Filed: 9/18/2023 2:06 AM
Carroll Circuit Court
Carroll County, Indiana

STATE OF INDIANA	)	IN THE CARROLL COUNTY CIRCUIT COURT 1
	)SS:	
COUNTY OF CARROLL	)	CAUSE NO. 08C01-2210-MR-0001
STATE OF INDIANA	)	
	)	
v.	)	
	)	
RICHARD ALLEN	)	

MEMORANDUM IN SUPPORT OF THE ACCUSED'S MOTION FOR FRANKS HEARING

Comes now the accused, Richard Allen, by and through counsel, Andrew J. Baldwin and Bradley A. Rozzi and files his memorandum in support of his request for a Franks hearing.

Introduction[1]

Because the facts in this memorandum are dense for anyone not yet completely familiar with this case, the Defense is providing this introductory section, similar to the syllabus that often precedes a long and complex U.S. Supreme Court opinion. The purpose of this introductory section is to provide the Court a general understanding of what to expect concerning the facts upon which the Defense will be relying – and how those facts impact the legal arguments – before providing the necessary detail, minutia and notation to the record that could bog down the Court as it attempts to unpack the Defense arguments. The Defense, therefore, will provide little attribution as to the source of the evidence in this introductory section, but will then provide proper attribution to the sources of the evidence throughout the body of the memorandum following the introduction.

1 For the Court's convenience, the Defense has provided a Glossary of Names, marked as Exhibit 125. This glossary provides an alphabetized list of almost every name mentioned in the memorandum along with a brief description of their involvement.

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Eight Things to Know

Overwhelming evidence in this case supports the following:

(1) Members of a pagan Norse religion, called Odinism, hijacked by white nationalists, ritualistically sacrificed Abigail Williams and Liberty German;

(2) Very early on, those in charge of the Delphi murder investigation claim that they consulted with a Purdue professor concerning what resembled possible Odinism signatures left behind at the crime scene. After the Purdue professor proclaimed (according to State Trooper Jerry Holeman) that "it was not Odinism or any type of cult worshipping or any type of group that would have conducted the crime" the Odinism angle was essentially abandoned. However, as of September 7, 2023, the leaders of the Delphi investigation team: (1) claim that they can't identify who this purported professor was; (2) have provided no reports from this purported professor and (3) have further indicated they may never be able to figure out who this professor is. Based in large part upon this mystery Purdue professor's opinion, the Delphi investigative leadership claimed that it essentially abandoned considering Odinite involvement in the murders. And then the years passed: 2018…….2019…….2020…….2021…….2022. Thankfully, during those passing years, law enforcement officers Kevin Murphy, Greg Ferency and Todd Click continued to pursue the truth. Because of their curiosity and investigative efforts, the evidence establishing the names of the likely murdering members of this Odinite cult became known to the Delphi investigative leadership no later than February 2018. Due to either incompetence or a concerted intentionality, those in charge of the investigation refused to arrest or even properly investigate these obvious suspects.

(3) On May 1, 2023, the State of Indiana, by way of Prosecutor Nick McCleland, received a letter from former Rushville Assistant Police Chief Todd Click, now retired.[2] As stated in the previous paragraph: Click, Murphy and Ferency were three of the law enforcement officers who worked on the Delphi murder case, particularly focused on the Odinite angle as it intersected with suspects in Rushville Indiana. After reading Richard Allen's probable cause affidavit, Click became concerned that the information contained in Richard Allen's affidavit pointing the finger at Richard Allen was far less compelling than the totality of the information that Detective Ferency, Detective Murphy and Officer Click had accumulated during the Rushville portion of the investigation. The information that Murphy, Ferency and Click had gathered during their investigation connected men who practiced Odinism in or near Delphi with another group of men who lived in Rushville and then connected both groups of men to the murders.[3] Click was concerned that for some reason the leadership of the investigative team had failed to share with Prosecutor McCleland the evidence gathered by Click, Ferency and Murphy. Click's concerns led him to seek out a lawyer to assist him in the drafting of a letter. This letter was then sent to McCleland.[4]

This letter was not provided to the Defense until after it was obvious from the last round of depositions that the Defense (who had doggedly pursued witnesses as far away as Georgia) would certainly be talking with Todd Click. McCleland had this letter in his possession for over 4 months before turning it over to the Defense. There can be no mistaking that this letter is exculpatory in nature and could have been used by the Defense as it prepared for upcoming depositions. However, it is apparent that McCleland only offered up the letter after it was obvious

[2] Find attached Certified Mail receipt showing that the Carroll County Prosecutor's office received the letter on May 1, 2023, marked as Exhibit 1.
[3] Find attached the Affidavit of Todd Click marked as Exhibit 2.
[4] A copy of that letter is attached hereto and marked as Exhibit 3.

that the Defense team would soon be learning of the letter's existence. In other words, the Defense team would obviously be meeting with, or deposing Click, in the next few weeks. At that time, Click most certainly would then reveal to the Defense that in April 2023, he (Click) had sent a letter containing exculpatory information to McCleland. At this point McLeland had two distinct choices: 1) sit on the exculpatory evidence hoping that the Defense team would refocus its efforts on another angle of the investigation, or 2) disclose the exculpatory evidence claiming that the contents of the letter were overlooked in the volume of discovery. He chose the latter. Unfortunately for the State, neither approach explains away the fact that Click specifically directed the letter to McLeland himself and further, Click was so determined to ensure his information was consumed by McLeland, that he directed the information directly to McLeland, via certified mail. The letter is stamped "Received May 1, 2023, Carroll County Prosecutor." Click's report landed at ground zero; a prosecutor's office with no more than two full-time prosecutors and a handful of full-time staff members, at best. Could this exculpatory evidence have been completely overlooked? Not plausible.

Not only did the prosecution withhold that letter from the Defense, but law enforcement also withheld several other exculpatory pieces of evidence, including an 85-page compilation of reports by Click prepared in 2019 and several videos containing statements that support the Defense theory of Richard Allen's innocence. This 85-page report detailed the investigative work performed by Click, Ferency, Murphy, and others, including the FBI.

According to the summary of Click's investigation that he attached with his letter, "the Behavioral Analysis Unit (BAU) of the FBI determined that the individual(s) responsible for the

homicides were involved in Nordic beliefs."[5] **This was news to the Defense** as no member of the Unified Command in charge of the investigation revealed this information to the Defense during recent depositions. This includes Trooper Holeman who told the Defense that he didn't remember if the FBI's BAU unit determined one way or the other whether those with Nordic beliefs had been involved in the murders.[6]

At least up until the time of this filing, the prosecution has provided no evidence whatsoever of the findings of the FBI's BAU unit concerning involvement of Odinists in the murders. None. The letter that Click sent to McCleland was the first that the Defense has heard that the FBI actually believed that Odinists were likely involved. In other words, this report contained exculpatory evidence that Unified Command concealed from the Defense. This information was – and is— crucial for Richard Allen's Defense. Some of this exculpatory evidence in the form of videos was finally released to the Defense on September 8, 2023, *over 9 months after Defense counsel entered their appearance*. The Defense is still reviewing this September 8th evidence dump. In the brief time the Defense has had to review this newly received evidence, it has found exculpatory evidence both in the videos the Defense has watched and the documents that the Defense has reviewed. While the prosecution has been holding on to this exculpatory evidence, Richard Allen has been living in hell.

Lastly, the evidence will show that the week of August 28, 2023**,** Prosecutor McCleland and State Trooper Jerry Holeman requested a meeting with Todd Click. By this time, the Defense team had taken several depositions (including Holeman, Liggett and Leazenby) and the prosecution and Delphi investigative leadership now knew that for a while, the Defense team had

[5] Find attached the summary that Click attached with his letter, marked as Exhibit 4. Odinists have Nordic beliefs.
[6] The Defense will be providing all depositions identified throughout this document separately from the exhibits and will identify the depositions with letters for purposes of the record.

been aware of the Odinist evidence, at least the evidence that the prosecution turned over to the Defense scattered throughout multiple hard drives and many flash drives. The prosecution had learned in early August that the Defense had figured out the strong Odinist ties to the crimes, despite the apparent attempts of the prosecution, Liggett and Holeman to hide this exculpatory information from the Defense.

Wanting to allay his fears that an innocent man was sitting in Westville, Click agreed to attend the meeting with Holeman hoping that he would be learning that evidence did in fact exist linking Richard Allen to the murders. Click's hopes were dashed. Paragraph 17 of Click's affidavit:

> Upon directing the letter to Mr. McCleland, I heard nothing from the Prosecutor's office or any other members of unified command until I received phone calls on August 23rd and August 25th, 2023, which involved brief discussions regarding scheduling. During these phone calls, it was requested that I meet with Trooper Holeman during the week of September 4, 2023. I was informed that law enforcement officials intended to sit down with me and discuss with me the reason why Richard Allen was responsible for these crimes. I was told that he (Jerry Holeman) wanted to put my mind at ease. However, during the meeting with Detective Holeman and a second detective whose name I am unfamiliar with, there was no discussion or offerings as to why they believed Richard Allen was guilty of the charged crimes**. I believe the interview was an attempt by them to clean up their loose ends** knowing that they had given very little, if any, attention to the investigative efforts of myself, Detective Ferency, and Detective Murphy.
>
> (Emphasis added)

(4) Not only did Carroll County Sheriff Tony Liggett fail to include all this Odinite information in his October 13, 2022 "Affidavit for Search Warrant", and not only did McCleland and the Unified Command withhold exculpatory evidence, Liggett also concealed damaging witness statements that devastate Liggett's timeline – a timeline Liggett needed to be true in order to place Richard Allen at the trail when Abby and Libby were abducted. Additionally, Liggett lied in his affidavit about the statements of another key witness, further devastating Liggett's timeline;

(5) Richard Allen has zero connections to any pagan cult or pagan cultists, and furthermore no forensic evidence (such as DNA) or electronic evidence links Richard Allen to the girls or to the crime scene – i.e., he is a completely innocent man;

(6) Most of the evidence backing these assertions was found scattered over no less than 10 hard drives and several flash drives provided by the prosecution, meaning that the Defense is not making wild accusations, but rather primarily relaying facts and information that is backed up by the prosecutor's own discovery, even discovery that the prosecution just provided to the Defense as late as September 8, 2023.

(7) Not coincidentally, members (Odinists) of this same pagan cult are employed as corrections officers for the Indiana Department of Corrections at Westville Correctional Facility. It is inside of the cold, concrete walls of the maximum-security unit of this dilapidated "reformatory" that Richard Allen is being threatened, intimidated, and mentally abused[7].

(8) Throughout this document references are made to the "Unified Command." Essentially, the Unified Command was "the leadership" of the Delphi murder investigation, according to Tony Liggett (Carroll County sheriff and member of Unified Command when the investigation began). Unified Command consisted of law enforcement from a variety of entities, local, state and federal. Unified Command were overseers of the entire investigative operation. According to Liggett, the members of the Unified Command are/were:

From Carroll County – Tony Liggett and Kevin Hammond

From State Police – Jerry Holeman, Jay Harper, and Dave Vido

[7] Defense counsel is not saying that the Westville guards were involved in the murders, only that they were likely involved in threatening, intimidating and mentally abusing Richard Allen.

From the FBI[8`] – Rich Daviess

Odinism, Odinites and Runes.

Odinism is the pagan religion referenced above, and its followers are called Odinites. Odinists are enamored of Viking/Nordic culture. Evidence supports that at the crime scene, these murdering Odinites left behind obvious signatures, symbols in the form of runes.[9] These runes were (1) formed with sticks, (2) fashioned with tree branches and (3) painted using the blood of Liberty German.

Sticks and tree branches were deliberately, carefully and proficiently placed on each girl in a certain arrangement mimicking certain runes. At least one of the branches appeared to have its end cut off cleanly by some type of tool like an electric saw, providing proof of a preconceived plan. Additionally, the blood of Liberty German was used as the paint to mark a tree with a rune that looks similar to the letter "F".[10] With a simple google search, these runes would be identifiable as one of the many calling cards of this pagan religious cult. Yet, law enforcement in charge of the Delphi investigation seemingly, and quickly, abandoned the obvious correlation between the crime scene and Odinism, despite an obscene amount of evidence linking Odinism to the crime scene,

[8] Although, State Police Superintendent Doug Carter pulled the plug and kicked the FBI off the Delphi murder case around 2021 over some conflicts, according to Jerry Holeman. (Holeman depo. pages 123-130). Interestingly, Tony Liggett (who was deposed before Holeman) claimed under oath that Doug Carter was not involved in making decisions for the case (Liggett depo p. 30, lines 10-24). Furthermore, he (Liggett) claimed to be unaware that the FBI was even kicked out, let alone that any agency had actually kicked out the FBI from investigating the Delphi case. (Liggett depo p. 64, lines, 14-25). It is quite odd that the salient topic of Doug Carter kicking the FBI off of the Delphi case would never have been discussed between Liggett and Holeman who were working so closely with one another in Unified Command. If that can be believed, it would be quite perplexing.

[9] Merriam-Webster defines a rune as "any of the characters of any of several alphabets used by the Germanic peoples from about the 3rd to the 13th centuries."

[10] Many runes look like the letter "F", including a rune called "Ansuz", which (among other things) stands for "Odin."

and even in spite of powerful evidence linking specific Odinites in and around Indiana to the murders.

Also, the Court will learn in his Affidavit for Search Warrant that Sheriff Liggett failed to inform Judge Diener that nothing, absolutely nothing, links Richard Allen to Odinism or any religious cult[11]; Also, no forensics (such as DNA), no electronic data extracted from his computers or phones or from his social media links Richard Allen to the crime scene. Additionally, nothing links Richard Allen to any of the Odinite suspects: the same Odinite suspects that evidence strongly supports sacrificed Abby and Libby in some sort of pagan ritual. Richard Allen had nothing to do with this crime, but rather is an innocent man; a patsy for the police, arrested 26 days before an election.

Failure to pursue the Odinist links.

Law enforcement's failure to actively pursue the obvious links between the crime scene and Odinism is confounding. It is even more confounding when days and weeks after the murders, a particular Odinite from Logansport named Brad Holder posted on social media images mimicking the very runes found at the crime scene – a crime scene unreleased and unknown to the general public even to this day. Who was Brad Holder? He was an Odinite whose son, Logan, had been "dating" Abby. Brad Holder's social media posts seemingly taunted the very police that refused to fully investigate him. The Defense believes that the Court will be shocked at the number of clues or "easter eggs", both before and after the murders, that Holder openly posted on his Facebook page that pointed the finger to his involvement in the murders.

[11] Liggett depo. p. 80, lines 14-23

However, a fact that is simply mind blowing to the Defense is that Brad Holder was never considered a suspect in the murders of Abby and Libby. State Trooper Jerry Holeman, one of the law enforcement officers in charge of organizing and investigating the Delphi murders, claimed in his August 10, 2023 deposition that Brad Holder was not really ever a suspect.[12] Police reports written near the time of the murders reveal that Jerry Holeman is telling the truth: Brad Holder was cleared as a suspect quickly – on March 16, 2017.

On March 1, 2017, Tony Liggett stated in a report that there were no leads required concerning Brad Holder, meaning that it was not necessary for law enforcement to continue to look for leads related to Brad Holder. Liggett made that determination a mere 15 days after the girls were murdered. By March 16, 2023, Unified Command member Kevin Hammond wrote that "Brad Holder has been cleared." The girls hadn't been dead for 30 days and Unified Command had already cleared Brad Holder as a suspect. Unified Command had already cleared Holder as a suspect within 30 days knowing that Brad Holder's son dated Abby. Unified Command had already cleared Holder as a suspect within 30 days of the murders although a simple review of Brad Holder's Facebook page would show that he (Brad Holder) was a proud Odinite that had an absolute obsession and fascination with runes. Police knew – or had to know – that runes had been left at the crime scene. Additionally, Unified Command had already cleared Holder as a suspect in spite of the fact that runes found on Brad Holder's Facebook pages mimicked runes found at a crime scene that had not been released to the public. The investigation had barely begun, but the Unified Command had already cleared the very man that any person with even a small amount of

[12] Holeman depo, p. 172, lines 4-5.

common sense or curiosity would believe was a strong candidate for being involved in the murder of the girls.

For example, the Court will also learn that the Unified Command was aware of a very disturbing image on Brad Holder's social media accounts that actually mimicked the crime scene. On April 12, 2017, Trooper Joseph Ryan Winters received a phone call from a man in Georgia named Ryan Boucher who had discovered disturbing images in Brad Holder's social media account. Having somehow learned that Brad Holder's son (Logan) had dated Abby Williams, Mr. Boucher began reviewing Brad Holder's social media history. One of the images Boucher viewed on Brad Holder's social media account was an image of two women either dead, or posed as if they were dead, on the ground in what appeared to be a forest. Both women had tree limbs and sticks arranged on their bodies. One of the women had her arm stretched out above her head, similar to the way that Libby's arm was stretched above her head. Both women were clothed and the stick and tree branch formations on these girls was different than the stick and tree branch formations on Abby and Libby, but otherwise, it bore a very eerie similarity to the murder scene in Delphi.

Ryan Boucher had no knowledge of the actual crime scene. However, after reviewing Brad Holder's social media sites, Boucher was disturbed at that image, as well as other images that provided insight into Brad Holder's fascination with runes. Believing that the disturbing images may be something of interest to those investigating the Delphi murders, Mr. Boucher contacted Tobe Leazenby, who at the time was the Sheriff of Carroll County. Leazenby quickly rebuffed Boucher, telling Boucher that Holder was not a suspect. Undeterred, Mr. Boucher contacted the State police where he ended up talking to trooper Joseph Ryan Winters. After their conversation, Winters memorialized the interaction and placed the images provided by Boucher into a drop box

account. After creating the report, Winters then discussed his findings, face-to-face, with Jerry Holeman of Unified Command. The body of this memorandum will provide details of that interaction. In his report, Winters requested law enforcement to re-interview Brad Holder. The Defense does not believe Unified Command ever followed up on Winter's request.

It should be noted that the disturbing images found by Boucher in Georgia and placed in a drop box by Winters were not – and have still not – been provided to the Defense. In his recent deposition, Winters said that he had attempted to locate the images but was unable. However, because of the potential importance of those images to Richard Allen's case, the Defense team located Boucher and then traveled to Georgia to meet with Boucher. Those images are now in the possession of Richard's Defense team who then provided those images to law enforcement. Again, these were important images that law enforcement failed to turn over to the Defense. Instead, the Defense located these images in Georgia and then turned them over to the very people who had the obligation to provide them to the Defense.

Unified Command, which included Tony Liggett who drafted the Affidavit for Search Warrant, was fully aware of the mimicked crime scene on Brad Holder's social media, as well as other posts that mimicked the exact runes found at the crime scene, but failed to do anything about it, and failed to inform Judge Diener of this obvious suspect (Brad Holder) and all of the evidence that existed against Holder, making him a prime suspect.

The Court will learn in the body of this memorandum that Holder was connected to the crimes, the crime scene and to other men who had confessed to the crime. The evidence of those connections will be provided in the body of the memorandum, including copies of the images found on Holder's Facebook page at the time of the investigation which link Holder to the crime scene as well as the images found by Ryan Boucher that law enforcement has failed to turn over

to the Defense. The Defense will also attach what the Defense calls "the Winter's report" which is the memorialization of Trooper Winter's interaction with Ryan Boucher. Liggett provided none of this evidence or information to Judge Diener, but rather allowed Judge Diener to believe that Richard Allen was a lone suspect in the murders in spite of zero evidence linking Richard Allen to the crimes at the time Liggett sought the search warrant twenty-six days before an election.

Unified Command's failure to vigorously pursue the obvious links between the crime scene and Odinism is even more perplexing when evidence known to law enforcement demonstrated a clear nexus between Brad Holder and at least four other suspects: Elvis Fields from Rushville, Patrick Westfall from Delphi, Johnny Messer from Rushville, and Rod Abrams from Rushville (now living in Connersville).

Unified Command was aware that Elvis Fields confessed to his sister that he (Elvis) was involved in the murders, even providing to his sister intimate crime scene details of which only those present at the crime scene would have familiarity. Additionally, Elvis Fields told his sister Mary, on February 14, 2017, that he was present at the killings and that he (Elvis) now had "a brother" and was now part of "a gang." In February 2018, Elvis had been questioned by law enforcement but denied involvement in the murders. However, after being dropped off at his trailer following the questioning, Elvis turned around, walked back to the police car and (according to the police report) asked the state trooper if his (Elvis's) spit is found on one of the girls, but he could explain it away, would he still be in trouble. The state trooper that heard Elvis utter these words (Kevin Murphy) was not part of Unified command but immediately relayed Elvis's disturbing question to Jay Harper of Unified Command. Elvis also admitted to a different sister (Joyce) that he had in fact spit on one of the girls. Elvis told Joyce, that he (Elvis) was on a trail and a bridge with two girls that were killed and that he was going away for a long time.

Elvis's alibi for February 13, 2017, was also probably flawed. State troopers who weren't part of Unified Command determined that Elvis's roommate concocted a story concerning Elvis's whereabouts on February 13, 2017. This roommate is named Rod Abrams. Abrams told a story claiming on February 13, 2017, that he (Rod Abrams), Elvis Fields and a man named Ned Smith were visiting a sick friend in Muncie. Unfortunately for Rod Abrams, this story conflicted with the story that Elvis Fields told law enforcement as to his (Elvis's) whereabouts on February 13, 2017. These shady alibis were relayed to Unified Command. These shady alibis will be further explained in the body of the memorandum. Furthermore, Unified Command knew that on February 1, 2018, Elvis's sister passed a polygraph examination when asked if she were telling the truth about what Elvis had confessed to her.

Unified Command's failure to vigorously pursue the obvious links between the crime scene and Odinism is even more inexplicable when evidence known to law enforcement included information about another Odinite named Patrick Westfall, who was living in Delphi very close to the murder scene on February 13th, 2017.

Evidence known to Unified Command included the fact that fellow-Odinites, Patrick Westfall and Brad Holder, were close friends as late as January 21, 2017. However, that friendship ended very abruptly in February 2017. The schism in their friendship resulted from a fight that occurred between Holder and Westfall in February 2017 where "he (Holder) and Westfall were in the woods, near a river conducting a ritual. One of them said or did something the other did not agree with and they no longer talk to each other. The river was near Patrick's house." An intoxicated Brad Holder shared this disturbing information with his ex-wife, Amber Holder. Amber Holder then relayed this disturbing information to law enforcement who were not a part of

Unified Command in 2019. These officers then relayed this disturbing information to Unified Command. Liggett concealed this information from Judge Diener.

In 2019, Unified Command learned that in a totally different conversation with his ex-wife, Brad Holder pointed the finger away from himself and directly at Patrick Westfall, as being the person actually responsible for the murders of Abby and Libby. According to police reports, Brad Holder told his ex-wife (Amber Holder) that "Westfall and 'his people' killed Abigail Williams and Liberty German because one of their mothers was 'mixing' with other people outside the mother's race." Furthermore, Unified Command was aware that Brad Holder had told Amber that "I can only protect you so much if you keep asking questions." Brad Holder further told his ex-wife Amber that Patrick Westfall had many people backing him (Westfall) up and that Westfall also had **'powerful friends**.' Liggett knew of this information for more than three years before Liggett sought a search warrant for Richard Allen's house, yet Liggett never shared that information with Judge Diener. Additionally, Westfall provided a very weak alibi as to his whereabouts on February 13, 2017. Westfall told law enforcement that he (Westfall) was at home the afternoon of Monday, February 13, 2017. The Defense is unaware of any search warrant that Liggett sought to enter Westfall's house or whether Unified Command instructed law enforcement to knock on a single neighbor's door to verify Westfall's alibi.

Unified Command's failure to continually pursue the obvious links between the crime scene and Odinism is even more disturbing when evidence known to law enforcement included information about another Odinite named Johnny Messer from Rushville. Johnny was a recruiter for the Odinites and was also the connective tissue between the Odinites from the Delphi area (Brad Holder/Patrick Westfall) and the suspects from the Rushville area (Elvis Fields and Rod Abrams). Delphi is located 126 miles from Rushville. Law enforcement knew that Johnny Messer

was friends with Brad Holder and Patrick Westfall. Law enforcement also knew that Messer was acquaintances with Elvis Fields and Rod Abrams. Unified Command theoretically could claim (and actually appear to be claiming) that this connection is simply a bizarre coincidence. However, Unified Command not only knew that Elvis Fields/Rod Abrams and Brad Holder/Patrick Westfall shared a common acquaintance (Johnny Messer) but also that Elvis Fields and Brad Holder followed each other on Facebook and even mimicked each other's Facebook pages, with Elvis Fields actually recreating the photos that Holder posted on his (Holder's) Facebook page.

Shockingly, at his August 10, 2023, deposition, Unified Command member, Jerry Holeman, claimed that he did not even know who Johnny Messer was, nor what the evidence showed of Messer's possible role in the murders of Abby and Libby. It is additionally infuriating that Johnny Messer was cleared as a suspect in the murders when considering these facts:

Johnny's ex-girlfriend, Taylor Hornaday, told police that Johnny Messer and Patrick Westfall were like brothers. She also told police that she had allowed Johnny to borrow her car on or around Valentine's Day 2017 and that Johnny drove her car "up there" to hang with his Vinlander[13] friends. When he returned her vehicle, it had dried blood over one side of it. Johnny Messer refused to discuss the details of how the blood got there. Johnny Messer's ex-girlfriend further stated that it took her several car washes to finally remove the blood. Meanwhile, Messer has claimed that he had never, not once in his life, been to Delphi, home of his "brother" Patrick Westfall, and near the home of his other Odinite brother, Brad Holder.

[13] "Vinlander" is a word interchangeable with those that practice Odinism. As state trooper Roland Purdy stated in his deposition, all members of Vinlanders are also Odinists. (Purdy depo. p. 140, lines 1-25) Basically, the Vinlanders are a white supremacist group consisting of Odinists. Brad Holder, Patrick Westfall and Johnny Messer were all affiliated with the Vinlander group. Johnny Messer's ex-girlfriend, Taylor Hornaday, also confirmed that all Vinlanders were also all Odinists, and that Johnny Messer, Brad Holder and Patrick Westfall were all members of Vinlander.

Messer's ex-girlfriend also told law enforcement that Brad Holder and Johnny Messer were two of the most violent people she knew and were fully capable of having been involved in the murders. Johnny Messer's ex-girlfriend further stated that a motive for their involvement in the murder of Abby and Libby might be the concept of "blood in and blood out", which means "social acceptance into their secret circles." All this information was relayed to Liggett and the Unified Command team, yet Unified Command provided no guidance as to what to do to capitalize on this information in order to work toward solving the murders.

Additionally, Unified Command learned that Johnny Messer's ex-girlfriend had been listening to and recording Johnny Messer's phone calls. Police secured the phone and listened to three phone calls involving Johnny Messer. In two of those phone calls, Messer was "offering money to other people to find someone so they can be injured or killed." The third call involves Messer "bragging about holding a subject hostage and shooting them at his house."

Essentially, Unified Command said "nothing to see here" regarding Johnny Messer and issued no search warrants for his home (none have been disclosed to the Defense), nor did they attempt to utilize an age-old investigative tool referred to as an "interrogation" to pursue the truth about the involvement of Johnny Messer, Brad Holder or Patrick Westfall in these crimes.

Many more shocking facts concerning this so-called investigation will be revealed in the body of the memorandum.

<u>Odinites in Westville Correctional Facility "guarding" Richard Allen.</u>

The evidence shows that during his pretrial incarceration at Westville Correctional Facility, Richard Allen has been monitored, intimidated, and mentally abused by correctional officers who are also members of the Odinite cult. Two of those correctional officers are named Sgt. Robinson

and Sgt. Jones. These Westville Corrections officers boldly wore patches on their Department of Corrections (DOC) uniforms that proclaimed "**In Odin We Trust**" along with another patch displaying symbols of Odism (interlocking triangles). Both Odinite correctional officers (Sgt. Robinson and Sgt. Jones) also display images of runes and/or other Odinite symbols on their Facebook pages. As recently as June 25, 2023, for example, Odinite Sgt. Robinson openly displayed a photograph of his Odinite altar on his Facebook page. A similar alter can be found on the Facebook page of Brad Holder.

