Appellate Case No. 25A-CR-00591

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| STATE OF INDIANA | ) | IN THE ALLEN SUPERIOR COURT |
| | )SS: | |
| COUNTY OF ALLEN | ) | CAUSE NO.: 08C01-2210-MR-1 |

STATE OF INDIANA,
Plaintiff,

VS.

RICHARD M. ALLEN,
Defendant.

THE HONORABLE FRANCES C. GULL, PRESIDING

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**The Transcript**

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

STATE OF INDIANA, )
Plaintiff, )
)
VS. )
)
RICHARD ALLEN, )
Defendant. )

**RECORD OF PROCEEDINGS AT SENTENCING**

**HEARING HELD DECEMBER 20, 2024**

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THE HONORABLE FRANCES C. GULL .....JUDGE

JODIE L. WILLIAMS..... .REPORTER

**PROCEEDINGS**

THE COURT: Good morning, ladies and gentlemen. We are on the record in *State of Indiana versus Richard Allen*, 08C01-2210-MR-1. I'll show the Defendant's here in person with counsel. The State is here by the elected prosecutor and his deputies. We are here for sentencing. Thank you for the sentencing memorandum submitted by counsel I believe it was yesterday – or Wednesday, excuse me. Are we ready to proceed, Mr. McLeland?

ATTORNEY NICHOLAS MCLELAND: Yes, Your Honor.

THE COURT: Mr. Rozzi?

ATTORNEY BRADLEY ROZZI: Yes, ma'am.

THE COURT: Mr. Allen, for the record would you state your full name and age for me, please.

THE DEFENDANT: Richard Matthew Allen, and I'm 52.

THE COURT: And you are the same Richard Matthew Allen who was found guilty following a trial by jury?

THE DEFENDANT: Yes.

THE COURT: You're here with your attorneys, Mr. Rozzi, Ms. Auger, and Mr. Baldwin; are you satisfied with the manner in which you've been represented?

THE DEFENDANT: Yes.

THE COURT: Have you seen the pre-sentence investigation report?

THE DEFENDANT: Yes.

THE COURT: Have you had a chance to review that report and to speak with your attorneys about it?

THE DEFENDANT: Yes, I have.

THE COURT: Are there any additions or corrections to make to the report?

THE DEFENDANT: Very, very minimal, nothing of –

THE COURT: What would those be, Mr. Rozzi?

THE DEFENDANT: Nothing important.

MR. ROZZI: Judge, just – (clears throat) – excuse me –

THE DEFENDANT: Sorry.

MR. ROZZI: -- just referencing page 2 of 9 at the top, the arrest date as reflected is October 28th, and it's actually October 26th, and so we would just ask that you add two more days to the credit time, which would increase that from 784 to 786, and that's the totality of the change.

THE COURT: So with that correction of your jail credit, Mr. Allen, the pre-sentence report is as accurate as possible?

THE DEFENDANT: Yes, ma'am.

THE COURT: Mr. Rozzi, sentencing argument.

MR. ROZZI: Judge, the Defense would rest on the assertions in the memorandum we filed with the Court.

THE COURT: Mr. McLeland.

MR. MCLELAND: Judge, the State would like to call one witness to the stand to testify and then we have a series of six unsworn statements from the victims' families for the Court to consider.

THE COURT: Okay.

MR. MCLELAND: And so the first witness the State would like to call is Lieutenant Jerry Holeman, please.

(Witness sworn.)

MR. MCLELAND: Thank you, Judge.

**DIRECT EXAMINATION OF LIEUTENANT JERRY HOLEMAN**

QUESTIONS BY MR. MCLELAND.

Q Mr. Holeman, will you state your name, please.

A Jerry Holeman, H-O-L-E-M-A-N.

Q How are you employed?

A I'm employed with the Indiana State Police.

Q And you became involved in the investigation in the death of A.W. and L.G. back on February 14th of 2017; is that correct?

A Yes, I did.

Q A day after they went missing?

A Yes.

Q And since that time, you've been heavily involved in the investigation throughout this eight-year period; is that correct?

A I and many law enforcement officers from many different agencies have poured our hearts and souls into this for the last seven years and ten months, yes.

Q And you also sat through trial here at counsel table with me, you were able to hear and see all the evidence that law enforcement gathered against Richard Allen; is that correct?

A I have.

Q And you had the oppot – sorry, you had the opportunity to observe in detail the crime scene photos, as well; is that right?

A Unfortunately, yes.

Q And safe to say you've investigated several murders throughout your

career as a law enforcement officer.

A I have.

Q And have you investigated murders that deal with children?

A A few, yes.

Q And how does this compare to those other murders that you've investigated?

A This one was very brutal. Mr. Allen laid in wait, he stalked the girls, he kidnapped, he humiliated them, he treated them like animals, he used a gun to control them. It was obvious his intent was to sexually assault them or molest them until he got interrupted, and then he forced them to take their clothes off at some point, made them walk across a frigid creek, again treated them like animals, obviously killed one in front of the other. I can't imagine the fear and anxiety that they went through to watch that. And then he covered them with sticks and left them there alone and went on to live his life like it never happened.

Q And throughout your investigation, you spent a lot of time in the Delphi and Carroll County community; is that safe to say?

A I have.

Q And you interviewed several people who live in this community?

A Yes, I have.

Q Several people who are from this community?

A Yes.

Q And did you see the effect that this murder had on the community?

A I did.

Q Can you tell me a little bit about that.

