team, including Andrew Baldwin, Matt Hoffman, Max Baker, and undersigned Counsel, have visited Westville Correctional Facility on a number of occasions dating back to the winter of 2022. During one of the initial visits to the maximum security unit, members of the defense team noticed the presence of unusual patches on the uniforms of two prison guards, Sgt. Joshua Robinson and Sgt. Randy Jones. One patch, consistently worn by Sgt. Jones, reads as follows: "In Odin

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We Trust.” Counsel has also observed patches containing three interconnected triangles on the chest of Sgt. Jones. Sgt. Robinson has worn similar patches with Odinistic references. As mentioned in the Frank’s Notice and supporting Memorandum, these patches, with their references and symbols, have direct ties to the practice of Odinism;

7. Members of the defense team have also observed patches on other guards during visits to the facility. Because of the very limited contact and brief interactions, it has been difficult to document and even corroborate the actual words and symbols on these patches;

8. Through the discovery process, defense counsel has sought out, from the DOC, video footage from Defendant Allen’s cell and video of many of the movements of Defendant Allen within the facility. To date, the defense has received video from November of 2022, as well as additional footage from April, May, and June of 2023. A great number of the videos reflect that Sgt. Jones is commonly assigned to the movements of Defendant Allen in and around the facility;

9. On Tuesday, May 30, 2023, Attorney Rozzi, assistant Max Baker, and Kathy Allen visited with Defendant Allen at the Westville Correctional Facility. The visit occurred in the traditional visitation room used by other inmates. The DOC officials cleared the room so that only Defendant Allen, his defense team, his Wife, and DOC employees were present. During the visit, Sgt. Jones stationed himself within fifteen feet from Defendant Allen as he (Allen) and his Wife were allowed to communicate with each other from opposite sides of the table. Sgt. Robinson was also present for the transport of Defendant Allen from the visitation room. There was no privacy afforded to Defendant Allen and his Wife during this visit. The room was nearly empty and therefore, there was no background noise of any kind to offer up any sense of privacy to Defendant Allen and his Wife. Sgt. Jones remained at his post during the entire visit, within earshot of Defendant Allen and his Wife;

10. As stated, Allen’s defense team received videos from the Indiana Department of Corrections illustrating interactions between prison guards and Mr. Allen during his incarceration. One such video represents an incident which appears to have occurred between May 18, 2023, and May 25, 2023. In the video (labeled as

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M2U01136), Sgt. Jones can be seen warning Defendant Allen that he will be tased if he (Allen) does not remove his hands from the cuff port in the door of Defendant Allen's cell. Defendant Allen did not remove his hands from the cuff port which resulted in Sgt. Jones deploying his taser to Defendant Allen's hands. No "use of force check-off sheet" was completed as it appeared from the communications between the Officers that Sgt. Jones did not believe that Defendant Allen was actually struck with the taser. The issue of whether or not he was struck by the taser is of no consequence. At no time during this altercation was Defendant Allen posing any safety risk to any of the Officers involved or any of the other inmates housed in the facility. Defendant Allen was securely locked in his cell (within the most secure unit in Westville Correctional Facility) and the only aspect of non-compliance involved Defendant Allen's hands sticking outside of the small rectangular sleeve, in the cell door, that is used to exchange food, medications, and other items with the inmate;

11. There exists a second video (labeled as M2U01106) which appears to have been taken between the dates of May 9, 2023, and May 15, 2023, wherein Defendant Allen is locked securely in his cell¹. Prison guards appear to be removing handcuffs from Defendant Allen, presumably, after transporting Defendant Allen back to his cell from some other location within the facility. While it is difficult to tell, it appears that Sgt. Jones may have been present during the incident. Either way, an unknown Officer deploys his taser striking Defendant Allen's hands. Again, there was no safety threat being posed by Defendant Allen at the time of the tasing incident;

12. On April 28, 2023, DOC Inmate, Robert P. Baston, while housed in the maximum security unit at Westville Correctional Facility, filed a letter with the Court. Within this correspondence, Inmate Baston claimed, in pertinent part, the following: "there are corrupt officers and ranking officers calling Richard Allen a kid killer, teasing him that he has a visit from his family,..." On Friday, August 4, 2023, Attorney Rozzi and Assistant Baker visited with Inmate Baston at the Westville Correctional Facility. During said visit, Inmate Baston told both Rozzi and Baker that Sgt. Joshua

¹ Counsel offered up to the Court, an electronic copy of this videos referenced in paragraphs 10 and 11 above, at the time of filing of this Motion.

