



John Galipeau (16.95)

Former Warden

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MCLELAND'S EXAMINATION OF JOHN GALIPEAU

- Galipeau establishes that he was employed at Westville Correctional Facility in 2023. At the time, Allen was being held (alone) in cell A-1107 in A Pod of the facility. The cell was 12x8, like all other cells in the unit. Allen's cell was referred to as an observation cell, typically used if they had mental health orders or were under suicide watch.
- Galipeau confirms that Allen's cell had a bed, with a standard issue mattress. The frame was bolted to the floor, to prevent suicide watch inmates from going under the bed and escaping observation.
- Galipeau confirms that Allen was under suicide watch for a time in the facility, but there was a time when he was not. Allen was allowed 3 showers a week, like all inmates. Allen had a toilet in the cell and was provided 3 sets of clothing, like all inmates. Allen was not required to wear soiled/dirty clothes, and had the opportunity to have clothing cleaned 3 times a week.
- Galipeau elaborates that Allen had access to 2 electronic tablets which could... download some apps, listen to music, order commissary, and make phone calls. Allen was offered recreational time 5 times a week, like all inmates.
- Galipeau elaborates that Allen was seen daily by medical personnel when on suicide watch, and was seen by mental health professionals. The mental/medical staff both provided updates on Allen's wellbeing.
- Galipeau elaborates that Allen was allowed at least 2 face-to-face visits with family, which no other inmates in the unit were allowed. Allen was allowed visits with his attorney.
- Galipeau elaborates that other inmates in the unit were assigned to observe Allen on suicide watch. These inmates were responsible for documenting Allen's behavior, until policy change resulted in officer-only suicide companions. This change was put into effect when Allen began receiving legal mail.
- Galipeau elaborates that for the first few months he observed Allen daily, but at least a few times a week after that. Allen's behavior was quiet for the first month after arriving, but became erratic the day after first receiving legal mail. Allen began... ripping up the legal mail, washing his face in the toilet, and defecating in the cell.
- Galipeau confirms that this is the point where inmate companions became officers only. During this time, he was seeing Allen a few times a week. Sometimes Allen would request for him to come talk, but Galipeau never initiated conversation.
- Galipeau elaborates that sometimes Allen would... confess, ask for a chaplain, ask for a Bible. Allen once told him the tablet wasn't working, but conversations were very limited. Allen confessed at least twice in person and in a few notes or requests for interviews that he wrote.
- Galipeau is shown [State Exhibit 292](#). He confirms it as a request for interview (a slip used by inmates at the facility to request communication with... counselors, unit team manager, captain, major, deputy wardens, medical staff, or mental staff). He received the SE-292 request on 3-5-2023, addressed to himself (the warden at the time), from Allen.

SE-292 is admitted and shared with the jury.

- Galipeau reiterates that he received the request from Allen on 3-5-2023. The request read: "I am ready to officially for confess killing A.W. and L.G. I hope I get this opportunity to tell the family sorry."
- Galipeau elaborates that after receiving the request, he gave it to Internal Affairs. He did not go down to see Allen. There were other times Allen admitted to him and apologized. He believes Allen... mentioned a boxcutter disposed of in a CVS dumpster when he worked there – it wasn't mentioned what the boxcutter was used for.
- Galipeau confirms that the log sheets outside Allen's door let him know that Allen was also admitting to other people. Allen was treated the same after the admissions, and given the same recreational & shower time as before.

McLeland concludes questioning.

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ROZZI'S EXAMINATION OF JOHN GALIPEAU

- Galipeau confirms that he was the facility's Warden when Allen arrived in late october/early November of 2022. Allen arrived as a result of a safekeeping order, for the Department of Corrections to take custody of Allen while the case was pending. The facility did not take Allen as somebody who had been convicted (which is different).
- Galipeau confirms that it was his job as warden to ensure Allen's safety/security as a safekeeper awaiting trial. Failure to have done so would fall on himself.
- Galipeau elaborates that the facility is a minimum to maximum security, housing ~3,000 offenders. The offenders are all convicted, of felonies including but not limited to... murder, rape, arson, robbery.
- Galipeau confirms that, within the facility, there is a maximum security unit (referred to as WCU). There are a few of these units in the state, located in... Wabash Valley, Pendleton, and Westville. Westville's WCU building was built in 1996, making it one of the newer facilities, while Westville's general population facility will soon be shut down and rebuilt (despite still being livable).
- Galipeau is shown [Defendant's Exhibit QQ](#). He confirms it as an aerial view of the facility, generally mimicking the conditions at the facility.

DE-QQ is admitted and shared with the jury. Rozzi has Galipeau further confirm the following properties of DE-QQ:

- The existing facility, which housed Allen, is depicted in the top half. Next to it (in top left) is the administration building. Next to the administration building are metal detectors and razor wire fence (to access Allen's facility). Inside the facility is Allen's unit, depicted in the top as four octagons (pods). Before the pods is an additional 1-2 razor wire fences.

Rozzi finishes specifically citing the map, and returns to general questioning.

- Galipeau confirms that Allen's unit used to be a prison within a prison, and reiterates it's in 1 of 3 comparable facilities in the state. The units are pretty secure, and the majority of felons are placed in the units for conduct violation. If inmates break any rules there, they can be transferred to another secure facility.

