

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

MOTION FOR CONTINUANCE

Comes now the Defendant, Richard M. Allen, by Counsel, Bradley A. Rozzi, and respectfully requests that this Court continue the October 31, 2023, hearing set in this cause. In support of said Motion, Defendant Allen states as follows:

1. Counsel for Defendant Allen is unable to locate any specific Order wherein the Court scheduled the initial October 31, 2023, hearing date nor is there any Order which articulates exactly what matters were to be addressed and how much time was to be set aside to address said matters;

2. However, Counsel does acknowledge that there have been discussions between the Court and lawyers regarding the October 31, 2023, hearing date and the possibility of the Court conducting a hearing on the pending suppression Motions filed by Defendant Allen;

3. On September 18, 2023, Defendant Allen filed his Motion for Franks Hearing. The Court has yet to issue a ruling on said Motion;

4. On October 2, 2023, Defendant Allen filed his Supplemental Motion for Franks Hearing. The Court has yet to issue a ruling on said Supplemental Motion;

5. On October 3, 2023, Defendant Allen filed an additional Franks Notice. The Court has yet to issue a ruling on the issues raised in said Notice;

6. On or about October 14, 2023, this Court ordered Defendant Allen's defense team to cease all work on Defendant Allen's behalf and therein prohibited Counsel from engaging in preparation for the October 31, 2023 suppression hearing or any other matters associated with this case;

7. On October 19, 2023, the Court engaged in actions which resulted in the Court ordering the oral withdraw of Attorney Baldwin from this cause;

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8. Attorney Rozzi remains the only active attorney of record in this cause;
9. On or about October 25, 2023, Attorney Rozzi filed a Motion to Disqualify.

Attorney Rozzi believes that a full and final disposition on the Motion to Disqualify should take precedent over the issuance of any rulings on the Franks motions, the disposition of the pending suppression matters, and any other matters of substance which are currently before the Court;

10. Further, Defendant Allen believes that any suppression hearing in this cause will require more than one day of the Court's time and will require the appearance of witness, which most certainly, cannot be secured between now and October 31, 2023; and

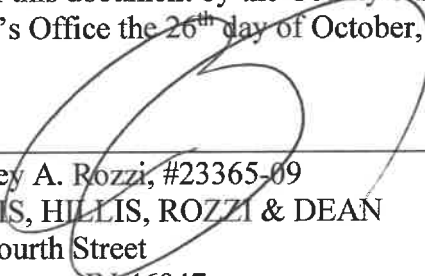
11. It is for these reasons that Defendant Allen requests that the hearing on October 31, 2023, be continued to a date and time following a full and final disposition of the Motion to Disqualify filed on October 25, 2023, and for all other just and proper relief in the premises.



Bradley A. Rozzi, #23365-09
Attorney for Defendant

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 26th day of October, 2023.



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