

STATE OF INDIANA            )                    IN THE CARROLL CIRCUIT COURT  
  )ss:  
COUNTY OF CARROLL        )                    CAUSE NO. 08C01-2210-MR-000001

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

**VERIFIED NOTICE OF CONTINUING REPRESENTATION**

Comes now, Attorney Bradley A. Rozzi, Counsel for Richard M. Allen, and in support of his Verified Notice of Continuing Representation, now swears and affirms as follows:

1. On November 14, 2022, Counsel entered his Appearance on behalf of Richard M. Allen. Counsel has engaged in the continuous representation of Defendant Allen since that date and time;

2. On October 12, 2023, the Court communicated with Prosecutor McLeland, Attorney Rozzi, and Attorney Baldwin at which time the Court ordered Attorneys Rozzi and Baldwin to “cease work on Mr. Allen’s case” until the parties were set to appear in Court on October 19<sup>th</sup>, 2023. The chilling effect of the Court’s emailed order was to essentially strip Defendant Allen of his Sixth Amendment Right to representation and essentially, disarmed Attorneys Rozzi, Baldwin and Defendant Allen during the week leading up to the scheduled “hearing” which was ordered by the Court, *sua sponte*;

3. In an October 17, 2023, email, Attorney Rozzi requested a conference to determine “what we [the Court, Prosecutor, and Defense Counsel] are trying to accomplish on Thursday, especially in terms of what is expected of us while we are on the record in open court?” In response, the Court ordered both the defense and Prosecutor to appear in-chambers at 12:30 p.m. on October 19;

4. On October 19, 2023, Attorneys Rozzi and Baldwin appeared at

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the Allen County courthouse in advance of the 2:00 p.m. hearing. This was prompted by Attorney Rozzi requesting that the parties communicate, in advance of the scheduled “hearing.”

5. Attorneys Rozzi and Baldwin appeared in-chambers on the 19<sup>th</sup> at approximately 12:30 p.m. at which time the Prosecution was present. Attorney Rozzi is of the understanding that the Court Reporter secured an audio recording of the in-chamber conference which took place in two parts;

6. The Court first conducted business as it related to several pending Motions by communicating with the parties and issuing rulings on said Motions;

7. The Court then read a prepared statement to Attorneys Rozzi and Baldwin identifying various issues throughout the case through which Attorneys Rozzi and Baldwin exercised “gross negligence” in carrying out their responsibilities as counsel for Defendant Allen. The Court then suggested that Attorneys Rozzi and Baldwin engage in a discussion, outside of chambers, regarding the allegations. Attorneys Rozzi and Baldwin asked for clarification at which time the Court communicated to Attorneys Rozzi and Baldwin that there were two distinct options: 1) either voluntarily withdraw their Appearances and exit the courthouse in advance of the hearing, or, 2) participate in the 2:00 p.m. hearing in the courtroom where a media camera was installed, the national media was present, and the law enforcement community was seated in the jury box directly behind defense counsel table, at which time the Court would read the prepared statement into the record and then disqualify both Attorney Rozzi and Attorney Baldwin in the presence of Defendant Allen, his family, and the general public;

8. After waiting approximately one-half of an hour for Defendant Allen to arrive at the courthouse, Attorney Rozzi and Attorney Baldwin communicated with Defendant Allen regarding the stark choice the Court had offered in chambers.

Defendant Allen re-affirmed his desire to move forward under the representation of Attorney Rozzi and Attorney Baldwin.<sup>1</sup> As of October 24<sup>th</sup>, Defendant Allen objects to the Court’s attempts to strip him of his current counsel, Attorneys Rozzi and Baldwin;

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<sup>1</sup> On October 12, 2023, Attorney Rozzi filed correspondence with the Court. Said correspondence contained a letter dated October 11, 2023, signed by Defendant Allen, wherein Defendant Allen acknowledged that he was aware of the issues regarding crime scene photos that were stolen from

9. After speaking with Mr. Allen, Attorney Rozzi and Attorney Baldwin then returned to chambers at which time Attorney Rozzi articulated to the Court that the Court had engaged in an ambush of Defense counsel, entirely void of due process, and that Attorney Rozzi would withdraw his Appearance, but that said withdrawal was not a voluntary withdrawal because the Court made clear that if Attorney Rozzi did not agree to withdraw, the Court would publicly shame him in front of the world and his client before forcing him off the case by disqualifying him.;