- Galipeau elaborates that there are 4 cells in the unit used for suicide watch. There are 4 pods in the unit (A, B, C, and D) with 55 cells each. 1 cell in each pod is a designated suicide cell. Allen was housed in A Pod's suicide cell (A-1107).
- Galipeau elaborates that offenders are typically placed in suicide cells for short periods of time (a day to a week). The other 54 cells are used to segregate inmates who have violated prison rules. Suicide cells are different from the other cells only in that... the beds are bolted to the floor, and they have cameras.
- Galipeau confirms that all mattresses are identical. Allen's mattress was on a metal slab, bolted a couple inches off the floor.
- Galipeau elaborates that he had been with the DOC for ~28 years, and was a warden at the facility for ~5 years before Allen's arrival. Allen was the only presumed-innocent detainee he held in solitary confinement, and Allen was held for 13 months. He is not aware of any similar situation in other state units. Allen was treated the same as the convicts, with equal treatment and all the same rules applied.
- Galipeau confirms that Allen arrived on suicide watch and remained there for most of his stay. He was not aware of any mental health notes for Allen, including indications that Allen was a threat to self. Allen's psychologist (Dr. Wala) would be in a better position to comment.
- Galipeau reiterates that Allen arrived from an unknown place on suicide watch from another psychologist. He did not check Allen's history or prior whereabouts; there are too many inmates to check history. He had no personal interest in Allen's history, despite being his first safekeeper in the pod.
- Galipeau elaborates that Allen's cell camera was on the ceiling, out of reach, on the right hand side. The camera filmed 24 hours a day. The cell did not have a lot of privacy. It had a toilet and metal door with a window, and was either 12x8 or 12.5x8.5. Allen had access to dim the lights, but not turn them off (safety protocol for suicide cells).
- Galipeau elaborates that at one point, Allen's window to the outside was damaged and replaced. It was a narrow window with a view of razor-wire fence. Allen's toilet was a few feet from the head of the bed. The toilet was steel, door was metal, and cell was concrete.
- Galipeau confirms that inmates in the WCU could yell through their doors, but were not allowed physical interaction. Allen was isolated for 13 months with no physical interaction, but could yell.
- Galipeau elaborates that, in general population, inmates can have contact. Pods consist of ~80 inmates in an open, military-style barracks. Inmates could play cards, watch TV together, and (most of the time) move freely. They used the bathroom in a separate room, and ate meals together.
- Galipeau elaborates that Allen received his meals through a "cuff port" (slit in the door to stick food trays in). Allen could sit on his bed or the floor for meals. The cell did not have a table/desk/chair, but at one point had a cardboard box for Allen's TV.
- Galipeau confirms that inmates in general population are not shackled/restrained in the dorm setting, and move freely. For rec, depending on the weather, they get to go outside.
- Galipeau reiterates that Allen had access to recreational time, 4-5 days a week (barring Tuesdays, Sunday, and maybe Thursdays for lockdown).

Rozzi references DE-QQ. Galipeau confirms the following properties:

- A big yard/field in the top left quadrant. Not a rec yard. Not a basketball court (which is inside the dorm).
- A concrete colored slab where Level 1 offenders of the dorm have rec. Allen did not get access to this feature.
- An empty/unused grass field, down and to the right of the slab.
- A second dorm at the bottom half.
- An unused rec yard to the northeast corner of the second dorm. Allen did not get access to this feature.
- A baseball diamond in the bottom right, used as a rec area. Allen did not get access to this feature.
- An empty/unused grass field, above the diamond. Allen did not get access to this feature.
- The GSE, above the field, and the corresponding rec area. Allen did not get access to this feature.
- Allen's rec area in a quadrant at the WCU.

Rozzi finishes specifically citing the map, and returns to general questioning.

- Galipeau elaborates that Allen had access to 2 rec areas, one indoor and one outdoor. The outdoor rec area likely measured ~10x15, and had a screen roof. It had screen walls to let in fresh air, but still keep inmates/safekeepers contained.
- Galipeau elaborates that the indoor rec area is probably double the size of the outdoor area, and was right down the hall from Allen's cell. Allen was not allowed physical socialization in either area. One rec area had a pull-up bar, the outdoor area had a basketball net, and ellipticals were installed in the indoor area.
- Galipeau elaborates that Allen could choose to visit the rec areas for 4-5 hours a week. This only applied when Allen was not on suicide watch, as being on watch results in restricted rec time. Allen did not have access to card games, playing cards, or board games.
- Galipeau elaborates that Allen had access to games on his tablet, which could also be used to purchase movies or music. Allen could receive some phone calls, which were all recorded (through the company GTL) except for calls with attorneys. The tablet could send messages, which were also monitored. The tablet had limited privacy.
- Galipeau acquiesces that there were times Allen did not have a tablet (such as when it broke). Allen possibly went without a tablet for over a month. GTL was slow to provide gen pop with tablets, but Allen's was replaced quickly.
- Galipeau confirms that Allen would be monitored in the shower. Allen's rec time was limited due to being on suicide watch. Due to being on a constant watch level, Allen was required to wear a smock rather than prison clothes. The smock is a gown, hooked together with straps, that covers from the shoulders to below the knees.
- Galipeau reiterates that Allen was allowed 2 visits with his family, and several with attorneys. The attorneys were present at one of the family visits, with Allen's wife. Several guards transported Allen to a separate building for the visit. Allen was fully shackled during transport, with... handcuffs, leg irons, a transportation lead, a belly chain, and a tamper-proof box over the hands.

- Galipeau confirms that Allen's visit with family was monitored by guards from several feet away. The visits were recorded, as they would be for any inmate. If Allen stood up or went to the bathroom, the visit would be terminated. No food or snacks were allowed, but a vending machine was available. There was a water fountain available, but drinking water would terminate the visit (also applies for the visitors).
- Galipeau reiterates that all phone calls except attorney calls are recorded. He does not know how attorney calls are screened to not be recorded, but assumed that Allen could flag them himself. Physical mail is scanned but not monitored. He only remembers Allen receiving legal mail, and does not remember a box taking 2 weeks to be delivered due to sorting delay.
- Galipeau elaborates that Allen's documents were not checked for trace drugs. The legal mail Allen received was 400-500 pages, and was not copied (per usual protocol). The legal mail took a while to be delivered since it was a lot of pages.
- Galipeau confirms that Allen's attorneys had restrictions during visits. At first, they were allowed to bring their phones. All of Allen's meetings with lawyers were taped via camcorder, by an officer outside the visitation room. The visitation room was made for Allen, whose chair was facing the camera at all times.
- Galipeau admits that use of force is sometimes necessary in prison. An inmate not following orders can be considered a threat to physical safety. There were 2 times when force was used on Allen for not following orders (both times after attorney visits).
- Galipeau recounts the first instance, where Allen... was locked in his cell and refused to take his hands out of the cuff port. After being told to remove them several times, he was zapped twice with electricity for non-compliance with safety protocol. Allen was treated better than the inmates/convicted felons.
- Galipeau reiterates that, at a time, inmates were eligible to be suicide companions. The inmates would be paid to sit at Allen's door, in rotating shifts. They were given pen/paper and asked to document all observations of Allen in writing. They were to document whatever Allen said/did, with the times the instances occurred.
- Galipeau reiterates the inmates were convicted felons (who could have been convicted for crimes of dishonesty), and eventually inmate companions were pulled. The companions were not supposed to speak with Allen or to repeat any information/observations to anyone else, but he is sure that did happen at some point.
- Galipeau establishes that he did not have any problems with the companions, but they were removed for Allen's protection and privacy when legal mail started arriving. He does not know the contents of Allen's legal mail, nor did he want to. He only knows Allen got his legal mail on 3-3-2023, the same day some of the companions documented "behaviors" on the log sheets.
- Galipeau elaborates that companions do not take log sheets back to their cells. There is a process for the logs to be directed to Mental Health administration. Allen's logs were turned over to the State after undergoing the standard process.
- Galipeau reiterates that inmate companions were replaced with officer guards (without formal mental health training).
- Galipeau reiterates that SE-292 was addressed to him. He doesn't recall exactly when he received it, but believes he received it in March (around when Allen's behavior got