Beginning at least on April 3, 2023, Sgt. Jones and Sgt. Robinson wore their Odin patches when the Defense team visited Richard Allen. However, Sgt. Robinsons and Sgt. Jones's brazen display of their Odinites patches came to an end on August 17, 2023. What changed? Why suddenly did they no longer display their Odinite patches beginning on the August 17, 2023, visit between Richard Allen and his Defense team? Here is your possible answer:

It was not until an August 10, 2023, deposition of Trooper Jerry Holeman that Richard Allen's Defense team finally revealed to the prosecutor and to Unified Command that for many months they (Richard Allen's Defense team) had been fully aware of the strong evidence linking Odinism to the murders. It was also at the August 10, 2023, deposition that the Unified Command learned that Richard Allen's Defense team was not only aware of this information, but also intended to expose the linkage of Abby's and Libby's murders to Odinism and would also be revealing the names of the Odinists at trial. At that deposition, Holeman and the prosecutor also learned that the Defense team obviously intended on exposing the Unified Command's utter failure in pursuing the Odinist suspects, in spite of the powerful evidence of Odinites involvement in the murders. However, and this is important to note, at his August 10, 2023, deposition, Richard's

Defense team **did not** let Holeman or anyone else know that it (the Defense team) was fully aware of the Odinite corrections officers at Westville wearing "In Odin We Trust" patches.

Richard Allen's Defense team's next visit with Richard Allen at Westville following the August 10, 2023, deposition occurred one week later, on August 17, 2023. Curiously, or perhaps not so curiously, in those seven days since the Defense team revealed their knowledge that evidence linked Odinists to the murders, for the first time Sgt. Robinson was no longer wearing his Odin patch[14]. It was almost as if someone had alerted Odinite Robinson that the gig was up because the lawyers knew about the links to Odinism, so lose the patch and pray that the Defense attorneys had never noticed the patches on prior visits. Unfortunately for Westville and Unified Command, Rick's Defense team absolutely noticed the Odinite patches worn by Sgt. Robinson and Sgt. Jones beginning April 3, 2023. Furthermore, Rick's Defense team absolutely noticed the conspicuous absence of Sgt. Robinson's Odin patches following trooper Holeman's realization that Rick's Defense team was fully aware of the connection between the murders and Odinism, as well as the failure of the Unified Command to follow through on the evidence that linked the murders to Odinism.

The Court will also learn in the body of this memorandum that Sgt. Jones and Sgt. Robinson were seemingly always by Richard Allen's side during most, if not every, visit. Normally, corrections officers (usually Sgt. Robinson and/or Sgt. Jones) were within earshot of every conversation between Richard and his attorneys and between Richard and his wife; close enough that Richard would have to be worried about any conversation with his attorneys and with his wife being overheard by Sgt. Robinson and Sgt. Jones or other corrections officers. Beginning on April

[14] Sgt. Jones was not present at this visit.

3, 2023, and for several visits thereafter, the Westville Correction Officers even videotaped attorney visits between Richard and his Defense team. Most of the time, if not every time, it was Sgt. Jones or Sgt. Robinson bringing the handheld camcorder to the visit. Corrections officers even required that Richard Allen be positioned facing the window where the corrections officer was videotaping the attorney visits with the handheld camcorder. This positioning of Richard Allen's body would allow the corrections officers to videotape Richard Allen's mouth as he talked to his attorneys. Richard would therefore not be able to privately discuss anything with his attorneys, such as "the guards are telling me that my wife and family will be killed unless I call my wife and tell her that I killed those girls."[15] Instead, a mentally defeated Richard Allen would continually mutter to his Defense team at every visit these types of general questions: "Is my wife alive? Is my family alive? Is my wife safe? Is my family safe?"

At one such meeting with his attorneys, Richard Allen mumbled in a somewhat incoherent fashion that Odinites were threatening him. It would be important to know that Richard Allen's Defense team had **never** mentioned the words Odinites or Odinism or informed Richard Allen that evidence suggests that Odinists murdered Abby and Libby until August 25, 2023, when his Defense team, in the presence of his Wife (who was visiting with Rick in the prison), first discovered the exculpatory Odin related evidence to Rick. Rick's Defense team felt that having him remain unaware would hopefully keep Rick a bit safer. Due to Rick's weakened mental state and the concern that he might unwittingly discuss his attorneys' strategy to Sgt. Jones and Sgt. Robinson, Rick's attorneys opted to not discuss Odinism with their client out of fear that Sgt. Robinson and Sgt. Jones would then be on the alert that Richard's Defense team was aware of the

[15] To be clear, up to this point, Richard Allen has never spoken these words to his attorneys. The point is that the Westville guards have made the privacy needed for Richard to have that type of private conversation with his attorneys very difficult – and perhaps not worth the risk if you are Richard Allen.

Odinite involvement. Richard's Defense team needed additional time to investigate and review evidence before feeling confident and comfortable in revealing their knowledge to the Court of the strong evidence that Odinites murdered the girls and that Unified Command had chosen to do nothing about it, but in fact had hidden these facts from Judge Diener. Therefore, Richard's Defense team opted to keep Richard in the dark about the Odinite connection to the murders supported by the evidence.[16]

Again, more detailed information concerning the Odinite corrections officers, as well as the documentation supporting that information, will be provided in the body of this memorandum.

Liggett concealed certain witness testimony and falsified other witness testimony in order to prevent Liggett's bogus timeline from being exposed to Judge Diener.

Beyond the shocking omissions concerning the pagan cult's links to the murders and the fact that Odinists were also watching Richard Allen (akin to foxes watching the henhouse) the evidence will show that Liggett's Affidavit for Search Warrant is also filled with lies and other concealed information concerning witness testimony. This false and concealed information completely eviscerates the state's timeline. The evidence will show that Tony Liggett knew of the major problems that these witnesses' testimony created, and Liggett chose to solve his problem by

[16] This decision has been painfully and emotionally difficult for Rick's defense team, as defense counsel recognized that while the Defense took the necessary time to review the discovery to establish the Odinist links both to the murders and to the Westville Correctional Facility, defense counsel was also aware that Rick would remain in his hell hole at Westville subject to the cruelty of Sgt. Jones and Sgt. Robinson and perhaps other Odinite corrections officers. This was especially painful at the June 15, 2023, hearing to transport Rick to Cass County as defense counsel knew at that time of the links between the murders and Odinism and Westville. Unfortunately, defense counsel needed additional time to fully understand and verify the facts before leveling such accusations. This is the reason that the Defense tactically decided to keep its knowledge to itself rather than reveal that knowledge in open court at the hearing. Unified Command and the prosecution's hiding of exculpatory evidence is even more angering because difficult strategic decisions could have been avoided had McCleland offered the exculpatory documents sooner. Perhaps, then, Rick would have filed for speedy trial or would have been removed from Westville as the Defense would have been able to more fully inform the Court about the facts of the case.

concealing this information and even falsifying other information in order to bolster the state's bogus timeline.

The evidence will show that Liggett concealed facts concerning descriptions that key witness Betsy Blair made directly to Liggett, face-to-face, in 2019 concerning: (1) the person that she (Betsy Blair) observed on the bridge; and (2) a vehicle that she (Betsy Blair) observed at the CPS parking lot at around 2:15 p.m.

For Liggett's timeline to work and to place Richard Allen on the Monon High Bridge at 2:13 (the time of the famous "Down the Hill" video), Liggett desperately needed Betsy Blair to describe a man on the bridge that looked like Richard Allen and furthermore desperately needed Betsy Blair to describe a car that she observed parked at the CPS parking lot (at approximately 2:15 pm) as looking look like Richard Allen's black Ford Focus. Suffice it to say, the evidence will show that Liggett concealed from Judge Diener that Betsy Blair described a man on the bridge that looked nothing like Richard Allen and described a car at the CPS lot that looked nothing like Richard Allen's car (both in color and design). The evidence will show that Betsy provided these timeline defeating descriptions directly to Liggett, face-to-face, two times in 2019. *Yet, Liggett failed to inform judge Diener of these descriptions as well as inform Diener of the fatal flaws that these missing descriptions created for the timeline.*

The evidence will also show that Liggett just flat out lied about what he (Liggett) claimed Sarah Carbaugh told him in 2017 concerning a man walking down the road near the murder scene. For Liggett's timeline to work, Liggett needed Sarah Carbaugh to describe a man walking down the road wearing a *blue* jacket, who had *blood* covering his clothing. However, in 2017 Sarah did not say these things. This did not prevent Liggett from affirming under oath that Sarah Carbaugh did say those things. In fact, what Sarah Carbaugh actually told Liggett in 2017, was that she

(Carbaugh) observed a man walking down the road wearing a **tan** coat whose clothes were muddy. **Nowhere** did Carbaugh claim in 2017 that the man she observed was wearing a blue coat. **Nowhere** did Carbaugh claim in 2017 that the man she observed was wearing bloody clothes. Nowhere. This truth about what Sarah Carbaugh actually told Liggett in 2017 blows up Liggett's timeline, which is the likely reason Liggett failed to include this information in his affidavit. Additional evidence will be presented in the body of this memorandum.

The Defense believes that the evidence strongly supports the contention that Liggett intentionally concealed evidence from Judge Diener and lied about other evidence to Judge Diener in his Affidavit for Search warrant. However, even if Liggett did not intentionally conceal evidence from the judge or did not intentionally place false information into the search warrant affidavit, at a minimum Liggett behaved recklessly when he prepared the affidavit omitting those facts from Judge Diener and providing false information in the affidavit. As stated in the motion accompanying this brief, the Defense must show that Liggett either intentionally or recklessly omitted facts from the affidavit or provided false statements in the affidavit.

Evidence supporting these facts were needles in a giant haystack of discovery.

To conclude the introductory portion of this memorandum, the Defense would tell the Court that the evidence supporting the assertions contained throughout this memorandum was buried deep in a mountain of discovery, thousands upon thousands of pages of paperwork and hundreds of hours of videos. But not buried deep enough. The Court will know at the conclusion of this memorandum that the Defense is ***not*** inventing, fabricating, or exaggerating these facts no matter how crazy those facts may appear. Richard Allen's Defense team is attaching to this memorandum the supporting documentation that provides proof that these facts are true.

<u>This memorandum will consist of five parts:</u>

Part I will be a description of the crime scene. This description will provide important and necessary context that will allow understanding for the rest of the memorandum and will also provide insight into the preposterous claim by Sheriff Liggett that one – and only one – person was responsible for these murders. This will be important as Sheriff must claim that Richard Allen acted alone in order to dispel the massive evidentiary foundation that supports the likelihood that the preplanned abduction and ritualistic murder of Abby and Libby required multiple Odinites in order to succeed.

Part II will detail the evidence that connects the Odinites to the murders. Tony Liggett concealed this evidence from Judge Diener when Liggett prepared and signed under oath his affidavit for search warrant. This section is long, detailed and factually dense (especially for those not living and breathing this case). At the beginning of section II, Defense counsel has provided a Delphi murder infographic, a veritable visual representation of the major players mentioned in this memorandum, as well as a list of names – and the relevance of those names – found in the memorandum. These documents are offered as reference tools for assistance in unpacking these dense facts.

Part III will detail the information that confirms that Tony Liggett concealed evidence in his search warrant affidavit concerning statements of Betsy Blair and fabricated statements in his search warrant affidavit concerning Sarah Carbaugh.

Part IV will consist of evidence that Odinite corrections officers in leadership have been positioned to watch/guard/intimidate Richard Allen since at least early April 2023. This section

will also provide images of the patches worn by Sgt. Robinson and Sgt. Jones, as well as images taken from their Facebook pages.

Part V will include information concerning how Richard Allen became a patsy in this investigation 26 days before an election. This section will include information that Liggett failed to provide in his search warrant affidavit concerning the trustworthiness of Dan Dulin's so-called report. Pat V will also address the complete lack of evidence that linked Richard Allen to the murders, including an analysis of the weak evidence that Liggett relied on in his affidavit as he (Liggett) attempted to persuade Judge Diener that evidence of the murders would be found in Richard Allen's home.

Part I - The Crime Scene

When members of a search party found the girls in the late morning of February 14, 2017, Abby and Libby had been missing for approximately 22 hours.

The scene was ghoulish. Libby was found at the base of a tree with four tree branches of varying sizes intentionally placed in a very specific and arranged pattern on her naked body. Libby was positioned flat on her back, with her left arm stretched above her head touching the base of the large tree. Libby's right hand was covered in blood. Libby's left hand was covered in blood. Blood spots and blood drippings were seen all over Libby's body, from head to toe.

Libby's right arm was placed along the side of her body. One large tree branch had been placed on her left shoulder. This branch was so long that it extended above Libby's head several feet and below her legs for several feet as well. Two smaller branches formed a "V" where her legs joined her body (near her genitalia) with both sides of the "V" extending upward toward Libby's head, with one branch extending to the left of Libby's head and the other to the right of Libby's head. The last of the four branches extended across Libby's body on a line from her right shoulder to her left shoulder. This fourth tree branch also connected with the other three branches and was placed under both branches that formed the "V". Libby's sliced neck was partially covered by this fourth branch. There appeared to be no blood sprayed or dripped onto the leaves or the tree near Libby's head and sliced neck; it appeared likely that Libby had been killed at a nearby tree and then dragged to her final resting place where she was then positioned before having the tree limbs placed on her in a very specific pattern.

The murderers treated Abby very differently. Abby was found just a few feet away from Libby. Her body was not placed parallel to Libby, but rather at an angle, with Abby's legs just a

few feet from Libby's legs. However, both of their heads were found a few feet farther apart from each other.

Significant differences existed between how Libby's body was found and how Abby's body was found.

Abby was not found at the base of a tree. Abby was fully clothed. In fact, Abby was dressed in Libby's sweatshirt and jeans. No blood appeared on Abby's clothing, meaning that she was likely murdered while naked and then dressed by the murderers after she expired and after the blood had stopped spilling from her neck. Abby's hands were clean. No blood. Abby's feet were clean. No blood. Other than blood found around Abby's neck area where the murderers had inflicted the fatal wound, very little (if any) blood was found anywhere else on Abby's body or clothing. The juxtaposition of the spots and streaks of blood found all over Libby's body with the lack of blood on Abby's body/undergarments/over garments is stark. The murderers appeared to have gone to great lengths to keep Abby's body and clothing clean from blood.

Abby was found on her back (like Libby). However (unlike Libby) Abby's elbows were bent with her right and left arms both placed on her chest. Abby's left hand and arm near the left side of her face, and her right hand and arm near the right side of her face. Also, Abby's left leg was straight, while her right leg was bent at the knee. The murderers also placed her bent right leg under her left leg.

Like Libby, those involved in the murder had placed tree branches in a very specific pattern on top of Abby. The pattern looks very similar to an asterisk consisting of 3 tree branches all joined

in the middle.[17] At least one of the tree branches appears to have been cleanly cut by some instrument (like an electric saw) rather than split or broken by hand, indicating that this was a preconceived plan. Above Abby's head were smaller sticks that had been placed over her hair, crudely mimicking horns or antlers. The amount of blood that would be perhaps expected at the crime scene based upon the location of the injuries of both girls was not visible in the crime scene photos.[18]

The Defense has provided the court with twelve crime scene and autopsy photographs, marked as exhibits 5-16, as "confidential." These photographs support the descriptions provided in the previous paragraphs.

In addition to the unusual way the girls were posed, including the stick formations placed on their bodies, another unusual marking was found on a nearby tree. A symbol that looked similar to the letter "F" appeared approximately four feet above the base of the tree.[19] The "F" was red in color and later DNA testing showed that the "F" had been "painted" on the tree using Libby's blood as the so-called paint. Additional blood spatter was found at the base of that same tree. All the blood at the base of the tree appears to have been Libby's blood as well. The Defense has also provided the court with Exhibit 17, DNA documentation supporting the fact that Libby's blood was the source of the "F" painted on the tree. Said exhibit is marked as confidential. The Defense

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[17] This stick configuration is a spot-on resemblance for the rune called "Hagal". This rune is used to depict the word 'Hail". Therefore, the combination of the Hagal rune found on Abby and the Ansuz rune found on the tree when combined would proclaim "Hail Odin." This sentiment ("Hail Odin") was one of the many easter eggs Brad Holder left behind on his Facebook page on multiple posts.

[18] The Defense team speculates that because of the lack of blood visible in the crime scene photos, especially concerning Abby, that the murderers may have saved the blood to be used in future rituals. This is merely a theory admittedly not supported by any facts currently in possession of the Defense, but a theory that would certainly explain the lack of expected blood at the crime scene.

[19] The F resembles a rune called "Ansuz" which stands for "Odin". Again, when paired with the Hagal rune found on Abby, the combination would proclaim: "Hail Odin." This "F" symbol was the same "F" symbol found in many of Brad Holder's Facebook pages which will be attached, including Holder's creepy self-drawn illustration in which a red "F" rune was found at the base of a tree where a man appeared to be sacrificed on a tree.

has also provided two photos of this "F" found on the nearby tree (hereinafter called the "F tree"), (Exhibits 18 and 19), marked as confidential. Defense is also providing a photo of the F tree from a wider angle for the Court to have perspective as to where the F tree is located relative to the bodies. That confidential photo has been marked as Exhibit 20.

Under Abby's left lower back, a shoe was found. This shoe is believed to be Libby's shoe. Under the shoe, a cell phone was found. The cell phone was later determined to be Libby's phone. This information was confirmed by the recent deposition testimony of Liggett, Leazenby and Holeman. According to recent depositions taken of Sheriff Liggett, the famous video of the person that many people call "Bridge Guy" was found on this phone. Additionally, allegedly found between the two girls buried under the leaves and dirt was a single bullet.

The Defense has provided two photos of the shoe and cell phone found under Abby's legs and marked them as Exhibits 21 and 22 and have been filed confidentially. Also, the Defense has provided three photos of a bullet purportedly found in the ground between Abby and Libby and marked these photos as exhibits 23, 24, and 25.

It should be noted that as of the date of this memo, the Defense has no photographs of the bullet allegedly found between the girls <u>after</u> it was removed from the ground. No photo or video, for example, shows the bullet as it was being pulled out of the ground. No photo or video of the bullet immediately after it was pulled from the ground. No video or photograph of all sides of the bullet immediately after it was pulled from the ground. No photographs of the bullet next to a measuring device to show its length. No photos that show what the bullet looked like once it was pulled out of the ground could provide proof that it is the same bullet that ended up in the evidence

locker room.[20] Shockingly, in his deposition, Sheriff Liggett admitted that he also has not seen any photographs of the purported bullet taken once the bullet was pulled from the ground.[21] In other words, the only photos that the Defense has found in the discovery it has received are of the bullet still buried in the ground. At this time, the Defense has no idea if (a) photos of the bullet after it was removed from the ground even exist; or (2) the photos exist but the state has not yet turned those important photographs over to the Defense, or (3) the Defense has missed these photos in the voluminous discovery. Either way, the Defense has asked the prosecutor to please locate these photographs.

One man alone completed all these tasks in less than one hour and seventeen minutes?[22] (Liggett says one thing publicly but another thing privately to his law enforcement friends).

Publicly, Liggett has claimed under oath that one single, solitary person was responsible for abducting and murdering the girls: Richard Allen.[23] Claiming publicly that Richard Allen acted alone would allow Liggett to continue proclaiming that the murders were **not the** result of a coordinated abduction and subsequent ritualistic sacrifice at the hands of a pagan religious cult. No, if Liggett continues trying to convince everyone publicly that one man, and one man alone (Richard Allen) performed all the tasks, then Liggett must convince others, including the public, to ignore the voluminous mountain of evidence that supports the coordinated efforts of multiple Odinites. However, you will learn later in this memorandum, that Liggett's claim that one man acting alone (and certainly not an organized band of cultists) murdered those girls is actually not

[20] On September 8, 2023, the Defense did receive photographs of the bullet at the forensic lab where it was tested. However, the Defense still has not received photos of the bullets from the crime scene of crime scene technicians pulling out the bullet from the ground or placing it into an evidence bag, as is standard practice, especially in murder cases.
[21] Liggett depo. p. 69, lines 11-18.
[22] Jerry Holeman testified in his deposition that investigators estimated the time of death as occurring somewhere between 2:30 and 3:30 p.m. (Holeman depo., p. 17, lines 6-21).
[23] Liggett depo., p. 67, lines 13-19.

something that he (Liggett) believes privately, based upon one-on-one conversations with other law enforcement.

Still, to be fair to Liggett's public proclamation under oath, let's test Liggett's claim that one man (Richard Allen) acted alone by reviewing all the tasks that this five-foot four-inch man would have had to accomplish in order to pull off the abduction, ritualistic murder and then staged crime scene as it was found on February 14, 2017:

1. This one man would have to have been solely responsible for marching Abby and Libby down a steep hill.

2. This one man then would have had to march both girls through the woods for some distance.

3. At some point in time this single, solitary man would have had to cross a cold river whose depth was nearly 3.5 feet.[24] At this depth, if the water were only two feet higher, Richard's whole body would have been completely immersed, from head to toe.

4. With the cold, river water rising well above his waist, this man acting alone has to worry about himself crossing the rushing river, while also trying to corral two girls, keeping them from running or screaming knowing that houses were not far away.

5. This man, on his own, would have had to then march the girls up to the site of the murders while all three, because of the depth of the water, were wearing undergarments, pants, shirts, jackets, socks and shoes that were drenched with water from the river crossing.

6. Once he and the girls arrived at the murder scene, this single, solitary person then somehow would have had to subdue either Abby or Libby in rope or some other restraining device in order to have the ability to kill the unsubdued child without fear that the other child would run away or scream.

7. Because of the lack of blood on the girls' clothing, each child would have had to have been completely disrobed before the single, solitary man sliced his first victim's neck, so the man acting alone either asked each child to disrobe or he assisted in the disrobing.

[24] Find attached exhibit 26 which is the U.S. Geological survey depth rating of Deer Creek near Delphi Indiana taken from a measuring station near the crime scene on February 13, 2017, at 2:15 pm. This document can be found on the following link:https://waterdata.usgs.gov/monitoring-location/03329700/#parameterCode=00065&showMedian=true&startDT=2017-02-13&endDT=2017-02-14

8. Trooper Jerry Holeman of the Unified Command has confirmed that both girls were naked at one point in time as Liberty was found at the crime scene completely naked while evidence showed that "Abby at one point in time had her clothes off."[25]

9. Once the girls were disrobed and naked in the middle of the forest in the middle of the day in February, and once he had subdued one of the two girls to prevent her from running away, the man acting alone could finally kill the girls.

10. This man, acting alone, would have had to pull the ceremonial knife, or whatever sharp instrument was used and inflict fatal injuries to the neck of the first child (it is unknown which child perished first) while the second child watched, hopefully without screaming or becoming so hysterical that said child was uncontrollable.

11. The man acting alone would then walk over to the second child, who was somehow subdued and inflict the same fatal injuries to her neck.

12. The autopsy notes taken by Liggett reveal that the pathologist stated that because of the particular vein that was severed, Abby suffered a "slow death.[26]"

13. To give Ligget as much additional time needed to sell this preposterous story that one man committed all of these tasks in a short period of time, we will presume that this one man, acting alone, took Abby's life first and Libby's second, so that he (the lone killer) could efficiently handle all of the other tasks necessary while Abby suffered her "slow death."

14. Additionally, even after Abby finally would have died, the man acting alone would have had to then wait enough time so that the blood escaping from Abby's neck would stop flowing (as there was little-to-no blood found on any of the clothing Abby was wearing other than around the neck area (both undergarments and outer garments)); meaning that the single, solitary man likely clothed Abby's dead body <u>after</u> the flow of blood ceased.

15. Once this man acting alone inflicted the injuries to Abby's neck, and she was dying a "slow death", he would have left Abby on the ground somewhere away from where she was ultimately laid to rest as there was little blood at the scene where she was laid to rest and posed, and where the man acting alone placed sticks on her body.

16. While waiting for Abby to die her slow death, the man acting alone would have then used his ceremonial knife or whatever sharp object he used to inflict Libby's fatal injuries at the base of the F tree, where Libby's blood was found.

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[25] Holeman depo. p. 79, lines 6-7.

[26] Find attached and marked as Exhibit 27 Liggett's autopsy notes. The Defense has not yet deposed the pathologist to determine what the phrase "slow death" means in terms of timing. Whether it is 5 minutes, 25 minutes, or 55 minutes or more.

17. While (1) waiting for Abby to die her "slow death," and then (2) while waiting for the blood to stop escaping from Abby's fatal injuries, this man acting alone would then grab Libby's body from the F tree (where she was probably killed) dragging her to her final resting place at the base of the tree where she was found.

18. While waiting for (1) Abby to die her "slow death" and (2) then waiting for the blood to stop draining from Abby's neck, this man acting alone then would have had to pose and position Libby's dead body in the manner in which her dead body was found at the scene.

19. While waiting for (1) Abby to die her "slow death" and (2) then waiting for the blood to stop draining from Abby's neck, this man acting alone then would select a variety of tree branches and sticks with the ultimate purpose of placing them on Libby's dead body.

20. After selecting the branches and sticks, this man acting alone would then gather those sticks and branches.

21. After gathering the selected branches and sticks, the man acting alone would have to carefully arrange the sticks in the pattern found at the crime scene:

    a. This man acting alone would have to take the largest and longest of the branches and use his dexterity to lift that large branch over Libby's left shoulder, next to her head.

    b. Next, the man acting alone would have had to have taken a smaller stick and placed it under Libby's neck, on a straight line from Libby's right shoulder to her left shoulder, but *over* the previously laid out large branch that the man acting alone had placed over Libby's left shoulder described in 14a.

    c. Next, the man would have to grab one of the longer sticks and place it on Libby's right thigh near her genitalia. This stick would then be placed alongside the right side of Libby, toward her head, but *over* the shorter stick discussed in 14c above. This stick starting near Libby's genitalia would form the right-half of the "V" along with the stick discussed in 14d.

    d. Next, in order to form what can be described as a "V", the man acting alone would take another stick, place it on Libby's left thigh near her genitals and connect it with the stick described in 14c to form the base of the "V". Then, this man would run that stick essentially along the left side of Libby's body, *over* the large tree branch that is mentioned in 14a. This stick placed on Libby's left thigh would also connect with (and in fact may even be attached to, as the photo makes it hard to tell) the stick described in 14b.

22. At some point in time, once the blood draining from Abby's neck had stopped, this man acting alone would then have to gather the discarded clothing from both girls.

23. This man, would then have had to redress Abby's dead body, starting with the undergarments Abby was wearing, without leaving any blood (his, Abby's or Libby's) on the undergarments except around the neck area where Abby had been mortally wounded.

24. This man acting alone would have to use his dexterity to lift Abby's dead body in order to maneuver the first bra onto Abby's dead body.[27]

25. This man, acting alone, would then have to use his dexterity to lift Abby's body in order to maneuver the first bra under her back.

26. This man, acting alone, then would have to use his dexterity to secure this black bra onto Abby.

27. This man acting alone, would then have to locate the second bra that Abby was wearing.[28]

28. This man, acting alone, would then again have to use his dexterity to lift Abby's dead body in order to maneuver the second bra onto Abby's dead body.

29. This man, acting alone, would then use his dexterity to secure a second woman's bra onto Abby.

30. Once both bras were secured onto Abby's dead body, this man acting alone would have to locate the pink shirt that Abby was wearing underneath the sweatshirt.

31. Once the pink shirt was located, the man acting alone would likely have positioned Abby's arms above her head to make it easier to place the pink shirt onto Abby's dead body.

32. Once Abby's arms were positioned above her head, then the man acting alone would have to place the opening at the bottom of the pink shirt just above Abby's outstretched arms.

33. Once the bottom opening of the pink shirt was positioned just above Abby's outstretched arms, the man acting alone would have to use his dexterity by lifting Abby's left arm and placing it into the pink shirt.

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[27] Abby was wearing two bras. The first bra (on top of Abby's skin, but under the second bra) was a traditional looking black bra.

[28] The second bra was found on top of the black bra and under a pink shirt. This second bra was what the Defense would call a grey sports bra.

34. Once the man acting alone maneuvered Abby's left hand and left arm through the bottom of the pink shirt, he would have to use his dexterity to move Abby's left hand and left arm toward the left arm hole of the pink shirt.

35. Once the man acting alone had used his dexterity to maneuver Abby's left hand and left arm toward the left arm hole in the pink shirt, he would have had to use his dexterity to pull the left arm through the left arm hole on the pink shirt.

36. Once the left arm was successfully pulled through the left arm hole of the pink shirt, the man acting alone would have used his dexterity by picking up Abby's right arm and placing it in the bottom entry hole of the pink shirt.

