

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

STATE OF INDIANA, )  
Plaintiff, )  
 )  
VS. ) ORDER OR JUDGMENT OF THE COURT  
 )  
RICHARD M. ALLEN, )  
Defendant. )

The Court has received multiple requests for various legitimate media outlets to record the Court proceedings to be conducted on October 19, 2023, at 2:00 p.m. (These requests are filed in the case with this Order). Pursuant to the Code of Judicial Conduct, Rule 2.17, a judge shall prohibit broadcasting, televising, recording, or taking photographs in the Courtroom. However, a judge may authorize the broadcasting, televising, recording, digital streaming, or photographing of court proceedings or the Courtroom by members of the news media under certain conditions. (Rule 2.17(3)(a)(b)).

News media is defined as persons employed by or representing a newspaper, periodical, press association, radio station, television station, or wire service and covered by I.C. 34-46-4-1. All of the submitted requests meet this definition.

Counsel for the State and the defense have been provided with these requests, and both have previously submitted pleadings stating their positions on cameras in the Courtroom. (See defense Motion for Broadcasting Order, filed September 13, 2023, and State's Response to Defendant's Motion for Broadcasting Order, filed September 25, 2023).

The Court has determined that allowing recording of the October 19, 2023, hearing is permitted

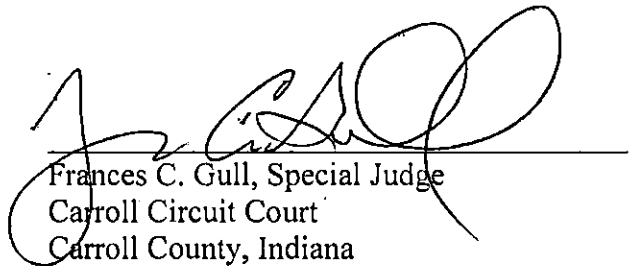
provided that the means of recording will not distract the participants or impair the dignity of the proceedings, and the hearing itself is a non-confidential proceeding.

The Court, therefore, authorizes the recording and broadcasting of the hearing set for October 19, 2023. The Court WILL NOT permit photographing or digital streaming of the proceedings. All news media will be required to wear/display identification and to wear appropriate attire. One or two cameras will be authorized for pool coverage of the hearing. Members of the general public are prohibited from broadcasting, recording, or photographing this proceeding.

The Court will prohibit media broadcast during this hearing of attorney-client communications, bench conferences, and materials on counsel tables and the Court's bench. The Court has the sole discretion to interrupt or stop the coverage, or to limit or terminate the recording and broadcast by a news media organization at any time during the proceeding.

The Court requests the media to become familiar with I.C. 34-46-4-1 and the Code of Judicial Conduct, Rule 2.17.

Dated: October 17, 2023



Frances C. Gull, Special Judge  
Carroll Circuit Court  
Carroll County, Indiana

NOTICE TO BE GIVEN BY: \_\_\_ COURT \_\_\_ CLERK \_\_\_ OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney's distribution box, or personally distributed to the following persons:

cc: Bradley Rozzi – Attorney for Defendant  
Andrew Baldwin – Attorney for Defendant  
Prosecuting Attorney Nicholas McLeland  
Carroll County Sheriff's Department  
Allen County Sheriff's Department  
Allen Superior Court Administrative Office  
Court File

DATED: \_\_\_\_\_  
INITIAL OF PERSON WHO NOTIFIED PARTIES: \_\_\_\_\_ COURT \_\_\_\_\_ CLERK



## Allen Superior Court Request for Recording of Court Proceedings By News Media

Date of request: 10/16/2023

Date/time of court proceeding (48 hours notice required): 10/19/2023 @ 2 p.m.

Court/Judge: Superior Court, Judge Fran Gull

Case number: 08C01-2210-MR-000001

As a member of the news media (as defined by IC 34-46-4-1), I request permission to broadcast or record a court proceeding in the case above using the following equipment (mark all that apply):

- Still photography (Please note if using cell phone, tablet or laptop):
- Video/audio recording equipment:
- Audio only recording equipment:
- Requestor is capable of providing a pool feed, if necessary
- A waiver of the 48-hour advance notice requirement is requested because:

I understand the judge has discretion to approve or deny this request for broadcast coverage; require pool coverage; interrupt, limit, or terminate broadcast coverage at any time during proceeding if deemed appropriate; determine location and quantity of broadcast equipment.