really bad). He turned the request in to Internal Affairs, but did not make a document reporting that he received it. He also did not document the instances where Allen said incriminating things.

- Galipeau estimates that Allen's bizarre behavior began in 04-2023. The behavior he observed occurred mostly at Allen's cell door. The only physical proof of Allen's behavior is what is recorded in the companion log sheets. Typically, he would not receive the log sheets, but Allen's were a first.
- Galipeau can not recall whether law enforcement came to visit guards around the timeframe. He doesn't recall a situation where LE was interested in Allen's whereabouts at the prison, whether they ever talked to staff about Allen, or whether they came due to Allen's confession.
- Galipeau confirms that Allen's psychiatrist would be better suited to answer questions about Allen's mental health. He doesn't recall ever talking to the Carroll County sheriff about Allen's circumstances, or anyone from the Sheriff's Office coming to check on Allen.
- Galipeau confirms that Allen was moved to Wabash Valley in 12-2023, after 13 months and three court battles. It was not his decision for Allen to be moved. He did pop in on Allen's MDT (the medical team responsible for making decisions about Allen), but was not assigned to the team himself.
- Galipeau acquiesces that he does not know why Allen was moved to Wabash Valley. A lot of inmates get transferred, and he was not curious about Allen's transfer enough to get a follow-up or explanation. He agrees that prison is an adjustment for people, especially on mental health or those who have never been to prison.
- Galipeau confirms that he would review video of Allen's cell when an incident occurred. He was responsible for Allen's safekeeping, and did not neglect his duties before being let go from the DOC.

Rozzi concludes questioning.

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MCLELAND'S 2ND EXAMINATION OF JOHN GALIPEAU

- Galipeau estimates that Allen began receiving legal mail in March or April. Allen was placed in suicide watch on Dr. Wala's orders. The context for the order was doctor/patient confidential, but most likely to keep him safe.
- Galipeau reiterates that all attorney visits are taped, without audio. He confirms that the info sheets on cell doors are used by mental health providers for updates and feedback.

McLeland concludes his second questioning.

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ROZZI'S 2ND EXAMINATION OF JOHN GALIPEAU

- Galipeau elaborates that Allen came to the facility on a separate suicide watch than the one issued by Dr. Wala. When Allen arrived, a second evaluation was done and it was decided that suicide watch would continue. The majority of Allen's stay was under suicide watch, meaning Allen had less privileges.

- Galipeau reiterates that all visits and attorney visits at the facility are taped. There is one little room with a window and glass, that he has only ever seen Allen's attorneys in. Manual recording had to be done by guards since there were no cameras set up prior (like they would be for gen pop). Inmates would also be set up, as part of Allen's suicide watch.

Rozzi concludes his second questioning. The jury has no questions, so all questioning is concluded. Galipeau steps down. McLeland calls next witness.



Ethan Drang (16.153)

“Suicide Companion” / Correctional Officer

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MCLELAND’S EXAMINATION OF ETHAN DRANG

- Drang establishes that he was employed for about 2 ½ years as a correctional officer at Westville Correctional Facility. He received training from Indiana Department of Corrections before becoming an officer. He worked on a shift called H Group, and worked in units all throughout the facility.
- Drang confirms that Allen was an inmate at the facility, and that there were times when he was assigned to Allen’s suicide watch. During these times he was responsible for filing logs every 15 minutes, to document everything that Allen said and did.
- Drang is shown State Exhibit 293. He confirms it as a suicide companion watch report about Allen. It was written by himself on 4-5-2023. He cites his signature, handwriting, and initials “E.D”.

SE-293 is admitted and shared with the jury.

- Drang elaborates that the log sheets are made in real time. Allen’s statements/actions are written down, from directly outside his cell, as they happen. He did not make reports later (based on memory).

McLeland has Drang further confirm the following contents of SE-293:

- A log from 8:46am on 4-5-2023 which claims that Allen... said “I think coming to prison cured my depression and anxiety. It allowed me to find God. Do you want my Bible?”
- A log from 9:52am on 4-5-2023 which claims that Allen... slipped a yellow envelope with a request slip under the door. Request slip stated that he wanted to confess for killing A.W. and L.G, and he hopes he can apologize to the families.

McLeland finishes specifically citing Drang’s logs, and returns to general questioning.

- Drang elaborates that he did not hear Allen make other confessions. He observed Allen at least 4 hours a shift, every shift, from Allen’s arrival up to the time he quit working at the facility.
- Drang elaborates that the mental health training he received, which focused on de-escalation tactics. He was not taught to observe signs of someone suffering from a mental health issue, or to determine when someone is faking one.

McLeland concludes questioning.

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ROZZI’S EXAMINATION OF ETHAN DRANG

- Drang reiterates that he’s no longer employed at the facility, and confirms the SE-293’s completion date as 4-5-23.

Rozzi references SE-293. Drang confirms the following contents:

- Logs from 7:19am, 7:21am, and 7:25am which claim that Allen... was screaming and crying.

Rozzi finishes specifically citing Drang’s logs, and returns to general questioning.