A Because of the brutality and the heinous crime that he committed, I think

it definitely put a lot of fear and anxiety in the community. Family members were afraid, or members of the community were afraid to allow their family members to go out, so they took extra precautions. And because of Mr. Allen allowing his attorneys to use unethical strategies by falsely accusing you of withholding evidence and falsely accusing police officers of being corrupt and lying, that also had an impact on the community that the ones that supported the prosecution, they were getting threats; family members of the victims were getting harassed and threats; like I said, community members were getting threats. I don't know how many calls I received on people being harassed because they were supporting prosecution in the community. You and your family have been harassed, and many law enforcement officers and their families have been harassed and have received death threats because Mr. Allen allowed his attorneys to be unethical.

Q So given everything that you learned through this investigation, everything you've learned through the case, do you have any recommendation of the Court as to what is an appropriate sentence for Mr. Allen?

A I do. I believe because he's so manipulative and persuasive, I think he's a danger to society. I think his lack of remorse – he says he wants to apologize to the victims' family members, but he hasn't yet; I hope today's that day. He also has used religion to manipulate his wife, his mother, and corrections officers. I hope he really has found God. I hope he confesses to all of his sins and I hope he is forgiven someday, but I think it's just a tactic that he uses to manipulate people to get what he wants, i.e., when he breaks his iPad, he wants a new iPad, he wants transferred from – to a better facility, he wants visits with his wife. He uses those manipulation tactics to get what he wants.

Q Everything that you've seen and heard, do you believe he's a danger to the community?

A I do. I believe that he exhibits all the traits that he would definitely be a danger and pose threats to people if he ever was able to be back in the community.

Q Is there anything else you want the Court to consider when fashioning a sentence for Mr. Allen?

A No.

MR. MCLELAND: I don't have any other questions, Judge.

THE COURT: Mr. Rozzi.

MR. ROZZI: No questions.

THE COURT: Thank you, Lieutenant. You may step down.

MR. MCLELAND: Judge, the State has no further witnesses, but I do have, as I said, six family members that would like to make an unsworn statement to the Court for their consideration. I'd like – if the Court would allow me, I'd like to call them up at this time and allow them to make that statement.

THE COURT: You may.

MR. MCLELAND: Thank you, Judge. State would first call Carrie Timmons. Carrie, before you get started, I'm gonna let you know that microphone I don't believe it amplifies and so I'm gonna need you speak up in your best voice so that everybody can hear you, including the Judge and the Defense and the audience; okay? I'm gonna ask you a few preliminary questions just to get your name and stuff on the record and then I'll let you make your statement. So can you state your name, please.

MS. CARRIE TIMMONS: Carrie Timmons.

MR. MCLELAND: And will you spell that last name for the record, please.

MS. TIMMONS: T-I-M-M-O-N-S.

MR. MCLELAND: And you have a statement that you'd like to make to the Court for consideration in sentencing; is that correct?

MS. TIMMONS: Yes.

MR. MCLELAND: Okay. Go ahead.

MS. TIMMONS: I struggled for weeks over writing this, because I'm honestly not sure how to explain the path of destruction left in the wake of the decisions made by Richard Allen on February 13th, 2017. That cha – that day changed all of our lives in so many ways forever. L.G. was always my go-to for advice. She somehow would always know exactly what to say in a situation and I have no doubt that she is currently holding my pen. I had no problem getting the word out when he was just the Bridge Guy and had not been identified, but I honestly don't know how to process the fact that a husband and father is capable of the horrendous acts of brutality inflicted upon our beautiful children. I was totally blind to the fact that such evil existed. I don't know which is worse, knowing or not knowing. The last 2867 days have been absolute hell for L.G. and A.W.'s family and friends. Next week, we should be celebrating our birthdays together. She would be 22 and she should be here. I quit celebrating after her 14th and my 39th. I can't help but see her grin at that, understanding the anxiety that she knew I had about turning the dreaded 40. As L.G.'s mom, I am left with so many what-ifs. I'm left without memories of her growing up, getting her driver's license and her first car, her first job. She didn't get to graduate and go on to college. We were cheated out of seeing her be the best auntie. She doesn't

get to fall in love, get married, and have babies. She was robbed of the opportunity to experience life and fulfill all of the dreams and aspirations that she already had at such a young age. I can't even put into words what it feels like to see other parents and their children get those things. For their lives to go on makes no sense to me. I shouldn't be jealous of them, but I am. I can't understand how life managed to go on for everyone else while mine stopped. Instead of those memories and milestones, I am left with this massive grief, a literal hole in my soul, broken relationships, shattered hearts, and broken dreams. I struggle daily with guilt, crippling anxiety, complex PTSD, and severe depression, but continue to persevere in a world I don't want to live in without her. My daughters were robbed of their big sister, their childhood, their innocence, and life as they knew it. They had to grow up through so much turmoil. My daughter Alexis turned 11 three days after her sister's body was found, on my grandmother's birthday. Birthdays are very hard for all of us. I'll never understand how you were able to get away with this for so long. How can such evil hide in plain sight, continuing to walk down the streets lined with your picture, making a mockery of law enforcement, our families, the community, and especially L.G. and A.W. for nearly six years? Only Richard Allen has those answers, and since you've claimed remorse and a need to apologize, I won't hold my breath waiting, but I deserve those answers. L.G. and A.W. deserve the entire truth to come out, and I'm all ears. Please put me on your visitors list, I'll listen. While there will never really be justice or closure and nothing will bring my daughter back, I am so very proud of her for not only exposing her and A.W.'s killer, but also for bringing much-needed attention to so many cases near and far. This tragedy hasn't completely stopped L.G. from accomplishing at least one

dream from beyond her grave. Her courage and strength will live on as she guided us – guides us through this lifetime and, until we meet again, she will always be my sunshine.

MR. MCLELAND: Carrie, is there anything else you want the Court to know?