37. Once the man acting alone had used his dexterity to maneuver Abby's right hand and right arm toward the right arm hole in the pink shirt, he would have had to use his dexterity to pull the right arm through the right arm hole on the pink shirt.

38. Once the man acting alone had successfully maneuvered Abby's right and left arms through the arm holes, then he would have to use his dexterity by using one hand to lift the upper portion of Abby's body while using the other hand to pull the pink shirt toward Abby's midsection until the shirt was properly dressed on Abby.

39. Additionally, the man acting alone while using his one hand to pull the pink shirt toward Abby's midsection would have had to lift Abby's body high enough off the ground to avoid getting any dirt on the pink shirt as the photographs show that the pink shirt was clean.

40. It is likely that once the murderer re-dressed Abby in her pink shirt that the pink shirt never touched the damp, dirty ground as there was no dirt on that shirt whatsoever, unlike the wet dirt found on Libby's backside and the wet dirt also found on the sweatshirt Abby was ultimately dressed in.

41. This would mean that once the man re-dressed Abby in the pink shirt that he would have likely held up the upper portion of Abby's body with one hand while grabbing the sweatshirt with the other before placing the sweatshirt on Abby.

42. In order to put the sweatshirt on Abby, once he was able to locate Libby's sweatshirt, then this man acting alone likely positioned at least one of Abby's arms above her head so as to make it easier for this man to put Libby's sweatshirt onto Abby's body.

43. Once he positioned Abby's arms above her head, this man acting alone then would have to take the opening of the sweatshirt near the outstretched arm or arms of Abby.

44. Once he positioned Libby's sweatshirt near Abby's arms, this man acting alone would have had to maneuver the left hand and arm in order to move it into the bottom opening of the sweatshirt.

45. Once he stuffed the left hand and arm into the sweatshirt, this man acting alone would have had to position the right arm into the bottom opening of the sweatshirt.

46. Once both arms had been placed into the entrance of the opening of Libby's sweatshirt, then this man acting alone would have had to use his dexterity to pull the sweatshirt down toward Abby's head, likely using one of his hands as the other was being used to prop up Abby's body so that it wasn't touching the ground (again, as the pink shirt shows no dirt).

47. Once this man, acting alone, started pulling the sweatshirt down toward Abby's head, he would also have to make sure that Abby's left arm and left hand were also being pulled inside the sweatshirt's left armhole toward the hole at the end of the sweatshirt's left sleeve.

48. Once this man, acting alone, started pulling the sweatshirt down toward Abby's head, he would also have to make sure that Abby's right arm and right hand were also being pulled inside the sweatshirt's right armhole toward the hole at the end of the sweatshirt's right sleeve.

49. Once the man acting alone had successfully guided both the right arm and left arm into their respective arm holes, then this man would have to use his dexterity to lift Abby's body with one hand, while using the other hand to pull the sweatshirt down toward Abby's midsection, making sure that the sweatshirt was pulled over Abby's head.

50. Once this man, acting alone, had secured the first bra and the second bra and the pink shirt and then sweatshirt onto Abby's dead body, then he would have had to locate Libby's jeans which were found on Abby.

51. Once this man, acting alone, had located Libby's jeans, this man acting alone would then have had to place the opening of Libby's jeans at Abby's feet.

52. Once he placed the opening of Libby's jeans at Abby's feet, this man acting alone would then have to have used his dexterity to lift Abby's feet from her dead body enough off the ground in order to start the process of maneuvering Libby's jeans onto Abby's dead body.

53. First, this man acting alone would have lifted either the right or left leg and foot into the opening of the jeans.

54. Next, the man acting alone would have lifted the remaining leg and foot into the opening of the jeans.

55. Once he was able to position Abby's feet into the openings of Libby's jeans, then this man acting alone would have to use his dexterity to lift Abby's hips and legs in order to maneuver the jeans up Abby's dead body.

56. Once the man acting alone was able to maneuver the jeans several inches toward Abby's midsection, he would have to continue to readjust by lifting the body with one hand while grabbing the jeans and pulling them toward Abby's midsection with the other hand.

57. This man, acting alone, would continue this adjustment and readjustment, using both of his hands until the jeans were ultimately completely on Abby's dead body.

58. Once this man acting alone had successfully completed the task of dressing Abby in the first bra, the second bra, the pink shirt, Libby's sweatshirt and jeans, he would then have to locate Abby's converse tennis shoes.

59. Once the man acting alone had located Abby's black converse tennis shoes with white laces, he would have used his dexterity to lift Abby's left leg with one hand, while using the other hand to place Abby's tennis shoe on her left foot.

60. Once the man acting alone had completed the task of placing Abby's left Converse tennis shoe with the white laces back onto Abby's left foot, he would have to grab Abby's other tennis shoe (the right tennis shoe).

61. Once the man acting alone had grabbed Abby's right tennis shoe, he would have used his dexterity to lift Abby's right leg with one hand, while using the other hand to place Abby's right Converse tennis shoe onto Abby's right foot.

62. Once the man acting alone had placed both shoes on Abby's feet, he would have had to locate the right twigs/sticks that could be fashioned into antlers/horns.

63. Once those sticks/twigs are found, then the man acting alone would have to lay the twigs/sticks *over* Abby's hair so that they cross and crudely resemble antlers.

64. Since there appeared to be no blood on Abby's tennis shoes and other clothing (other than around the neck area), this man acting alone must have been extremely careful to avoid any of the blood that came out of Abby's neck, as well as Libby's neck.

65. Because the river is very close to the murder scene, the man acting alone could have also walked to the river following the cutting of the girls' necks in order to wash and clean the blood from his hands before touching Abby's naked body and before placing the clothing back on Abby's naked body.

66. Another possible explanation as to how Abby had no visible blood on her body or clothes (other than near the site of the wound) is that the man acting alone had hanged Abby on a tree stringing her up by her feet.[29] This method, consistent with pagan sacrificial rituals found on Brad Holder's Facebook page, would allow the blood to drip

[29] In one crime scene photo, a yellow rope can be viewed. This photo is attached and marked as Exhibit 28 filed as confidential.

out of Abby's neck more quickly and would also prevent the blood from desecrating Abby's body, especially if the man acting alone was able to hold Abby's arms away from her body as the blood spilled out of her neck.

67. Once this man acting alone had successfully completed the task of locating and putting on Abby's tennis shoes, then he would have to identify certain sticks that he would use to place on Abby's body.

68. Now, because at least one of the branches appeared to have a clean-cut end, this man acting alone either:

    a. Brought out his saw (a saw that he had either stashed at the murder scene ahead of time or had carried on his person as he walked on the bridge) and then used that saw to cleanly cut the end of at least one of the branches; or

    b. Located the branch with the clean-cut end that he (the man acting alone) had either:

        i. Stashed ahead of time at the murder site; or
        ii. That he had carried with him on his person while walking the high bridge before abducting the girls; or
        iii. The man acting alone just so happened to have found a branch with a clean-cut end on the ground in the woods.[30]

69. Before placing his three hand-selected sticks on Abby's dead body, the man acting alone would have had to position Abby the way that she had been found.

70. First, the man acting alone would have grabbed Abby's right hand and bent it at the elbow toward Abby's face, so that the arm was resting on Abby's chest with Abby's right hand near the right side of her face.

71. Next, the man acting alone would have grabbed Abby's left hand and bent it at the elbow toward the left side of Abby's face, with the arm and hand resting on Abby's chest, with her left hand near the bottom of the left side of her face.

72. Once the man acting alone positioned Abby's right and left arm the specific way that he wanted, he then would have taken Abby's right leg and bent it at the knee.

73. Once the man acting alone had bent Abby's right leg at the knee, he would have taken the bent portion of Abby's right leg (below the knee) and placed it *under* Abby's left leg which was positioned in a straight line.

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[30] Later in this brief you will see a Facebook post in which a few weeks before the murders, a man that looks like Patrick Westfall is using an electric saw to cut a tree branch. Brad Holder then leaves a comment that says: "**Cutting Runes!!!!"** (See footnote 99).

74. Once the man acting alone had positioned Abby's body in a way that he desired, then the man could commence placing the sticks on Abby's body.

75. First, the man acting alone would have grabbed the largest and longest of the branches and placed it diagonally from the bottom of Abby's body, beginning below the right leg, over Abby's midsection, then over Abby's left shoulder. This branch was so long that it covered a few feet below Abby's right leg and a foot or so to the right of Abby's head.

76. Once the man acting along placed that first larger branch across Abby's body, then he would have taken the second shorter stick and placed it on a line (for the most part) between Abby's right and left shoulders, and over her neck.

77. Once the man acting alone was through placing the stick described in paragraph 75, he finally would have laid the last stick on a line along the left side of Abby's body toward the middle of her head, with all three sticks *intersecting* at the same exact location on the left side of Abby's body.

78. Once the man acting alone had finished placing the sticks and branches on Abby's body in the specific way that he desired, he would then have to place the rune on the tree where Libby had likely been slayed.

79. The man acting alone would have had to have taken some of the spilled blood from Libby and dipped his finger, or some other type of object, into Libby's blood.

80. Once the man acting alone would have dipped his hand or some other object into Libby's blood, he would have then walked away from the bodies and toward the tree where Libby had been slayed.

81. Once at the tree where Libby had been slayed, the man acting alone would have taken his finger dripping with blood, or the tool dripping with blood, and would have painted a line, maybe a foot, long straight down the tree trunk, about 4 feet above the ground.[31]

82. Once the straight line would have been painted using Libby's blood, the man acting alone may have had to walk back to Libby's body to dip his finger into Libby's neck or to dip whatever tool he used into Libby's neck wound in order to have enough blood to finish the rune that he was painting on the tree.

83. Once he dipped his finger or tool into Libby's wound, the man acting alone would have walked over to the tree now containing the vertical line of Libby's blood about four feet above the ground and would have used Libby's blood to paint two lines horizontal to the ground to form what looked similar to an "F".

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[31] Law enforcement officer Greg Ferency sent Tony Liggett a video of a pagan ritual videotaped by Brad Holder in which someone that looks like Patrick Westfall is marking a tree with his hand or fingers. (See Footnote 49).

84. Once the painting of the rune on the tree was completed using Libby's blood, the man acting alone would now locate certain clothing items that he did not place on Abby, but were still on the ground, including Abby's jeans.

85. Once he located those certain clothing items, he would gather them.

86. Once the man acting alone gathered the remaining clothing items, he would leave the immediate area around the crime scene and walk to the river.

87. Once the man acting alone reached the river, he would toss these clothing items into the river.[32]

88. Once the man acting alone had thrown the clothing items into the river, he would have to walk back up to the crime scene and canvas it to make sure he left nothing behind.

89. Once the man acting along made sure that he left nothing behind, including his DNA, hair, fingerprints and shoeprints, the man would be able to leave.

90. Once the man acting alone was able to leave, after exerting all the energy needed to complete all those tasks, he would have to walk up a steep hill for several hundred yards, through some thickets and brush until he was able to get to the road, 300 North.

91. Although this man acting alone was somehow smart enough to keep his DNA, fingerprints, footprints, hair and other evidence out of the crime scene, this man acting alone was apparently dumb enough to decide to walk down 300 North in the middle of the day headed west easily visible to the public and easily visible to anyone driving a vehicle on 300 North, like Sarah Carbaugh.

92. Once the man acting alone was able to make his way onto 300 N. to walk down the road in broad daylight open to the public (rather than in the woods under cover) this man then walked some distance westbound on 300 N. before allegedly being spotted by Sarah Carbaugh at 3:57 pm.

One man, 5 foot 4 inches in stature, handled all these tasks? From the abduction at the high bridge, to the crossing over the cold, flowing river, to the subduing of one girl while the other is killed, to the killing of the second girl, waiting while Abby died a slow death, then clothing Abby with very little to any blood transfer on said clothing, to the arrangement of the sticks into

[32] Clothing from the girls was found in Deer Creek.

runes, to the painting of the F rune on the tree, to the throwing of the clothing items into the river, to the departure from the crime scene, and finally, to traversing hundreds of yards through the forest and then up a steep hill, and then another hundred or more yards until finally reaching 300 North…all the while, being so careful as to not leave any DNA or other forensic evidence behind. Were all these acts committed by one man acting alone? All these things occurred between seventeen minutes and one hour and seventeen minutes after the girls heard the phrase "down the hill" at approximately 2:13 pm.[33] Again, not plausible.

At his August 8, 2023, deposition, Sheriff Liggett was adamant that one person, and one person alone – Richard Allen – was involved in the murder of Abby and Libby.[34] However, off record Liggett doesn't believe that one man was capable of pulling off all of those tasks, especially in such a short period of time, leaving behind a crime scene with no forensic evidence. As referred to earlier, Liggett says one thing publicly under oath, but a different thing off-record to his buddies. One of those buddies is former Sheriff (and now Chief Deputy Sheriff) Tobe Leazenby. The day after Liggett's August 8, 2023, deposition, Tobe Leazenby was subject to a deposition.

When Tobe Leazenby was asked at his deposition how many people he believed were involved in the murder of Abby and Libby, Leazenby provided a different answer than Liggett. He (Leazenby) indicated that "at least two" people were involved.[35] The reasons Leazenby gave as to his belief that "at least two" people were involved in the murders was Leazenby's belief that "it would be difficult for one individual to accomplish what occurred."[36]

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[33] Again, Jerry Holeman testified in his deposition that investigators estimated the time of death as occurring somewhere between 2:30 and 3:30 p.m. (Holeman depo., p. 17, lines 6-21).
[34] Liggett depo. P. 67, lines 13-19
[35] Leazenby depo. p. 19, lines 19-20.
[36] Leazenby depo. p. 20, lines 9-10.

When asked if any other law enforcement officers shared this perspective, Leazenby provided a surprising answer based upon what Liggett had testified to under oath the day before: Yes, at least one other law enforcement officer believed multiple people were involved in the murder of Abby and Libby: **Tony Liggett**. According to Leazenby's sworn statement, it was common for he (Leazenby) and Tony Liggett to have one-on-one conversations, and that Tony Liggett definitely believed that more than one person was involved.[37]

Tony Liggett, who just the day before under oath claimed that only one person – Richard Allen – was involved in the murders, privately behind the scenes, was saying something altogether different in one-on-one conversations with his law enforcement friends.

If a cult, consisting of more than one person in a coordinated fashion, lured the girls to the bridge, abducted the girls, and then collectively were able to perform all the tasks mentioned in the previous paragraphs, that perspective would cut against Liggett's sworn claim that the murderer acted alone. Conversely, even more problematic for Liggett, is that stating under oath what he (Liggett) *actually* believes (i.e. that more than one person was involved in the murders of Abby and Libby) would then lend credence to the fact that the accumulation of evidence gathered by Murphy, Ferency and Click strongly supports that on February 13, 2017 several men from a pagan religious cult were involved. For some reason Liggett is obviously not interested in wanting anyone, including Judge Diener, to know that the evidence strongly supports an organized pagan cult as being the killers. Therefore, sadly, it is not surprising that Liggett lied under oath when he claimed in his deposition that only one man, acting alone, murdered those girls.

[37] Leazenby depo. p. 103, lines 20-25.

If Liggett had told Judge Diener that he (Liggett) believed that multiple people were involved in the crime and if Liggett also provided Judge Diener with the massive amount of missing details of the Odinite involvement in the murders (including evidence of the Odinite's intimate knowledge of the crime scene) then there is no way Diener would have, or should have, signed the search warrant.

This Court will be considering whether Liggett intentionally or recklessly concealed information and intentionally fabricated facts in his Affidavit for Search Warrant. Liggett's duplicity under oath about the number of people he felt were involved in the murders is just one of many reasons to support the belief that Liggett *intentionally* concealed evidence and fabricated other evidence in his sworn affidavit.

Part II – The Evidence that Connects the Odinites to the Murders.[38]

What is Odinism?

For Rick's Defense team, it has been hard to gain a grasp on exactly how to define Odinism. A March 15, 1998, article found in the Winter Issue of the Southern Poverty Law Center's ("hereinafter "SPLCA") Intelligent report (identified as "the nation's preeminent periodical monitoring the radical right in the U.S."), said this about Odinism in 1998:

> A neo-Pagan religion drawing on images of fiercely proud, boar-hunting Norsemen and their white-skinned Aryan womenfolk is increasingly taking root among Skinheads, neo-Nazis and other white supremacist groups across the nation.
>
> Asatru leaders have opened prison ministries in at least five states recently, and that many jailed followers are heavily white supremacist. A leading proselytizer, imprisoned terrorist David Lane, has been writing prolifically and influencing many to adopt his racist interpretations.
>
> Bob Mathews, the late founder of The Order, of which Lane was a member, adopted a series of related beliefs. A Denver Skinhead who confessed to the November murder of a man because he was black, bears an Asatru tattoo. Some key Asatru leaders have known neo-Nazi or anti-Semitic backgrounds.
>
> "Suddenly," says Phil Rodriguez, a gang investigator with the Arizona state prison system, "Asatru's become the new big fad."
>
> Asatru (an Icelandic word meaning "belief in the Aesir or gods) has been officially recognized as a religion in Iceland since 1972.

Further down in the article the SPLC states the following:

> Odinism, which is closely related to Asatru, was much favored in Nazi Germany. Its Nordic/Teutonic mythology was a bedrock belief for the key Third Reich leaders, and it was an integral part of the initiation rites and cosmology of the elite Schutzstaffel (SS) which supervised Adolf Hitler's network of death camps. Decades later,

[38] Marked as Exhibit 29, Defense has provided an infographic highlighting parties discussed in this section.

> Odinism also influenced Goerge Lincoln Rockwell's American Nazi Party.
>
> https://www.splcenter.org/fighting-hate/intelligence-report/1998/new-brand-racist-odinist-religion-march

In addition to the white supremacy component that exists with Odinism, there seems to be an additional dark, demonic component to Odinism, at least if articles concerning Odinist human sacrifice and imagery found on the internet, coupled with imagery and language found on Brad Holder's Facebook page are to be considered. As an example, the Defense has attached Exhibits 30-34. Exhibits 30 and 31 were found on the internet, Exhibits 32, 33, and 34 are different versions of the same image that Brad Holder posted on his Facebook page. As you can see, law enforcement wrote the words "Painting by Brad Holder. Odin hanging from "World Tree" on Exhibit 34. This appears to be something that law enforcement would have used in a power point presentation.

Additionally, Kevin Murphy, who was a state trooper that investigated the Odinist angle, said this about Odinism: **"it seemed to me to border on almost a satanic type of worshipping, sacrificing**, but I couldn't really wrap my brain around it."[39](Emphasis added)

Exhibit 30 is an image from a website on Odinism of a man hanging upside down from a tree, *who has been sliced in the neck* with blood dripping to the ground. This man's arms are posed similarly to Abby's at the crime scene. This man's legs are also posed similarly to Abby's at the crime scene. His left leg is straight, and his right leg is bent at the knee. The only difference is that the man's right leg is placed over the left leg, while Abby's right leg was posed under her left leg.

Exhibit 31 is an image from a website on Odinism of a man wearing antlers (similar to the crude way in which sticks were formed on Abby's head). Exhibit 31 also resembles the crime

[39] Murphy depo. p. 6, lines 13-16.

scene in that the man's left leg is straight while his right leg is bent at the knee and placed *under* his left leg (just like Abby was found).[40] Both Exhibits 30 and 31 were found on the internet by Ryan Boucher during his internet research.[41]

The Defense included Exhibits 32 and 33 in the event that the Court might think something like: "well, just because those images are available on the internet concerning Odinism has nothing to do with Brad Holder." Exhibits 32 and 33 are image that the Defense located in the state's discovery. Both exhibits are the same image, with Exhibit 33 being a close-up version. The image itself is a painting produced by the hands of Brad Holder. As the Court can see, Brad Holder painted what the Defense would call a very creepy, serial-killer looking image of a naked man hanging from a tree. Holder's painting is similar in appearance to Exhibits 30 and 31.

Also, in Holder's self-made painting, you can see that just like Abby, the hanging man's right leg is bent at the knee, angled toward the man's straight left leg. Again, an overly inquisitive man down in Georgia (Ryan Boucher) began piecing all this together <u>without even having the benefit of the crime scene photographs</u>. Yet the Unified Command (with the benefit of the crime scene photographs) apparently, either incompetently or intentionally, failed to piece together these images which would have caused any curious investigator to continue pursuing Brad Holder as a suspect.

Ryan Boucher's curiosity led him to continue his research into runes and Odinism. Boucher's research led to an article that is a primer for Odinist sacrifice. The Defense has attached this article by Daniel Bray entitled "Sacrifice and Sacrificial Ideology in Old Norse Religion."[42]

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[40] The man's hands are <u>not</u> similar to the way Abby had been posed.
[41] See Boucher affidavit.
[42] Article by Daniel Bray, Exhibit 35.

Within Bray's article, he discusses the history of human sacrifice to Odin that exists in the pagan Norse religion.

Unified Command Claims that Odinism was ruled out early because of the findings of a Purdue Professor. However, Unified Command now Claims that it can't remember the name of the Purdue Professor.

Early in the investigation, one of the investigators viewing the crime scene thought that it might be the work of Odinists practicing Odinism.[43] Unified Command's Jerry Holeman has forgotten which investigator it was.[44] Early in the investigation, based upon the thought that Odinism may explain how the bodies were found and how the sticks were arranged on top of the girls, Unified Command sought out an expert.[45] The expert was being sought in order to consider whether the crime scene was indicative of Odinism or some other cult.[46] According to Holeman, Sergeant Steve Buckley of the Indiana State Police was in charge of locating the expert.[47]

Allegedly, the expert that Sgt. Buckley found was from Purdue.[48] According to Holeman, he (Holeman) doesn't know the Purdue professor's background, "but he studies that Norwegian Nordic Culture that Odinism is."[49] Holeman admitted that he (Holeman) has never talked to this Purdue professor.[50] Holeman stated that Sgt. Buckley knew the Purdue professor's background and furthermore that Sgt. Steve Buckley "was in communication with them."[51]

According to Holeman, the professor "was out of the country at that time, and we did not release the photos but we released a sketch of the sticks, how they were laid and some other

[43] Holeman depo. p. 63, lines 7-20. Also, p. 64, lines 19-25.
[44] Holeman depo. p. 63, lines 7-10.
[45] Holeman depo. p. 63, lines 7-20. Also. p. 64, lines 9-25.
[46] Holeman depo. p. 63 lines 7-20. Also, p. 64, lines 19-25.
[47] Holeman depo. p. 62, lines 7-20.
[48] Holeman depo. p. 62, lines 7-20.
[49] Holeman depo. p. 65, lines 6-8.
[50] Holeman depo. p. 65, lines 9-12.
[51] Holeman depo. p. 65, lines 1-3

information."[52] Having reviewed everything, the professor concluded "that it was not Odinism or any type of cult worshipping or any type of a group that would have conducted the crime." Id.

However, Jerry Holeman told a different story to Trooper Roland Purdy concerning the conclusions of the Purdue professor.[53] Trooper Purdy began assisting with the investigation in March, 2017.[54] However, the first time that Purdy ever even heard the word "Odin" or "Odinite" was "at least May or June" of 2017.[55] It's also important to note that the first time that Trooper Purdy heard the word "Odin" or "Odinite" wasn't even through Unified Command or any other law enforcement officer, but rather through Becky Patty, who is Libby German's grandmother.[56] Becky Patty, while talking to Trooper Purdy, informed Purdy that Abby Williams had dated Holder's son (Logan) and that Logan's dad was an Odinist named Brad Holder.[57] This information interested Purdy who then talked to Holeman, and Holeman told Purdy that they had already run the stick formations and Odin angle through a Purdue professor.[58] Holeman told Purdy that the results from the Purdue professor were "kind of inconclusive."[59] Purdy also believes he was provided "a copy of what Purdue University had provided them."[60] Upon reviewing that Purdue report, according to Purdy, the Odinite angle was <u>not</u> dead.[61]

In other words, Holeman did <u>not</u> tell Purdy (and the report did not claim) that the Purdue conclusions were that "it was not Odinism or any type of cult worshipping or any type of a group that would have conducted the crime." Holeman has told one story to Purdy and yet another story

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[52] Holeman depo. p. 63, lines 10-20.
[53] Purdy depo. p. 26, lines 10-25
[54] Purdy depo. p. 24, lines 12-16.
[55] Purdy depo. p. 24, lines 17-20.
[56] Purdy depo. p. 23, lines 1-17.
[57] Id.
[58] Purdy depo. p. 26, lines 15-25 and p. 23, lines 1-17.
[59] Purdy depo. p. 26, lines 19-25.
[60] Purdy depo. p. 28, lines 10-11.
[61] Purdy depo. p. 28, lines 10-19.

under oath in a deposition as to what the Purdue professor's conclusions were concerning Odism involvement in the murders.

The difference between concluding that Odinists and cults did NOT commit the murders vs. that the evidence is inconclusive as whether Odinists were involved in the murders, is significant. In the first instance, such a conclusion could theoretically explain why law enforcement stopped pursuing the Odinite angle. In the second instance, law enforcement would presumably continue to pursue the Odinite/cult angle based on the stick formations, girl's body positioning, and the "F" painted in Libby's blood on the tree, as well other strong evidence supporting an orchestrated abduction and ritualistic murdering of the girls.[62] As stated earlier, both Leazenby and Liggett (privately) believed more than one person were involved based upon how much work was needed to leave the crime scene the way that it was found. However, if the Purdue report concluded that a band of Odinites/cultists were <u>not</u> involved, then arguably it could be the work of one man.

It is very telling that Trooper Purdy had been working as an investigator on the case for at least two months (March-May 2017) before ever hearing the word Odin or Odinite. This fact is evidence that the Odinite angle was abandoned before Purdy became involved in the investigation in March 2017. This point can't be emphasized enough: the Odinite angle was abandoned by March 2017, only a few weeks after the girls were murdered. The reason for this abandonment: a Purdue professor had reached a conclusion concerning Odinism and the crime scene. Of course, Holeman tells one thing under oath about that conclusion (Odinism and cults were not involved in the murders) and another thing to Purdy (the results were inconclusive). A report may or may not exist that does not rule out Odinism.

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[62] This evidence will be discussed later, but primarily involves social media posts on Brad Holder's Facebook page and witness statements found on a 12-page report that the Defense has dubbed the "Odin Report."

The best thing to do to figure out which version of Holeman's story to believe (if either) is to go straight to the source: the Purdue professor, and/or to read the report that the Purdue professor prepared. The problem is that as of the filing of this document, the Defense has been told that Unified Command cannot identify the professor, and therefore can't locate the professor, and in the end may not ever be able to identify this mystery professor.[63] Additionally, the prosecution has not provided the Defense with any Purdue report. Presumably, if the State of Indiana had such a report in its possession, then the identity of the mystery professor would be revealed. The only conclusion is the Purdue report is missing just as the author of the report is also missing. It is unknown if Detective Holeman is currently searching for the mystery professor. If so, he will probably never be found because of the incompetence surrounding this investigation and the complete inability to conduct a comprehensive review of ALL facts and circumstances pointing to the involvement of multiple actors in this crime.

To summarize: the crime scene is chalked full of signs of cult involvement. At least one law enforcement officer believed that the cult involved may be Odinites. Therefore, very early on in the investigation Unified Command claims to have found an expert from Purdue. This expert from Purdue, according to sworn testimony of Jerry Holeman, dismisses Odinism and cultism as being involved. The investigators move on from Odinism to the degree that when Trooper Purdy got involved in the investigation in March 2017, he (Purdy) never even hears the word "Odinism" or "Odinite" uttered by anyone in Unified Command. Rather Purdy hears "Odinism" for the first time in May or June from a fact witness (Becky Patty). Now, this mystery professor can't be found. Two young girls were brutally murdered, and an innocent man sits in Westville being mentally abused by Odinite guards and Detective Holeman can't even identify the Purdue professor that

[63] Prosecutor Nick McCleland informed the Defense of this development in a September 6, 2023, email.

caused the abandonment of the likely source of the murders? It's very difficult to put into words the level of incompetence, or worse, the level of intentionality on display**.** It would be utterly laughable if the consequences of this dereliction of duty didn't involve life and death. The life of Richard Allen, and the deaths of Abigail Williams and Liberty German.

These are the facts that greatly undermine the credibility of the entire investigation and are an embarrassment to the greater law enforcement community. As stated previously, when determining whether a Franks hearing should be granted, the Court will be determining whether the actions of Tony Liggett, as alleged by the Defense, were intentional or reckless. Surely a missing Purdue Professor and missing report would qualify as either intentional or extremely reckless conduct. Luckily for Richard Allen, Detective Murphy was thorough and organized enough to document, in great detail, his findings on the Odin angle of the investigation. Enter, the "Odin Report." It seems only prudent that the Court would review this report, in its entirety, before reading the remainder of this memorandum.