- Drang reiterates that he is not a formal mental health professional. He can not determine Allen’s mental state at the time, but remembers Allen being emotional that day and even claiming to like it in the unit. He can not judge Allen’s preferences, or the effect the

facility could have on anyone else. He reiterates Allen's 8:46am statement ("I think coming to prison cured my depression and anxiety").

- Drang elaborates that Allen was able to speak with Mental Health counsel daily. Officers would pull Allen out to speak with Dr. Wala in a caged area down the hall, for therapy. It was offered plenty of times.
- Drang is shown [State Exhibit 292](#). It is implied to be Allen's handwritten request slip, dated 3-15-23, stating "I hope I get the opportunity to tell the families I'm sorry".
- Drang confirms that some inmates get mental health codes, but he was never aware of Allen's code. He had no prior knowledge of Allen's mental health history, and was not educated on it.

Rozzi concludes questioning.

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MCLELAND'S 2ND EXAMINATION OF ETHAN DRANG

- Drang reiterates that he does not have training to recognize whether someone is suffering from a mental health episode. His training covered things like mental health triggers (ex. receiving phone calls from families, then skipping meals because they're upset they're not home).
- Drang elaborates that he did see Allen exhibit some of those triggers. After family phone calls from outside the cell, Allen would display triggers when going back into the cell. He does not know the exact trigger as he is not a professional.

McLeland concludes his second questioning.

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ROZZI'S 2ND EXAMINATION OF ETHAN DRANG

- Drang reiterates that something as simple as walking out and into the cell could be a trigger. He can't answer specifics of Allen's mental health state.

Rozzi concludes his second questioning.

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JURY QUESTIONS FOR ETHAN DRANG

- Drang reiterates that the yellow envelope slipped under the door by Allen, on 8:05am 4-5-2023, contained a request slip. A request slip is used like a mailing system, and can be sent to whoever it's designated for.

The floor is handed to McLeland for an optional follow-up.

- Drang confirms SE-292 as Allen's request slip from the envelope shoved under the door.

The floor is handed to Rozzi for an optional follow-up.

- Drang confirms a note on the top right corner of SE-292. It says either "reviewed" or "recieved", but was not on the request slip when Allen pushed it under the door. This added note was dated 3-5-2023, at 11:47.
- Drang confirms he received the note from Allen on 4-5-2023, as recorded in his logs. He has no further information.

All questioning is concluded. Drang steps down. McLeland calls next witness.



Michael Clemons (16.166)

“Suicide Companion” / Correctional Officer

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MCLELAND’S EXAMINATION OF MICHAEL CLEMONS

- Clemons establishes that he has been employed for about 4 years as a correctional officer at Westville Correctional Facility. He received at least 2 months of training before becoming an officer. He works in A Pod on a 6am-6pm shift.
- Clemons confirms he was assigned on Allen’s suicide watch for a time. In this time, he was responsible for watching over Allen and documenting his behavior every 10-15 minutes [through companion sheets/logs]. The logs were filled out in real time and turned in to the lieutenant when complete.
- Clemons is shown State Exhibit 294. He confirms it as a suicide companion sheet about Allen, written by himself on 4-7-2023, citing his handwriting and own initials in the bottom right.

SE-294 is admitted. McLeland has Clemons further confirm the following contents of SE-294:

- A log from 7:30am which claims that Allen... said ‘God, I am so glad nobody gave up on me after I killed A.W and L.G”.
- A log from 8:01am which claims that Allen... said “I, Richard Matthew Allen, killed A.W. and L.G. all by myself, nobody helped me”.
- A log from 8:03am which claims that Allen... said “I’m not crazy, I’m only acting like I’m crazy”.

SE-294 is published to the jury. McLeland returns to general questioning.

- Clemons confirms the referenced instances would have been written down immediately, as Allen was making the statements.
- Clemons elaborates that he was assigned as Allen’s suicide companion on every shift for a good amount of time, but is unsure of how many months exactly. For a while, one officer would watch Allen for the entire 12 hour shift; eventually it was divided in half.
- Clemons elaborates that he observed Allen from arrival at the facility to departure, when he was assigned to A pod. Allen’s behavior on arrival was normal, but at an unspecified point it changed. Allen started acting different and saying random things.

McLeland concludes his questioning.

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ROZZI’S EXAMINATION OF MICHAEL CLEMONS

- Clemons confirms that he gave a statement to police on 8-9-23, when they asked about Allen’s behavior at the prison. He told them he was assigned to sit next to Allen’s cell and write down any statements.
- Clemons elaborates that some inmates had been assigned to do the same but one day when he came in, that had stopped and been changed to guards only.
- Clemons confirms that Allen only gave generic confessions, without sharing details of what he did to the girls or how/why he killed them. At one point, Allen referred to Clemons as God.

- Clemons denies knowing whether Allen's statement ("I'm not crazy, I'm only acting like I'm crazy") was in response to other inmates' provocations. He admits that refreshing his memory may help.

Rozzi has Clemons reference his own police statement, and returns to general questioning:

- Clemons confirms he told police that Allen may have made the statement in response to other inmates yelling. He did not document what any offenders said (besides Allen), and is unsure if they harassed Allen frequently. He included some what they said in his police statement but does not know specifics.
- Clemons confirms that others in the unit knew Allen's reason for being there. Out of the many inmates he's seen in 3 or 4 years, there are some bad guys in the prison.
- Clemons reiterates that he does not have formal education in the mental health field. He knew the doctor in charge of Allen's mental health as Dr. Wala, and that she would treat him from time to time.
- Clemons agrees that he believes Dr. Wala would be in a better position to give opinion on Allen's mental health. He had told police that he's dealt with mental health codes, but he was never aware if Allen had a mental health code. A person with a code could be generally interpreted as crazy.
- Clemons reiterates that he did not think Allen had a mental health code, and assumed Allen was normal functioning. He admits he does not know the actual codes or what they entail.
- Clemons recounts an instance where other officers tazed Allen in the cell. Allen was in his cell, and wouldn't take his hands out of the food port. That is against facility policy as it poses risk to officers getting grabbed and pulled. Officers can not walk away from an open port, even though inmates are contained in a secure unit.
- Clemons reiterates that Allen behaved normally on arrival, but changed over time. He can not remember specifics. He never personally saw Allen... repeatedly bang his head on the cell wall or rub feces on his body in the cell. He does not know if he saw Allen eat feces at any time. Other officers never mentioned Allen doing any of these things.