MS. TIMMONS: No. Thank you.

MR. MCLELAND: All right. Thank you.

THE COURT: Thank you, ma'am.

MR. MCLELAND: Okay to go forward, Judge?

THE COURT: You may.

MR. MCLELAND: Okay. Thank you, Judge. Judge, the State would call Josh Lank, please. Judge, do you want him at the podium or on the witness stand?

THE COURT: He could – whatever is comfortable for you.

MR. MCLELAND: Okay. All right. Will you state your name, please.

MR. JOSH LANK: Josh Lank.

MR. MCLELAND: And will you spell your last name for the record, please.

MR. LANK: L-A-N-K.

MR. MCLELAND: And how are you related to the victims?

MR. LANK: I am L.G.'s first cousin.

MR. MCLELAND: Okay. And you had a statement that you'd like the Court to consider for sentencing?

MR. LANK: Yes, sir.

MR. MCLELAND: Okay. Go ahead.

MR. LANK: Good morning, Your Honor. How are you today?

THE COURT: Good morning. I'm well. Thank you.

MR. LANK: First, I would like to start off by thanking the prosecution team and law enforcement. Without you guys and everyone involved in this case, the countless hours of you guys's time that was dedicated to this case, I truly can't thank you guys enough. You can tell from the get – beginning that this case was very important to them. They did everything they could to find justice for these two beautiful girls. I would also like to thank our little community. You guys have been so kind to our family with the love and support you have shown us, from painting the town teal and purple to feeding us every day throughout the trial. I seriously can't thank you guys enough. Our town may be little, but this goes to show that in a time of need, our community pulls together. L.G. was my first cousin, but the bond we had was a brother and sister bond that nobody could break. We were – when we were younger, we were together every day. It was always Kelsi, L.G., my brother, and I. We would ride the bus to my grandma's after school and you would never know what kind of trouble we would get into. L.G., she was one of a kind. She would give the shirt off her back to someone that she thought needed it more than her. She was always trying to find ways to help people and make things easier on everyone. She truly was going to do great things in life. I will forever remember L.G. by the amazing memories we made and not how Richard Allen left them on February 13th, 2017. He took so much away from both of those girls. They had amazing lives ahead of them. The pain he has put both of our families through could never be forgiven or forgotten. The things we had to see we will never be able to unsee all because of him. This man has made my life and my family's life a living

hell for the past eight years. Now it's time for your life to be a living hell. Twenty-three hours a day, no communication, isolation from the world until you die. Richard Allen took two amazing little girls with so much life ahead of them from my family and the Williams family way too soon. And for his actions, I hope and pray he lives the rest of his life thinking of the mistakes he made that day. I would like to leave you with this: God doesn't have a place for sick, twisted-minded individuals like Richard Allen. The Devil has a special place in hell for him, and I hope the prison community can get him there quicker than the sentencing. He is a dead man walking. Judge Gull, I ask you take into consideration the max sentences with no parole. There should be no way this man has a chance to get out of prison and be able to have the ability to do what he did. Granting him no parole will solidify that.

THE COURT: Thank you.

MR. LANK: Thank you.

MR. MCLELAND: Judge, the State would call Diana Erskin, please – or Diane Erskin, sorry. Will you state your name for the record, please.

MS. DIANE ERSKIN: Diane Erskin.

MR. MCLELAND: And will you spell your last name for the record for me, please.

MS. ERSKIN: E-R-S-K-I-N.

MR. MCLELAND: And how are you related to the victims?

MS. ERSKIN: I'm A.W.'s grandmother.

MR. MCLELAND: And you have a statement you'd like to give to the Court for them for – for the Court to consider for sentencing?

MS. ERSKIN: Yes, sir.

MR. MCLELAND: Go ahead, please.

MS. ERSKIN: Good morning.

THE COURT: Good morning.

MS. ERSKIN: Before I read my statement, I would just like to say, on behalf of our family, this is not a day of celebration. We will not be going home and toasting champagne or high-fiving each other. This is a day of great sadness for all the families that are affected by this crime, all of the families. I find it impossible to share how this crime has impacted my life without talking about A.W., my first child's first and only child. She brought so much joy to our family and held so much promise in her short life. She was especially kind to young children and elderly people and was often surrounded by both in our home. Her favorite phrase was, "Do you need any help?" Yes, A.W., I sure could use your help right now. The first word that comes to mind when I think about February 13th, 2017th is "terrified". A.W. was not bold or brave, especially when it came to strangers or the dark. This is the word that wakes me up in the middle of the night, knowing what she faced, what she felt, what she suffered, what she saw in the final moments of her life. The next word that enters my mind, especially since the trial, "humiliated". A.W. was a shy girl who blushed easily. She never dressed in a way that was revealing or drew attention to her figure. She would have been devastated by the number of people who have seen her in this most-vulnerable state. I cringe every time I think about the photos that were not only shown for the purposes of the trial, but have been shared as some sort of sick propaganda. Every detail of her final moments reveals a nightmare, one that will – we will relive involuntarily for the rest of our lives. Mutilated. Our sweet A.W. suffered first at the hands of a murderer and then to the process of