10. All of the events in chambers occurred without any formal allegations of contemptuous behavior by Attorneys Rozzi or Baldwin, without any pending pleadings requesting disqualification of defense counsel, and without any pending disciplinary complaints with the Indiana Supreme Court's Disciplinary Commission;

11. In total, Attorneys Rozzi and Attorney Baldwin have practiced law, in the State of Indiana, for more than 50 years without a single substantiated finding of a disciplinary action against either;

12. At no time while in-chambers did the Court ever articulate to either Attorney Rozzi or Attorney Baldwin that their conduct compromised Defendant Allen's defense in any way. In fact, Defendant Allen himself, doesn't believe this to be the case;

13. There are no bona fide facts or circumstances wherein Attorney Rozzi engaged in *gross negligence* nor was there any showing that any conduct by Attorney Rozzi resulted in negative consequences to another party, i.e., Defendant Allen. In sum, Attorneys Rozzi and Baldwin did nothing to compromise Richard M. Allen's defense;

14. Attorney Rozzi's oral acquiescence to withdraw his appearance as Defendant Allen's attorney was forced, coerced, and driven only by the circumstances created by the Tribunal which delivered two terrible options: quit or be shamed in public before being "disqualified" from representing Mr. Allen;

15. The Court's pre-meditated ambush of the Defense, placed Attorneys

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Attorney Baldwin's office and desired that Attorney Rozzi and Attorney Baldwin continue on with their representation of him.

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Rozzi, Baldwin and the client, Richard Allen, in a most compromising position. The trial Court's stated intention to read a prepared statement criticizing defense counsel created an impossible ethical bind. If counsel did not agree to withdraw in chambers, the trial Court would publicly disparage their representation of the accused, framing their advocacy on his behalf as "gross negligence," casting both counsel and the merits of their client's defense in a negative light. This public statement and circumstance created by the trial Court risked tainting the jury pool, harming their client's defense, undermining their professional relationship with the client, and possibly creating an actual conflict for their continued representation;

16. The Jury Trial in this matter is set to commence on January 8<sup>th</sup>, 2024, a full 1 year and 3 months after the arrest of Defendant Allen. The appointment of successor attorneys will prejudice Defendant Allen by and through further delays in his case and trial. If however, Attorney Rozzi moves forward with his representation of Defendant Allen, there will be no need for two newly appointed attorneys to dedicate hundreds and thousands of hours toward a mere review of the discovery (which continues to pour in as recent as late September). There will be no need to marshal all the discovery and return it to the prosecution. There will be no need to bring up to speed, new staff members, investigators, and possibly, a new set of experts to address the many complicated issues that have already been addressed by the Defense. A new defense team would likely result in a shifting of the strategy and approach of Allen's current defense team, which in turn would further delay and compromise Richard Allen's defense. Finally, any successor lawyer would have the convenience of working with Attorney Rozzi to become familiar with the subject matter in a much more efficient and fiscally responsible way. All these truths weigh in favor of Richard Allen's choice to maintain Attorney Rozzi as his counsel of record;

17. There are no circumstances under Rule 1.16 of the Indiana Rules of Professional Conduct which warrant the withdrawal of Attorney Rozzi's representation of Defendant Allen;

18. Attorney Rozzi notices up this Court of his intention to move forward with the representation of Defendant Allen until a final disposition of this matter.

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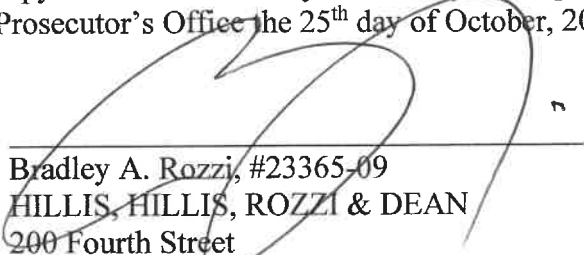
I swear and affirm under the penalties for perjury that the foregoing representations are true.



Bradley A. Rozzi, #23365-09

**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 25<sup>th</sup> day of October, 2023.



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