Rozzi concludes questioning.

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MCLELAND'S 2ND EXAMINATION OF MICHAEL CLEMONS

- Clemons elaborates that the change he observed in Allen's behavior did not seem genuine and he did not believe Allen was crazy. Allen would go from normal to crazy very fast, like a switch.

McLeland concludes his second questioning.

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ROZZI'S 2ND EXAMINATION OF MICHAEL CLEMONS

- Clemons reiterates that Allen flipped like a switch. He admits that Allen may have just lost it, and prison can get to a man. He did tell police, in his interview, that he did not think Allen was crazy and he has dealt with crazy people. To police he described crazy people as the ones with mental health codes.

- Clemons acquiesces that, if he were to find out Allen had an official mental health code, his opinion on Allen's behavior in 4-23 might change.

Rozzi concludes his second questioning.

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JURY QUESTIONS FOR MICHAEL CLEMONS

- Clemons admits that some of the statements recorded in his logs could be statements that Allen was shouting out to other inmates.

All questioning is concluded. Clemons steps down. McLeland calls next witness.



Michael Roberts (16.182)

“Suicide Companion” / Correctional Officer

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MCLELAND’S EXAMINATION OF MICHAEL ROBERTS

- Roberts establishes that he has been employed for 8 years as a correctional officer at Westville Correctional Facility. He received initial training before becoming an officer. He has recertification training every year that cover old/new policies, expectations, day-to-day, and code of conduct. He worked in the WCU Unit (segregation) on a 6am-6pm shift, at the time of Allen’s stay.
- Roberts confirms that Allen was an inmate in his unit, and that there were times when he was assigned to Allen as a suicide companion. During these times he was responsible for filing logs, which were supposed to document everything that Allen said and did while under watch (in real time). He fulfilled this responsibility and his reports accurately reflect Allen’s statements/behaviors at the logged times.
- Roberts is shown State Exhibit 295. He confirms it as a packet of watch reports about Allen, all written by himself. He cites his signature, handwriting, and initials.

SE-295 is moved into evidence and shared with the jury. McLeland has Roberts further confirm the following contents of SE-295:

- A log from 12:45pm on 4-7-2023 which claims that Allen... said “Dear Lord, forgive me for molesting A.W., L.G., and Chris”.
- A log from 1:00pm on 4-7-2023 which claims that Allen... said “Dear God, forgive me for molesting A.W., L.G., Kevin, and Chris”.
- A log from 1:45pm on 4-7-2023 which claims that Allen... said “I want to confess. I know a lot more”.
- A log from 8:15am on 4-13-2023 which claims that Allen...said “What more do I got to do?”
- A log from 2:00pm on 4-23-2023 which claims that Allen...said “I killed A.W. and L.G. My wife wasn’t involved. I would like to confess”.
- A log from 5:06pm on 4-26-2023 which claims that Allen...said “Can I talk? Can you listen? I killed A.W. and L.G.”
- A log from 5:15pm on 4-26-2023 which claims that Allen...said “How do I prove that I’m sane – how do I prove that I’m insane?”
- A log from 3:30pm on 6-18-2023 which claims that Allen...said “Why are you doing this? Do you know God? Do you know why I’m here? I killed A.W. and L.G.”
- A log from 3:15pm on 6-21-2023 which claims that Allen...said “Do I make you mad? Have I told you about my wife? I killed A.W. and L.G. Should I lay down?”

McLeland finishes specifically citing Roberts’ logs, and returns to general questioning.

- Roberts reiterates that all entries were made in real time, as Allen made the statements. He observed Allen starting one day after Allen’s arrival, and was assigned to observe on a consistent basis. He spent many hours as a suicide companion for Allen.
- Roberts divulges that Allen’s behavior upon arrival was normal, coherent, and talkative. Allen seemed scared, but just like a normal person going to prison for the first time. After approx. 1 ½ to 3 months, Allen started changing his behavior and acting up... acting

abnormal, changing himself, making it seem like he was not there, couldn't hear, or couldn't talk.

- Roberts elaborates on the training he received to identify inmate/s suffering from mental health issues. He underwent restricted housing unit training, as well as training on how to recognize signs of certain mental disorders. He was taught about the various dangers (like being dangerous one day and nice the next), but was taught how to handle it, recognize it, and report it. Learning the signs helps to keep inmates safe.
- Roberts confirms that when Allen's behavior changed, he noticed signs that he was trained to recognize. Allen began to... do more outrageous things to make you look at him, gasp, or give him attention. Allen only did these things when being watched, which pointed more towards Allen merely acting up rather than suffering from a mental health issue.
- Roberts recalls the chaplain visiting with Allen at times. The would speak about Allen's... family, what he wanted, how his day was, and whether he was in a good mood. If Allen ever told the chaplain "I can't choose God over family", it was not in front of Roberts.

McLeland concludes questioning.

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ROZZI'S EXAMINATION OF MICHAEL ROBERTS

- Roberts elaborates that Allen often mentioned his family, but would also mention other things/people that didn't make sense. Allen was definitely concerned about his family, and wife.
- Roberts confirms that he had a police interview about Allen on 8-8-2023, where they spent quite a bit of time asking questions.
- Roberts elaborates that, at the time, he had been with the Department of Corrections for 6 years. He began working in the WCU Unit approx. 1 year before COVID (roughly 2020). He is unsure of exact dates regarding his transfer to WCU Unit or Allen's arrival there.
- Roberts recounts Allen as being scared when he arrived, and not talking to anyone. At first, Allen did not have any altercations with the staff. Allen was quiet and normal from January to April, but began acting out the first day after visiting with lawyers.
- Roberts elaborates that Allen had 2 lawyers, who visited at least 4 times (sometimes with interns). One intern asked Roberts' for his name once, but neither of the lawyers ever spoke to him.
- Roberts elaborates that he has no college degrees in mental health, but reiterates that the State provides training. He has firsthand experience through the job, and certificates of completion for the State training courses.
- Roberts personally defines serious mental illness as "when something's affecting your head and making you act out". It can be due to impulses or something in the brain that make someone act up, but it isn't just acting.
- Roberts reiterates that his watch reports about Allen were pretty detailed.