an autopsy. I understand the medical and legal necessity for an autopsy, but until this trial, I was naïve as to how invasive this procedure was. How will I ever erase the mental images I now live with? I could have left during this or any portion of the trial that was so graphically horrific, but A.W. didn't get that choice. Her last words that I heard recorded on L.G.'s phones was, "Don't leave me up here." L.G. didn't leave, so I didn't leave. The last time I saw A.W., she and L.G. were laughing and walking out the back door, her arms full of the craft supplies they planned to use. I was washing dishes and called, "Have fun." To this day, I have so much sadness for not stopping to hug her. The anxiety I feel every time one of my grandchildren leaves or I leave them is a lasting reminder of losing A.W. Every day since the day A.W. was murdered starts the same, I wake up, make the bed, look at the clock and calculate how many hours I have until I may return to it. I pray, breathe, make the most of the time that I have, knowing that I have now lived almost five times A.W.'s lifetime on earth. Every night, I climb back into bed, look at the clock, calculate how many hours I have left to sleep. Unfortunately, sleep is not an escape, but more often a task. I pray for a good dream, a visit with my loved ones who are waiting for me with A.W. in heaven. Nightmares come anyway and I seldom sleep through the night without waking at least once. Then begin the what-ifs or the if-onlys. As I watch A.W.'s friends grow up, graduate from college, choose careers, and even begin having children, I can't help but wonder who she would have become in her life if it hadn't been taken. How many great-grandchildren were murdered that day, as well? How do we keep living and loving without her? I will never be the same person I was before A.W.'s murder. I grieve the life I used to have. I feel sometimes that my own family has been cheated out of the version of me that

existed before this crime and the me that many people will never know. I am grateful for my life, I owe my survival to my faith in God. Richard Allen took A.W.'s life on earth, but she had already given her heart to God, believe that.

THE COURT: Thank you, ma'am.

MR. MCLELAND: Judge, the State would call Eric Erskin, please. Sir, will you state your name, please.

MR. ERIC ERSKIN: Eric Erskin.

MR. MCLELAND: And will you spell your last name for the record, please.

MR. ERSKIN: E-R-S-K-I-N.

MR. MCLELAND: And maybe a silly question, but what's your relation to the victims?

MR. ERSKIN: I'm A.W.'s grandpa.

MR. MCLELAND: And you have a statement you'd like to give to the Court for them to consider during sentencing; is that correct?

MR. ERSKIN: That is correct.

MR. MCLELAND: Go ahead, sir.

MR. ERSKIN: Writing and speaking about this tragedy is very difficult. I'm not very articulate or creative when it comes to the spoken and written word, I'm kind of a bolt and wrench kind of guy; but I'll do my best to keep it brief. The effects and the loss of A.W. these past seven years in our family is beyond words. How this has impacted each of us and our daily lives is difficult to process or explain. Each family member was affected differently, but overwhelmingly the same, if that makes sense. The loss of A.W. was like losing a limb that'll never grow back. There's an empty spot or hollow place. This

process has been similar to a wound that scabs over but consistently gets torn off, doesn't ever seem to heal. Thousands of times the possible scenario of the girls' last hour on this earth has been replayed in my mind thousands and thousands of times. What was seen and heard in this trial only affirmed some of my most horrific thoughts. I'm thankful for God's grace in our lives, that has carried us through these dark days. The effects of this horrendous crime has not only been a huge impact on our families, but has impacted this town. Not sure if we'll ever get back to normal from the dreadful murder of our girls. The impact on the girls' classmate at Delphi School was profound, some are still in recovery from the trauma from this heinous crime. The horrific and senseless act by Richard Allen on February 13, 2013 [sic], may have stolen our future and what might have been with A.W. and L.G., but you, Richard, Allen, will never take away our memories or the legacy of these girls. Something else that I'll never be able to understand is how, after lying wait and conducting your premeditated plan to have your way with our girls, how could you continue to go about your daily routine like it never happened? How could you do that? I'd like to take a moment to set the record straight on a couple things that you, Richard Allen, have said. Richard, you said you found God. I hope you have. The fact is God has been near all the time. He was not lost. You were. God was here before the earth was created, you can read about it in Genesis. Matter of fact, God was there on February 13th. You chose to live a life void of God and full of sinful desires, the book of Romans speaks of those. Some refer to this as a reprobate mind. The girls knew God, they accepted him at Bible school and church camp. I have no doubt they're in a better place. God gives each of us a free choice, the book of Deuteronomy speaks of it. In a moment of selfish desires,

you made unconscionable decisions that is beyond my comprehension. Part of the Christian conversion process, which you admitted to, brings forth a change, both in physical and spiritual. Part of that growth process comes accountability, nearly a hundred different Scriptures that I'm aware of speaks of this; however, you chose to remain silent. When it counted most, you could have set the record straight. Scriptures are very clear: At the end, everyone will be judged by the Creator for their deeds and their actions. In closing, since the beginning of this journey, I've said I trusted the system. I've had faith in the body of work of our law enforcement and the prosecution team to do what's right on behalf of our girls, our families, as well as our community to bring justice for all. Now, Judge Gull, we place that same trust in your decision-making authority, to do what is right based on the laws of the state of Indiana. I believe your training and experience has prepared you for this task. You wouldn't have been selected to oversee this trial if you were not qualified. Thank you, ma'am.

THE COURT: Thank you.

MR. MCLELAND: Judge, the State would call Becky Patty, please. Will you state your name for the record, please.

MS. BECKY PATTY: Becky Patty.

MR. MCLELAND: And will you spell your last name for the record.

MS. PATTY: P-A-T-T-Y.

MR. MCLELAND: And how are you related to the victims?

MS. PATTY: I'm L.G.'s grandmother.

MR. MCLELAND: And you have a statement you'd like the Court to consider for sentencing?

MS. PATTY: I sure do.

MR. MCLELAND: Okay. Go ahead.