The Twelve-page Odin Report.

As part of discovery, the Defense received a twelve-page word document that provided a summary of Trooper Kevin Murphy's investigation of the Odinite angle. Over time, for reference purposes, the Defense has come to call this document the "Odin Report." Therefore, to more clearly reference this document throughout the rest of the memo, the Defense will use the moniker "Odin Report" when discussing this report.

The Odin Report was created by Indiana State Trooper Kevin Murphy, who thankfully was independently curious. The Unified Command, through Liggett and Hammond, had concluded by March 2017 that Brad Holder should be cleared as a suspect (as will be detailed later). Further,

Unified Command had claimed that it had concluded very early on (probably March 2017) that Odinites were not involved (as discussed earlier). Despite Liggett and Holeman clearing Holder as a suspect in March of 2017, and despite a mystery Purdue professor dismissing all links between Odinism and the murders, Murphy pressed on. Murphy began investigating a man named Elvis Fields down in Rushville Indiana, 126 miles away. The fruits from this investigation ultimately boomeranged Murphy, as well as law enforcement officers Greg Ferency and Todd Click, back to Brad Holder and therefore back to Odinism.

Murphy, Ferency and Todd Click's dogged pursuit of the truth is what we citizens, and those accused of crimes, should expect out of law enforcement. These honorable law enforcement officers were knocking on doors and conducting interviews, going wherever the evidence led them. Immediately following an interview, Murphy would reduce key aspects of that interview into a word document. Over time, the Odin Report grew from a single page (from his first interview with Mary Jacobs) to twelve pages, with the last pages used for summing up his thoughts from all the interviews he had conducted. The Defense has attached this document to this memorandum and marked it as Exhibit 36. Surprisingly to Murphy, even though he was handing over to Unified Command powerful evidence that really painted a clear picture of who was involved in the murders, Holeman and Liggett did not seem interested. Eventually, Murphy said that Unified Command phased out the Odinite/Rush County angle.[64] He (Murphy) figured that this phasing-out was due to Unified Command knowing things that he (Murphy) didn't know, that eliminated the Odinism angle. Murphy further stated: "I kind of took my marching orders and just did what I was told and went where I was needed."[65] In other words, Murphy trusted that Unified Command was doing the right thing.

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[64] Murphy depo. P. 11, lines 1-25.
[65] Murphy dep. P. 11, lines 16-22.

The Defense would encourage the Court to stop and review this document before continuing to read this memorandum as the Odin Report will be discussed over the next several pages.

Who is Brad Holder? Who is Patrick Westfall? Who is Johnny Messer? Who is Elvis Fields? Who is Rod Abrams? And why does the evidence strongly point toward these men as having been involved in the murder of Abby and Libby? The Odin Report provides much of the information. However, the report is not the only source of evidence provided by the State of Indiana that links these men to the murders. The investigative fingerprints of Todd Click and the late Greg Ferency are prominently peppered throughout the Odin Report, as well. Click also prepared a roughly 85-page report and delivered it to Unified Command. However, the Defense didn't receive this document until September 8, 2023, nearly 10 months after Defense counsel entered their appearance.

The Defense will now show what Liggett and the rest of Unified Command knew but refused to act on. This information is also what Liggett concealed from Judge Diener. The Defense will include the evidence that links these men to the crime scene and to each other, including the intimate knowledge that these men had of the crime scene that only someone who had been at the crime scene would know.

Brad Holder's Connections to the Crime Scene.

Brad Holder's son (Logan Holder) was dating Abby Williams at the time of the murders. Nobody denies this fact. Amber Holder, for example, discusses this fact on page 9 of the Odin Report.

Exhibit 37 is a document memorializing the only known interview of Brad Holder concerning the Delphi murders, at least through August 30, 2023. In that document, it is learned Brad Holder details that he was usually in Delphi every weekend visiting his friend, Patrick Westfall, and attending Asatru religious ceremonies at Patrick Westfall's house, usually on Sundays. Asatru is interchangeable with Odinism.[66] Patrick Westfall and Brad Holder had been friends prior to the murders of Abby and Libby. In fact, Patrick Westfall and Brad Holder were found in a photograph together as late as January 21, 2017. Find attached a copy of said photograph, marked as Exhibit 38. Murphy noted on page 11 of the Odin Report that "Westfall appears ten times in pictures that Holder posts on Facebook prior to February 13, 2017. However, after Feb. 13, 2017, Westfall does not appear in any of Holder's posed photos."

What happened to the friendship of Brad Holder and Patrick Westfall?

Amber Holder tells a very disturbing story.

As can be viewed on page 9 of the Odin Report, Amber told law enforcement the following:

> She [Amber] said that Brad spoke of Patrick one time when he was intoxicated and said that he and Patrick got into a fight, and they no longer speak to each other. He told her that he and Westfall were in the woods, near a river conducting a ritual. One of them said or did something that the other did not agree with and they no longer talk to each other. She said the river was near Patrick's house. Note, Brad has a Facebook post with him and Patrick together on January 21, 2017.

Patrick Westfall was living in Delphi at xxx N. xxx Street, Delphi at the time. Find attached DIN-0002561, marked as Exhibit 39 and filed as confidential. This document is the narrative report of what is believed to be the only interview police conducted of Patrick Westfall.[67] The address where

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[66] In a report labeled DIN-C002561, Patrick Westfall described to law enforcement that Asatru was a "warrior type" religion with many gods including **"Odin"** and "Thor". This report is marked as Exhibit 39.

[67] Just like Holder's video-taped interview, as of the date of the filing of this memorandum, the prosecutor still has not turned over the Westfall videotaped interview. The Defense only has a narrative that allegedly memorializes Westfall's interview. The Defense has requested both Holder's and Westfall's videotaped interviews.

Westfall was living at the time was 3.1 miles or roughly a 7-minute drive to the cemetery which is the closet entry point to where the girls were murdered.[68]

As we know from Exhibit 37 (attached to the memorandum), Brad Holder admitted that he (Holder) spent every weekend hanging out with his friend Patrick Westfall in Delphi and participated in Asatru religious ceremonies on Sunday with Patrick Westfall. The girls were abducted on Monday February 13, 2017. Patrick Westfall appeared to no longer be friends after February 13, 2017.

Defense is unaware as to whether law enforcement were even mildly curious enough to seek Brad Holder or Patrick Westfall out to ask them about the explosive information Amber told police about an argument over a ritual gone bad in the woods sometime in February 2017. Additionally, Richard's Allen's Defense team is unaware whether law enforcement sought a search warrant for Brad Holder's or Patrick's homes.

Amber Holder tells a second and equally disturbing story.

When interviewed a second time, Amber discussed another conversation she (Amber) had with Brad Holder. She had gone to Brad Holder's house to visit him. While the children were upstairs, she (Amber) inquired about Patrick Westfall, under the ruse that Amber's girlfriend had a date with Patrick. This is what is contained on page 10 of the Odin report:

> Brad became "very nervous" and told her that she needed to stay away from Westfall, or she would "end up dead". She said that Brad told her Westfall and "his crew" was responsible for the murders of the "girls in Delphi" and a fire that killed two girls. I asked her if she knew of the fires in Flora that killed four girls and she said she was not familiar with any fires that killed any children until Brad mentioned it today. She said Brad may have been talking about that fire but had the number of killed wrong. She said Brad told her that Westfall and "his crew" had friends in several states and that they have no problem killing "race traders". I asked her to

[68] Find attached a copy of Google Maps showing pins dropped at Westfall's address and close to where the girls were found. Marked as Exhibit 40 and filed as confidential.

> clarify "race trader" and she said she believed it meant white people who "mix" with other races.
>
> Amber said that Brad told her that Westfall belonged to a group called the Vinlanders and "22". Brad told her that Westfall had many people backing him up and **"powerful friends"** she said that Brad was very nervous while telling her these things and was whispering like he was fearful someone else would hear him…she said that throughout the conversation Brad was constantly telling her to stay away from Westfall. He also told her that Patrick had killed a lot of people and it didn't matter if they were "innocent or not." Amber truly believes Brad is scared of Westfall.
>
> Prior to Amber leaving, she said that Brad told her to "stay off Westfall's radar" and "I can only protect you so much if you keep asking questions." He also told her that if Westfall found out she was married to him that she would be in danger. Brad also questioned her on why Westfall would be going on a "date" that he was under the impression that Westfall was married or engaged to someone.
>
> (Emphasis added)

Imagine being an investigator trying to solve a horrible murder having learned all this information. What would a good investigator do? What would good leadership in the form of Uniform Command do with this information? We would ask the Court to think about <u>all</u> the tools that law enforcement had in its arsenal to pursue an investigation once these explosive stories were told. It doesn't appear that Unified Command did anything. The question then may be, did they (including Liggett) want to do anything to investigate the Odinites? Was Uniform Command, and Tony Liggett (a member of Unified Command) acting intentionally or recklessly in the way it conducted the investigation, and by extension was Liggett acting intentionally or recklessly in concealing this information from Diener in his Affidavit for Search Warrant?

What else linked Holder to the crime?

On April 7, 2017, Holder posted a photo of a hand marked with the exact rune found on Abby's body.

Attached and marked as Exhibit 41 is a Facebook post that displays Brad Holder's hand. The photo displays Brad Holder showing off a rune that was inked onto his hand (not a tattoo, but likely from an ink pen). This rune that Brad Holder is proudly showing off is the same rune that the killers laid on Abby's body using sticks. This image was posted by Brad Holder approximately 52 days after the murders. The public had no idea what the crime scene looked like, and that Abby had sticks placed on her body like a Hagal rune. Yet, Brad Holder coincidentally was showing off the same rune that was found on Abby? That should be important information for curious, honest and well-intentioned law enforcement officers.

Honest Trooper Murphy admitted that the image of the rune drawn on Holder's hand was similar in appearance to the rune found on Abby's body.[69] Find attached a side-by-side image of the rune that Brad Holder drew on his hand next to Abby's crime scene photograph, marked as Exhibit 42 and filed as confidential. Trooper Holeman, on the other hand, refused to admit that the two images on Exhibit 42 looked similar: "I mean it's a stretch that you could say that's the exact same formation...." is what Holeman said when comparing the two.[70]

By admitting that these images match or look like each other, Holeman would then have to be admitting that Holder should have been a suspect, because the rune on his (Holder's) hand matched the rune found on Abby's body when the details of the crime scene were not known to the public. That is why honest cop Murphy admitted the obvious (that the two images look alike) but Holeman refuses to admit the obvious. Holeman has hitched his wagon to Richard Allen's guilt and can't consider any other candidate and certainly cannot concede that Unified Command's

[69] Murphy depo. P. 29, lines 16-25, and P. 30, lines 1-12.
[70] Holeman p. 229, lines 15-25, and p. 230, lines 1-5.

investigation has been a shameful embarrassment. Therefore, Holeman has to continue the charade of proclaiming that the two images contained in exhibit 42 don't look similar, whether he actually believes it or not.

However, while Holeman cannot admit that the two images on exhibit 42 look like one another, he (Holeman) is the same person that claimed that only "minor differences" exist between "sketch 1" and "sketch 2". As you will learn later in the memorandum, Sarah Carbaugh claims to have observed a man walking down the road with mud on his clothing around 3:57 pm, on the day of the murders. The man she observed turned into sketch 1. According to Holeman, sketch 1 is the killer, Richard Allen.[71] You will also learn later in the memorandum that Betsy Blair observed a man on the high bridge around 2:00 pm. The man she observed turned into sketch 2. According to Holeman, this man is also the killer, Richard Allen.[72]

Later you will learn that for Liggett's and Holeman's timeline to work, sketch #1 and sketch #2 need to represent the same exact person (Richard Allen). Sketch #1 is attached as exhibit 105 and sketch #2 is attached as exhibit 103. We would ask you, Judge, to take those exhibits out and to please look at them. Those two exhibits, according to Holeman, are the same person – Richard Allen. And they need to be the same person in order to support Holeman's timeline. Yet, Holeman will not admit the obvious that the men represented in these sketches look nothing like each other, nor like Richard Allen. Needing them to be the same man, Holeman testified under oath that only <u>minor</u> differences exist between sketch #1 and sketch #2. This is how entrenched Holeman is in his position that Richard Allen is guilty. He can't even admit the obvious. To further demonstrate the ridiculousness of Holeman's alleged belief that except for "minor differences" sketch #1 and sketch #2 look alike, let's look at what Tobe Leazenby said about sketch #1 and sketch #2. In his

[71] Holeman depo. P. 114, 14-25.
[72] Holeman depo. P. 115, lines 15-25.

sworn statement, Tobe Leazenby stated that sketch 1 and sketch 2 are in fact *two different men.*[73] While Richard Allen sits in a prison waiting for full disclosure of all evidence in the state's possession, the current sheriff and former sheriff can't even keep their stories straight as to how many men were involved and whether sketch #1 and sketch #2 represent the same man (Richard Allen – as Holeman claims) or two different men (Richard Allen and someone else – as Leazenby claims).

While Holeman will not agree that Brad Holder's Facebook hand rune resembles the stick formation found on Abby's body (because that promotes Brad Holder as a suspect), at the same time, Holeman will tell you that Sketch 1 and Sketch 2 look alike, with only "minor differences" (because that promotes Richard Allen as the suspect). How far was Holeman willing to stretch this incredible claim? When Holeman was asked, which resembles each other more, sketch #1 and sketch #2 OR the two images found side-by-side in Exhibit 42, Holeman claimed that sketch #1 and #2 looked more alike to each other than the two images found in exhibit 42 look alike to each other. We ask the Court the same question and see if you have the same answer as Holeman. Please look at sketch #1 and sketch #2. then look at the side-by-side images on exhibit 42. Would you claim under oath that sketch #1 and #2 look more alike to each other than the two images found on exhibit 42 look alike to each other?

The fact that Holeman refuses under oath to admit the obvious truth should provide insight into whether Holeman and his fellow Unified Command member, Tony Liggett, acted intentionally in concealing information from Judge Diener.

[73] Leazenby depo. p. 85, lines 22-25; p.86, lines 1-25; p. 87, lines 1-25; p. 88. Lines 1-7.

Trooper Purdy and Trooper Winters were aware of an eerie image on Brad Holder's Facebook page of what appeared to be a faked murder scene mimicking Abby and Libby's murder scene.

When Trooper Purdy learned from Becky Patty that Brad Holder was an Odinist, at least for a short period of time, he was curious about Brad Holder. This short-term curiosity led to Purdy looking into Brad's Facebook page where he (Purdy) found a very eerie photograph.[74] This photograph is marked as Exhibit 43. It shows two girls lying on what appears to be the ground of a forest. The girls either are dead or are posed as if they were dead. The girls have tree limbs arranged over their bodies. The girl in the forefront of the photograph has her left arm and hand positioned very similarly to that of Libby's left arm and hand (outstretched above her head). The Defense has prepared a side-by-side photograph of the mimicked photograph compared with the crime scene photograph of Libby which is marked as Exhibit 44 and filed as confidential. Although both girls are dressed, and the limbs on the girls are not arranged exactly like the limbs and sticks on Abby and Libby, the similarity of that photo found on Brad Holder's Facebook page is pronounced. Purdy did not think much of this photograph in terms of it implicating Brad Holder, at least that is what he is now claiming in 2023.[75]

However, even before Purdy had found that disturbing image on Holder's Facebook page, a tipster had beat him to the punch by finding it much, much earlier. The contents of a February 16, 2017, tip was written up in a report designated as DIN-C0000048.[76] This tip came in just two

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[74] Purdy discusses how he had viewed this image on Holder's Facebook page. (Purdy depo. p. 79, lines 6-25 and depo. p. 80, lines 1-11.

[75] Purdy depo. p. 80 1-25. Purdy talks about the mimicked murder scene as just one piece of a puzzle. Because the image had been on Holder's Facebook page for as long as 4 or 5 years, it somewhat depressed the level of Winter's interest in this photograph.

[76] An unredacted copy of DIN-C000048 is attached and marked as Exhibit 45 filed as confidential.

days after the girls were found. This tip said the following: "Father of Logan Holder, ex-boyfriend of Libby social media shows him a member of Vinlanders, **posts of half dead women** and fascination with Gothic figures and **symbols out of tree branches**." Id. (Emphasis added). This report shows that Liggett actually approved further investigation of Brad Holder based upon that tip.

This very same disturbing image came to the attention of law enforcement a *third time* by way of a gentleman named Ryan Boucher from Georgia. This tip was received by Trooper Joseph Winters on April 12, 2017, and converted into a report. An unredacted copy of this report is attached and marked as Exhibit 46 and marked as confidential. The Defense will hereinafter refer to this report as the "Winter's report". Ryan Boucher has also signed an affidavit detailing his failed attempts to gain the interest of Carroll County law enforcement concerning the information that Boucher discovered on Holder's social media accounts. That affidavit is attached and marked as Exhibit 47. Boucher's affidavit also details other aspects of the case discussed in this memorandum. As the affidavit details, Boucher talked directly to then-Sheriff Tobe Leazenby about his (Boucher's) findings. This conversation would have occurred sometime *before* Boucher's April 12, 2017, conversation with Trooper Winters.[77] Leazenby told Boucher that Holder was not a suspect and quickly dispensed of the phone call, as detailed in Boucher's affidavit.

Despite Leazenby's comments, essentially telling Boucher that Holder had been eliminated as a suspect, Boucher was undeterred. Boucher felt something was off and called the state police post. As detailed in the Winter's report, once Boucher provided his ID, Boucher then provided Winters "pictures from Holder's media account depicting tree limbs on the ground displaying

[77] We have not viewed any report in which Leazenby memorializes this conversation with Boucher, although it theoretically might be found in the State of Indiana's most recent September 8, 2023, evidence dump.

"runes" consistent with the Odin belief system." (Winter's Report, p. 2). Then Winters wrote in the report that "**the provided media pictures show unknown young girls believed to be deceased with sticks placed over their bodies. The sticks across the females on Holder's media were believed to be symbols or "Runes**". (Winters report, p. 2) (Emphasis added).

It should be noted that law enforcement has, to this day, still failed to turn over this mimicked murder photograph found on Holder's Facebook page. (i.e., Exhibit 43). Fortunately, Defense counsel was able to find Winter's report in the sea of evidence and, upon reading it, understood the potential importance that this photograph may have in terms of Holder's culpability in the murders. The only problem is that law enforcement had failed to produce it for the Defense. Fortunately, through due diligence, the Defense team located Boucher, drove to Georgia, and met with Boucher who then was willing to provide the images to Richard's Defense team and did in fact turn those images over to Richard Allen's Defense team. Even as recently as at his August 23, 2023, deposition, Winters stated that he was still unable to locate the images referenced in the Winters' report that Boucher had provided Winters back on April 12, 2017.[78] *This means that if the Defense team had not travelled to Georgia, it (the Defense) would still* <u>*not*</u> *be in possession of this exculpatory piece of evidence and also would not have been able to ask questions at depositions to law enforcement concerning those images.* To this very day, the State of Indiana has yet to turn over the images that Boucher provided Winters back in 2017.

Following his interaction with Boucher, as can be read in Winter's report, it was apparent that Trooper Winter's interest was piqued. The details surrounding the February 14, 2017, crime scene was a well-guarded secret, hidden from the public. Yet, somehow, Brad Holder (an Odinite whose son dated Abby Williams) had: (1) an image on his Facebook page that closely resembled

[78] Winters depo. p. 29, lines 20-25.

the crime scene, and (2) appeared to have used an ink pen to draw a rune on his hand that mimicked the very rune that was found on Abby. Both images are described in Winter's report. So, what did Winters do once he realized that it appeared that Abby's boyfriend's dad (Brad Holder) appeared to know intimate details about a crime scene kept confidential from the public? He spoke with Jerry Holeman (Winters report p. 2). The information that Winters unearthed via Ryan Boucher was so impactful on Winters that he (Winters) remembers talking with Jerry Holeman of Unified Command.[79] Winters even recorded the following in his report: "I spoke with F/Sgt. Holeman on April 12, 2017, F/Sgt. Holeman advised that FBI had interviewed Holder shortly at the beginning of the investigation." (Winters report, p. 2). In his deposition, Winters provided his reasoning: "Yeah, I think there's some substantial things that need to follow up on…."[80] In the same deposition, Winters also said that he "wanted to make sure that all the information I had captured in my time from that was passed on. And because I had just taken that information, I just wanted to make sure if I had no contact with anybody involved in this case again, that they were aware that I generated this supplement."[81]

Winters felt that the Boucher tip was important. He felt it so important that he wanted to make sure someone followed up on the lead by, at a minimum, re-interviewing Brad Holder.[82] Again, it should be noted that as of September 11, 2023, the Defense has still not received the February 17, 2017, interview of Holder. Even the State of Indiana's most recent discovery dump (which occurred on September 8, 2023) still did not contain Holder's February 17, 2017, interview.

However, on September 8, 2023, Rick's Defense team learned something very interesting: on about September 4, 2023, Trooper Holeman finally followed up on Winter's request by finally

[79] Winters depo. p. 44, lines 19-25 and p. 45, lines 1-25 and p. 46, lines 1-15.
[80] Winters depo. p. 48, lines 10-11.
[81] Winters depo. p. 48, lines 16-22.
[82] Winter's report p. 2, Winters depo. p. 50, lines 10-15.

re-interviewing Holder. It only took 5+ years. The Defense still has not received Holder's *first* interview from February 17, 2017. We will see how long it takes for the state to turn over Holder's *second interview* from September 4, 2023.

If Holeman did in fact re-interview Holder on September 4, 2023, it should be noted that the interview came on the heels of the Defense team's contentious August 10, 2023, deposition of Holeman. The Defense asked Holeman, "Are you going to fix these problems or are you gonna actually look for the truth?"[83] His response: "I'm gonna look for the truth, but I think I've already found the truth. But I definitely will look into this, no doubt about it, and I will find out if we have done the follow-ups and I don't know about it, and I will let Prosecutor McCleland know and he can forward that information to you."[84]

The Defense looks forward to watching the first Holder interview from February 2017 as well as the most recent Holder interview to see if Holeman treated Holder as an actual suspect, a label befitting the strong evidence that connects him to the murders, OR if Holeman's interview consists of softball questions lobbed at Holder with the purpose of fending off the Defense, rather than seeking the truth.

Brad Holder created a creepy painting of a man, believed to be Odin, hanging upside down, from a tree, with his legs posed similar to Abby's at the crime scene. This painting also contains two hidden Easter eggs, including a red F rune at the base of the tree, just like the F rune painted on the tree at the crime scene.

Previously, the Defense marked as Exhibits 32 and 33. These are the creepy images of the painting that Brad Holder created in February 2018. The image is of a man hanging by his feet. Brad Holder provided at least two Easter eggs in this painting for anyone following him on Facebook. The first Easter egg is another example showcasing Holder's knowledge of the hush-

[83] Holeman depo. p. 273, lines 16-18.
[84] Holeman depo. p. 273, lines 18-25.

hush crime scene, guarded from the general public. You will notice at the base of the tree is a rune painted blood red. The rune looks like the letter F, just like the letter F rune at the crime scene painted onto the tree using Libby's blood. The other Easter egg is the date that Brad Holder placed on the painting in the lower right-hand corner of the painting. You will see that it looks like 2/17 and then some gibberish. It looks, therefore, like a month (February) and a year (2017). Abby and Libbie were slain in February 2017. Upon closer inspection, it appears that the date in the corner may be 2/17/18. If so, this painting was drawn one year to the day that Brad Holder was interviewed by the police and then essentially dropped as a suspect.

Is this just a fluke that Holder painted a red F at the base of this tree almost one year to the day that the girls were slain when the crime scene was a guarded secret? Is it just a fluke that the date in the right-hand corner of this eerie painting shows 2/17? Unified Command would probably say "yes, just a coincidence."

2016 Brad Holder video from his Facebook page shows a pagan ritual, with the most important part at the very end…. a man that looks like Patrick Westfall appears to be using his fingers to "paint" a tree.

Libby's blood was found on one of the trees at the crime scene in the form of an "F" that someone painted on to the tree, using their fingers or some type of utensil. On December 12, 2018, Tony Ligget received an email from law enforcement officer Greg Ferency. It is a very informative email concerning Brad Holder's supposed alibi and the investigation into whether Holder dumped his old phone and received a new phone number, and also whether Holder sold his vehicle after 2/13/2017. Find attached a copy of this email marked as Exhibit 48. The very last paragraph discusses a ceremony that Holder videotaped in Fort Wayne in 2016. Ferency left a Facebook link so that Liggett could watch the ceremony. This video was not turned over to the Defense until the

Defense made the specific request for the video sometime in August 2023.[85] This roughly 25-minute ceremony itself is odd. At the beginning of the video Brad Holder is revealed as the person videotaping the ceremony. During the last few minutes of the video, when the presumed Odinites are dumping water at the base of the tree, you see a man that appears to be Patrick Westfall, enter the scene. Once he is at the tree, you can see this person use his hand to (what looks like) mark the tree. Unfortunately, the viewer cannot see with what word, letter, or symbol (if any) this person (presumably Westfall) is marking the tree. The marking appears to occur at a similar height from the base of the tree as the marking of Libby's blood was in the crime scene photos.

Ferency sent a link of this video *directly to Liggett*. This video seems to show Westfall marking the tree in a similar manner in which the F tree was marked with Libby's blood at the crime scene. Even Ferency commented on Westfall marking the tree in the email. Yet, Liggett either intentionally or recklessly disregarded this evidence potentially linking both Holder and Westfall to the crime scene.

F rune formed with sticks on ground resembles F rune found on the tree in Libby's blood

Attached to the memorandum is a photo provided to the Defense in discovery from Brad Holder's Facebook page. The photo shows an "F" that Holder made from sticks from a tree. This image is marked as Exhibit 50. The Defense took that image and placed it side-by-side with the F made from Libby's blood at the crime scene and marked that side-by-side photograph as Exhibit 51.

Again, these exhibits display yet another example of Holder posting to Facebook images that mimic information from the crime scene unavailable to the public in two ways: (1) sticks are

[85] The Defense has made a copy of this 2016 video of the Odinism ceremony filmed by Brad Holder and marked that copy as Exhibit 49. The Defense is providing that video, as well as other exhibits referenced in this memorandum directly to the judge's staff in the Allen County Courthouse.

used, like the runes on the girls; and (2) the "F" rune is used, as the "F" rune used and painted on the tree.

Meme that Brad Holder posted on 2/17/17 (3 days after the girls are found murdered) which discussed how "real" friends will help you move dead bodies and then the friends will keep their mouths shut. This meme was deleted at some point in time, but still recovered by law enforcement.

Exhibit 52 is a meme that investigators found that had been erased from Brad Holder's Facebook page. This image was obtained through discovery. The meme shows a still-shot from a scene from the movie "Goodfellas" in which the main characters are moving a dead body from one place to another. Billy Batts's dead body had been in one location, but later it was moved. The meme says:

YOUR "REAL" ONES DON'T
JUDGE YOU OR ASK A BUNCH OF QUESTIONS

[Image of the Goodfellas moving the dead body]

THEY HELP YOU MOVE THE BODY &
NEVER SPEAK OF IT AGAIN

So, three days earlier Brad's son's girlfriend was found murdered. The girls' bodies were moved at the crime scene from one location where they were killed to a different location at the crime scene where they were then found on February 14, 2017. "They (friends) help you move the body and never speak of it again." Tobe Leazenby and Tony Liggett (in private) know that it took many men to accomplish all the tasks needed for that crime scene to exist the way it existed when the bodies were found.

The timing is certainly curious. For a man who should have been mourning the brutal death of his son's girlfriend, a meme about moving dead bodies should create curiosity with law enforcement, especially when considering all the other evidence that links Holder to the crime scene. Why did Holder erase this meme? Was this meme a quick shout-out to Brad Holder's

Odinite buddies thanking them for helping him with the bodies? Did this meme reveal the brazenness and overconfidence that Holder had concerning the belief that he would get away with the murders? These are questions that could have been posed to Holder in an aggressive interrogation. However, for Liggett and the rest of the Unified Command, the meme was just "nothing to see here."

2:00 a.m. Facebook post (12 hours after the girls go missing) that says his testosterone is through the roof. This post was later deleted as well.