Rozzi generally references the contents of SE-295. Roberts confirms the following records showing that Allen:

- Told Roberts he... molested Dawn (but did not say who Dawn was).
- Told Roberts he... molested A.W & L.G.
- Told Roberts he... molested a person named Chris.
- Told Roberts he... molested a person named Kevin.

Rozzi finishes referencing Roberts' logs, and returns to general questioning.

- Roberts recounts that, at one point, Allen started smearing feces all over himself. Allen would relieve himself in either the toilet or his food tray, and would then rub it on the walls and all around his cell.
- Roberts confirms that Allen's actions were an inconvenience, because it created more work. Inmates with mental illness who behave like Allen do so out of impulse, but others do it just to get attention or to be an inconvenience.
- Roberts reiterates that eating feces does not necessarily mean someone has a mental disorder, but it is different than rubbing it on themselves. He is more used to seeing people rub it on themselves; it takes more internally to eat feces and many people will draw the line there.
- Roberts confirms that working in a prison is tough. It's a tough environment where you deal with the worst of the worst on a daily basis. He can understand the inmates acting up the first time, but tries not to be sympathetic by having emotional attachment to inmates.
- Roberts elaborates that there were approximately 55 other cells in the unit where Allen was held. Some cells were empty and some were not. Inmates would not yell at Allen while just sitting in the cell, but they would yell at any inmate being walked out of their cell. In Allen's case, they would tell him to kill himself or call him a baby killer.
- Roberts recounts officers specifically asking about one incident which Allen smeared feces on himself. Allen had it on his face for about 2 hours before realizing it, not liking it, and wiping it off himself.
- Roberts elaborates that he did not give a reaction to the behavior; he observed it and recorded it in the log after immediately contacting a supervisor. Someone came up and called the unit's mental health professional, but she was away for the weekend so it took extra time for her to arrive. He does not know the exact time she arrived.
- Roberts elaborates that someone sitting with feces on their face is not enough for him to determine their mental health state.
- Roberts confirms that Allen told him: His grandpa molested him... he wanted KFC... he wanted his last rights read... he had suicidal ideations. Allen never said outright that he would kill himself - just that he wants to die or he doesn't want to be alive anymore.
- Roberts elaborates that Allen spent a lot of time walking back and forth in the cell. In-person visits were not allowed in the unit since COVID; inmates can only do video visits because it's segregation. Lawyers are allowed in-person visits in the unit, but it's rare and they need to be monitored. The unit is a mental health unit for long-time offenders.
- Roberts recounts that Allen would tap his head on the wall repeatedly for a long period of time. Allen was not slamming his head, but tapping it in a normal way for a bored person. Intervention happened when physical signs began to appear. Allen's face was swollen the next day, but not extremely bruised.

- Roberts confirms a long period of time where Allen refused his meds, rec time, food, and showers. He confirms telling officers that certain suicide companions for Allen, were going back to general population and repeating Allen's statements. This is considered common.
- Roberts confirms that, on 8-8-2023, he told police that Rick Allen had accepted what was happening to him (being in jail for the first time, in Indiana's most secure unit, being isolated from society for months).
- Roberts elaborates that Allen had a mat when in the cell, that could be used to sleep on. The mat was the standard size that the State provides. Nobody watched Allen use the toilet besides the suicide companions. All inmates in the segregation unit, including Allen, received food through a hole in the door.
- Roberts confirms that all other inmates in the unit have been convicted of crimes. Allen was offered showers 3 times a week. Allen chose to entertain himself by pacing back and forth in the cell. Allen was required to wear a gown instead of clothing, since he was on suicide watch. People on suicide watch have more restrictions and less privileges.
- Roberts confirms that Allen was recorded all the time when in his cell.

Rozzi references SE-295. Roberts confirms the following contents:

- A log from 1:15pm on 4-7-2023, which claims that Allen... was sitting in a corner before running in place naked for 5 seconds and saying "I will never again smoke in my life".
- A log from 1:30pm on 4-7-2023, which claims that Allen...said "God, I'm sorry for wasting your time" and "I'll never smoke, cheat on my wife again. I'm a Libra".
- A log from 8:15am on 4-13-2023, which claims that Allen...was rolling back and forth on the ground.

Rozzi finishes specifically citing Roberts' logs, and returns to general questioning.

- Roberts elaborates that he did not call Mental Health about Allen rolling on the ground. It was not self harm behavior, no statements were made, and many inmates do that in their cells for entertainment. Inmates can work out and read, or roll on the floor if they choose. Many inmates choose to do weird things in their free time.

Rozzi references SE-295. Roberts confirms the following contents:

- A log from 8:45 on 4-13-2023, which claims that Allen... said "I swear I never cheated on a cigarette" and "Thought I was eating pizza"?

Rozzi finishes specifically citing Roberts' logs, and returns to general questioning.

- Roberts reiterates that he has received State training on mental health. He has worked for the prison for 8 years. He is not a mental health professional, but believes the mental effect that Allen's cell conditions would have on a person, depends on the person's state of mind.

Rozzi concludes questioning.

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MCLELAND'S 2ND EXAMINATION OF MICHAEL ROBERTS

- Roberts elaborates that an inmate in the cell can have the opportunity to go to rec, and also have a Bible.

McLeland concludes his second questioning.

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ROZZI'S 2ND EXAMINATION OF MICHAEL ROBERTS

- Roberts denies knowing what items the mental health provider may have given Allen. He saw the mental health provider sometimes but did not know her personally. Allen would be put in a privacy cubicle for their therapy sessions.
- Roberts elaborates that the privacy cubicle was a square room with a table. There's a side area where inmates with mental issues are put, for mutual safety, and inmates talk to their counselor through a grate. Allen was put in the side area.

Rozzi concludes his second questioning.

