

Defendant was being treated MORE favorably than other inmates housed at Westville Correctional Facility.

8. The Court further commented that it was reasonable and necessary to house the Defendant at Westville Correctional Facility to ensure the Defendant's safety to prevent serious bodily injury to himself.
9. That the Defense has now filed a Verified Motion for Immediate Transfer of Custody, alleging additional mistreatment of the Defendant at Westville Correctional Facility.
10. That in the Defense's latest motion, the Defense now accuses Westville Correctional Facility Correctional Officers Sergeant Joshua Robinson and Sergeant Randy Jones of "unjust and inhuman" treatment of the Defendant.
11. That, once again, the allegations in the Defendant's motion, while colorful and dramatic, are not correct.
12. That both Sergeant Joshua Robinson and Sergeant Randy Jones have worn patches that refer to Odinism.
13. That those patches reflect Sergeant Robinson's and Sergeant Jones's religious beliefs and are not associated with any kind of cult.
14. That Sergeant Jones did not remove the patches from his vest until ordered to do so by command.
15. That Sergeant Jones is assigned to the B Pod of the unit, while the Defendant is housed in A Pod.
16. That Sergeant Jones assists with moving the Defendant from one spot to another within the facility and also has been tasked with the 15-minute check in with the Defendant facilitated by his mental health safety plan.
17. That Sergeant Jones does not choose which detail he works and works the details that he is assigned to by his command.
18. That Sergeant Jones did remain at his post while the Defendant visited with his wife, because that is what he was assigned to do.
19. That the Defense seems to imply that Sergeant Jones should have left his post in violation of his direct orders and therefore risk his employment just so the Defendant and his wife could have more privacy.

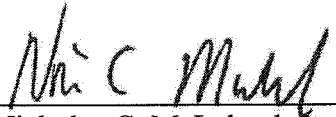
20. The fact that the Defense expects the Defendant and his wife to have intimate privacy in a prison is astonishing.
21. That Sergeant Jones has never threatened, harassed or spoken one on one with the Defendant.
22. That Sergeant Jones was never ordered by his command to threaten or harass the Defendant.
23. That the Defendant was tased twice between May 9th, 2023 and May 25th, 2023 because he would not follow the commands of the correctional officers.
24. That correctional officers are required to follow protocol when dealing with an inmate who is in violation of the rules.
25. That Sergeant Jones did not tase the Defendant out of anger, spite or in an effort to hurt the Defendant or treat him inhumanely.
26. That Sergeant Robinson is assigned to A Pod where the Defendant is housed.
27. That Sergeant Robinson has never harassed, threatened or spoke one on one with the Defendant.
28. That Sergeant Robinson was never ordered by his command to threaten or harass the Defendant.
29. That Sergeant Robinson also continued to wear his patches until ordered to remove them by command.
30. That Inmate Robert Baston has written a few letters to the Court claiming that correctional officers within Westville Correctional Facility are corrupt.
31. That Inmate Robert Baston is a convicted Child Molester under Cause Number 69C01-0909-FA-03, serving a 40-year sentence.
32. That throughout his case, Robert Baston has asked for modification after modification throughout his case, citing wrongful conviction, the COVID pandemic and even because the DOC is providing the wrong kind of soap.
33. That Robert Baston throughout his sentence has tried every means imaginable to reduce or modify his sentence for his heinous crime.
34. That at the hearing on June 15th, 2023, the Defense subpoenaed Inmate Robert Batson to court so that he could give a sworn statement to the Court and Inmate Robert Batson refused to leave his cell.

35. That the allegations by Inmate Robert Baston are hardly credible.
36. That the Defense's allegations that the correctional officers are attempting to conceal unacceptable practices is false.
37. That Sheriff Tony Liggett has no vested interest in keeping the Defendant at Westville Correctional Facility other than the safety and well being of the Defendant.
38. That the Defense insinuates that Sergeant Robinson and Sergeant Jones were assigned to assist with the moving of the Defendant because they believe in Odinism and that Westville command intentionally did this in some effort to mistreat the Defendant.
39. That Warden John Galipeau has signed an affidavit, attached to this response that ensures that no one in command had an agenda related to Odinism or ever ordered anyone under their command to harass or threaten the Defendant.
40. That Sergeant Jones and Sergeant Robinson have both signed affidavit's attached to this response that outline their duties in the facility and affirm that they have never threatened, harassed or made any references to Odinism to the Defendant.
41. That both Sergeant Joshua Robinson and Sergeant Randy Jones were interviewed at Westville Correctional Facility by investigators on September 18th, 2023 and both were found to be cleared of any wrongdoing.
42. That neither Sergeant Robinson nor Sergeant Jones are part of a radical hate group.
43. That Defense continues to make unfounded accusations supported by absolutely no proof.
44. That the Defendant is isolated for his protection and would be isolated if he were moved to another facility.
45. That if the Defendant is moved to the Cass County Jail, he will be placed in essentially the same kind of holding cell that he is in now, with the exception that it would be more convenient for the Defense.
46. That the Carroll County Sheriff's Department does not have the manpower to transport the Defendant.
47. That the Carroll County Jail does not have mental health counselors or

counseling, whereas the Department of Corrections has those resources available for the well being of the Defendant.

48. That the Defendant is in no way being treated less fairly than anyone else in that facility. He certainly is not being treated less fairly than a convicted person in that facility.
49. That the colorful, dramatic language used by the Defense was an attempt to curry public favor for their client and try this matter in the public eye instead of in the courtroom, as they have done in several motions to date.
50. That, again, the State has no opinion on where the Defendant should be housed awaiting trial, but the State does take offense to the irresponsible allegations of the Defense in their motion, including accusing 2 correctional officers of wrongdoing with absolutely no proof of such.
51. That the State has no objection to the Defendant being moved to a facility within the Department of Corrections to better accommodate his needs, but the Court has already addressed that issue in previous Orders.
52. That the Defendant's current placement at Westville Correctional Facility is not a violation of his civil liberties.
53. That the conditions that the Defendant is housed in have not changed since the last time this issue was litigated in front of this Court on June 15th, 2023.
54. That the Carroll County Sheriff's Department declined the request of Defense to move the Defendant because the Carroll County Sheriff's Department does not have the manpower to transport the Defendant.
55. That the Department of Corrections is more equipped to transport the Defendant back and forth to court dates in order to keep the Defendant safe and ensure that he makes it to all future hearings.
56. That the Defense is consuming the limited resources of the is office and this Court with repetitive motions that lack any factual basis.


Wherefore, now comes the State of Indiana, by Prosecuting Attorney, Nicholas C. McLeland, and files their response to the Defendant's Verified Motion for Immediate Transfer of Custody and would ask the court to consider the same when making it's decision and for all other just and proper relief in the premises.



Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the Defendant's attorney of record, through personally delivery, ordinary mail with proper postage affixed or by service through the e filing system and filed with Carroll Circuit Court, this __4th__ day of October, 2023.



Nicholas C. McLeland
Attorney #28300-08
Prosecuting Attorney