Although Brad Holder told police that he went from work, straight to the gym to work- out in Logansport (in the afternoon), here is Brad Holder at 2 a.m.[86] purportedly at a fitness center proclaiming that his "energy and testosterone is through the roof right now." Find attached that Facebook post, marked as Exhibit 53. Why was his testosterone so high? Why was his energy level so high? Why did he claim to go to the gym at 2 am when he also claimed he had been to the gym just a few hours earlier? Why was he at the gym when he was supposed to be at work in a couple of hours? Did he go to work the next day? Why did he delete this Facebook post? Why would he be saying these things when his son is purportedly upset about his girlfriend being missing as the girls had not yet been found when Holder posted this message to Facebook? Law enforcement officers, to our knowledge, never asked these questions in an aggressive interrogation of Holder.[87] Perhaps they did at the recent September 4, 2023, interview. We shall see. In Greg Ferency's December 12, 2018, email to Tony Liggett, Ferency had a few questions about Holder's deleted

[86] In the most recent dump of evidence, the Defense believes that some evidence may exist in which law enforcement attempted to verify whether Holder even went to the gym. Due to the desire to file the Franks motion and memorandum, the Defense has not had an opportunity to review that evidence, if it exists.

[87] The Defense can't be sure what was asked of Holder at either his February 17, 2017, interview, or his September 4, 2023, interviews as law enforcement have failed to provide that to the Defense, at least as the time of the filing of this memorandum. Although, the on September 11, 2023, the prosecution informed the Defense that yet another round of additional evidence is available for pick up. The Defense should be picking the new discovery on September 18, 2023. Perhaps these videos will be found in the latest round of discovery, over 9 months after the Defense entered their appearance.

email. This includes questioning whether Holder's alibi about being at the gym should be further considered. Holder's purported alibi is discussed in a later section.

Brad Holder's Facebook page links him to Elvis Fields in Rushville Indiana. Elvis has admitted to participating in the murders and to now being part of a "gang" even providing intimate details of the crime scene that only those participating in the murder would know. Elvis followed Brad Holder on Facebook and even recreated Brad Holder's Facebook pages, like a fan boy.

It makes sense near the finish of this section (detailing some of the evidence that links Brad Holder to the murders) by supplying the Court with certain Facebook posts by Brad Holder that were mimicked and even recreated by a man named Elvis Fields. This will allow for a smooth transition to the next suspect on whom this memo will be focused: Elvis Fields.

Who is Elvis Fields, this man that was mimicking Brad Holder's Facebook posts from 126 miles away? You will soon learn that he is a man that has admitted to both of his sisters that he was involved in the murders; a man that told his sister that because of his involvement he was now part of a "gang" and had a "brother"; a man who, after providing his DNA, asked police that if he could explain why his spit might be on one of the girls would he still be in trouble, and then admitted to a sister that he did, in fact, spit on one of the girls; and perhaps most incriminating, a man who provided intimate details about the crime scene…the type of detail that only those that were at the crime scene could possess. Upon closer inspection, you will learn that Brad Holder and Elvis Fields did in fact have a common connection: Johnny Messer, but that Elvis lied to police claiming he (Elvis) did not know Johnny Messer.[88]

Evidence provided by law enforcement shows that Elvis Fields lived in Rushville, 125+ miles away from Delphi. Additionally, Elvis (at first glance) seemingly had no connection to Delphi or Logansport. However, once law enforcement officers, Greg Ferency and Kevin Murphy

[88] Elvis's videotaped 10/18/18 interview at the 15:20 mark, attached as Exhibit 54. The state of Indiana finally provided this videotaped interview to defense on September 8, 2023.

learned that Elvis had confessed to his sisters and especially after Elvis posed a bizarre question to Murphy, these curious law enforcement officers wanted to look at Elvis's Facebook page and ultimately compared it with Brad Holder's Facebook page. What they found was extremely telling. Elvis was obviously following Brad Holder on Facebook as evidenced by the multiple posts that Elvis mimicked Holder. Elvis Fields was not only following Brad Holder's Facebook page, but Elvis was also emulating Brad Holder by *recreating* Brad Holder's Facebook posts in the year leading up to the Abby's and Libby's murders. The Defense is attaching a series of nine side-by-side photographs created by law enforcement. On the left side of each exhibit is a photo that Brad Holder posted on his Facebook page. On the right side of each exhibit is a photo that Elvis Fields posted on his Facebook page in which Elvis took the time to actually recreate the photograph that Holder posted. They are marked as Exhibits 55 - 63. Highlighting just a few of those side-by-side photographs:

a. Exhibit 55 shows that Brad Holder posted an image of brass knuckles surrounded by other weapons (guns) next to Elvis Fields's mimicked post, recreating a photo featuring brass knuckles surrounded by weapons (knives);

b. Exhibit 56 shows that Brad Holder posted an image of Holder placing a single arrowhead in his hand next to Elvis Fields's mimicked post recreating a photo of Elvis placing a single arrowhead in *his* hand.

c. Exhibit 57 shows that Brad Holder posted an image of two arrowheads near each other next to Elvis's mimicked post recreating a photo of two arrowheads near each other.

d. Exhibit 58 shows that Brad Holder posted a photograph of a single clear Mason Jar next to Elvis's mimicked post recreating a photo of a single clear Mason jar.[89]

[89] Unfortunately, law enforcement failed to date the attached exhibits.

This mimicking is certainly curious. Especially when Brad Holder's son dated Abby Williams and when Elvis Fields, 125+ miles away, confessed to both of his sisters on two different occasions that he was involved in the murders. This confession included telling one sister that Abby Williams was a trouble maker and that is why he (Elvis) used sticks to form horns on Abby's head[90], and admitting to another sister that he was in big trouble and going away for a while because he was present when the girls were murdered, and that he spit on the girls.[91] What are the odds that Brad Holder's son is dating Abby Williams, and 125 miles away a fan boy of Brad Holder named Elvis Fields was mimicking Brad Holder's Facebook posts, and that fan boy admitted to being involved in the murders of the girls? For Liggett and Holeman, apparently, this coincidence was nothing important.

Moreover, Trooper Roland Purdy refused to concede that Elvis's mimicked and recreated Facebook posts proved any connection between Holder and Fields. Trooper Purdy explained that the mimicked and recreated photos between Brad Holder and Elvis Fields might just be a coincidence.[92]

Liggett failed to inform Judge Diener of the evidence supporting Brad Holder's involvement in the murders. Before moving on to the evidence that supports Elvis Fields's involvement in the murders, the Defense finishes the Brad Holder section by (1) discussing Holder's purported alibi; (2) showing the evidentiary linkage between Holder and Elvis Fields that supports Holder luring Elvis to get involvement in the murders in order to join him (Holder) and

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[90] The Defense will be providing the context for these statements, including the photographs from the crime scene that support Elvis's statement.

[91] On October 24, 2017, Elvis told his sister, Joyce Moffitt, that "I am in trouble. I am going away for a long time. I was on that trail and that bridge with those girls when they were murdered. There were two other people there with me when it happened. I spit on one of the girls (after they were killed). (Supplement #542, "Joyce Moffitt Interview" (attached and marked as Exhibit 64).

[92] Purdy depo. p. 109, lines 2-21.

Holder's gang; (3) the circumstances surrounding Unified Command dropping the ball by intentionally or recklessly clearing Holder as a witness within weeks of the murders.

Holder's alibi was not scrutinized, and evidence supports Holder recruited mentally infirm Elvis Fields to assist in the abduction and murders while Holder tried to stand behind a shady alibi.

Holder's alibi was not even close to fully vetted.

Whenever Holder's name was brought up as a suspect, one reason that kept popping up as to why Holder was cleared as a suspect was his purported alibi.

An unclassified FBI report revealed the work – or lack of work—that law enforcement performed to check out Holder's alibi. That document is marked as Exhibit 65. This report was prepared on April 13, 2017. In this report, Pulaski Sheriff's Deputy, Frederick Rogers "followed up at Liberty Landfill in attempt to verify the employment and the work schedule of Bradly <sic> Holder." Susan Case from human resources stated that Holder's timecard showed that he (Holder) clocked in at 4:55 a.m. and clocked out at 2:45 p.m. Chase also said that she would be the only person that could change/manipulate the electronic timecard. Chase further admitted that there was a security camera on site. Here is how Deputy Rogers memorialized that part of their conversation:

> Case advised Brad drives a "junkie" red truck to work with a "G" on the front bumper. Case advised the security camera at the scales may have picked up his vehicle coming and going on that date. Case advised that Holder stays on property for his lunch break.

The short report concludes with this: "Case provided this officer a copy of the time sheet for this week showing Brad indeed had clocked in and out on February 13th and he was still at work on today's date."[93] Here's what we don't know about Holder's alibi at work:

1. **Did someone clock in for Holder?** There is nothing that Chase said about the clocking in process that would prevent someone else from clocking in for Holder. Whether

[93] If Holder was at work the day the Deputy showed up to vet Holder's alibi, it would have been a great time to interview Holder and those around him to better determine if Holder was at work on Monday February 13, 2017.

Holder was actually at work on February 13, 2017, could have been better vetted by simply talking to Holder's workmates that would have been on the jobsite on February 13, 2017, to determine if they remember Brad Holder being present at work on February 13th.

2. **Did someone clock out for Holder?** The same logic applies to this question. Perhaps Holder clocked in, but then left early, and asked one of his work buddies to clock out for him. It is unknown whether Odinites worked alongside Holder at the Landfill, as it appears that Deputy Rogers did very little investigative work on this very important topic of Holder's alibi, nor did anyone at Unified Command provide instructions for law enforcement to fully investigate every aspect of Holder's alibi.

3. **Did Chase actually watch the video?** The report is so poorly written that it can't be determined whether Holder's distinctive vehicle could be seen on the video, *or* whether Chase was merely claiming that "hey, if you want to watch a video from the camera placed near the scales, it may show Holder's truck coming and going."

4. **Did anyone in law enforcement watch the video alluded to by Chase, and if so, what did they see?** It is quite maddening that the report refers to the possibility that a simple review of a video could determine whether Holder's "junkie" red truck with a "G" on its front bumper was seen coming and going on February 13. However, the fact is that this report does not inform anyone of whether law enforcement ever viewed this video. It would be presumed that if the Deputy did watch the video, he would have memorialized it.

5. **Even if Holder's truck was viewed on the video, was Holder the person driving the truck as it <u>arrived</u> at the work site**? Perhaps the video would be able to show the image of the person driving the truck to see if it was Holder.

6. **Even if Holder's truck was viewed on the video, was Holder the person driving the truck as it <u>left</u> the work site.?** In the event that Holder wanted to appear showing up for work, but then left early in someone else's vehicle (who picked Holder up at the site) to get to Delphi in the early afternoon, it would be important to know who was driving the truck when it left the property.

It is only 24.3 miles or 32 minutes from Buffalo, Indiana to Delphi, Indiana.[94] Even if Brad Holder actually clocked out at 2:45 pm, he could have been in Delphi before 3:15 p.m. If Holder left at noon and had a buddy of his clock him (Holder) out a couple of hours early to create the

[94] This distance and time was arrived at by a simple Google search of "distance between buffalo Indiana and Delphi, Indiana."

illusion that Holder was there all day, then Holder could have been on the trail by 1 p.m. This is why watching the video and interviewing employees who worked alongside Holder would have been a critical step to take in the investigation. Asking simple questions to his workmates like: "Did Brad leave for any period of time? Did Brad leave early? Was Brad even here?" There is no excuse at all for failing to interview employees and for failing to watch the video. These failures leave open the real possibility that Brad Holder's alibi cannot be trusted without further vetting.

Did police ever consider that Brad Holder convinced his minions to abduct and participate in sacrificing the girls until he arrived? Evidence supports this theory, including a sketch of a man observed milling around the high bridge near the spot of the famous video. That sketch resembles Elvis Fields, even Trooper Purdy can't deny that fact.

Charles Manson did not serve a prison sentence for actually being the person that stabbed Sharon Tate 16 times. Manson's minions committed the heinous acts. Was it ever considered that Holder had devised the plan to kill those girls and used others to do his bidding? According to Unified Command's Jerry Holeman, it was considered but "there's no evidence – we have no evidence indicating that he was commanding people to go kill people."[95] Then Holeman commented on this very serious topic: "I mean ask Richard Allen if Brad Holder told him to go kill the girls. I mean you guys communicate with the guy that killed the girls."[96] Holeman's comment offers insight into Holeman's mind-blowing lack of curiosity and his limited investigative skillset. Holeman's refusal to consider whether evidence supported the possibility that Holder was directing minions is par for the course of what the Defense has learned from a review of the evidence.

Since Holeman is still not interested in facts that support the possibility or even likelihood that Holder was directing others to participate in the crime, here are a few pieces of evidence that

[95] Holeman depo. p. 233, lines 3-16.
[96] Id.

support the premise that Holeman and Liggett and all of Unified Command either recklessly or intentionally ignored:

1. Brad Holder was from Logansport Indiana, close to Delphi.

2. Patrick Westfall was from Delphi Indiana.

3. Johnny Messer was from Rushville, roughly 125 miles from Delphi.[97]

4. Elvis Fields was from Rushville, roughly 125 miles from Delphi.

5. Rushville's Johnny Messer was a Vinlander/Odinite and good friends with fellow Vinlander/Odinite Brad Holder from Logansport.

6. Rushville/s Johnny Messer was a Vinlander/Odinite and good friends with fellow Vinlander/Odinite Patrick Westfall from Logansport.

7. Rushville's Johnny Messer recruited for his Vinlander gang "all the time."[98]

8. Investigators learned that in the summer of 2016, Johnny Messer was recruiting men that lived in his Rushville apartment complex to attend Vinlander meetings.[99]

9. Also, that same summer of 2016, Elvis Fields was already mimicking, and recreating Brad Holder's Facebook posts.[100] This fact would provide evidence that Johnny Messer had already recruited Elvis Fields and introduced him to Brad Holder, and that Elvis was now following the group's leader (Brad Holder) on Facebook, and that Elvis was also emulating Holder.

10. The Recruiter, Johnny Messer, was a friend/acquaintance of Elvis Fields also from Rushville.

11. The Recruiter, Johnny Messer therefore knew <u>both</u> Brad Holder and Elvis Fields.

12. The Recruiter, Johnny Messer knew both Patrick Westfall and Elvis Fields.

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[97] Find attached information on Johnny Messer provided to defense in discovery. This information appears to have been made for a power point presentation and features Messer's photograph and other information including the fact that Messer was on home detention for a January 2018 Meth arrest. This document is marked as Exhibit 66.
[98] Johnny's ex-girlfriend told investigators that Johnny attempted to recruit others "all the time." (Find attached Exhibit 67, which defense received in discovery and appears to be a document prepared for a power point presentation).
[99] Odin Report, p. 8 "Interview of Brandon Mansfield".
[100] Exhibit 68 shows that on July 27, 2016, Brad Holder posted one of the photos mimicked and recreated by Elvis Fields (a cross formed out of sticks on the ground, also found in Exhibit 62). Although the side-by-side photos (Exhibits 55 - 63) are not dated, this solo photo was found providing the date that Holder posted it.

13. The Recruiter, Johnny Messer admitted in his October 23, 2018 videotaped interview that Rod Abrams, Ned Smith and Elvis were all interested in joining the same club that he (Messer) and Holder were involved in, but he (Messer) claimed that he did not think Vinlanders would be interested in them.[101] Messer's comment appears as a self-serving attempt to distance himself from being the person that connected Holder with Elvis, in light of the fact that "Dougie" a man who was mentally infirm had been affiliated with the club. See footnote 102.

14. Brad Holder and Patrick Westfall were known for taking advantage of mentally infirm men who wanted to join Holder's and Westfall's gang (the Vinlanders).

15. When mentally infirm men wanted to join Brad Holder's and Patrick Westfall's gang, they (Holder and Westfall) would take advantage of these men, including have these mentally infirm men perform tasks.[102]

16. Elvis Fields was a mentally infirm man. Trooper Kevin Murphy described Elvis as having "the mental capacity of maybe a seven- or eight-year-old."[103]

17. Evidence provided by law enforcement shows that Elvis Fields, 125+ miles away and with no connection to Delphi or Logansport, was following Brad Holder on Facebook.

18. Evidence provided by law enforcement shows that Elvis Fields was not only following Brad Holder, but that Elvis was also emulating Brad Holder by taking the time to recreate Brad Holder's Facebook posts in the year leading up to the Abby's and Libby's murders.

19. Elvis's Facebook mimicking of Holder's posts may show that Elvis Fields was enamored of Brad Holder and also wanted to be a part of Holder's gang (Vinlanders).

20. Holder was known to prey on lower functioning members of society and to take advantage of them, and Elvis was a lower functioning member of society.

21. Was Holder grooming Elvis hoping that down the road Elvis would do Holder's bidding?

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[101] This whole dialogue between LEO Todd Click and Johnny Messer took place beginning at the 14:17:00 mark. Ned Smith claimed to be the father figure of Elvis and Rod Abrams and was rarely separated from Elvis. See Elvis's 10/18/18 videotaped interview. Ned Smith claims throughout the video that he is a father figure to Elvis and Ned. At the 15:42:00 mark, Ned claims to be around Elvis every day in 2017. It might be telling that Ned Smith paid for Elvis's attorney and that Ned Smith wanted to be present at Elvis's interview.

[102] Odin Report, p. 5. Taylor Hornaday describes how Brad Holder and Patrick Westfall took advantage of a mentally infirm man by the name of "Dougie" asking him to perform menial tasks for them. Also, find attached Exhibit 69 which is a summation that appears was prepared by police for a power point presentation that also discusses lower functioning "Dougie" being used by Holder and Messer as a gopher.

[103] Murphy depo. p. 21, lines 14-20.

22. Did Elvis actually do Holder's bidding? Evidence supports that Elvis did in fact do Brad Holder's bidding.

23. An eyewitness observed a man within a few hundred yards of the Monon High Bridge where the girls were abducted. That man looked like Elvis Fields.

24. The name of the eyewitness is Theresa Liebert.

25. Theresa Liebert lived on the same side of the Monon High Bridge, only 560 yards from the very place where the famous "down the hill" video was taken.[104]

26. A paved road, County Road 625 West, ends almost in front of Theresa Liebert's home.

27. However, that road turns into a private gravel road that continues toward the Monon High Bridge and services the home of Brad Weber.

28. Around 8:30 a.m. on the morning of February 13, 2013, Theresa Liebert observed a man on 625 West, near her house standing near mailboxes used by property owners nearby. (Exhibit **126 is** Liebert's affidavit covering paragraphs 26-41)

29. Theresa Liebert has never observed the homeowners walk to their mailboxes because of the distance from their homes to the mailboxes. The homeowners drive their vehicles to drop off and pick up their mail.

30. Theresa Liebert had never seen this man before.

31. Theresa Liebert was in the passenger side of a truck being driven by her husband, Dave Liebert.

32. The man Theresa Liebert observed was standing very close to the passenger side of the Liebert truck as they passed him.

33. Theresa Liebert, sitting higher in the truck had a good view of this man's face as she passed him and noticed that the man appeared to be startled and concerned at being seen.

34. Theresa Liebert, in fact, turned to her husband and asked something like "what do you think he's doing?"

35. After passing the man, and driving approximately 50 more yards to their driveway, the Lieberts exited the truck.

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[104] See Exhibit 70, screenshot from Google Maps depicting distance between Liebert property and the location of where the "down the hill" video was taken.

36. After exiting the truck, Theresa looked in the direction of where the man had been and noticed he was gone.

37. Theresa did not see him on the road at all.

38. Theresa believes the man had to immediately and intentionally hide after they passed him on the road, which would explain his sudden disappearance.

39. The only reason anyone would be walking down that dead end road would be if they were lost or if they were going to see the Liebert family or the Weber family.

40. Theresa also remembers that the man she observed was wearing a canvas jacket that was nondescript in color but doesn't remember a hat.

41. Later, Theresa Liebert was asked to provide a description of the man's face that she observed that morning. She did provide the description.

42. The sketch of the man that Theresa Liebert observed that morning closely resembles Elvis Fields.

43. Even State Trooper Purdy had to admit that the Theresa Liebert sketch and the photo of Elvis Fields resemble one another.[105] Find attached the Theresa Liebert sketch, marked as Exhibit 71 and a photograph of Elvis Fields provided in discovery that Purdy was comparing with the sketch, marked as Exhibit 72.

44. After the girls were murdered, Elvis told his sister that he was now part of a "gang" and had a "brother."

45. Was the gang mentioned by Elvis "Vinlanders" and was the "brother" Brad Holder? Again, these are the types of questions the monumentally inept Unified Command should have been asking.

Trooper Jerry Holeman indicated in his deposition that there was no evidence that Brad Holder may have directed others to kill the girls. As stated earlier, Holeman even proclaimed that Holder was not even really a suspect. The Defense disagrees. Sometimes it just takes a little digging, a little curiosity and the ability to put pieces of a puzzle together.

[105] Purdy depo. p. 95, lines 20-24 and p. 96, lines 1-4.

Very early on, multiple tipsters contacted law enforcement, via the tip line, requesting that Brad Holder be investigated as a suspect, but Liggett and Unified Command quickly cleared Holder as a suspect despite mounting evidence linking Holder to Abby Williams and the crime scene.

Within days of the girls' ritualistic sacrifice, law enforcement started receiving tips from citizens who thought Brad Holder was possibly involved in the murder of the girls. For example, a report identified as "DIN-C00048" was submitted at 7:21 pm EDT on February 16, 2017. The Narrative on this report stated the following:

> Father of Logan Holder, ex-boyfriend of Libby social media shows him a member of Vinlanders, posts of half dead women and fascination with **Gothic figures and <u>symbols out of tree branches</u>** (Emphasis added).

This tip intake was shown as being evaluated by Delphi investigators only ten minutes later (7:31 pm EDT) The evaluator of that Intake concluded that this tip required a lead. Two days later, Tony Liggett himself at that time "approved" the lead, therefore requiring further action be taken on that lead. (Exhibit 45 was previously submitted as an unredacted copy of this document and was submitted confidentially).

However, only thirteen days later, Liggett would change his mind as to the importance of Brad Holder as a suspect. On March 1, 2017, at 4:27 PM EDT, a report identified as DIN-C002503 was reviewed by Liggett. DIN-C002503 was a local police report that was almost a word-for-word regurgitation of an FBI report discussed below. At the end of DIN-C0002503, Liggett concluded that "No Leads Required." This means that after reviewing the contents of DIN-C0002503, Liggett was not interested in following up on Brad Holder as a lead. (Exhibit 37 is an unredacted copy of this document, filed confidentially).

On February 17, 2017, the FBI interviewed Holder at the Delphi Police Department. The turnaround on interviewing Brad Holder was very quick as only 3 days had passed since the girls

were found murdered. Attached is Defense Exhibit 73 which is the FBI report that memorialized that interview. According to the report:

> The <sic> below is an interview summary. It is not intended to be a verbatim account and does not memorialize all statements made during the interview**. Communications by the parties in the interview room were electronically recorded**. The recording captures the actual words spoken. (Emphasis added).

As stated earlier, after over nine months, Rick's Defense team still does not possess this "electronically recorded" interview of Brad Holder, otherwise it would attach a copy of that recording for the Court to review. Presumably, this electronically recorded interview still sits in the Delphi police station, or possibly at the prosecutor's office as the defense learned on September 11 that more discovery as ready to be picked up. Also, in this document, Holder told Special Agent Robert Pohl and Hammond Police Sergeant Christopher Gootee the following:

> He (Brad Holder) stated that his son, Logan, 16 years old, was a friend of Abby. On Monday the 13th, Holder received a text from the Delphi Police Department asking him (Holder) to call back. Holder called the officer back and had a short conversation stating that he had never met the girls.
>
> The state police asked if they could examine Logan Holder's phone and while they were collection <sic> the phone, they informed Logan and Brad that the girls were deceased.[106]
>
> Holder stated that he visited Delphi every weekend to hang out with his friend Patrick Westfall.[107] Westfall lived in Delphi and was a friend of Holder in the Army. Holder and Westfall served in Afghanistan together.
>
> When Holder would go to Westfall's house, he would bring his son Logan. Logan and Westfall's son would generally go to

[106] Richard's defense team has not ever been provided with any electronic data taken from Logan's phone, nor any report of what was contained on Logan's phone.

[107] Earlier in this memorandum, it was learned that as of February 17, 2017, Brad Holder and Patrick Westfall were no longer friends because of something that had just occurred in a pagan ritual in the woods by the river. It is interesting to note that in this interview, Brad Holder did not let the FBI agents know that he (Brad Holder) and Patrick Westfall were no longer friends, or the reason why they were no longer friends.

> canal park and play basketball. Holder believed that this is when Logan would contact Abby. Holder never actually met Abby himself and he believed that Logan only actually met her one time as they attended different schools.
>
> Holder knew Logan to communicate with her on the internet with his phone. Holder provided Westfall's phone number as xxx-xxx-xxx. He also stated that Westfall suffers from post-traumatic stress disorder and is on disability.
>
> Holder continued to state that he and Westfall started a "Tribe" of "Asatru" followers. "Asatru" was described as a warrior religion popular with members of the military. Holder, Westfall and Westfall's girlfriend, Rachel Miller, host "Asatru" meetings every Sunday at Westfall's house. Holder stated that there are only five to six regular members that attend.
>
> Holder was asked where he was on Monday. He stated that he was at work driving machinery at Waste Management in Buffalo, Indiana until he clocked out sometime between 2:00 pm and 4:00 pm. After work, he went to the gym, "Workout Anytime," in Logansport.

Again, this very FBI report was later converted into a document that was reviewed by Tony Liggett (Exhibit 74). Upon reviewing this document, Tony Liggett concluded that "No Leads Required." In his August 8, 2023, deposition, Tony Ligget explained the different phrases used concerning how law enforcement dealt with tips. In the deposition, Ligget could not remember the *exact* language used to describe the situation when there was nothing more that could be done with the tip, meaning, the tip was at a dead end. In the deposition, Liggett said that he believed the phrase used by law enforcement officers in reports to denote when, essentially, there was nothing left to do with the tip (i.e. a dead end) was: "**No further leads**."[108] In his deposition, Liggett also differentiated between the meaning of "No further leads" and another phrase that might appear on reports: "**fully covered."** According to Liggett, "No Further Leads" meant that "there was just

[108] Liggett depo. pages 58 and 59 for context, but particularly p. 59, lines 17-21.

nothing to this to start with. Fully covered means someone (i.e. law enforcement) did something with that and it – and it was completed."[109] When pressed as to what those two phrases ("No Further Leads" and "Fully Covered") meant in practical terms of whether there would be an expectation of future investigation related to the subject of the tip, Liggett said that both of those phrases meant that law enforcement had completed the work on the tip.[110] In other words, the tip was dead.

It is obvious between Liggett's deposition and the language Liggett used in DIN-C002503 ("No Leads Required") that he (Liggett) had concluded that there was no further investigation needed of Brad Holder at that time because, as he said in his deposition, there had been nothing there from the beginning that needed investigating concerning Holder. Meaning, no more work to be done. No more investigation to be conducted concerning Brad Holder.

Nothing to see here. Holder had an alibi. Please look at the next suspect.

On March 1, 2017, Liggett essentially gave up on investigating Brad Holder because of Holder's purported alibi. At the time that decision was made, it was known that Brad Holder was a proud Odinite who loved to post about the pagan religion of which he was a part. It was also known that he used sticks and tree branches to form patterns similar to those left behind at the crime scene. Exhibits 75 - 84 are just a few of the images on Holder's Facebook pages, mostly before Abby's and Libby's murder. Law enforcement also knew at that time, Brad Holder was spending his weekends in Delphi with his friend Patrick Westfall. It was also known that Brad Holder's son, Logan, had some sort of "dating" relationship with Abby. This all seems like the type of information that would absolutely require an intense and continued investigation into Brad

[109] Liggett depo. p. 60, lines 3-12.
[110] Liggett depo. p. 60, lines 13-16.

Holder, and not a "No Further Leads" tag from Liggett. It would be crazy to think that at that early stage of the investigation, and with all that information that was already known by Liggett that he (Liggett) would assign the designation of "No Further Leads," ending the investigation of Brad Holder only fifteen days after the girls were found brutally murdered at a very bizarre crime scene.

Perhaps Liggett typing in "No Leads Required" was simply a typographical error, or a clerical error, or an unfortunate oversight. Perhaps it was a one-off circumstance. However, other reports demonstrate that Liggett did not commit a typographical error when he typed "No Leads Required" into the March 1, 2017, report. It was intentional or reckless.