Stan Sussina

Contact Name

Journal Gazette

Media Outlet

339-707-1238

Phone number

ssussina@jg.net

Email address

Email completed forms to John McGauley, Court Executive at [john.mcgauley@allensuperiorcourt.us](mailto:john.mcgauley@allensuperiorcourt.us)

For Court Use

Court action: Granted \_\_\_\_\_ Denied



## Allen Superior Court Request for Recording of Court Proceedings By News Media

Date of request: 10/16/2023

Date/time of court proceeding (48 hours notice required): 10/19/2023 @ 2 p.m.

Court/Judge: Superior Court, Judge Fran Gull

Case number: 08C01-2210-MR-000001

As a member of the news media (as defined by IC 34-46-4-1), I request permission to broadcast or record a court proceeding in the case above using the following equipment (mark all that apply):

Still photography (Please note if using cell phone, tablet or laptop): Cellphone

Video/audio recording equipment:

Audio only recording equipment:

Requestor is capable of providing a pool feed, if necessary

A waiver of the 48-hour advance notice requirement is requested because:

I understand the judge has discretion to approve or deny this request for broadcast coverage; require pool coverage; interrupt, limit, or terminate broadcast coverage at any time during proceeding if deemed appropriate; determine location and quantity of broadcast equipment.

Corryn Brock

Contact Name

Journal Gazette

Media Outlet

260-461-8343

Phone number

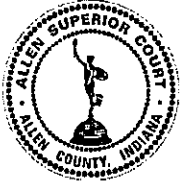
cbrock@jg.net

Email address

Email completed forms to John McGauley, Court Executive at [john.mcgauley@allensuperiorcourt.us](mailto:john.mcgauley@allensuperiorcourt.us)

For Court Use

Court action: Granted \_\_\_\_\_ Denied



# Allen Superior Court

## Request for Recording of Court Proceedings By News Media

Date of request: 10/12/2023

Date/time of court proceeding (48 hours notice required): 10/19/2023 2:00 p.m.

Court/Judge: Judge Fran Gull

Case number: 08C01-2210-MR-000001

As a member of the news media (as defined by IC 34-46-4-1), I request permission to broadcast or record a court proceeding in the case above using the following equipment (mark all that apply):

- Still photography (Please note if using cell phone, tablet or laptop): Cell phone by the photographer
- Video/audio recording equipment: TV camera by the photographer
- Audio only recording equipment:
- Requestor is capable of providing a pool feed, if necessary
- A waiver of the 48-hour advance notice requirement is requested because:

I understand the judge has discretion to approve or deny this request for broadcast coverage; require pool coverage; interrupt, limit, or terminate broadcast coverage at any time during proceeding if deemed appropriate; determine location and quantity of broadcast equipment.

\_\_\_\_\_  
Jeff Wehe  
Contact Name

\_\_\_\_\_  
WANE 15  
Media Outlet

\_\_\_\_\_  
(260) 450-1737  
Phone number

\_\_\_\_\_  
jeff.wiehe@wane.com  
Email address

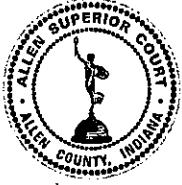
Email completed forms to John McGauley, Court Executive at [john.mcgaley@allensuperiorcourt.us](mailto:john.mcgaley@allensuperiorcourt.us)

### For Court Use

Court action: Granted  Denied

Pool feed  
only

still photography  
streaming



# Allen Superior Court

## Request for Recording of Court Proceedings By News Media

Date of request: October 12, 2023

Date/time of court proceeding (48 hours notice required): October 19, 2023

Court/Judge: Judge Fran Gull

Case number: 08C01-2210-MR-000001

As a member of the news media (as defined by IC 34-46-4-1), I request permission to broadcast or record a court proceeding in the case above using the following equipment (mark all that apply):

- Still photography (Please note if using cell phone, tablet or laptop):
- Video/audio recording equipment:
- Audio only recording equipment:
- Requestor is capable of providing a pool feed, if necessary
- A waiver of the 48-hour advance notice requirement is requested because:

I understand the judge has discretion to approve or deny this request for broadcast coverage; require pool coverage; interrupt, limit, or terminate broadcast coverage at any time during proceeding if deemed appropriate; determine location and quantity of broadcast equipment.