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JURY QUESTIONS FOR MICHAEL ROBERTS

- Roberts confirms that, to his knowledge, everything in the watch report is also video and audio recorded. He cites the camera in the cell. He knows the recordings are saved to a database/hard drive, but does not know what happens to them after that point.
- Roberts elaborates that standard procedure for an inmate with feces on them would be to... take them to the shower (separate from other inmates for privacy) and have them wash up. If they don't wash up, wait for medical personnel. Then have cleaners clean the inmate's cell.
- Roberts elaborates that Allen checked to make sure Roberts wasn't looking away (i.e. looking at his paper, writing logs, or checking the source of a noise).

The floor is handed to Rozzi for an optional follow-up.

- Roberts reiterates that the camera would be on. There would be somebody in a control unit watching the camera, but the only time Roberts wasn't watching Allen was when he was logging paperwork or checking noise.
- Roberts elaborates that he is known for doodling; drawing anime and other things in his free time.

All questioning is concluded. Roberts steps down. McLeland calls next witness.



James Early (16.218)

“Suicide Companion” / Correctional Officer

[[Volume 16, Page 218]]

MCLELAND’S EXAMINATION OF JAMES EARLY

- Early establishes that he has been employed since 11-2016 as a correctional officer at Westville Correctional Facility. He received several weeks of training before becoming an officer. He works in the custody facility on a 5:45am-6pm shift.
- Early confirms he first met Allen in late 2022 as an inmate in his unit. For several months, he was consistently on Allen’s suicide watch at least once per shift. On these shifts he was responsible for filing suicide companion sheets (logs about Allen’s observed behavior/demeanor). He was required to make an entry every 15 minutes at least, and entries were made in real time.
- Early is shown State Exhibit 296. He confirms it as 3 suicide companion watch sheets about Allen, written by himself on (respectively) 4-8-2024, 4-9-2023, and 5-1-2023. He cites his own name at the top and his initials in the bottom right.

SE-296 is moved into evidence and shared with the jury. McLeland has Early further confirm the following contents of SE-296:

- A log from 4:33pm on 4-8-2023 which claims that Allen... said “I am ready to confess,” while pacing back and forth. Then, “I swear to God, I killed A.W and L.G. Fuck me running.”
- A log from 8:50am on 5-1-2023 which claims that Allen... was walking, mimicking Early’s movements, and asking random questions like, “Can I confess to the warden and Dr. Wala?”

McLeland finishes specifically citing Early’s logs, and returns to general questioning.

- Early reiterates that all entries were made in real time, when Allen made the statements.

McLeland concludes questioning.

[[Volume 16, Page 223]]

ROZZI’S EXAMINATION OF JAMES EARLY

- Early denies being aware of a confession letter from Allen to the warden (written 4-3-2023), but reiterates that Allen said he wanted to confess to the warden & Wala on 5-1-2023.
- Early reiterates that he’s worked with Westville Correctional Facility since 11-2016. Allen was the first “safekeeper” he remembers being kept in that unit. He first interacted with Allen shortly after Allen’s arrival. Allen arrived quiet, docile, and nonconfrontational... looking like a deer in the headlights. At some point, Allen’s behavior “flipped the switch”.
- Early confirms one occasion in which he was told that Allen was eating a Bible. All of Allen’s confessions were generic, with no detail other than “he did it”. At one point Allen’s behavior got more bizarre.
- Early confirms an instance which Allen... stood in front of the toilet, contemplating, before dipping a cup in the toilet and taking a drink. He contemplated, spat it out, and sat down to eat.
- Early confirms that Allen... was sticking a spork in his genitals. Allen was sticking fingers in his own rear. Allen started collecting his feces, rolling it into balls and lining it up. Allen

covered himself with feces, spit, and vomit. This behavior continued for a few months before Allen calmed down.

- Early confirms that he was moved to another section of the prison, but that he saw Allen before his police interview in 8-2023. He described Allen as being fairly docile then.

Rozzi references SE-296. Early confirms the following contents:

- A log from 4:29pm on 4-8-2023, which claims that Allen... yelled/mumbled "Foxtrot, fuck, foxy lady, fuck me running".
- A log from 5:46pm on 4-8-2023, which claims that Allen... attempted to drink toilet water again (mixed with hot sauce), and urinated on his mat.
- A log from 3:39pm on 4-9-2023, which claims that Allen... was laying on the floor mumbling and raising his arms.
- A log from 3:55pm on 4-9-2023, which claims that Allen... was laying on the floor mumbling.
- A log from 4:08pm on 4-9-2023, which claims that Allen... was sitting on the floor mumbling.
- A log from 9:15am on 5-1-2023, which claims that Allen... said he was already dead.
- A log from 9:30am on 5-1-2023, which claims that Allen... was pacing around and mumbling.
- A log from 10:15am on 5-1-2023, which claims that Allen... was awake and saluting staff, asking for World War III.
- A log from 10:30am on 5-1-2023, which claims that Allen... had fallen asleep.

Rozzi finishes specifically citing Early's logs, and returns to general questioning.

- Early confirms that for some offenders, he is warned about mental health. There are security measures for inmates that have had mental health histories. Inmates with mental health histories are common in the unit.
- Early denies being warned about any mental health issues with Allen. To Early's knowledge, Allen was perfectly normal mentally.

Rozzi concludes questioning.

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MCLELAND'S 2ND EXAMINATION OF JAMES EARLY

- Early confirms that Allen's behavior seemed orchestrated. Allen's eyes would be large but have a normal look to them, like they were taking in all the surroundings, but Allen would often say things like "yes sir" and "thank you". He escorted Allen several times, who would suddenly become dead weight or start drooling. These episodes would stop if Allen had a request like using the phone.
- Early confirms that Allen took a breath before one instance of drinking out of the toilet. It seemed like Allen didn't want to, but was preparing himself.

McLeland concludes his second questioning.