MS. PATTY: Honorable Judge Gull, where does one start? How does one explain the effect of how one choice a person makes has on an entire family for generations to come? I don't think one can really explain it and do justice. There's not enough words in our language that begins to paint the picture of the grief we live with each and every day. Richard Allen was an adult and he should be held accountable for the choices he made on February 13th, 2017. He chose not to go to lunch with his mom and sister. Instead, he chose to drink beer for liquid courage. He chose to lay in wait for his victims, to order them down the hill. He had the opportunity to let L.G. and A.W. go when the white van drove by, but he chose not to. So instead, he chose to take them across the creek, where he viciously murdered them, making sure they were dead before he went home and continued his life. Richard Allen viciously and heartlessly stole the choice to live from A.W. and L.G. that day. He was a coward and didn't want to be held accountable for his heinous choices and actions, so he just killed them and went home. I guess, in his eyes, he was nice enough to make sure they were dead before he left so that they wouldn't suffer. A few days later, he developed photos for our family that would be used at L.G.'s funeral. He stood there, watching the family members as they struggled to keep their composure while dealing with unsurmountable grief and preparing for the unthinkable that lay ahead, not blinking an eye, no remorse. I wonder what he was thinking. Our lives turned upside down that day, never to be the same again. A.W. and L.G., two young teens with their entire futures ahead of them, they never got the opportunity to make their marks in the world, he stole that from them. L.G. never got to go to prom, graduate, go on dates, go to college, get

married, or start a family. She never got to be the best aunt ever. He robbed us all. The world was robbed of what could have been. All the while, he went on living his life. He was able to walk his daughter down the aisle on her wedding day, giving her away. I wonder, did he even think of our girls at all while walking her down the aisle? Our families will never get the privilege of watching A.W. or L.G. walk down that aisle, he took that from us. The impact of Richard Allen's choices made that day has haunted our families for almost eight years and continue even now. Because of choices he made and his subsequent arrest, he was appointed two lawyers to defend him. Those lawyers have done nothing but twist the knife around and around in our wounds that Richard Allen caused that day. Because of one lawyer's sloppiness, sealed crime scene photos of L.G.'s naked and mutilated body were left unattended, allowing images to be taken and spread around to people on the Internet. As recent as a week ago, these crime scene photos were still being shared on the Internet for no good reason or for entertainment. Sharing those photos changes nothing, it doesn't solve the crime, it doesn't bring the girls back; so now, because of Richard Allen's choices that day and his lawyer's sloppiness, the impact has now become generational for us. One day, when L.G.'s nieces or nephews decide they want to learn more about their Aunt L.G., they may be faced with those horrible crime scene photos that were so carelessly taken care of. I wonder if his lawyer would have been so careless with those photos had they been photos of one of his own children. Would he still have felt no accountability because he was snookered? And then you have the other lawyer, who sat in the Judge's chambers, stating he really didn't care that the photos were released. I wonder if those – he would have been so callous and uncaring if those were photos of his child's naked and mutilated

body being shared; would he still not care? When does it ever stop? As recent as yesterday, the Defense continued playing their games. They know law enforcement investigated their third-party theories with never being able to place any of those people at the trails that day, but yet, they continue their charade at the expense of A.W. and L.G. We didn't even – we don't even want to go there talking about hardship caused to the families. Richard Allen is not the victim. Now, those professionals are allowed to claim no accountability for their actions and move on to the next case, disrespecting and devaluing the next victims' families. Meanwhile, our families are left picking up the pieces because of their choices and actions. In the end, all these choices made by the Defense team, the fallout our families now have to live with for generations to come, falls directly on the head of Richard Allen because of the choices he made on February 13th, 2017. I could go on and on about what we lost that day, but it would change nothing. The deafening silence in the house, the milestones missed, the grandbabies never to sit on our lap, the impact L.G. and A.W. would have had on so many lives. Talking about it won't bring them back to us, nothing in this world can change the outcome of that horrific day. No matter how hard we wish or pray them back, they're gone forever. Only Richard Allen having made a different choice that day could have changed it. Their lives were in the balance. He chose to kill A.W. and L.G. Their lives mattered. He, Richard Allen, is the one responsible for all of this. All I can hope for now is that Richard Allen will be held accountable to the fullest extent of the law for what he did that day. His sentence needs to reflect not only of murdering the girls, but also serving time for each day of life those girls still had in front of them, for every feat they may have accomplished. I feel he should serve one day behind bars for each future

day he robbed from the girls. I hope that he's not held in a single-occupancy cell, since his attorneys feel it would be detrimental to his health. I hope he is ordered to reside in general population, so he can have the human interaction he so craves and needs. Last of all, I hope he lives each day of the rest of his life living with the same fear he bestowed on A.W. and L.G. the last hour of their lives. I hope the choices he made on February 13th come back to haunt him, giving him no peace. I realize I should not feel this way, but I can't stop these feelings. I hope God can see my heart and can forgive me. Richard Allen caused this. I hope Richard Allen's new relationship with God will finally compel him to do the right thing and stop this nightmare from continuing any longer, not only for our families, but his, as well. He needs to do what he knows God would want him to do. I hope he finally gives the girls the respect they deserve, give them back the dignity he so callously took from them. Richard Allen took so much from our families and the world that day, but what he will never take from us is our memories we have of A.W. and L.G. We will forever keep them alive, even if it's only in our hearts. I live every day with the burden of the choice I made on that day. I can never change the results of my choice of letting those girls go to the trails and I take responsibility for that. What about you, Richard Allen? Will you ever own up and take responsibility for the choices you made that day? Only you can stop this nightmare for all the families, you can make that choice.

THE COURT: Thank you, ma'am.

MR. MCLELAND: Judge, and lastly, the State would call Mike Patty, please. Will you state your name for the record, please.

MR. MIKE PATTY: Mike Patty.

MR. MCLELAND: And will you spell your last name, please.