Robinson is one of the guards that was playing a prank on Defendant Allen. At the time of this meeting, Inmate Baston was unaware of any concerns that the defense team had regarding Son's of Odin and their involvement in this case. **See Affidavit of Max Baker attached to the Frank's Notice;**

13. The defense team has sought out and offers up, herein, a DOC video (labeled as M2U01026) that appears to have been recorded between April 17, 2023, and April 21, 2023². During the video, Defendant Allen is being transported to a location within the maximum security unit to get a haircut. During the transport, an unidentified prison guard is walking Defendant Allen on a leash. Sgt. Jones can be seen in the same video. At approximately 2 minutes and 17 seconds into the video, the unknown officer with the leash reaches up to his right chest area and removes a patch from his uniform placing the patch in his pocket. It appears from the video that someone, most likely the individual holding the video camera, prompted the unknown officer's actions. Counsel has been unable to identify the specific officer involved or the contents on the patch and therefore, cannot confirm that said behavior is directly linked with the Odinistic practices referenced herein. However, one need not have a degree in rocket science to conclude that staff members are attempting to conceal obviously unacceptable practices, within the secured walls of the maximum security unit;

14. Defense Counsel began taking depositions in this cause during the week beginning August 7, 2023. During that week, Counsel deposed both Sheriff Liggett and Detective Jerry Holeman. It was during these depositions that Defense Counsel first raised issues and offered up exhibits pertaining to the Son's of Odin/Odinism and its obvious ties to these crimes. Thereafter, Counsel visited Defendant Allen on two different occasions since Allen's Defense team put the State of Indiana and its investigating officers on notice of the Odinistic ties to this case. The visits occurred on August 17, 2023, and again on August 25, 2023. During the August 25th visit, Attorney Rozzi observed that Sgt. Robinson no longer had a patch on his chest. This change of circumstance is likely more than coincidental. It could easily be inferred from these circumstances that prison officials are now aware of the Odinistic ties to this case and

² Counsel offered up to the Court, an electronic copy of this video at the time of filing of this Motion.

have instructed their guards and other staff members to remove/conceal their patches during video tapings of Defendant Allen's movements within the facility as well as during visits by members of the defense team;

15. On June 13, 2023, this Court conducted a hearing on various issues including, but not limited to, the Safekeeping Order. At that hearing, Sheriff Liggett testified that he had made a visit to the Westville Correctional Facility and insinuated that it had been several months prior to the June hearing but could not remember the exact date. In his deposition of August 8, 2023, Sheriff Liggett then acknowledged that he had visited the Westville Correctional Facility, in the company of Trooper Holeman and Investigator Steve Mullin, sometime in late 2022 or early 2023, but he couldn't recall the exact month of the visit. **See p. 44 - lines 24-25 and p. 45 - lines 21-22 in the attached deposition transcript of Sheriff Liggett.** It appears there were ties between the Carroll County Sheriff's Department and the Westville Correctional Facility, despite the issuance of the Safekeeping Order, which otherwise divested the Carroll County Sheriff's Department of its jurisdiction over the custody Richard Allen. That is to say that the Carroll County Sheriff's Department has a vested interest in Defendant Allen's continued incarceration in and amongst a culture which appears to be ripe with Odinistic connections;

16. Of further concern is the fact that there exists literature, such as a 1998 Article from the Southern Poverty Law Center titled "New Brand of Racist Odinist Religion on the March," which focuses on the growth of the neo-Pagan white supremacist group within prison systems across the country. New Brand of Racist Odinist Religion on the March | Southern Poverty Law Center (splcenter.org)³ A local news article published by WRTV Indianapolis titled "These are the hate groups operating in Indiana" (published on November 18, 2016), identified many of the hate groups and other extremists who were operating within the State of Indiana. These are the hate groups operating in Indiana (wrtv.com)⁴. Many of these are associated with the Odinism and/or splinter groups such as the Soldiers of Odin, Vinlanders, etc. The

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³ Counsel has attached hereto, a hard copy of the referenced SPLC article.

⁴ Counsel has attached hereto, a hard copy of the article published by WRTV Indiana.

United States Supreme Court, in 2005, issued a ruling in *Cutter v. Wilkinson*, 544 U.S.709 (2005), wherein the Justices found that prisons must accommodate unusual faiths such as Odinism. See **Southern Poverty Law Center Article Titled "Supreme Court Requires Prisons Give Special Consideration to Racist Pagans", August 21, 2009⁵**. There can be no doubt that prisoners with Odinistic beliefs and practices continue to grace the halls of our prison system today;