For example, another tip had been supplied to law enforcement on March 9, 2017, at 10:17 pm under DIN-C003034. An unredacted copy of this report has been attached and marked as Exhibit 85 and has been filed confidentially. In this report, the tipster told law enforcement that she (the tipster) had checked Brad Holder out and found him "to be a dark and scary person, thru some of his postings on Facebook you want to check him out." Again, this is another example of a citizen who knows nothing about the secretive crime-scene, unlike law enforcement who knew that sticks and tree branches were placed on the girls. Yet, even without knowledge of the crime scene, this tipster (like many others)[111] recognized that Brad Holder's Facebook page was dark and disturbing and required further inspection and investigation, especially knowing that Brad's son was dating Abby Williams.

As this tipster proclaimed to law enforcement about Brad Holder: "you want to check him out." Except the problem was that Tony Liggett did *not* want to check Brad Holder out. Quite the

[111] After Richard Allen was arrested, defense counsel even received a tip from as far away as *Australia* from a gentleman name Joe Luis who thought the Defense should focus on Brad Holder based upon a review of Holder's public Facebook posts. (See affidavit of Matt Hoffman, Exhibit 112). Unified Command was based only a few miles from the murder site and thought Holder was not even a suspect, yet a man 9,000 miles away was able to figure out the importance of focusing on Brad Holder.

opposite. After reviewing that particular tip sheet (Exhibit 84), as you can see at the end of the report, Liggett wrote: "No Leads Required. Has been covered." Essentially, Liggett was saying: "Nothing to see here, please move on to a different suspect." In fact, as it relates to this tip, Liggett was doubling down on his concluding remarks. By stating both that there was "No Leads Required" and that Brad Holder "Has been covered" there could be no doubt whatsoever that as of March 13, 2017, (when Liggett wrote down those words) that Liggett did not want Holder checked out any further as a suspect.

Did Liggett's refusal to investigate influence other law enforcement officers to clear Brad Holder as a suspect? Yes.

On March 14, 2017, a tip came in identified as CJIS-C003175. An unredacted version is attached and marked as Exhibit 86 and filed confidentially. The tipster in CJIS-C003175 let law enforcement know that he (the tipster) had reviewed Brad Holder's Facebook page and posts and felt that Brad Holder put off a bad vibe. This lead was evaluated by Kevin Hammond (who was a member of Unified Command along with Liggett and Holeman). Kevin Hammond wrote in his evaluation: "No Leads Required. **Brad Holder has been cleared**." Again, any even moderately curious human being would have looked at Brad Holder's Facebook page, compared images on Brad Holder's Facebook page to the crime scene and then considered that Brad's son was dating Abby and that Brad was a part of what appeared to be a religious cult and thought: "Wow, this is a guy we better investigate." Instead, Hammond followed Liggett's lead. In the system, Liggett had already cleared Holder. So that is exactly what Hammond did when entering his findings into the system. Now, two members of Unified Command, Tony Liggett and Kevin Hammond had both disregarded the already mounting evidence that possibly pointed the finger at Brad Holder. Both Tony Liggett and Kevin Hammond had stopped the investigation into Brad Holder dead in

its tracks by claiming that Brad Holder had been cleared as a suspect only 4 weeks after the girls were murdered.

Did anyone other than local law enforcement clear Brad Holder as a suspect early on? Yes. On March 19, 2017, at 11:23 am EST, another tip came in that believed Brad Holder sounded like the man on the famous audio released by law enforcement. An unredacted copy of this tip sheet (identified as CJIS-C003669) is attached and marked as Exhibit 87 and filed confidentially. This time, it was FBI agent Michael Peasley, following the lead of Liggett, which indicated at the bottom of that report that "Holder had been cleared."

On April 14, 2017, another tip came in claiming that Brad Holder had changed his appearance following the girls' murders. This tipster further indicated that Holder even attended the girls' funeral, and that although he typically did not wear glasses, he was wearing glasses at the funeral. This unredacted report, identified as CJIS-262 is marked as Exhibit 88 and filed confidentially.

Although other tip sheet reports exist that tell a similar story, the Defense offers up one last report related to Brad Holder. On August 14, 2017, at 12:59 pm, a woman contacted police. The report memorialized the tip as follows:

Two women posted to a Facebook group that Brad Holder was responsible for the homicides. The tipster saw this post and told the police the contents of that post. The tipster went on to summarize what she read: "Holder is a pagan, murdered the girls as sacrifices**, and left an "F" on the victims' bodies**. Holden's son, Logan, is Abigail's ex-boyfriend."[112] (Emphasis added). Obviously, the "F" left at the crime scene was not left on the girls' bodies, but rather on the tree, painted using Libby's blood. However, how would this information concerning the letter

[112] Exhibit 89, Intake report CJIS-3225.

“F” have even been known for anyone to talk about? A curious person might ask: could it be that someone who participated in the murders had talked about the crime scene with someone, who then talked to someone else slightly mixing up the facts as the story passed from person to person?

Law Enforcement should have viewed this tip as something extraordinarily important because it was a tip that provided secretive information about the crime scene not known by the public. This information about an “F” being left at the scene was not only unavailable to the public, but there is no evidence that it was being discussed on the internet. This tipster could have been interviewed. The Facebook group members could have been interviewed. The state police or FBI tech people could have tracked down the people that posted this information to determine from where they received this “F” information. Continued investigation as to the source of the knowledge of the “F” discussed on the chat group could ultimately lead to someone who was at the crime scene and participated in the murders. That is what good law enforcement would do.

Instead, what happened? As you can see on Intake CJIS-3225, any potential investigation stemming from this potentially game-changing information of someone’s knowledge of the letter F being involved in the crime scene ended before it even began. The Defense has marked an unredacted copy of report CJIS-3225 as Exhibit 89 and filed it as confidential. The law enforcement officer that initially evaluated the tip must have understood the importance of mentioning the letter “F” because “conduct follow up” was the request made. However, the next person in the chain, Roland Purdy, upon reviewing the tip simply followed the previous lead of Liggett and Hammond. When it came to possibly further investigation of the tip generated from CJIS-3225, Roland Purdy, in a report identified as “INVEST Lead-DIN-940, called Brad Holder “fully covered,” (i.e., nothing further to do). Who were these people that somehow knew about the F at the crime scene and how did they obtain that information? The world will never know because

Trooper Purdy followed Liggett's and Hammond's lead and buried that tip by claiming that Brad Holder had been cleared as a suspect.

To conclude this section on evidence of Brad Holder's involvement, Richard Allen's Defense team would tell the Court that Liggett was aware of the many ways (detailed in this memo) in which Holder was tied into the Delphi murders. Yet despite this evidence linking Brad Holder to the crime, this is the dialogue between Liggett who was answering Defense counsel's questions at Liggett's August 8, 2023, deposition concerning what Liggett claims his knowledge of Brad Holder was:[113]

> Q: Okay. So, Brad Holder then. So, was there any other reason that Brad Holder was a suspect or at least a person of interest other than the fact that his son Logan dated Abby?
>
> A: I'm sure there was, but I can't – I don't recall without reviewing his information.
>
> Q: Nothing stands out to you as you sit there about why Brad Holder might have been a suspect?
>
> A: No.
>
> Q: Other than the – connection with his son and Abby, is that right?
>
> A: Correct.[114]

Liggett was on the Unified Command. Liggett was heavily involved in the investigation of the murders. To feign ignorance like that concerning the Brad Holder component of the

[113] At this deposition, the Defense made a strategic decision to not alert Liggett that it (the Defense) was fully aware of the Odinist ties to the crime scene, as well as the evidence linking Holder to the crime scene. The Defense wanted to determine whether Liggett would be honest or whether Liggett would try to water-down any discussion of Odinism and Brad Holder in an attempt to keep the Defense off of the scent of Odinism and Holder. Liggett took the bait. The dialogue provides insight into Liggett's mentality: he (Liggett) was going to get the Defense to believe essentially that there's nothing to see here concerning Brad Holder and Odinism and the connection to the crime scene. Please move on.

[114] Liggett depo. p. 109, lines 24-25 and p. 110, lines 1-9.

investigation is astounding. Unified Command was fully aware of the Murphy/Ferency/Click investigation tying Johnny Messer and Elvis Fields to Brad Holder. In the deposition, Liggett had the opportunity to open up and say something like: "Brad Holder was heavily investigated. There was even a thought that he was tied into some guys down in Rushville. If you don't have that evidence yet, let me get that to you. In the end, we didn't think it added up." Instead, Liggett took the bait and obviously tried to steer the Defense away from the Brad Holder evidence linking Holder to both the crime scene and to the Rushville crew. With Liggett's answer here, it is not surprising at all…zero…. that Rick's Defense team did not receive important discovery concerning the Rushville investigation, particularly Click's April 28, 2023, certified letter to McCleland, until September 8, 2023. Again, McCleand only provided this discovery after Liggett and the prosecution realized that the Defense was fully aware of the Rushville connections, and it was only a matter of time before we would learn of that non-discovered exculpatory evidence.

Liggett either intentionally or recklessly concealed the Odinite/Brad Holder information from Judge Diener in his October 13, 2022, Affidavit for Search Warrant. Then Liggett and McCleland attempted to conceal exculpatory information from the Defense.

Had Judge Diener known of this concealed evidence, then Diener would not – or should not – have signed the warrant. And had the Defense not dug in hard and found the needles in the haystack that led to its knowledge of Holder and Odinism, then the Defense may never have thought to ask for the missing discovery, and McCleland would never have turned over the Click letter to the Defense. Without the Click letter the Defense would not have learned of other exculpatory evidence.

The facts show that Liggett acted intentionally and recklessly.

Elvis Fields's connections to the crime scene.

The Defense has previously discussed and presented the side-by-side photos that demonstrate that Elvis was mimicking Brad Holder by taking the time to recreate Holder's Facebook posts. Elvis would then post the recreated Facebook posts. What else did Ferency, Click and Murphy unearth in their investigation that would connect Elvis to the crime scene? The Odin report provides much of that connective tissue.

I'm now part of a gang and have a brother.

On page 1 of the Odin report, Mary Jacobs told law enforcement that on February 14, 2017, Elvis was rambling, hyper and borderline incoherent. He was talking about having a "brother" (even though Elvis had no male siblings) and was now part of a "gang." Elvis told Mary that he had been on a bridge with two girls that were killed. Elvis told her that someone named Abigail was a pain in the ass and a troublemaker. She said Elvis tried to give her (Mary Jacobs) a blue jacket. She told him that she had her own jacket.

After Elvis made these statements to his sister, Mary Jacobs, she later became aware of the Delphi murders and put two and two together. Sometime 2-3 weeks after Elvis made the statements, Mary Jacobs and her husband (Troy) drove to Delphi. While in Delphi, March Jacobs talked to law enforcement about the things Elvis had told her on February 14, 2017, but "due to the mass amount of tips that were generated, her information may have been overlooked.[115] The Defense has requested that the prosecutor locate the tip sheet that contains accurate details as to exactly when Mary Jacobs and her Husband visited law enforcement officials in Delphi, and what was communicated during this visit. Unfortunately, this is yet another piece of evidence that the Defense has not received.

[115] Intake CJIS-4466, paragraph 5. This unredacted intake sheet with "Delphi Double Homicide" written at the top of the page is attached to this memorandum and marked as Exhibit 90.

If my spit is found on the girls, but I can explain it away would I still be in trouble?

In December 2018 Mary Jacobs enlisted the help of an old acquaintance of hers named Misty Moore. Since law enforcement had not followed up with Mary Jacobs from earlier in the year when she drove to Delphi and described what Elvis had told her, Mary was still concerned that Elvis was involved in the murders, but nothing was being done about it. Misty Moore worked for Homeland Security out of Greenfield and Mary was hoping Misty could assist in locating someone from law enforcement to become interested in Elvis Fields. Mary talked to Misty Moore who then passed this information on to the proper law enforcement channels.[116] In January 2018, Mary was interviewed. On February 1, 2018, state police gave Mary Jacobs a polygraph to determine whether Mary was being truthful about what Elvis had told her almost a year earlier. Mary passed the polygraph. More on that later. Based upon what Mary Jacobs had told law enforcement in January 2018, and based upon Mary Jacobs passing a polygraph in February 2018, law enforcement interviewed Elvis on February 27, 2018. This interview was videotaped, but the Defense team just received this video on September 8, 2023.

Jerry Holeman from Unified Command conducted this interview of Elvis. Kevin Murphy was also present. During this interview, Elvis agreed to take a mouth swab that would be used for DNA. Jerry Holeman and Kevin Murphy, both with the state police, explained the purpose of the mouth swab with Elvis, so Elvis was aware that the DNA from this mouth swab would be compared to any DNA from the crime scene. At the conclusion of the interview, Trooper Murphy dropped Elvis off at his trailer. As described on page 1 of the Odin Report, after Elvis exited the police vehicle and walked toward his trailer, Elvis turned around before entering his house and walked back to Trooper Kevin Murphy's vehicle. When Elvis came near the squad car, Elvis posed

[116] The unredacted copy of Investigative Thread – 12253 is attached and marked as Exhibit 91 and filed confidentially. It details the circumstances surrounding how Misty Moore became involved.

the question to Murphy: What would happen if his (Elvis's) spit is found on one of the girls, but he (Elvis) has an explanation? Would he still be in trouble? Elvis then walked back to his trailer.[117]

Upon hearing that troubling but incriminating comment, Trooper Murphy immediately called Unified Command and communicated with Detective Jay Harper.[118]

On August 22, 2018, Elvis's other sister, Joyce Moffitt, was interviewed by law enforcement officers Kevin Murphy and Greg Ferency. On two previous occasions Joyce had denied that Elvis had made incriminating statements to her.[119] However in this third interview, Joyce reluctantly recounted to Ferency and Murphy statements that Elvis had made to her in the fall of 2017. According to Joyce Moffitt, sometime in the fall of 2017, Elvis Fields moved in with her (Joyce Moffitt) following the death of her boyfriend.[120] Joyce recounted the following statements Elvis made to her in the kitchen in October 2017, at a time when they were living together under the same roof:

> I am in a lot of trouble. I am going away for a long time. I was on that trail and that bridge with those girls when they were murdered. There were two other people there with me when it happened. **I spit on one of the girls** (after they were killed) (Emphasis added).

Not only did Elvis make the incriminating statement about going away for a long time and being on the trail where the girls were murdered, but Elvis also confirmed to Joyce that he had indeed spit on one of the girls. Although Elvis reassured Murphy that he (Elvis) would be able to explain the spit, it is unknown at this point if Elvis has provided that explanation.

Elvis lied to police, claiming he did not know Johnny Messer, even though Johnny Messer said he not only knew Elvis, but that Elvis was interested in joining Messer's and Brad Holder's Vinlander crew.

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[117] Unfortunately, this "spit" comment made by Elvis to Murphy was not recorded, but Elvis did admit at a later interview that he "somewhat" remembered this comment concerning the spit. (Elvis's 2nd interview, June 2018, at the 14:40:25 mark).
[118] Murphy depo. p. 24, lines 1-9.
[119] Unredacted supplement #542 "Joyce Moffitt Interview" marked as Exhibit 64 and filed as confidential.
[120] Id.

In his June 2018 interview, Elvis unequivocally denied knowing the Recruiter, Johnny Messer.[121] However, in his October 2018 interview, Johnny Messer tells a different story. In that October 23, 2018, interview Johnny Messer states that Elvis lived with his (Johnny's) Uncle Billy Messer.[122]Johnny Messer further stated in that interview that he (Johnny Messer) would take firewood to his uncle's home during the winter that Elvis was living with Billy Messer. Most importantly, Johnny mentions that Elvis, Elvis's boss (and self-described father-figure) Ned Smith and Elvis's roommate Rod Abrams all were interested in joining Johnny Messer's Vinlander club. Remember, Brad Holder was also affiliated with that "club."[123] However, Johnny Messer claims that the Vinlanders would not be interested in the likes of Elvis, Rod Abrams, and Ned Smith.

The importance of Elvis lying to police about knowing Johnny Messer cannot be understated. Elvis had to know that if he (Elvis) was connected to Johnny Messer then he (Elvis) would eventually be connected to Brad Holder. It should again be noted that it is interesting that Ned Smith pursued an attorney for Elvis[124] and that Ned Smith wanted to sit in on Elvis's October 2018 interview with police. In doing so, Ned was able to learn what type of questions were being asked of Elvis and provided Ned the ability to end the interview if Elvis started saying anything incriminating to Elvis, Ned, or Rod Abrams. This person who wanted to sit next to Elvis at the

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[121] Elvis's June 2018 interview approximately at the 15:20:00 mark, attached as Exhibit 92. This denial is important as it is evidence that Elvis knew that a connection with Johnny Messer would connect him to Brad Holder.
[122] All this information can be found in Johnny Messer's October 23, 2018, interview, beginning at the 14:19:00 mark. This videotaped interview has been copied onto a flash drive and marked as Exhibit 93 and provided to the Court's staff.
[123] Id.
[124] In Supplement #523, on June 28, 2018, Attorney Jill Gonzales contacted Trooper Jay Harper and informed Harper that Elvis would not be taking a polygraph pursuant to her advice. Trooper Harper told the attorney that if Elvis refused to take the polygraph that Elvis could not be excluded as a witness and would always possibly be under consideration as a person of interest. Then, in spite of his claims that Elvis would continue to be a person of interest, Harper ended the report by indicating that "No further <sic> at this time will be conducted regarding Elvis Fields. In other words, Harper was talking out of both sides of his mouth, telling the attorney that Elvis would continue to be a suspect, but then closing the book on Elvis by stating that there was nothing further to do at this time. (Supplement #523 narrative is marked as Exhibit 94 and attached to this memorandum.)

interview and had previously paid for an attorney for Elvis is the same Ned Smith that, according to Johnny Messer, wanted to join Brad Holder's Vinlander crew.

Elvis's Purported Albi
(Rod Abram's lied about where he and Elvis were on February 13, 2017, and Rod Abrams's false alibi conflicted with the alibi that Elvis provided to police)

At his June 20, 2018, interview, Elvis Fields told Ferency and Murphy that he (Elvis) remembered being at home in Rushville 492 days earlier on February 13, 2017. It is quite a remarkable feat for someone with Elvis's mental capacity to remember a specific day 492 days earlier. Some people, like actress Marilu Henner, are blessed with something called "autobiographical memory" which allows that person to remember specific days in their lives even years and years later. As previously noted by Murphy, in his opinion, Elvis Fields had the mentality of a seven- or eight-year-old.[125] Still, rather than admit that he (Elvis) had no idea where he was on February 13, 2017, Elvis claimed he specifically remembers not leaving Rushville on February 13, 2017.[126]

<u>The Rod Abrams Problem.</u>

On August 29, 2018, Ferency and Murphy interviewed Rod Abrams. When asked where he and Elvis were on February 13, 2017, Rod Abrams said that he, Elvis and Ned Smith were in Muncie on that day visiting a sick friend at the hospital.[127] Autobiographical memory must be in the water in Rushville as Rod Abrams, when interviewed, was able to remember exactly where he was 562 days earlier. In addition to remembering that they were at the hospital in Muncie, Rod

[125] Murphy Depo p. 21, lines 14-17.
[126] Page 1 of the Odin Report, and June 20, 2018, interview at the 14:35:40 mark. Also, in his first interview, Elvis told police that he had "proof of witness" that he didn't leave Rushville. February 27, 2018, interview at the 14:29:16 mark, this video is provided on a flash drive as Exhibit 95.
[127] Odin Report p. 3.

also stated that both he and Elvis had their phones with them. When told that law enforcement would check cell phone records to see if Rod was actually at the hospital in Muncie, Rod explained that "hospitals cut cell reception on phones because they interfere with hospital equipment." So, their phones probably would not show that they were at the hospital in Muncie."[128] In Supplement #542, "Joyce Moffitt Interview" provided in discovery, handwritten notes, presumably of law enforcement state the following: "Fields, Ned Smith, Rod Abrams – not in Muncie on 2/13/2017 at hospital." This was the conclusion of law enforcement, and obviously Rod Abrams's ridiculous statement that their phone records would not confirm that their phones were at the hospital because of hospital equipment is common sense evidence that Rod Abrams was lying as well.

The Phone Problem.

On February 13, 2017, phone records apparently show that Elvis's phone stayed in the same place in Rushville from approximately 10:30 am until approximately 7:30 pm.[129] Phone records also show that Elvis, for some reason, did not use his phone whatsoever for roughly 9 hours. Elvis told law enforcement that he usually kept his phone on him.[130] As stated in the previous paragraph, Rod Abrams stated that Elvis had taken his phone to Muncie to visit the mystery friend at the hospital. However, phone records show that Elvis's phone was in Rushville during that timeframe.

The phone problem is two-fold: (1) Elvis's phone remaining at his home for roughly 9 straight hours conflicts with Rod Abrams professed alibi for Elvis, Ned Smith, and Rod Abrams; (2) in today's day and age, it would seem highly unlikely that Elvis simply did not pick up his

[128] Odin Report, p. 3.
[129] The Defense has not received any phone records yet but are relying on p. 1 of the Odin report for this information.
[130] Elvis Feb. 27, 2018, interview at the 14:02:30 mark.

phone for roughly 9 hours, especially when Elvis claimed that he usually kept his phone with him. The takeaway for any curious investigator would also be at a minimum two-fold: (1) Rod Abrams lied about being in Muncie, but Elvis forgot to stick with that lie; (2) Elvis went up to Delphi but was told to leave his phone behind so that phone data would not show that he (Elvis) was in Delphi. It is unknown if Rod Abrams or Ned Smith's phone records were ever recovered.

Suffice it to say, Elvis's and Rod Abrams "alibis" are beyond highly suspicious.

Elvis described forming horns out of sticks and placing them on Abby's head and crime scene photos confirm Elvis's statement.

Perhaps the most damaging piece of evidence that links Elvis to the crime scene was found in an unusual place: the middle of a report that memorialized the results of Mary Jacob's polygraph examination.[131] In Mary's "Pre-examination interview", polygraph examiner Stephanie Thompson recorded that Mary Jacobs stated the following: "Elvis told her (Mary) Abigail is a little troublemaker, that he placed leaves on her and **used sticks to give her horns.**"[132]

Horns and antlers are common symbols used in pagan rituals and Brad Holder himself displayed the Odinite fascination with horns on his Facebook posts. Find attached Exhibit 97 from Brad Holder's Facebook page. As you can see, the middle photograph is an image of a person with small, stick-like antlers on the top of their head.

Find attached a close-up photograph of Abby's head from the crime scene[133]. From a distance, it may not be immediately noticeable. However, upon closer inspection it is obvious that someone involved in the killings intentionally placed small sticks from a tree <u>on top of</u> Abby's

[131] A copy of said report is attached to this memorandum and marked as Exhibit 96, filed as confidential.
[132] Page 3 of Exhibit 96 (the polygraph report).
[133] See Exhibit 98, close up photograph of sticks above Abby's head from the crime scene, marked as confidential.

hair to resemble horns or antlers. The horns formed from sticks on Abby's head looks similar to the image found on Holder's Facebook page (Exhibit 97).

The Defense has not viewed one single report that discusses the sticks placed atop Abby's hair shaped like horns/antlers being compared with Elvis's statement to his sister that he shaped sticks into horns on Abby. Therefore, the presumption is that Unified Command never figured this out. Trooper Purdy was present at the polygraph examination but was not able to watch the examination and therefore would not know about Elvis's words to his sister Mary about using sticks to form horns on Abby.[134] Rather than now being curious in the year 2023 as to how Elvis knew such a thing, and then using this new information as a basis to secure a search warrant or even an arrest warrant on Elvis (when factoring in all of the other evidence), sadly it is expected that law enforcement will do the exact opposite of being curious. It is expected that law enforcement will claim that the photograph does not prove anything, or that the Defense is exaggerating the photograph. Perhaps Unified Command will huddle together and establish the go-to party line stance on how to deal with the problems created with the polygraph examination information and photo of sticks formed as horns on Abby's head in the crime scene photographs. It would be refreshing if someone in Unified Command could stop worrying about how the public will view their incompetence, admit to mistakes, and then perform the type of police work that should have been performed 6 years ago. The Defense is not holding its breath. As the Defense told Holeman in his deposition, the unfortunate expectation is that Holeman and Liggett will try to figure out how to solve that problem rather than to solve the case of who murdered those girls. Elvis's insider knowledge of the crime scene may be a place for Holeman to start.

[134] Purdy depo. p. 68, lines 20-25 and p. 69, lines 1-3.

Again, part of the Franks analysis involves the Court reviewing the behavior of law enforcement to determine whether Liggett intentionally concealed and falsified evidence in Liggett's Affidavit for Search Warrant. Liggett and Holeman and the rest of Unified Command's reaction to the information contained in the polygraph examination, concerning sticks formed into horns on Abby's head, may very well reveal whether Liggett is interested in the truth, or in burying the truth. Which again, is part of the Franks analysis.

Patrick Westfall's Connection to the Crime Scene.

Much of what connects Patrick Westfall to the crime scene has been discussed in the section detailing what connected Brad Holder to the crime scene. To shorten this section, the Defense will numerically lay out both the evidence previously discussed as well as a few other pieces of evidence that tie Westfall to the crime scene:[135]

1. Brad Holder and Patrick Westfall were friends at least until late January 21, 2017, as proven by Facebook photo previously attached.

2. However, according to Amber Holder and law enforcement monitoring Facebook posts between Holder and Westfall, a fight between Brad Holder and Patrick Westfall occurred sometime in February 2017 concerning a ritual gone bad in the woods near a creek.

3. In the Odin Report, Brad Holder told Amber Holder that the person that murdered the girls was Patrick Westfall and his crew.

4. Furthermore, as referenced in the Odin Report, Brad Holder told Amber Holder that Patrick Westfall is dangerous and has powerful friends that will protect him and that she (Amber Holder) needs to back off or he (Brad Holder) will not be able to protect her.

[135] If the fact or piece of evidence has been discussed in a previous section, the Defense is not going to drop a footnote to that reference as currently the Defense has 126 footnotes and believes the Court may appreciate not duplicating footnotes to reference exhibits already discussed and attached to this memorandum. This will help shorten the already long memorandum.

5. Brad Holder told law enforcement that Patrick Westfall has Post Traumatic Distress Disorder (PTSD).[136]

6. The video or the ritual in Fort Wayne that Ferency sent to Liggett and which has been attached as an exhibit shows Brad Holder videotaping someone that looks like Patrick Westfall using his fingers to "mark" a tree in the ceremony at about the same height that the F tree was marked with Libby's blood, leaving the question of whether Patrick Westfall marked the F tree the same way that he marked the tree in the Fort Wayne ceremony video.

7. Patrick Westfall lives within a 7-minute drive of where the girls were murdered.

8. Johnny Messer and Brad Holder commonly hung out at the Monon High Bridge and in the woods around the Monon High bridge.[137]

9. Patrick Westfall also admitted that he knew the woods around the Monon trail very well.[138]

10. A Patrick Westfall Facebook post from just two months before the girls are murdered shows Westfall cutting tree limbs into runes by slicing the tree limb with an electric saw creating clean, smooth edges to the tree limb.[139]

11. In that Facebook post, Brad Holder is commenting "Cutting runes!!!!"

12. At the crime scene, one of the tree limbs placed on Abby has its end sliced cleanly and smoothly, similarly to the way that Patrick Westfall is slicing the tree limbs in Exhibit 98.

13. Westfall's alibi for February 13, 2017, is that on the day of the abduction, he (Patrick Westfall) was at home with his son, Nick.

14. There is no evidence that law enforcement knocked on doors to determine if Patrick Westfall was at home at that time, nor any evidence that law enforcement walked around the neighborhood to see if any Ring door cameras or any other type of cameras caught Patrick Westfall leaving the house. Law enforcement just believed Patrick Westfall.

15. *Patrick Westfall was a pastor* for a religion known as Asatru, "which is a warrior type of religion with many gods including Odin and Thor.[140](Emphasis added)

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[136] An unredacted copy of report DIN-C002503 is attached hereto and marked as Exhibit 37 and filed as confidential.
[137] Messer October 23, 2018, videotaped interview that the Defense just received on September 8, 2023. This can be heard at the 14:05:00 mark.
[138] DIN-C002561, an unredacted copy is attached hereto and marked as Exhibit 39, filed as confidential.
[139] Find attached Exhibit 99 which is the Facebook post of Westfall cutting tree limbs into runes.
[140] DIN-C002561, previously marked as Exhibit 39, and filed as confidential.