MR. PATTY: P-A-T-T-Y.

MR. MCLELAND: And how are you related to the victims?

MR. PATTY: I was L.G.'s grandfather.

MR. MCLELAND: And you have a statement you'd like the Court to consider in sentencing; is that correct?

MR. PATTY: That's correct.

MR. MCLELAND: Go ahead, sir.

MR. PATTY: All right. First off, everything that's been said here today resonates, kind of gives you a picture of what our families have been going through. Some of the stuff I've written down is gonna repeat some of that, so I apologize, but all these things are coming from the heart from all of our family members and it just – the impact that this has had on our families. Honorable Judge Fran Gull, we appreciate your firm, fair guidance and direction, your ability to thwart off all unnecessary noise and acts that were deployed during this process. Thank you for standing firm and staying focused on what needed to be done. I request you provide the maximum sentence allowed under our justice system and whatever that sentence is, but also have no possibility of parole. There's no parole available for our girls. For this, I will never forget. Prosecution, we appreciate your willingness to stay on task, putting in numerous hours, putting the case above many of your personal needs. The results speak for itself and I wanted to share our deepest gratitude. For this, I will never forget. The investigation team, we appreciate your determination and grit to stay on this for so many years. I've observed and watched from the outside while you investigated so many tips that many have no idea about, all to deliver proof to get to the bottom of this case. Never once did I hear, "We're out of options."

There was always a full-court press to bring justice in this case. For this, I will never forget. To our family, I'm so blessed to have a loving and welcoming family, only wish I could have prevented this, any of this, from happening and I wish I could have protected everyone from having to go through this. Our family is strong, we will march forward and continue to grow. For this, I am grateful. Defense, I understand the role you needed to play, but I cannot connect the ways of our legal system to allow so many things to interfere with the truth and the facts simply to be brought before a jury. I cannot imagine our forefathers ever envisioned the attempts to suppress and divert facts that would ever be part of our justice system. One should reflect and review their position to support truth and justice. Your inept ability to protect some of the most personal facts in this case, the crime scene photos, and making statements you didn't really care that they were out there. My family will forever have to explain how these are available for people to search. What do I say to my kids, my grandkids, my great-grandkids? What will you tell your grandkids? I hope you tell them the truth. I surely will. For this, I will never forget. To the convict, I will never understand how you could have conducted such an atrocity. You killed my granddaughter nearly eight years ago and have only thought of yourself. Your attempts of self-preservation are a result of how you really are. Once you committed this crime, you could have been a man, stood up, and taken accountability, but you didn't. At any time during these proceedings, you could have stood up and taken responsibility, but you didn't. You were only concerned about yourself and tried to get away with murder. Actions always speak louder than words. By being so selfish, you continued to punish and hurt my family. For this, I will never forget. Your act of murder has tested my faith. I'm still not ready to provide forgiveness.

If I'm able to, it will be for my own faith and conscience, not for yours. For this, I will never forget. I've never felt such hatred, and I know I should not be this way towards another human being, but what you have done has impacted so many people's lives. We will heal, with the help of our pastor. I'm lucky to have a great family and will enjoy the rest of my life helping and watching all of them grow, from our kids to our great-grandchildren. This is something you will not get to take away and you'll never get to experience the joy and love as what I – my family has. Lastly, I hope the rest of your days are spent in as much fear as the girls had to experience in the last part of their lives and hope those moments haunt you the rest of your days, you deserve no better. Now is time to stand up and take accountability, put a stop to these future attempts for appeal, just let the girls rest in peace.

MR. MCLELAND: Thank you, Judge. The State has no other witnesses or no other family members that would like to make an unsworn statement. The State would just reserve its right for argument and that would conclude the evidence the State has for sentencing, Judge.

THE COURT: You may proceed, Mr. McLeland.

MR. MCLELAND: Thank you, Judge. Judge, as the Court can see from the victim-impact statements in the pre-sentence investigation and from the statements made here today, A.W. and L.G. were very special to a lot of people in this community. They touched a lot of people's lives and everybody that they interacted with, they left a last impression with those people, from teachers to principals to community members. They were caring, loving, selfless, and two special little girls. The family endured six years without knowing who committed this offense, six years of torture until Richard Allen was arrested, and at that

point, there should have been a sigh of relief for the families, but there wasn't. After his arrest, YouTubers called them names, countless podcasters accused them of being corrupt. This case gained nationwide attention, and when the crime scene photos were released, they were revictimized by that, revictimized by people sending them the crime scene photos or the crime scene photos being posted on various websites and web pages, all in an effort to get more clicks, to be a more popular site that someone would visit. So the families continue to be revictimized even today, Judge, as the families – heard them state, even today they continue to see those photos. This crime affected the community, it affected the community in a negative way. Many of the family members and many of the investigative team were born and raised in this community, and they can tell you that this was a quiet, safe place to live, little town in Midwest America. After this crime, it became a place where people locked their doors, were people went and actively pursued a firearm license to carry and conceal, where they took defensive classes. And I know, Judge, I know these aren't statutory aggravating or mitigating factors, but these are things to consider that Richard Allen's actions go well beyond what happened in this courtroom or what happened on February 13th, 2017. They go on to affect the families of the victims, the families in the community, Judge. I think it's important to show that throughout this sentencing, throughout the trial, Richard Allen seemed to show no remorse and no regret. Now, as a mitigating factor, he does not have any criminal history, and I concede that's a mitigating factor; however, the nature and circumstances of this crime greatly outweigh any mitigating factor that the lack of criminal history gives him. Judge, I know this was read during the trial, but I want to read the Court a short excerpt from an entry by Dr. Monica Wala, this is an entry

