

IN THE
SUPREME COURT OF INDIANA
CASE NO. 23S-OR-311

STATE OF INDIANA ON THE)	
RELATION OF RICHARD ALLEN,)	
)	
Relator,)	
v.)	CAUSE NO. 08C01-2210-MR-000001
)	
THE CARROLL CIRCUIT COURT)	
and THE HONORABLE FRANCES)	
C. GULL, SPECIAL JUDGE,)	
)	
Respondents.)	

**RELATORS’ MOTION FOR LEAVE TO FILE RESPONSE
TO RESPONDENT’S AND
ATTORNEY GENERAL’S OBJECTIONS**

Relator, by counsel, respectfully requests that this Court allow Relator the opportunity to respond to both Respondent’s and the Attorney General’s objections to Relator’s petition for a writ of mandamus. In support of this motion, Relator states the following:

1. The Indiana Original Action Rules do not expressly provide a relator the opportunity to file a response to a respondent’s objections. Nevertheless, this Court has granted a relator leave to file a response in prior original actions. *See, e.g., State ex rel. Roman Catholic Archdiocese of Indianapolis, Inc. v. Marion County Superior Court*, Case No. 20S-OR-520 (Ind. 2020);

State ex rel. Commons v. Pera, 987 N.E.2d 1074 (Ind. 2013); *State ex rel. Reed v. Clay Circuit Court*, 979 N.E.2d 630, 631 (Ind. 2012).

2. A response is warranted in this case for three reasons. First, the Attorney General has asked for certain portions of Relator's record of proceedings to be stricken.

3. Second, the Attorney General and Respondent both object to Relator's petition for a writ, but on somewhat contrary grounds. Both parties argue that removal of counsel is a matter within the trial court's discretion. A position with which Relator disagrees. But the crux of the Attorney General's objection to issuance of a writ is that there is not a sufficient record in this case to review the issue. The crux of Respondent's objection, however, is that the record is sufficient to support Respondent's removal of counsel.

4. Finally, since Relator filed his petition, Respondent has produced a transcript of the October 19 *in camera* proceeding and ordered the trial court clerk to make several filings publicly accessible. Relator had not had access to the *in camera* transcript and one of those filings until it was made publicly available. The new filing was a report filed by the Carroll County Sheriff in June 2023, which is relevant to Respondent's objection and is included in a supplemental record of proceedings Relator is filing contemporaneously with this motion.

5. Relator therefore files this Response asking that a writ of mandamus be issued.

Respectfully submitted,

/s/ Mark Leeman

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CERTIFICATE OF FILING AND SERVICE

Pursuant to Rule 2(D) of the Indiana Rules of Procedure for Original Actions, the foregoing was electronically filed using IEFS and on November 30, 2023 was served upon the following through IEFS:

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