Maureen Mespell

WPTA

Contact Name

Media Outlet

260-471-9913

Mmespell@wpta21.com

Phone number

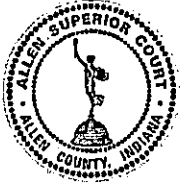
Email address

Email completed forms to John McGauley, Court Executive at [john.mcgauley@allensuperiorcourt.us](mailto:john.mcgauley@allensuperiorcourt.us)

For Court Use

Court action: Granted  Denied

pool feed  
only



# Allen Superior Court

## Request for Recording of Court Proceedings By News Media

Date of request: 10-12-2023

Date/time of court proceeding (48 hours notice required): 10-19-2023

Court/Judge: Judge Fran Cull

Case number: 08601-2210-MR-000001

As a member of the news media (as defined by IC 34-46-4-1), I request permission to broadcast or record a court proceeding in the case above using the following equipment (mark all that apply):

Still photography (Please note if using cell phone, tablet or laptop):

Video/audio recording equipment:

Audio only recording equipment:

Requestor is capable of providing a pool feed, if necessary

A waiver of the 48-hour advance notice requirement is requested because:

I understand the judge has discretion to approve or deny this request for broadcast coverage; require pool coverage; interrupt, limit, or terminate broadcast coverage at any time during proceeding if deemed appropriate; determine location and quantity of broadcast equipment.

Kyle Thomas

Contact Name

WTHR-TV

Media Outlet

317 432-4468

Phone number

newsdesk@wthr.com

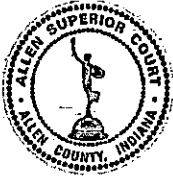
Email address

Email completed forms to John McGauley, Court Executive at [john.mcgauley@allensuperiorcourt.us](mailto:john.mcgauley@allensuperiorcourt.us)

For Court Use

Court action: Granted  Denied

pool feed  
only



# Allen Superior Court

## Request for Recording of Court Proceedings By News Media

Date of request: 10-12-2023

Date/time of court proceeding (48 hours notice required): 10-31-2023

Court/Judge: Judge Fran Gull

Case number: 08601-2210-MR-000001

As a member of the news media (as defined by IC 34-46-4-1), I request permission to broadcast or record a court proceeding in the case above using the following equipment (mark all that apply):

Still photography (Please note if using cell phone, tablet or laptop):

Video/audio recording equipment:

Audio only recording equipment:

Requestor is capable of providing a pool feed, if necessary

A waiver of the 48-hour advance notice requirement is requested because:

I understand the judge has discretion to approve or deny this request for broadcast coverage; require pool coverage; interrupt, limit, or terminate broadcast coverage at any time during proceeding if deemed appropriate; determine location and quantity of broadcast equipment.

Kyle Thomas

Contact Name

WTHR - TV

Media Outlet

317 432-4468

Phone number

newsdesk@wthr.com

Email address

Email completed forms to John McGauley, Court Executive at [john.mcgaley@allensuperiorcourt.us](mailto:john.mcgaley@allensuperiorcourt.us)

For Court Use

Court action: Granted  Denied

pool feed  
only





# Allen Superior Court

## Request for Recording of Court Proceedings By News Media

Date of request: 10-13-2023

Date/time of court proceeding (48 hours notice required): 10-19-23 2pm Status Hearing

Court/Judge: Allen Gull (Carroll Cty case heard here)

Case number: 08C01-2210-MR-00001 Carroll Circuit Court

As a member of the news media (as defined by IC 34-46-4-1), I request permission to broadcast or record a court proceeding in the case above using the following equipment (mark all that apply):

Still photography (Please note if using cell phone, tablet or laptop):

Video/audio recording equipment:

Audio only recording equipment:

Requestor is capable of providing a pool feed, if necessary

A waiver of the 48-hour advance notice requirement is requested because:

I understand the judge has discretion to approve or deny this request for broadcast coverage; require pool coverage; interrupt, limit, or terminate broadcast coverage at any time during proceeding if deemed appropriate; determine location and quantity of broadcast equipment.