that seems to rattle around in my head days after the trial, states, "Allen reported wanting to confess to his crimes and wanting to tell his story. He stated, 'I bundled up. Once at the trail, I laid in wait. I saw the girls and followed them onto the bridge. I ordered them down the hill. My intention was to rape the girls, because I thought they were older than their biological ages.' He saw a van and got scared. 'Then I ordered them across the creek and I cut their necks. I wanted to make sure they were dead.' He reported he covered the bodies and he walked back to his car and continued on his life 'cause he hadn't been caught." He lied in wait. For some reason, that statement rings in my head. To think that A.W. and L.G. are just out for a walk on the trail that day to take pictures, to enjoy nature, and to think that he lied in wait for them and then approached them with a gun, ordered them down the hill. I probably watched the video from L.G.'s phone a thousand times in preparation for trial, during the course of the investigation, and the fear in A.W.'s voice when she runs by L.G., I just can't image the fear that they both had at that moment when he approached them with a gun and said, "Girls" – or "Guys, down the hill." Once they're down the hill, he orders them to strip, 14 and 13 years old, to remove all their clothes, expose their naked bodies. He began to assault them, but he was interrupted, only to lead them across the creek and cut their throats. I just can't imagine what was going through their heads as he cut one of their throats and the other one had to watch while they're naked. I don't understand, Judge, and I just can't imagine. And then he walked calmly back to his car and he lived his life here in our community for the next six years like nothing happened, no remorse, no regret. This is a man, if he's allowed out, he will kill again. He's a danger to our community and he's the worst kind of danger. He's the kind of man that can kill

two girls and then be so callous as to go on with his life like nothing ever happened. That is a dangerous man. So the nature and circumstance of this crime, Judge, in the State's mind, far outweigh any mitigating factor or mitigating weight that the lack of criminal history may give him. And so with that being said, Judge, the State's recommendation is a fully executed sentence on both counts consecutive to one another, 65 years for the murder of A.W. and 65 years for the murder of L.G. The State would ask that those sentences run consecutive to one another for a total of 130 years in the Department of Correction. The sentence only seems fitting for his actions on February 13th of 2017, and only seemed fitting for the murder of A.W. and L.G. Thank you, Judge.

THE COURT: Any response, Mr. Rozzi?

MR. ROZZI: Judge, just briefly that, you know, the Defense acknowledges that, you know, this is a day for the victims' families to speak and, you know, the system affords them that opportunity. I do think, as Mr. Allen's counsel, that it is worth pointing out or asking the Court at least to disregard the comments related to the actions of his lawyers throughout these proceedings to the extent that those comments would support an aggravating or mitigating – or I should say an aggravating circumstance. I don't think that that's – that they're relevant for that purpose. I don't have any problem with these people getting up here and speaking their piece, but to the extent that those would support an aggravator, I'm asking the Court to disregard the comment. Thank you.

THE COURT: Mr. Allen, is there anything that you would like to say to the Court prior to the imposition of sentence?

THE DEFENDANT: No, Your Honor.

THE COURT: Well, Mr. Allen, the record will show that you're here in person this morning with your attorneys, Mr. Rozzi, Ms. Auger, and Mr. Baldwin. The State is here by the elected prosecutor, Mr. McLeland, and his deputies, Ms. Diener and Mr. Luttrull. Having been found guilty following a trial by jury, you are now here for sentencing. Having considered and reviewed the written pre-sentence investigation report; the sentencing memorandum submitted by coun – or by counsel; the victim-impact letters that were attached to the pre-sentence investigation report; the testimony of Trooper Holeman, Carrie Timmons, Josh Lank, Diane Erskin, Eric Erskin, Becky Patty, and Mike Patty, and the arguments of counsel, the Court now finds the Defendant guilty of murder, a felony, in count 3, and murder, a felony, in count 4. The Court will order the convictions on counts 1 and 2, felony murder, vacated on purposes of double jeopardy. Your attorneys, through their sentencing memorandum, have asked that I consider mitigating circumstances in your behalf. They have asked first that I consider that you have no criminal history, and that is, in fact, a mitigating circumstance, that you have no criminal history. Candidly, I don't weight it terribly heavily, because you come into this court convicted of the most serious offense that the state of Indiana has, but you do, in fact, have no criminal history. Your attorneys have also asked that I consider that your imprisonment will result in an undue hardship on your wife, Kathy Allen. I decline to find that to be a mitigating circumstance. Any imprisonment imposes a hardship and you've been imprisoned for quite a bit of time, but I decline to find that to be a mitigating circumstance. Counsel has also asked that I consider the non-statutory mitigating circumstance that you served in the United States Army National Guard for about ten years, having enlisted when you were in high

school. I decline to find that to be a mitigating circumstance, it has nothing to do with anything. And finally, your attorneys have asked that I consider your long history of mental illness. There was evidence presented during the course of your trial that you suffer from depression and anxiety and that is, in fact, a mitigating circumstance; however, I do not count it, because there's no nexus between your mental health history and the vicious crimes that you have now been convicted of, so I decline to find that to be a mitigating circumstance, although I do recognize your mental health history, but there is no nexus. Those are all of the mitigating circumstances that have been advanced by your attorneys. I do find aggravating circumstances in the nature and circumstances of the crimes that you've committed. I don't need to go into a lengthy recitation, the record speaks for itself. I've been a criminal court judge for about 27 years, Mr. Allen, and I've presided over some of the most hideous cases in the state of Indiana. You rank right up there with one of those most hideous cases that I've presided over. The nature of the crimes that you've committed and the impact of your crimes on this family are astonishing. You have multiple victims and that is an aggravating circumstance that justifies consecutive sentencing. And I find as a specific mitigating circumstances the extraordinary impact on the families of L.G. and A.W. You know, the legislature assigns terms of years in their determination on what sentences should be, so the minimum sentence is 45 years, the maximum sentence is 65 years, and you rank right up there with the extraordinary impact on these families, and not just the specific family members that testified, not just the specific family members that submitted victim-impact statements to this Court, but I think it was L.G.'s grandmother who talked about generational impact, which far exceeds that which the