16. Patrick Westfall and Brad Holder were both affiliated with Vinlanders "club" or gang, along with Johnny Messer.[141]

17. On March 2, 2017, **only 16 days after the girls were found murdered**, Unified Command member Kevin Hammond indicated that there was no lead required concerning Patrick Westfall, meaning no further need to investigate Patrick Westfall.

Patrick Westfall is connected to the crime scene in multiple ways. It is unknown if Brad Holder threw Patrick Westfall under the bus to Amber Holder in order to take the stink off of himself (Brad Holder) or if Brad Holder knows that Westfall murdered those girls and then marked the tree like he did in the Fort Wayne ceremony. Either way it cannot be understated that one single, solitary softball interview between law enforcement and Patrick Westfall is disgraceful considering everything listed above that links Westfall to the crimes. Let's repeat that. It appears that Westfall was interviewed one time, on February 19, 2017. Two weeks later (on March 2, 2017) Westfall was eliminated as a suspect. The Defense is unaware of any search warrants requested on Patrick Westfall to determine whether this Asatru pastor had taken clothes of Abby or Libby as ceremonial keepsakes, or even if he had saved Abby's blood. By looking at the 5-paragraph report generated from the only interview of Patrick Westfall, it looks like law enforcement did nothing but lob giant softballs at Patrick Westfall, rather than conduct an intense interrogation the way citizens would expect for someone that the evidence shows is so closely connected to the crimes.

[141] This information is contained in multiple places such as DIN-C002561 (Exhibit 39) and in various points in Johnny Messer's October 23, 2018, videotaped statement that was only provided to the Defense on September 8, 2023. Unfortunately, the Defense did not have time to cull the exact time stamps for those references, wanting to get this motion/memo on file, but can provide that to the Court if necessary, so that the Court does not have to watch the entire video.

Johnny Messer's Connection to the Crime and Crime Scene.

As has previously been discussed, Johnny Messer was close with Brad Holder and Patrick Westfall, and also knew Elvis Fields, Ned Smith and Rod Abrams.[142] Furthermore, as previously discussed, Johnny Messer was a recruiter for Vinlander. (See footnotes 98 and 99). Also, as previously stated Ned Smith, Rod Abrams and Elvis Fields all hoped to join the Vinlander club, according to Johnny Messer.

Around Valentines 2017, Johnny Messer went "up there" to Delphi to hang out with his Vinlander buddies. (See Odin report, p. 5). As stated earlier, Patrick Westfall claimed to be at home in Delphi on February 13, 2017, and Brad Holder claimed to be in Logansport on February 13, 2017. Therefore, if Johny Messer was going "up there" to visit his Vinlander buddies, he (Johnny Messer) was going to Delphi to spend time with Westfall who was like Messer's brother or possibly to Logansport to visit Holder.

When Messer came back from being in Delphi around Valentines Day, the vehicle he drove to Delphi had blood along the side of the vehicle and he (Messer) had no explanation for the blood's existence. Taylor Hornaday had to go to the car wash multiple times to clean off the vehicle. (Odin Report p. 6).

Evidence shows that the Recruiter, Johnny Messer was the connective tissue between the Delphi crew and the Rushville crew. Unified Command overlooked these connections and furthermore Liggett failed to inform Judge Diener of these connections to the murder scene.

[142] Johnny Messer October 23, 2018, videotaped interview, at the 14:05 mark and also the 14:17 mark.

Rod Abrams Connection to the Crime Scene.

Rod Abram's told police a lie about his whereabouts on February 13, 2017. This was discussed and referenced in Elvis's section, as was the fact that Elvis's alibi conflicted with Rod Abram's alibi. Here are a few other evidentiary nuggets picked up from the Defense's review of Rod Abram's February 27, 2018, interview that the prosecution just provided to the Defense on September 8, 2023.[143] Some of these evidentiary nuggets from Rod Abram's videotaped interview incriminate Elvis Fields.

1. Elvis had been working for Ned Smith since 2005, but then stopped working for Ned in 2017, the same year as the murders. (5:15 mark of video 1).

2. According to Rod Abrams, Elvis was communicating with a 12-year-old girl on the internet and discussing inappropriate things (12:07 mark of Rod Abrams video, marked as Exhibit 100).

3. Elvis used Facebook to communicate to young girls aged 13, 14 and 15 (found at the 13:45 on Rod Abrams's second video, marked as Exhibit 101.)

4. When law enforcement asked Rod: "Has he (Elvis) ever talked about doing anything to a couple of girls" there is a long pause. Then Rod Abrams finally said: "No. The law enforcement officer then said: "Are you sure". Rod responded: he's never…. I mean…. he has….I mean…" The law enforcement officer then says, "You kind of hesitated when I asked you that. (15:07 mark of Abrams second video)

5. When Rod Abrams is asked if Ned Smith and Elvis will also say that they all were in Muncie on February 13, 2017, Rod Abrams doesn't answer the question, but after another long pause tells a long-rambling story about how Ned doesn't always remember things. (9:30 mark on Rod Abrams video 2)

6. Finally, law enforcement asks Rod if they can look at Rod's phone to see any texts between Rod and Elvis, he (Rod) refuses claiming that Elvis no longer has his phone number after Rod changed phones. (9:00 of Rod Abrams third video, marked as Exhibit 102).

7. According to Johnny Messer, Rod Abrams (along with Elvis and Ned Smith) were all interested in joining Messer's and Holder's Vinlander club.

[143] The Defense has had very little time to review the voluminous amount of discovery dumped on the Defense on September 8, 2023, including hours upon hours of never-been-seen-before videos. Therefore, the Defense will do its best to detail the important aspects of the Rod Abrams video with reference to the mark in the video where the words are spoken.

The lies about Elvis's alibi should have been especially alarming to Unified Command. However, the items enumerated above all should cause Unified Command to pause about Rod Abrams and Elvis Fields's involvement in the murders.

Conclusion of Part II

Part II was dense with information. However, the Court should be able to see that Tony Liggett knew about the obvious connection between Odinism and the murders, and specifically the connection to Brad Holder, Patrick Westfall, Johnny Messer, Elvis Fields, and Rod Abrams based upon the evidence provided to the Court. The fact that a mystery Purdue professor purportedly led the Unified Command off the scent of Odinites is preposterous. Additionally, according to Todd Click's affidavit, the FBI cold case unit determined that Odinites were involved in the murders, but Unified Command did nothing to investigate the Odinites. Unified Command seemingly rebuffed the Rushville investigators (Ferency, Murphy and Click) who believed, based upon a large collection of evidence, that Holder, Westfall, Fields, Messer, and Abrams were all involved.

Liggett's concealment of this Odinite information from Judge Diener was intentional or reckless or both.

Part III – Liggett Concealed and Falsified Evidence in his Affidavit for Search Warrant.

The concealed and falsified evidence blows Liggett's timeline apart – which explains why he concealed and falsified information.

For Liggett's timeline to work and to place Richard Allen on the Monon High Bridge at 2:13 (the time of the famous "Down the Hill" video), Liggett desperately needed Betsy Blair to describe a man on the Monon High Bridge that looked like Richard Allen and perhaps more importantly needed Betsy Blair to describe a car that she observed parked at the CPS parking lot (at approximately 2:15 pm) as looking look like Richard Allen's black Ford Focus. Betsy Blair's description of the man she observed on the Monon High Bridge around 2 pm looked nothing like Richard Allen. Liggett concealed this information from Judge Diener. Betsy Blair's description of the vehicle she observed at the CPS parking lot looked nothing like a black Ford Focus. Liggett also concealed this information from Judge Diener. For good measure, Liggett also lied about what Sarah Carbaugh observed at 3:57 pm that also blew up his timeline.

Betsy Blair's first description of the man she saw on the bridge was memorialized in sketch #2 illustrated on February 17, 2017 (3 days after the girls were found) but not released to the public until April 22, 2019 – following Superintendent Doug Carter's press conference.

On February 17, 2017, Betsy Blair met with State Police sketch artist Taylor D. Bryant and provided a description of the man she observed from 50 feet away on the Monon High Bridge – the same man that Liggett claimed in his affidavit was the killer. Betsy Blair told the sketch artist that the man she (Betsy Blair) observed was:

- A white male
- Age 20
- Had Brown Curly Hair,

- Medium build

Find attached and marked as Exhibit 103 the unredacted "Facial Identification Reference Sheet" (filed as confidential) that contains the description that Betsy Blair provided to the sketch artist. Also, find attached a copy of the sketch that Taylor D. Bryant produced from Betsy Blair's description of the man she observed on the bridge, marked as Exhibit 104. This illustration is also called "sketch #2" (because it was released to the public second). Upon looking at the sketch, Betsy Blair told the sketch artist that the illustration was a "10 out of 10" for accuracy.[144]

The Unified Command did not release the Betsy Blair sketch to the public for over two years. Instead, they first released the Sarah Carbaugh sketch, also called "sketch #1" (because it was released to the public first). The Sarah Carbaugh sketch was illustrated by FBI sketch artist "Plantz" from Detroit on June 19, 2017, and released to the public on July 17th, 2017.[145] Who was the person that Sarah Carbaugh was describing in her sketch? According to Liggett's affidavit, at approximately 3:57 pm, Sarah Carbaugh observed a man walking westbound on county road 300 north. Sarah Carbaugh was headed eastbound on county road 300 N, operating her motor vehicle while simultaneously observing this man walking on the road toward her on the opposite side of the road. This is the same man that Sarah Carbaugh described for the sketch artist on June 19, 2017. We will be discussing Sarah Carbaugh's description of that man later.

Roughly two years later, in March 2019, Betsy Blair met with Tony Liggett, frustrated that her sketch (sketch #2) had not been released to the public.[146] Betsy was frustrated because sketch #1, which had been released to the public almost two years before, did not match the man that she

[144] Blair's 10 out of 10 comment is memorialized in a report identified as "Incident No. 17-0091-S03. This 10 out of 10 wording can be found in the second full paragraph. Find attached the unredacted report marked as Exhibit 105.
[145] Find attached a screenshot from WTHR news (Indianapolis) showing the release of sketch #1, Exhibit 106.
[146] See exhibit 105 (Incident No. 17-0091-S03) last sentence of second paragraph.

(Betsy Blair) observed on the high bridge. Betsy even commented that sketch #1 was "wrong."[147] Certainly, it was odd that the Sarah Carbaugh sketch was chosen to be released over the Betsy Blair sketch, for the following reasons:

- Betsy Blair provided her description to the sketch artist only 4 days after seeing the man on the bridge while it was fresh on her mind, compared with Sarah Carbaugh who provided her description to the sketch artist 126 days after she (Carbaugh) observed the man on the road.

- Betsy Blair had a good look at the man's face, while stationary, from only 50 feet away.[148] Sarah Carbaugh was not stationary, but rather traveling down the road operating her vehicle while simultaneously trying to observe the man on the road.[149]

During her March 7, 2017, interview, Betsy Blair was talking with two members of Unified Command: Kevin Hammond and Tony Liggett**.** At this interview, Betsy Blair told Liggett, *face-to-face,* that the man she (Betsy Blair) observed on the high bridge fit the following description:

- The man was slender and youthful looking.

- He was more "boyish" looking.

- The man was in his 20s to early 30s.

- His hair seemed "poofy" just as the sketch portrayed.

- He had no facial hair, that she can remember.[150]

Finally, on April 22, 2019, Unified Command released Betsy Blair's sketch #2 to the general public. In fact, upon its release, Superintendent Doug Carter commented that the man in

[147] Find attached a flash drive containing Betsy Blair's March 7, 2019, interview with Tony Liggett, marked as Exhibit 107. Betsy Blair states that sketch #1 with the "golf hat" is "wrong" at the 11:37:55 mark.
[148] Liggett's affidavit, marked as Exhibit 108, and also Exhibit 107 at the 11:42:10 mark.
[149] Liggett's Affidavit for Search Warrant.
[150] Exhibit 107 at the 11:42:10 mark.

Blair's sketch #2 was "**responsible for the murders**."[151] Also, at the time of the release of sketch #2, Doug Carter also stated that sketch #1 had now become "secondary" to the investigation.[152]

On March 7, 2019, Liggett was present when Betsy Blair described the man she observed on the bridge. Betsy was actually talking to Ligget face-to-face when she provided the description.[153] Ligget heard Betsy's description of a much younger man with brown poofy hair but **chose** to conceal this information from Judge Diener. Blair's description of a youthful, boyish looking person in his twenties, maybe early thirties with brown poofy hair, obviously, does not at all describe Richard Allen.[154] In order for Liggett to have provided Judge Diener with honest and accurate information, he would have had to state the following in his affidavit:

> I, Tony Ligget, believe that Richard Allen is the man that murdered the girls for reasons stated herein. I also believe that the man that Betsy Blair observed on the bridge is Richard Allen, and therefore the killer. However, I must also inform the court that the man that Betsy Blair observed on the bridge really looks nothing like Richard Allen. Whereas Richard Allen was a man in his mid-forties with short or even shaved greyish hair.[155] The man that Betsy Blair described was "Youthful" "Boyish Looking" and had brown "poofy" hair. Also, your honor, Betsy Blair told the sketch artist that the man she saw on the bridge was just 20 years old. This description came only 4 days after she observed the man on the bridge. Two years later, Betsy Blair still maintains that the man was in his twenties or maybe early thirties. Also, Betsy Blair told the sketch artist back in 2017 that the resemblance of the boyish sketch to the man that she observed on the bridge was a 10 out of 10. I must also tell you judge that this 10 out of 10 sketch looks <u>absolutely nothing like</u> Richard Allen.

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[151] Find attached Doug Carters' April 22, 2019, press conference in which Betsy Blair's sketch #2 is unveiled to the public. It is marked as Exhibit 109.
[152] The fact that Sarah Carbaugh's sketch #1 had become secondary to the investigation is confusing, considering Liggett's and Holeman's claim that sketch #1 and sketch #2 are the same person.
[153] See Exhibit 107 (Blair's March 7, 2019, interview).
[154] Find attached videotaped interview of Richard Allen, marked as Exhibit 110. This will provide an image of Richard Allen.
[155] Find attached a transcript of a statement of Richard Allen's wife, Kathy marked as Exhibit 111. When Kathy was asked what length Richard's hair would have been in 2017, she Kathie said Richard has "always" had short hair. In fact, when ask for further description of how her husband has always worn his hair, Kathy said "He (Richard) shaved it." explaining that he had always shaved since being in the National Guard.

Liggett had a legal obligation to inform Judge Diener of the vast differences between Betsy Blair's description of the man she observed on the bridge, and Richard Allen. He did not. That fact alone should be sufficient to merit tossing the warrant and suppressing the fruits of an illegal search. **However, there is more**.

<u>In order for Liggett's timeline to work, he needs Richad Allen's black Ford Focus to be parked at the CPS lot from 1:30 pm until 4:30 pm. Betsy Blair sees one car at the CPS lot at 2:15 pm and it is not Richard Allen's car.</u>

Richard Allen voluntarily was interviewed on October 13, 2022. Watching the videotaped interview, it is apparent that Richard thought he was being asked questions to help assist the police in solving the crime.[156] In trying to provide Liggett and Mullin a timeline of when he (Richard Allen) was at the trail, Richard stated he arrived at the trail around noon.[157] Later in the interview, Richard Allen told Liggett and Mullin that he probably left the trail around 1:30 pm.[158] In his affidavit, Liggett states that Richard Allen parked his black Ford Focus at the CPS parking lot and then cut over to the trail, where he (Richard Allen) then walked to the high bridge, ultimately following Abby and Libby across the bridge before abducting them.[159] After murdering the girls, Liggett stated in his affidavit that Betsy Carbaugh observed a man, that Liggett claims is Richard Allen, walking along 300 N. at approximately 3:57 pm *westbound toward the CPS parking lot*. The implication being that Richard Allen was walking back to his car after abducting and murdering the girls.[160]

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[156] Find attached Richard Allen's October 13, 2022 (Exhibit 110), interview. Richard Allen does not realize that he is being interrogated as a suspect until much later in the interview.
[157] Exhibit 110 Richard tells Liggett and prosecutor investigator Mullins from the prosecutor's office that he had arrived around noon at the 10:57:40 mark.
[158] Exhibit 110 at the 11:53:43 mark.
[159] Ligget's affidavit.
[160] Ligget's affidavit.

If what Liggett wrote in his affidavit were true, then Richard Allen's black Ford Focus would have been parked in the CPS lot from 1:30 pm until at least 4 pm, giving him time to abduct the girls, murder the girls and walk back to his black Ford Focus parked at the CPS parking lot sometime after 3:57 pm when Sarah Carbaugh observed Richard walking down 300 North.

In other words, for Liggett's timeline to work, Richard Allen's black Ford Focus would have had to remain parked at the old CPS building from roughly 1:30 pm when Liggett claims Richard Allen arrived until roughly 4:00 pm after, as Liggett claims, Richard Allen had abducted and murdered the girls. If Richard's black Ford Focus was <u>not</u> on that CPS parking lot between those hours (1:30 pm and 4:00 pm) then Liggett's timeline would be blown. In his deposition, Liggett was asked a series of questions by Defense counsel and Liggett answered those questions as follows:

Q: Is it your contention that Richard Allen's black Ford Focus was parked at the old CPS building at 1:29 – roughly -- pm on February 13, 2017?

A: Yes.

Q: Is it your contention that Richard Alen's black Ford Focus was parked at the old CPS building at 1:45 pm on February 13?

A: Yes.

Q: Is it your contention that Richard Alen's black Ford Focus was parked at the old CPS building at 2:00 pm on February 13?

A: Yes.

Q: Is it your contention that Richard Alen's black Ford Focus was parked at the old CPS building at 2:14 pm on February 13?

A: Yes.

Q: Is it your contention that Richard Alen's black Ford Focus was parked at the old CPS building at 2:15 pm on February 13?

A: Yes.

Q: Is it your contention that Richard Alen's black Ford Focus was parked at the old CPS building at 2:30 pm on February 13?

A: Yes.

Q: Is it your contention that Richard Alen's black Ford Focus was parked at the old CPS building at 2:45 pm on February 13?

A: Yes.

Q: Is it your contention that Richard Alen's black Ford Focus was parked at the old CPS building at 3:00 pm on February 13?

A: Yes.

Q: Is it your contention that Richard Alen's black Ford Focus was parked at the old CPS building at 3:15 pm on February 13?

A: Yes.

Q: Is it your contention that Richard Alen's black Ford Focus was parked at the old CPS building at 3:30 pm on February 13?

A: Yes.

Q: Is it your contention that Richard Alen's black Ford Focus was parked at the old CPS building at 3:45 pm on February 13?

A: Yes.

Q: Is it your contention that Richard Alen's black Ford Focus was parked at the old CPS building at 4:00 pm on February 13?

A: Yes.

Q: Is it your contention that Richard Alen's black Ford Focus was parked at the old CPS building at 4:30 pm on February 13?

A: No.

Q: What time do you contend that Richard Allen's black Ford Focus was no longer parked at the old CPS building?

A: Around 4:00.

Through his answers, Liggett demonstrated that he recognized that for his timeline to work, Richard Allen's black Ford Focus would have to be parked at the CPS lot from 1:30 pm – 4:00 pm. in order to give Richard the time to abduct and murder the girls and return to his vehicle. Therefore, if there was ***any*** evidence that Richard Allen's black Ford Focus was ***not*** parked in the old CPS parking lot between those times, that is something that he (Liggett) would be required to

share with Judge Diener. Rather than tell the truth, Liggett concealed the evidence that Richard's black Ford Focus had left the CPS parking lot (probably at 1:30 pm, but certainly before 2:15 pm when Blair saw a completely different car) and therefore, Richard Allen could not have been on the bridge at 2:00 pm or committed the murders soon thereafter.

For starters, as noted earlier, in his interview with Liggett and Mullin, Richard Allen stated that he (Richard Allen) arrived at the trails around noon and left around 1:30 pm. Liggett failed to inform Judge Diener that Richard Allen stated he had left the trails at 1:30. He should have, especially if there were evidence that a *different* vehicle was parked at the old CPS lot *after* 1:30 pm but before 4 pm (which would then support Richard Allen's statement that he (Richard Allen) left the CPS building around 1:30 pm. So, the next question to ask is: did anyone see a vehicle parked at the old CPS building between 1:30 pm and 4:00 pm that did <u>not</u> resemble Richard Allen's black Ford Focus, thus supporting the timeline that Richard Allen provided to Liggett, but which Liggett concealed from Judge Diener? The answer is yes: Betsy Blair.

When Betsy Bair arrived at the trail at roughly 1:46 pm, Betsy Blair had parked her vehicle in a different location that the Defense calls the "Mears" parking lot. When she left the Monon trail and pulled out of the "Mears" parking lot, Betsy Blair headed west on 300 North in her car and was spotted on the Hoosier Harvest store camera heading toward the old CPS lot at 2:14 pm. The old CPS lot is only a 36 second drive from the Hoosier Harvest store camera.[161] Giving Betsy Blair a full minute to drive from the Hoosier Harvest store to the Old CPS lot would mean that Betsy Blair would pass the old CPS lot at around 2:15 pm. Remember, that Liggett has admitted

[161] From an affidavit from a member of Richard's defense team, Matt Hoffman, who paced the distance from the Hoosier Harvest store to the old CPS lot. It takes approximately 36 seconds. This affidavit is marked as Exhibit 112.

under oath that at 2:15 pm, Richard Allen's black Ford Focus would be parked at the CPS building while he (Richard Allen) was abducting and murdering the girls.

However, at 2:15 pm when Betsy Blair passed the old CPS building Betsy Blair did not see a black Ford Focus parked at the old CPS lot. The car that Betsy Blair observed as she passed the old CPS building at 2:15 pm looked *nothing* like a black Ford Focus. According to Liggett's own report, Betsy Blair observed one car parked in the CPS lot at 2:15, and that car resembled a "**1965 Ford Comet"**[162] that her father once owned.[163] The shape had "sharper angles."[164] Again, to whom did Betsy Blair provide this description of a 1965 Ford Comet-looking, angular in appearance vehicle? None other than Liggett himself.[165] Liggett was fully aware that the car that Betsy Blair described as being backed into a spot at the old CPS building looked nothing like Richard Allen's black Ford Focus, but Liggett concealed that information from Judge Diener.

It should also be noted, that if Richad Allen left at 1:30 pm, then the person that Betsy Blair observed on the high bridge at roughly 2:00 pm was NOT Richard Allen. This would explain why the person that Betsy Blair observed on the high bridge looked nothing like Richard Allen – because it wasn't Richard Allen. It was a 20-year-old kid with brown poofy hair. Concealing Betsy Blair's description of the vehicle at the old CPS building from Judge Diener may have temporarily plugged a hole in the dam of Liggett's problematic timeline when Diener reviewed the affidavit on October 13, 2022. But Liggett's concealment has now been exposed.

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[162] Defense counsel recognizes that in 1965, Ford did not make a Comet, Mercury did. But these were the words of Betsy Blair who knew what the Comet looked like, but erroneously thought that Ford produced the Comet.
[163] Liggett's report previously entered as Exhibit 105, paragraphs 4 and 6 on page 1.
[164] Betsy even provided a sketch of the side profile of the car that she observed at the CPS lot at 2:15 pm, featuring the angles that the car possessed. Blair's sketch of the side profile of the car is attached hereto and marked as Exhibit 113. The sketch definitely looks nothing like the side profile of Richard Allen's Ford Focus. A photo of a Ford Focus similar to the one owned by Richard Allen in 2017 is also attached and marked as Exhibit 114.
[165] Id.

And it gets even worse.

When asked to describe the color of the car that resembles a 1965 Ford Comet, Betsy Blair actually told Liggett that the car she saw was **NOT BLACK**.[166] That is right, Liggett heard from the mouth of Betsy Blair that the 1965 Ford Comet-looking vehicle was not even black, which is the color that Liggett needed the vehicle to be in order to fit the description of Richard's BLACK Ford Focus as described in Liggett's affidavit.

Because of Betsy's description of the car, she viewed at the old CPS building, evidence supports that Richard Allen left at 1:30 pm (as he told Liggett) At some point in time after Richard left the old CPS lot, an older, angular looking car that resembled a 1965 Comet **and was not black** arrived at the old CPS building. Then, the driver of this 1965 Ford Comet-looking, angular, non-black vehicle backed into the CPS parking lot. At roughly 2:15 pm when returning home, Betsy Blair observed this car that reminded her of a car her dad had growing up. All of this adds up to this fact: Evidence concealed by Liggett supports that Richard Allen was not at the crime scene, as he had already left at 1:30 pm and was already home by the time that Betsy Blair observed the 1965 Ford Comet-looking, non-black vehicle at the CPS parking lot. And Liggett knew it. Again, because of Betsy Blair's description of the vehicle she observed at the old CPS building, evidence supports that Richard Allen was also home by the time that Betsy Blair saw the 20-year-old with brown poofy hair on the bridge. Which, again, explains why the person on the bridge looks nothing like Richard Allen – because it wasn't Richard Allen.

This is simply outrageous and abusive behavior on the part of Liggett. Abusive in that Liggett used his power as a law enforcement officer to conceal evidence to secure a search warrant

[166] Id., last paragraph of page 1.

26 days before an election in which he was running for Sheriff. And at the brunt end of Liggett's abusive behavior is Richard Allen, who has been sitting and suffering in hell for over 10 months. Liggett doesn't even have the excuse that Betsy Blair provided the description to a different detective and therefore, he (Liggett) could not have known of Blair's distinguishing description, (making it a simple administrative snafu that fell through the cracks). No, Liggett heard the description straight from the mouth of Betsy Blair yet chose to conceal this timeline-destroying evidence from Judge Diener. If Judge Diener had known that evidence showed that Richard Allen was home by the time that the girls were abducted at 2:13 pm, Diener would never have signed the search warrant.

But that's not all. It gets even worse.

<u>Liggett flat-out lied when he told Judge Diener that in 2017 Sarah Carbaugh described a man as wearing "muddy and bloody" clothing and was also wearing a blue jacket.</u>

For Liggett's timeline to work, not only did he (Liggett) need for Richard Allen's black Ford Focus to be parked at the old CPS lot between 1:30 pm and 4:00 pm, but he also needed Sarah Carbaugh's statement concerning the man she claims she saw walking westbound on 300 North at 3:57 to match Betsy Blair's description of a man wearing a blue jacket. It would also help if the man had blood on his clothing to further tie him into the murder. In his affidavit, Liggett wrote the following:

> An interview was done of Sarah Carbaugh in 2017. She states that she was traveling East on 300 North and observed a male subject walking west, on the North side of 300 North, away <sic> Monon High Bridge. She stated that he was wearing a *blue colored* jacket and blue jeans and was *muddy and bloody*. She further stated that it appeared that he had gotten in a fight. Investigators determined from the video that she was on 300 North at 1557 hours.

The blue jacket described by Sarah Carbaugh would need to match the color of the jacket described by Betsy Blair to help with Liggett's timeline. Again, the blood on the clothing would

be an added bonus in that it would tie the man that Sarah Carbaugh observed in with the murders and therefore assist Judge Diener in making the decision to sign the warrant.

The problem is that in 2017, Sarah Carbaugh told Liggett *to his face* that the man she observed walking west on 300 North was wearing a ***tan colored coat a lighter colored coat***, not a blue jacket.[167] This is a problem because the color of this man's coat did not match the coat of the 20-year-old boyish looking man with the poofy brown hair that Betsy Blair observed on the high bridge around 2 pm. According to Liggett, both of these men were Richard Allen.[168]Another way to put that is that Liggett has asserted that sketch #1 and sketch #2 are the exact same man: Richard Allen.[169]

Carbaugh saw a man walking on 300 North wearing a jacket. Liggett needed the color of *that* jacket to match the color of the jacket worn by the man Betsy Blair had observed on the high bridge at 2 pm because Liggett is claiming that both men are the same man: Richard Allen. The problem was that Carbaugh did <u>not</u> observe the man walking down 300 North wearing a blue jacket. She observed a tan jacket. This meant that Sarah Carbaugh and Betsy Blair observed two different men. This created a problem for Liggett's timeline, so instead of being honest, Liggett chose to represent to Judge Diener that Carbaugh observed a man wearing a blue jacket, when in her 2017 interview, Carbaugh said it was tan.

