

STATE OF INDIANA            )  
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COUNTY OF CARROLL        )  
  
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RICHARD ALLEN                )

IN THE CARROLL CIRCUIT COURT  
  
CAUSE NO. 08C01-2210-MR-000001

**MOTION TO VACATE SAFEKEEPING ORDER**

Comes now Richard Allen, by counsel, and respectfully requests the Court vacate the Safekeeping Order dated November 3, 2022. In support of his motion, Mr. Allen states as follows:

1. On November 3, 2022, the then Sheriff of Carroll County, Tobe Leazenby, filed his Request by the Sheriff of Carroll County, Indiana to Transfer Inmate from the Custody of the Sheriff to the Custody of the Indiana Department of Corrections for Safekeeping, pursuant to I.C. 35-33-11-1.
2. On the same day, an Order was entered finding that Mr. Allen was an inmate awaiting trial and was in imminent danger of serious bodily injury or death, or represented a substantial threat to the safety of others.
3. Tony Liggett is currently the Sheriff of Carroll County.
4. On May 3, 2024, counsel for Mr. Allen deposed Carroll County Sheriff Tony Liggett.
5. During his deposition, Sheriff Liggett testified as follows:
  - a. “I did not have a problem with him [Richard Allen] going to Cass County; my problem was going to be transport.” (Dep. p. 30, l. 4).
  - b. “I never had a problem with him [Richard Allen] staying in a county jail.” (Dep. p. 33, l. 19).

- c. Sheriff Liggett has since made arrangements with the Tippecanoe County Jail to house Richard Allen during the trial. (Dep. p. 31, l. 18).
  - d. When asked if Richard Allen could stay at the Cass County Jail, Sheriff Liggett responded that he does not care where Rick Allen is as long as it does not become a manpower issue for him. Id.
6. Sheriff Liggett also testified that the Indiana Department of Corrections does not want to transport Mr. Allen.
  7. There is no current evidence that Richard Allen is in danger of serious bodily injury or death or that he represents a substantial threat to the safety of others, as required by I.C. 35-33-11-1.
  8. The transportation and manpower issues originally surrounding the detention of Richard Allen in a county jail have been resolved.
  9. Counsel for Richard Allen respectfully request that the Court vacate the Safekeeping Order in this matter and order that Richard Allen be housed in either the Cass County Jail or the Tippecanoe County Jail until the trial of this matter.

WHEREFORE, Richard Allen, by counsel, respectfully request that the Court vacate the Safekeeping Order, and for all other just and proper relief in the premises.

Respectfully Submitted,

/s/ Andrew Baldwin  
Andrew Baldwin, #17851-41

/s/ Bradley Rozzi  
Bradley Rozzi, #23365-09

**CERTIFICATE OF SERVICE & COMPLIANCE**

I hereby certify that the foregoing document complies with the requirements of Trial Rule 5(G) with regard to information excluded from public record by administrative rule 9(G). I further certify that a copy of the foregoing has been provided to the following by IEFS on May 13, 2024:

Nicholas McLeland  
Stacy Deiner  
James David Luttrell  
Bradley Rozzi  
Andrew Baldwin  
Jennifer Auger

*/s/ Andrew Baldwin* \_\_\_\_\_  
Andrew Baldwin

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