legislature have determined to be significant. Candidly, I've never really thought about generational impact, so I appreciate the opportunity provided by L.G.'s grandmother to consider that. These families will deal with your carnage forever, and you sit here and you roll your eyes at me, as you have rolled your eyes at me repeatedly throughout the course of this trial. The Court would find that the aggravating circumstances are such that they require the maximum sentence consecutive. The Court therefore orders that the Defendant be committed to the Indiana Department of Correction for classification and confinement for a period of 65 years on count 3 and a period of 65 years on count 4. As there are multiple victims, the Court orders that those sentences be served consecutively for a net sentence of 120 [sic] years in the Department of Correction. Give you credit for 786 days served in jail in pre-trial confinement. Assess the Public Defender fee and court costs and enter judgment accordingly. Mr. Allen, you've heard the judgment of this Court pronouncing sentence. Pursuant to Criminal Rule 11, I would inform you, you are entitled to challenge both the convictions and the sentences. In order to do that, you have to file a notice of appeal with the Clerk of the Court of Appeals within 30 days of today's date. If you fail to timely file that notice, you forfeit or give up your rights to appeal. If you cannot afford an attorney, I will appoint counsel at public expense for the purpose of filing the notice of appeal and appealing the conviction and the sentence. Do you have any questions concerning your rights to appeal?

THE DEFENDANT: No, Your Honor.

THE COURT: Will you be hiring an attorney to represent you or do you need me to appoint a public defender?

THE DEFENDANT: Just appoint, Your Honor.

THE COURT: All right. I will appoint the Public Defender of the State of Indiana to timely perfect your appeal, and I will send the notice of the judgment of conviction to the State Public Defender so that she may begin the process. Is there anything else on the record, Mr. Rozzi?

MR. ROZZI: No, ma'am.

THE COURT: Mr. McLeland?

MR. MCLELAND: Judge, I did file this morning a motion to seal and keep confidential the crime scene photos and the autopsy photos and the reports. I printed the Court out a courtesy copy. I did not get – I apologize, I did not get it done until early this morning. With the continued, I guess, exhibits of the crime scene photos on the Internet, I – the State's made the motion to seal those things permanently, the crime scene photos, the autopsy photos, and the autopsy reports, and also the mental health and medical records of Mr. Allen as confidential. I think that's appropriate under the statute, Judge, that I cited. I think those are exceptions under I.C. 5-14-3-4 that can be exempt from FOIA and exempt from distribution. I want to make sure that the families are not continued to be revictimized. This case is over. If anyone related to this case decides to release those autopsy photos or the additional crime scene photos or the mental health and medical records of Richard Allen, I think those things are privileged. I'd ask the Court to consider – I understand the Court may not be willing to make a ruling on that today, but I wanted to bring that motion to the Court's attention that I did file that this morning.

THE COURT: Mr. Rozzi.

MR. ROZZI: Judge, I appreciate Mr. McLeland's thoughts in that regard. I did catch that motion as I was leaving the office this morning. So the

Defense is not conceptually burdened or troubled by those requests, but if the Court would give us seven days to just take a look at the statutes and the case law that's cited, I would appreciate that, and we will file a response, I think it'll be brief, but I just – I'm not familiar with the statute and the specific case law that's cited, so I'd like a minute to Shepardize those.

THE COURT: Okay. That's fine, yeah.

MR. MCLELAND: Nothing further, Judge. Thank you.

THE COURT: And based on, now, the conclusion of this case and the trial, the gag order that was previously issued by the Court back in December is lifted, and counsel and the parties are relieved from that further responsibility. Thank you very much, Counsel.

MR. MCLELAND: Thank you, Judge.

ATTORNEY STACY DIENER: Thank you, Judge.

THE COURT: The Defendant is committed to the Department of Correction.

(THIS CONCLUDES THE PROCEEDINGS AT SENTENCING HEARING CONDUCTED DECEMBER 20, 2024, IN THIS CAUSE.)

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

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| STATE OF INDIANA,<br>Plaintiff,<br><br>VS.<br><br>RICHARD ALLEN,<br>Defendant, | )<br>)<br>)<br>)<br>)<br>)<br>)<br>) |

**CERTIFICATE OF REPORTER**

I, Jodie L. Williams, official reporter for Special Judge Frances C. Gull, hereby certify that I transcribed from electronic recording all of the proceedings had the Initial Hearing held October 28, 2022; Hearing held November 22, 2022; Hearings held January 13, 2023; Hearing held February 17, 2023; Hearing on Safekeeping Order and Ex Parte Hearing held June 15, 2023; Hearings held October 19, 2023; Hearing held October 31, 2023; Hearing on Motion for Contempt and Motion to Dismiss, held March 18, 2024; Motions Hearing held May 7, 2024; Motions Hearing held July 30 through August 1, 2024; Hearing held August 23, 2024; Jury Trial held October 14 through November 11, 2024; and Sentencing Hearing held December 20, 2024, in said cause.

I further certify that the above and foregoing transcript is a full, true, and complete copy of said proceedings.

WITNESS my hand and seal this 1st day of July, 2025.

*Jodie L. Williams*

Jodie L. Williams, Reporter
Allen Superior Court
Allen County, Indiana