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[167] Find attached a flash drive containing Sarah Carbaugh's June 7, 2017, interview with Tony Liggett. It is marked as Exhibit 115. Carbaugh describes that the man she observed was wearing a tan color coat/lighter colored coat at the 5:07:30 mark.
[168] Liggett depo. p. 150, lines 1-25 and p. 151, lines 1-17.
[169] Remember that Liggett has testified under oath that only one man – Richard Allen – committed these crimes. Therefore, if Betsy Blair observed one man, while Sarah Carbaugh observed an entirely different second man, then this would cut against Liggett's preposterous contention that only one man committed this crime. The fact is that perhaps neither the young man Betsy Blair observed, nor the muddy man Sarah Carbaugh observed had anything to do with the murders. Meanwhile, as Blair and Carbaugh were observing these two different men, Richard Allen was at home and a 1965 Comet-looking, non-black vehicle was parked at the old CPS lot.

But that's not all.

Nowhere in Sarah Carbaugh's 2017 interview does Sarah Carbaugh use the word "bloody" to describe the clothing that the man was wearing. Nowhere. The so-called "muddy bloody lady" is actually just the "muddy lady," as Carbaugh only used the word muddy to describe the man she observed on 300 North in her 2017 interview. It certainly would help Judge Diener in making his decision if the man walking down the street was wearing a blue jacket and also wearing bloody clothing, as if he had just murdered somebody. However, Liggett just flat out lied. Sarah Carbaugh never mentioned a blue coat and never mentioned blood in her 2017 interview.

Instead of lying, had Liggett told Judge Diener that the man walking down 300 North at 3:57 pm was wearing a light-colored tan coat, instead of a blue coat, then Judge Diener would have realized that Betsy Blair and Sarah Carbaugh did not see the same man. Instead of lying, had Liggett told Judge Diener that the man walking down 300 North only had on muddy clothing, then Judge Diener would not have associated that man with murder.

Again, Liggett can't claim that when drafting the affidavit, Liggett relied on the false description provided by a different investigator. No. Sarah Carbaugh told Liggett to his face that the man she observed was wearing a tan coat and was only muddy (not bloody). If Judge Diener had been told the truth, he would not have, nor should he have, signed the search warrant.

Conclusion of Part III

There is a reason that in his *sworn* affidavit Liggett concealed key information from Judge Diener and lied about other key information: Had Diener known the hidden and falsified facts then Diener would never have signed the search warrant – a search warrant that was already insufficient in linking Richard Allen to the murders even before Liggett's lies and deceptions.

Liggett's concealed and falsified evidence would have told a completely different story had Liggett not concealed evidence and lied about evidence. Richard Allen told Liggett to his face that he (Allen) had left the old CPS parking lot by 1:30 pm, but Liggett opted to not let Judge Diener know about what Richard said. When Richard Allen drove away from the old CPS parking lot at 1:30 pm to go home, at some point in time before 2:15 pm, a person driving a car that resembled a 1965 Comet, angular in shape and <u>not</u> black backed their car into the old CPS parking lot and parked.

Then, at 2:15 pm, Betsy Blair drove past the old CPS parking lot and observed the car and remembered what it looked like because it reminded her of her youth – a car that her dad drove in the 1960s. Because Richard Allen had left the CPS parking lot at or before 1:30 pm, it certainly explains why the man that Betsy Blair observed at the high bridge at 2:00 pm was a boyish and youthful looking 20–30-year-old man with poofy brown hair that looked nothing like Richard Allen, because it wasn't Richard Allen, as Richard Allen had left for home a half hour earlier. There is a reason that the man Sarah Carbaugh observed on 300 North at 3:57 was not wearing a blue coat like the man Betsy Blair observed on the high bridge (the same man that Liggett claims was Richard Allen). It's because the man that Sarah Carbaugh observed on 300 North at 3:57 pm *wasn't* the same man that Betsy Blair saw on the bridge at 2 pm. It was a completely different man that had mud (not blood) on his clothing. Betsy Blair saw one man (perhaps the same man that Railey Voorhies, Bre Wilbur and Anna Spath saw on the trail). Sarah Carbaugh observed a completely different man. And while all these witnesses were observing two different men, Richard Allen was at home where he had been since leaving the Monon Trail on or before 1:30 pm. That is the difference the concealed and falsified evidence would have made for Judge Diener.

Part IV - Odinites in Westville

After his arrest, Richard Allen was forced to be housed in Westville Correctional Facility based upon a safekeeping order.

On April 3, 2023, two of the transport guards walking Richard to and from his visit prominently displayed multiple patches on their Department of Corrections unform[170]. The top patch ("**In Odin We Trust**") was displayed under their embroidered name tags on the right side of their Department of Corrections (hereinafter "DOC") uniform shirt. On the left side of their DOC uniformed shirts were two patches. The lower of the two patches consisted of a partial American Flag and interlocking triangles. The interlocking triangles is a common symbol for those involved in the pagan Odinite religion.[171] Above this American Flag/interlocking triangle patch was a patch that proclaimed: "I Hate people." Below are images of those patches. In spite of the fact that for over 5 months (from November 2022 - April 3, 2023) Richard Allen's Defense team had been able to bring in their phones when visiting Richard Allen, after Richard's Defense team showed photographs of a decrepit Richard Allen at Westville, Warden Gallipo apparently issued an order that Richard's Defense team were no longer allowed to bring in their phones. Because Richard's Defense team were no longer able to bring in their phones, the Defense team was not able to take photographs or video of these patches after April 3, 2023. Therefore, the Defense is providing affidavits from members of Richard Allen's Defense team that viewed these patches on

[170] At that time (April 3, 2023) the Defense was fully aware of the Odinite involvement in the murders, but law enforcement would likely not have known that the Defense was aware of the Odinite involvement which could explain why they felt comfortable wearing the patches.

[171] An undercover state trooper, who is familiar with hate groups, runes and Odinism stated that interlocking triangles are associated with the Odinist belief systems. depo of undercover state trooper, p. 37, lines 11-25 and p. 38, lines 1-17. Also, find attached a photograph of interlocking triangles to which the undercover trooper was referring to (marked as exhibit 2 in the deposition). This photograph is marked as Exhibit 116.

multiple occasions after April 3, 2023.[172] Here are the patches worn by the guards. The images below (of the patches worn by Sgt. Robinson and Jones) were found on Etsy. These patches can be purchased off Etsy.

[172] Find attached the affidavit of Max Baker, marked as Exhibit 117. Also, the attached affidavit of Matt Hoffman marked as Exhibit 112.

The first time that Richard's Defense team noticed Sgt. Jones and Sgt. Robinson and the patches (shown above) that they wore on their DOC uniform was on April 3, 2023. This also coincides with the timeframe that Richard Allen's mental health began a steep decline. From that point forward (April 3, 2023) these two guards, (Sgt. Robinson and Sgt. Jones) seemed inseparable from Richard Allen.[173] Odinite Correction Officers Robinson and Jones would walk Richard Allen to and from his attorney's visits, as well as on one occasion when Richard visited with his wife, always wearing these embroidered patches. For a period, Sgt. Robinson and Sgt. Jones were also videotaping Richard Allen and his interactions with his attorneys. This ended only upon complaint by Richard's attorneys after several visits. Additionally, Sgt. Robinson and Sgt. Jones were always close enough to Richard to be assured that Richard did not feel comfortable talking to his attorneys or his wife without knowing that these Odinite guards were within earshot of anything he would tell his lawyers or wife.[174]

[173] Max Baker affidavit.
[174] Max Baker affidavit.

Max Baker and Matt Hoffman have both been a part of Richard Allen's Defense team since December 2022 and have met with Richard on several occasions. Paragraph 10 of Max Baker's affidavit (Exhibit 115) provides insight into some of what was going on at Westville with Odinist guards Jones and Robinson:

> During one memorable visit on May 4, 2023, myself, Attorney Baldwin, and Attorney Rozzi met with Richard Allen to discuss matters involving the case. At this time, Richard Allen was in a mental and physical state of deterioration and was nearly non-communicative. During the visit, Richard Allen repeatedly asked whether or not his Wife was okay and if his family was okay. He claimed on a couple of occasions that "they were going to kill him." When asked who he was referring to as "they", Richard Allen responded by saying *the guys with the Odin patches.* Up to this point in the legal process, Richard Allen's Defense team had never mentioned Odinites or Odinism to Richard Allen either directly or indirectly. The first time I'm aware of any mention of odinite involvement to Richard Allen was during a visit on August 25, 2023, when Kathy Allen attended, and a discussion occurred between Attorney and client regarding ties to the crime scene;

At an August 10, 2023, deposition, the Defense finally revealed to Jerry Holeman (one of the main "investigators" on this case) that it (the Defense) knew that the evidence exposed the high likelihood that Odinites committed these murders by laying out the evidence right in front of Holeman. Up until that time, the Defense had strategically played dumb about possessing any knowledge of the Odinite involvement. This strategy was in place for many reasons. However, the Defense finally revealed its knowledge to Jerry Holeman on August 10, 2023. One week later, during their first attorney visit since that August 10, 2023, deposition, Sgt. Robinson (as usual) dropped Rick off at the attorney meeting. Sgt. Jones was absent on this visit. However, something else was also different on this visit: notably missing from Sgt. Robinson's uniform were the Odinite patches that Richard's Defense team had taken note of on every attorney visit ever since April 3, 2023. Perhaps not-so-coincidentally, after Jerry Holeman became aware of the Defense

team's knowledge of the Odinite involvement in the murders, magically those patches were removed from Robinson's uniform, leaving blank spots where the patches used to be displayed on the very next attorney visit.[175]

The Defense would remind the Court that also (perhaps not-so-coincidentally) Tony Liggett was the only person that refused to support the transport of Richard Allen out of Westville when other options (Cass County) were available. Liggett citied as his sole reason for rejecting Richard Allen being moved from Westville (76 miles away) to Cass County/Logansport is that he (Liggett) would have difficulty *transporting* Richard Allen to Delphi from Logansport for hearings and trial – a distance of less than 20 miles.[176] Certainly, State Police were available to assist in transport if Carroll County could not. Yet, Liggett refused to agree to the transport, leaving Richard Allen in Westville guarded by Odinites. When factoring everything contained in this memorandum, Liggett's objection to moving Richard Allen to Cass County over *transportation* concerns is troubling. Especially when the patches were moved after the depos.

Also filed contemporaneously with the Franks motion and memorandum is the Defense's emergency request to transport Richard Allen out of Westville to the Cass County jail, despite Tony Liggett's objection to the same as the Defense has legitimate concerns of Richard's safety once this motion and memorandum are filed.

<u>Beyond Sgt. Jones and Sgt. Robinson wearing "In Odin We Trust" patches, what else links them to Odinism?</u>

[175] Max Baker affidavit.
[176] Liggett depo. p. 50, lines 1-11.

Sgt. Jones and Sgt. Robinson's relationship with Odinism went beyond the patches that they each proudly displayed while transporting Richard Allen to and from his attorney's visits.

Sgt. Robinson

On his Facebook page, Sgt. Robinson does not hide his devotion to Odinism. On June 25, 2023, Robinson posted a photo of what the Defense would call an alter featuring horns, antlers and Thor's hammer and a dish sitting atop some type of animal fur, with various runes decorating the outer edges of the dish. All these items were placed on what appears to be a circular wooden platter.[177] It appears that Sgt. Jones "liked" Sgt. Robinson's Odin altar post.[178] Sgt. Robinson's alter to Odin is similar to an altar to Odin posted by Brad Holder.[179]

As stated by Max Baker in his affidavit, Sgt. Robinson was involved in transporting Richard Allen to most, if not all, of his attorney's visits. Sgt. Robinson always wore his Odin patches. However, that changed following Holeman's contentious August 10, 2023, deposition. In that deposition, which has been attached and provided to the court as an exhibit, about two-thirds of the way through the deposition, Holeman begins getting called out by the Defense for Unified Command's incompetent handling of the Odin aspect of the investigation. It was also at that point in the deposition that the Defense began asking critical questions concerning the way that Unified Command handled the investigation of Brad Holder, Patrick Westfall, Johnny Messer, and Elvis Fields.[180] You will note that nowhere in that deposition did the Defense reveal to Holeman that it (the Defense) was aware that Sgt. Robinson and Sgt. Jones were wearing the "In Odin We Trust" patches. Attorney Rozzi and Defense team member Max Baker visited Richard Allen on August

[177] Find attached as Exhibit 118.
[178] Find attached as Exhibit 119.
[179] Find attached as Exhibit 120.
[180] Holeman's deposition has been provided for the Court. The contentiousness of the deposition began on page 210 and lasted throughout the rest of the deposition.

17, 2023, only 7 days after the contentious deposition with Holeman in which it became obvious that the Defense was fully aware of the strong evidence that Odinists committed the murders. At this August 17, 2017, visitation, as Max Baker states in the his affidavit, Sgt. Robinson no longer was wearing the patch.[181] The Defense team has no direct knowledge as to whether Jerry Holeman or anyone from Unified Command contacted Sgt. Robinson or anyone else from Westville to alert them that the Rick's Defense team was fully aware that evidence supported Odinists being involved in the murders. However, it is certainly a curiosity that deserves attention and consideration.

As Max Baker also describes in his affidavit, Sgt. Robinson was always within a few feet of Richard Allen during Richard's meeting with his wife, Kathy. The two visits that Richard had with his wife were without the hustle and bustle and noise of other inmates during their visitation. While warden Galipo may claim that Westville was doing Richard a favor by allowing him privacy with his wife, the Defense views it differently. With no other inmates in the room, the room was completely quiet. Sgt. Robinson could hear everything that Richard told his wife. Certainly, Robinson and Jones stood close enough to Richard to intimidate Richard from talking openly and honestly to his wife about what was going on at Westville.

Additionally, in their combined 50+ years of practicing criminal Defense, attorneys Baldwin and Rozzi have never had their purported confidential attorney visits videotaped with a handheld camcorder. Sgt. Jones and Sgt. Robinson, beginning April 3, 2023, began videotaping Richard Allen's interactions with his attorneys. Particularly outrageous was the fact that Richard Allen was required to face the camcorder from about 10 feet away through a glass. This means

[181] Affidavit of Max Baker.

that Richard's mouth was being videotaped. This means that Richard was not able to talk freely to his attorneys and say things like: "They are stating that if I don't tell my wife that I am guilty, then they said they are going to harm my wife." If Richard were to say anything like that, it would be on video. Remember, Richard Allen continuously asked his Defense team if his (Richard's) wife was ok, and if his family was ok.[182]

The Defense has obtained video from the prison. One of the videos that we obtained show the aftermath of something that happened to Richard Allen. Find attached a still shot of Richard Allen taken from a video that Westville produced. The Defense does not have the exact date, but the video indicates that the video was taken between May 26th and May 30th. The still shot is attached to this memorandum and filed as Exhibit 121. The Defense is not sure exactly what happened to Richard Allen that caused him to look the way depicted in the still shot. Whether it was self-harm or something else, the fact that Richard is being watched by Odinites and the evidence strongly supports Odinite involvement in the murders causes great concern for the Defense in terms of Rick's safety.

Additionally, in Matt Hoffman's affidavit, you will find that at the last hearing on June 15, 2023, Rick was constantly pleading with the guards not to shock him. "Please don't shock me. Please don't shock me. Please don't shock me." Matt Hoffman indicated that Rick made that comment in front of multiple guards and in front of multiple members of Rick's Defense team.

[182] Affidavit of Max Baker.

Sgt. Jones

Sgt. Jones's Facebook posts reveal his ties to Odinism. Find attached an image taken from Sgt. Jones's Facebook page, marked as Exhibit 122. As you can see, the interlocking triangles that appear on Sgt. Jones's patch also appear in this photo. You will also notice a rune in the lower left-hand corner of the photo. It is hard to see because it is in black. Also remember that Sgt. Jones "liked" Sgt. Robinson's alter to Odin.

The Defense would request the Court to review Max Baker's affidavit to learn of Sgt. Jones's involvement in guarding Richard Allen. It is nearly identical to Sgt. Robinson's involvement.

Conclusion of Part IV

They don't teach you in law school what to do when your client, who is accused of murder, is being guarded by members of a religious cult whose members, evidence strongly supports, were the actual murderers.[183] Yet, that is where we are. At some point in time, coincidences cease to be coincidences. The fact that Liggett did not want Richard Allen to be removed from Westville purportedly over "transportation issues" is curious. The fact that Odinites are guarding Richard is very concerning, or at the very least curious considering the evidence discussed in this memorandum. The fact that Sgt. Robinson stopped wearing his "In Odin We Trust" patches within days of Jerry Holeman and the Unified Command learning that the Defense was fully aware of the evidence linking Odinists to the crime scene and that the Unified Command had avoided investigating Odinists is curious.

[183] Again, the Defense is not claiming that Sgt. Jones and Sgt. Robinson are involved in the murders, just that they are Odinites, members of the same religious cult that evidence strongly supports were involved in the murders of Abby and Libby.

Again, the Court must determine whether Liggett acted intentionally or recklessly when he omitted, or lied, about information when he (Liggett) drafted the Affidavit for Search Warrant. The Defense would ask the Court to consider that Liggett objecting to Richard Allen's transfer to Cass County over "transportation" issues is evidence of intentionality in that Liggett wanted Allen to remain in Westville, guarded by Sgt. Robinson and Sgt. Jones and any other Odinite that the Defense of whom the Defense has not learned works at Westville.

Part V- Richard Allen has no ties to Odinism or any Religious Cult and has no ties to the crime scene.

Tony Liggett has testified under oath that there is no DNA linking Richard Allen to the crime scene.[184] Liggett further has testified that he is unaware of anything that links Richard to the crime through his phone, computers or electronics.[185] Liggett has further testified that he is unaware of any evidence that links Richard Allen to any weird religious cult group.[186]

Jerry Holeman has testified to the following: There is no DNA linking Richard Allen to the crime scene.[187] No data extracted from Richard Allen's phone connects him to the murders.[188] No data extracted from Libby's phone connected Richard the murders.[189] There is no evidence that Richard Allen is or was connected to any other suspects in the case.[190] There is no evidence found on social media that connects Richard Allen to the murders.[191] There is no evidence extracted from Richard Allen's computers that connects him to the murders.[192] There is no fingerprint evidence that connects Richard Allen to the murders.[193]

This section is very short, because there is simply no evidence linking Richard Allen to the murders.

However, in his Affidavit for Search Warrant, Liggett attempted to drum up as much connectivity as he could muster between Richard Allen and the murders to convince Judge Diener

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[184] Liggett depo. p. 80, lines 1-3.
[185] Liggett depo. p. 80, lines 9-12.
[186] Liggett depo. p. 80, lines 13-25
[187] Holeman depo. p. 40, lines 14-19.
[188] Holeman depo. p. 48, lines 20-25 and p. 49, lines 1-4.
[189] Holeman depo. p. 50, lines 13-16.
[190] Holeman depo. p. 51, lines 6-8.
[191] Holeman depo. p. 53, lines 1-13.
[192] Holeman depo. p. 57, lines 19-25 and p. 58, lines 1-4.
[193] Holeman depo. p. 58, lines 1-20.

that it was more-likely-than-not that evidence of the murders would be found in Richard Allen's house and vehicles. Here, essentially, is what Liggett swore and affirmed linked Richard Allen to the crime:

1. Richard was on the trails sometime between 1:30 and 3:30.

2. Richard owns a blue coat.

3. Richard owns guns.

4. Richard own knives

5. Liggett's claim, while withholding key evidence, that a black Ford Focus was parked at the CPS building between 1:30 pm and 4:00 pm.

6. Liggett's claim, while withholding key evidence, that Betsy Blair observed a man on a bridge that Liggett claimed was Richard Allen.

7. Liggett's claim, while withholding key evidence, that Sarah Carbaugh observed a man walking down the road that Liggett claims (1) was Richard Allen and also (2) the same man that Betsy Blair viewed on the high bridge.

That's it. That's all. With all of the evidence linking Brad Holder, Patrick Westfall, Elvis Fields, Johnny Messer and Rod Abrams to the murders, as discussed in Part II, Liggett did not seek a single search warrant for any of those high-level suspects. None.

However, twenty-six days before the election, Liggett made a choice to seek a search warrant for Richard Allen's house based upon the items, 1-7, above.

Let's run through this list one-by one:

1. **Richard Allen was on the trails between 1:30 and 3:30.**

The single, solitary source for this information is Dan Dulin from the Department of Natural Resources (DNR). Therefore, in order to confidently trust that Richard Allen actually said that he was on the trail between 1:30 and 3:30 (as stated in Liggett's affidavit) Dan Dulin's work product would also have to be trusted.

Words matter when talking to someone. For example, if the exchange between Dan Dulin and Richard Allen was this: "Richard, we think the girls were abducted between 1:30 and 3:30, were you on the trail at any point in time between 1:30 and 3:30 pm on February 17?" and Richard answered "yes", that does not mean that Richard Allen was actually on the trail the entire time between 1:30 pm and 3:30 pm. However, Dulin could memorialize that exchange as Richard claiming he was on the trail the entire 2-hour time span. If so, Dulin's report would be inaccurate.

Therefore, Dulin's accuracy in writing reports may need to be considered and scrutinized. The Defense does not have to go very far in scrutinizing Dulin's accuracy in report-writing. It can start with the report Dulin wrote about his interaction with Richard Allen. The conversation between Richard Allen and Dan Dulin came about when Richard Allen called the tip line to provide the limited information that he (Richard) may have had from his time on the trail that day. Dulin and Richard met at a grocery store in Delphi. At the conclusion of Dulin's interview with Richard Allen, he (Dulin) prepared his report. However, Dulin screwed up the most basic of tasks: *getting the name right.*

Dulin was so sloppy in drafting this report that he put Richard Allen's name into the system as "*Rick Allen Whiteman*".[194] Before being forced to sell their house and move away from the community that they loved because of the horrific allegations that Rick brutally murdered two young girls, Richard "Rick" Allen and his wife, Kathy, lived for many years on ***Whiteman Drive***. This is probably the source of Dulin's mistake. Find Exhibit 123, Dulin's Unclassified//FOUO report (affiliated with DIN-C000074) which shows DNR officer Dan Dulin identifying Richard Allen as "Rick Allen Whiteman" in the system.

Well, since we can't necessarily trust DNR Dan's accuracy in writing reports, at least there would be a tape-recording that would be able to provide the precise words used by Richard Allen, right? Wrong. Find attached Exhibit 124 which is a report provided to the Defense in discovery from DNR Dan concerning his interview of Richard Allen. In this report, DNR Dan wrote the following: "**I checked my audio recordings and cannot find one for him. I will keep looking because I am sure I recorded every interaction I had related to my assigned leads**."

Of course, another source of information of what time Richard Allen was on the trails that day is.... Richard Allen himself. As discussed previously in this memorandum, Richard Allen told Liggett that he (Richard Allen) arrived on the trails around noon and left around 1:30 pm. This was information that Ligget concealed from Judge Diener. Richard's black Ford Focus was not parked at the CPS building at 2:15, according to Betsy Blair. This was also information that Liggett concealed from Judge Diener.

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[194] When Liggett was asked if Dulin made any mistakes in the report that he (Dulin) drafted following his interview, Liggett responded: "I don't. -- none that I'm aware of, no." (Liggett depo. P. 11, lines 7-12) *but* fellow Unified Command member Jerry Holeman had a different answer:" There was an error; I don't know if it was processing or whatever you want to call it. But at some point, it got lost in the shuffle and entered incorrectly." (Holeman depo. P. 82, lines 7-12.

Liggett also failed to inform Judge Diener that DNR Dan cannot be trusted to perform the most basic of tasks when conducting an investigation: get the name right. Liggett swearing under oath that Richard Allen was on the trails between 1:30 and 3:30 based upon Dan Dulin's lost and unrecorded interview, may not be the best benchmark for Judge Diener to rely on. Unfortunately, Judge Diener would not know the unreliability of Dulin's report because Liggett never let him know.

2. **Richard Allen owns a blue coat.**

   As do millions of other men.

3. **Richard owns guns.**

   As do millions of other men.

4. **Richard own knives.**

   As do millions of other men.

5. **His black Ford Focus was parked at the CPS building between 1:30 p.m. and 4:00 p.m.**

   As the Court knows by now, at 2:15 pm, Betsy Blair observed a vehicle parked at the old CPS lot that resembled a 1965, non-black Comet, with an angular design. This was not Richard Allen's vehicle. More importantly, Tony Liggett concealed this fact from Judge Diener.

6. **Betsy Blair observed a man on a bridge that Liggett claimed was Richard Allen.**

   As the Court knows by now, the man that Betsy Blair observed on the bridge was a 20-year-old kid with brown, poofy hair that did not resemble Rick Allen. This is not surprising considering that Rick Allen left the Monon Trail at 1:30 and therefore was not on the High Bridge when Betsy Blair observed the 20-year-old kid. Rick's black Ford Focus was not on the CPS lot at 2:15, which is further evidence that Rick Allen was not on that bridge as he had already left the trails. Again, Liggett concealed that Betsy Blair identified a young man on the bridge and not Rick Allen.

7. **Sarah Carbaugh observed a man walking down the road that Liggett claims (1) was Richard Allen and also (2) the same man that Betsy Blair viewed on the high bridge.**

> As the Court knows by now, Sarah Carbaugh observed a man wearing a tan coat and muddy pants. This man does not meet the description of the man that Betsy Blair observed on the bridge (which, according to Liggett is the same man that Carbaugh observed on 300 N). And because Richard Allen's black Ford Focus was not at the CPS lot at 2:15 pm when Betsy Blair passed by and saw a 1965 Comet-looking car at the CPS lot, Richard Allen could not have been the man walking down 300 North. Liggett lied to Judge Diener when he (Liggett) claimed that in 2017 Sarah Carbaugh observed a man with a blue coat and muddy and bloody clothing.

Conclusion of Part V

Richard Allen is not connected to these horrific murders in any way. Liggett attempted to convince Judge Diener that evidence of the murders would be found in Rick's home over 5 years after the girls were slain based upon the 7 enumerated reasons identified above. If Liggett had been honest, then Judge Diener would not have signed the warrant. Liggett wasn't honest though. Richard's lack of any connection whatsoever to the crime scene combined with Liggett's lies and concealments merit a Frank's hearing.

Conclusion of the Memorandum

To prevail on its request for the Court to set this matter for a Franks hearing, the Defense must make a substantial preliminary showing that omitted or false statements were made knowingly or intentionally or with reckless disregard. If the trial court concludes that omitted facts or false statements were necessary for the finding of probable cause, the trial court should set a hearing on defendant's request. *Franks v. Delaware*, 438 U.S. 154, 98 S.Ct. 2674, 2676; 57 L. ed 2nd 668 (1978). Indiana's *Gerth* court actually provided a simple way to assess whether a Franks hearing is justified: is the concealed and false information contained in the brief the type of information that any reasonable person would have known "was the kind of thing the judge would wish to know." *Gerth v. State*, 51 N.E.3d, 368, 375 (Ind.Ct.App.2016) (quoting *Wilson v. Russo*, 212 F3d 781, 788 (3rd Cir. 2000). Also, *State v. Vance*, 119 N.E.3d 626, 632 (Ind. Ct. of App. 2019).

The Defense provided a very, very long and detailed analysis of the facts because the Court must determine whether evidence exists that Liggett acted intentionally or that Liggett acted with reckless disregard. The Defense believes that the very long and detailed analysis of the facts was necessary to provide a very strong foundation from which this Court could conclude that Liggett acted intentionally or with reckless disregard. Or more simply put: the very detailed analysis of the facts allows the Court to conclude that "yes, the omitted information and false information identified in the memorandum is the type of information that Judge Diener would have wanted to know before signing the warrant" *Gerth at 375.*

WHEREFORE, Richard Allen, by and through his attorneys Andrew J. Baldwin and Bradley A. Rozzi request that this Court set this case for a Franks hearing at which time the

Defense will be asking for the search warrant to be deemed illegal and the fruits of the illegal warrant to be suppressed.

Respectfully submitted,

/s/ Andrew J. Baldwin
Andrew J. Baldwin
Attorney for Richard Allen

/s/ Bradley A. Rozzi
Bradley A. Rozzi
Attorney for Richard Allen

CERTIFICATE OF SERVICE

This is to certify a copy of the foregoing pleading has been provided to all counsel of record for the opposing party, via IEFS this same day of filing.

/s/ Andrew J. Baldwin
Andrew J. Baldwin
Attorney for Richard Allen

/s/ Bradley A. Rozzi
Bradley A. Rozzi
Attorney for Richard Allen