17. On Wednesday, August 23, 2023, Attorney Rozzi deposed an Indiana State Trooper (hereinafter referred to as "Trooper X") who has served for many years on task forces and as an undercover agent, infiltrating hate groups in our state. Trooper X was sought out and consulted by law enforcement investigators in this case for his/her expertise with Odinistic practices and activities within Indiana. During the deposition, Trooper X acknowledged that Odinism consisted of two types, the good and the evil. Said Trooper further confirmed that he/she was aware of the existence of the evil side of Odinism operating within the prison system in Indiana. See depo transcript attached hereto, pages 28-31⁶. Is it possible that Westville Correctional Facility has cleansed itself of any such prisoners and any activity of this sort? Not likely. Moreover, to the extent there is an innocent explanation for the Odinistic content on the patches, it is not unfair to ask why guards would be permitted to advertise and promote the views of such a radical hate group in an environment where inmates routinely associate with the very same evil belief system. And by extension, one might opine as to why guards assigned to Defendant Allen happen to be there very same guards advertising the Odinistic patches on their chest;

18. Attorneys for Richard Allen request that his safety be prioritized and that he be removed from an environment that approves of and promotes the Odinistic brand. Counsel further requests that he be transferred to a correctional facility, such as the White County Jail, where he was previously housed without incident. In the alternative, Counsel requests that Defendant Allen be transferred to the Cass County Jail where he

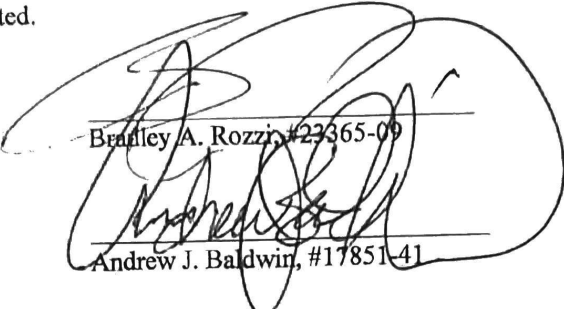
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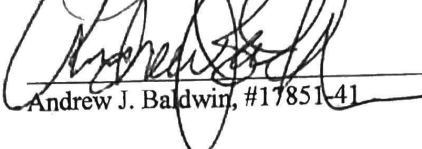
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⁵ Counsel has attached hereto, a hard copy of the referenced SPLC article.

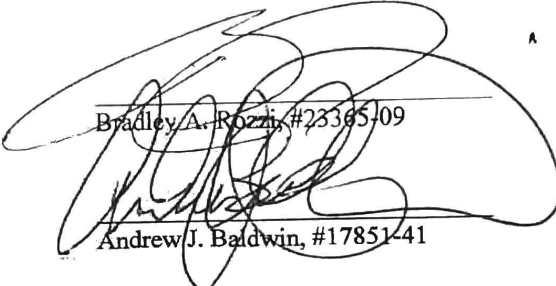
⁶ Counsel has attached hereto, copies of pages 28-30 of Trooper X's deposition transcript and intentionally omitted the name of an individual, not otherwise referenced in the Frank's Notice or Memorandum, in an effort to maintain Trooper X's identity. The omissions are found on page 29 – line 5 and on page 29 lines 16 and 17.

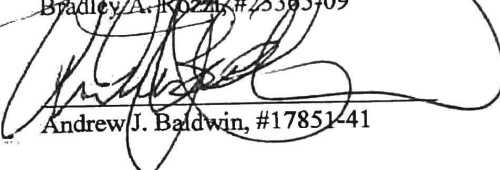
could be housed in a more modern and suitable jail, one designed and intended to house pre-trial detainees (those presumed by our Constitution to be innocent) until the charges in this case are fully adjudicated.


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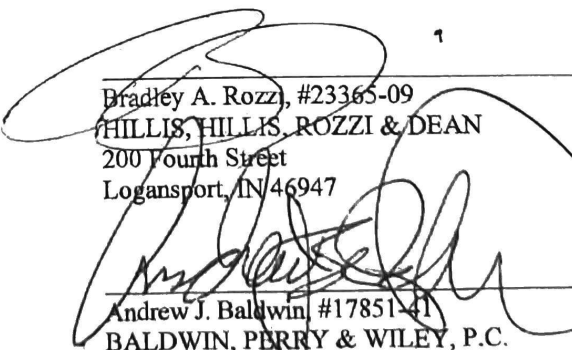
I swear and affirm under the penalties for perjury that the foregoing representations are true.


Bradley A. Rozzi, #23365-09

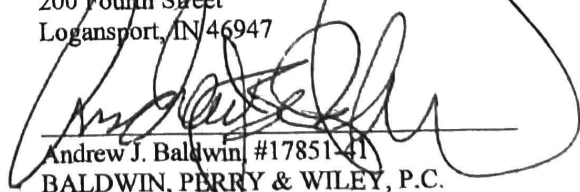

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CERTIFICATE OF SERVICE

I certify that I have served a copy of this document by the County e-filing system upon the Carroll County Prosecutor's Office the 18 day of September, 2023.


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