David Speakman, Assignment Mgr.

Contact Name

W: 260-407-5218

M: 408-482-1008

Phone number

WFFT, Fox 55

Media Outlet

d.speakman@wfft.com

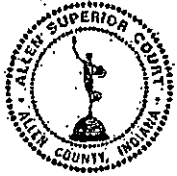
Email address

Email completed forms to John McGauley, Court Executive at [john.mcgale@allensuperiorcourt.us](mailto:john.mcgale@allensuperiorcourt.us)

### For Court Use

Court action: Granted  Denied

pool feed  
only



# Allen Superior Court

## Request for Recording of Court Proceedings By News Media

Date of request: 10/17/23

Date/time of court proceeding (48 hours notice required): 10/19/23 at 2:00pm

Court/Judge: Judge Francis Guhl

Case number: 08001-2210-MR-000001, State of Indiana vs. Richard M. Allen

As a member of the news media (as defined by IC 34-46-4-1), I request permission to broadcast or record a court proceeding in the case above using the following equipment (mark all that apply):

Still photography (Please note if using cell phone, tablet or laptop):

Video/audio recording equipment: We would like to request the footage from the pool feed.

Audio only recording equipment:

Requestor is capable of providing a pool feed, if necessary

A waiver of the 48-hour advance notice requirement is requested because:

I understand the judge has discretion to approve or deny this request for broadcast coverage; require pool coverage; interrupt; limit, or terminate broadcast coverage at any time during proceeding if deemed appropriate; determine location and quantity of broadcast equipment.

Jenner Smith  
Contact Name

ABC News  
Media Outlet

212-456-3564  
Phone number

Jenner.J.Smith@abc.com  
Email address

Email completed forms to John McGauley, Court Executive at [john.mcgale@allensuperiorcourt.us](mailto:john.mcgale@allensuperiorcourt.us)

For Court Use

Court action: Granted  Denied

Pool feed  
only



October 13, 2023

The Honorable Frances Gull  
Allen County Superior Court Criminal Division  
715 Calhoun St.  
Fort Wayne, IN 46802  
700 W. Jefferson Street

*Re: IN v Allen (08C01-2210-MR-000001)*

Dear Judge Gull:

On behalf of Court TV, this application is submitted for permission to televise and livestream the hearing in the above-referenced case scheduled for October 19, 2023.

In our experience, we have found that the use of multiple cameras provides for the least intrusive and most accurate means of covering a trial. Therefore, Court TV seeks permission to place at least two cameras in the courtroom. Our equipment is compact, stationary and quiet, and requires no enhanced lighting. The cameras are placed where they cannot film jurors.

Court TV also proposes to place a sufficient number of microphones to accurately depict the court proceedings. Court TV only broadcasts statements made by an attorney, witness or judge in open court. We have well-developed safeguards in place to protect against inadvertently recording privileged conversations.

Court TV is willing to work with the Court and its staff regarding the placement of cameras and microphones, and will abide by any and all instructions issued by the Court regarding camera coverage.

Court TV is also prepared to cooperate in a pooling arrangement with other media entities whose application to broadcast the proceedings may be granted. We would agree to operate the cameras and serve as the pool feed for other media outlets that are on-site, including local television stations.

- pool feed only  
- no photography  
- no livestreaming

We would appreciate that any written objections to this request be served upon us and that we are notified of any hearings regarding media coverage of this matter.

In the meantime, please contact me at 470-355-8671 if you have any questions or need additional information about this request.

Respectfully submitted,

*Janet McGowan*

Janet McGowan  
Assignment Editor, Trial Coverage  
470-355-8671 (office)  
404-308-0489 (mobile)