[[Volume 16, Page 229]]

ROZZI'S 2ND EXAMINATION OF JAMES EARLY

- Early confirms Allen's cell door was solid steel, with a small window that provided good visibility from the outside. The toilet was in the back of the cell, 3-4 feet away from the bed.
- Early reiterates that he questions the authenticity of Allen's behavior. If he had ever witnessed Allen banging his own head on the wall, he would have reported it. He did witness Allen defecate into his hands and smear it on his own body. This was not the first time Early had seen this behavior from an inmate, but the inmates would always have a reason behind doing it.
- Early cites that, after the spork and toilet water instances, Allen seemed more like somebody just doing the next thing they could do. Allen seemed to know the spork had hurt, and therefore feces would be "easier". Early has seen this cycle a number of times from convicted felons in the WCU unit.
- Early elaborates that he considers fecal play normal behavior for inmates in the unit, who are trying to grab attention using whatever tools/actions they can. Being in the unit for more than 1-2 days can make people realize that feces is an effective tool to get what they want. He has seen people eat feces, if simply playing with it does not get them what they want.
- Early denies any potential inmate behavior that would make him think an inmate is "serious". He judges on a case by case basis, but most behaviors he sees are attempts to get something.
- Early establishes that he wasn't told if Allen potentially had any mental health issues. There are people in the unit that he genuinely believes are mentally ill. Some people are moved to the unit because they act that way, while others start acting that way after being moved. The environment could cause some issues in anyone, if they stayed long enough.
- Early confirms that Allen was moved to the unit for safekeeping while awaiting trial. If he had been told prior that Allen did have a serious mental illness, the only affect to his daily routine would have been taking precautions. He stays neutral to speculating on inmates' mental health and simply takes precautions or does not, depending on what he's been told.
- Early elaborates that all inmates are treated the same, but Allen's "safekeeping" status granted him access to more visitors/things than most other offenders.
- Early acquiesces that if somebody with a serious mental illness was locked in solitary confinement for weeks/months, it would probably be detrimental to their mental health.

Rozzi concludes his second questioning.

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JURY QUESTIONS FOR JAMES EARLY

- Early elaborates that Allen spent a small time in a receiving cell when first arriving, before being placed permanently (duration of 13 months) in the suicide watch cell. It was the safest cell for Allen, as the segregation unit had the only cells that didn't connect to general population.
- Early elaborates that Allen did not have restrictions on what could be in the cell. Allen was given a tablet with Wi-Fi. Allen could ask to use the hand-held phone (which all

offenders shared) at any time, including in the rec yard. Allen requested and was given a Bible, but there was other literature available. Allen could keep material provided by counsel. Allen was given 3 meals a day through the door.

The floor is handed to McLeland for an optional follow-up.

- Early elaborates that Allen was allowed to have commissary, and food in addition to the 3 daily meals. Allen was allowed to have extra clothing and to have the clothing in the cell. TVs were available, but Allen did not have one.

The floor is handed to Rozzi for an optional follow-up.

- Early reiterates that Allen had access to a phone, like all “other” offenders. Allen would be considered an offender felon. Although not convicted, Allen was a part of the rounds. Allen’s cell had a camera, while the other cells did not.
- Early admits being unsure of whether Allen had a blanket in his cell, as that would not have been his decision. There is a “suicide blanket” often administered to suicide watch inmates. Suicide blankets are “smocks”, a type of wearable garment that provides tentative coverage to modest areas.
- Early elaborates that taking/giving items to suicide watch inmates would be a night shift duty that he’s unfamiliar with. Commissary was also done on night shift.

All questioning is concluded. Fisher steps down. McLeland calls next witness.



John Miller (16.242)

“Suicide Companion” / Correctional Officer

[[Volume 16, Page 242]]

MCLELAND’S EXAMINATION OF JOHN MILLER

- Miller establishes that he has been employed for over 6 ½ years as a correctional officer at Westville Correctional Facility. He received training before becoming an officer. He works in the WCU Unit (segregation) on a 6pm-6am shift.
- Miller confirms he was regularly/consistently assigned on Allen’s suicide watch, starting a few months after Allen’s arrival to the facility (Jan or Feb 2023). This assignment continued throughout Allen’s stay at the facility.
- Miller is shown State Exhibit 297. He confirms it as a suicide companion watch report about Allen, written by himself on 4-9-2023, citing his own initials in the bottom right.

SE-297 is moved into evidence and shared with the jury. McLeland has Miller further confirm the following contents of SE-297:

- A log from 6:58m, which claims that Allen... said “I killed A.W. and L.G.” before he started to flush paper down the toilet.
- A log from 7:04am, which claims that Allen... said the funniest joke is how he killed them. He then began shouting foul words at his own shadow.
- A log from 7:24am, which claims that Allen... said “I got what I deserved for what I did, and I hope I burn in hell for what I did.”
- A log from 7:55am, which claims that Allen... said, while crying, “I’m sorry for what I did, for killing them, but I don’t care, kill me.”
- A log from 7:58am, which claims that Allen... said “I’m sorry I killed those kids.”

McLeland concludes his questioning.

[[Volume 16, Page 246]]

ROZZI’S EXAMINATION OF JOHN MILLER

- Miller confirms that he has been an officer for 5 or 6 years, and was a midnight shift OIC (officer in charge) at the time. His first contact with Allen was in 11-2022, and he described Allen as having a normal demeanor. He recounts that Allen was respectful in all aspects, and emotionally/mentally stable.
- Miller admits that he is unsure of the timeframe which he was first assigned to Allen. It could have been January/February of 2023, or in April 2023 when the facility pulled all inmate companions. He did not hear any inmates being vulgar towards Allen, as inmates did not speak at all in the presence of officers.
- Miller confirms that he gave a statement to police on 8-17-23, in which he told officials that he was told inmate companions were being vulgar towards Allen. He did not hear the vulgarity firsthand, but it was one of the reasons that all inmate companions were pulled. He said Allen began refusing meals towards the end of 3-2023, and Allen was not talking in a sensical manner.
- Miller confirms that Allen went through a personality switch he has never seen. He confirms that he said Allen told him: He didn’t believe somebody had turned him in... he probably killed his family... he probably killed his own grandkids... he molested his sister... he touched his daughter...he was actually getting an erection in his sleep over

all this. Allen told Miller to kill him so his family could still be alive, and that he was sorry for everyone he killed (as if to say he killed many others).

Rozzi generally references the contents of SE-297. Miller confirms:

- Existence of a log claiming that Allen... talked about Old Bear Claw(?) hypnotizing him.
- Existence of log/s claiming that Allen... paced around the cell, hitting the walls.
- Existence of log/s claiming that Allen... hit the door with his head and his hands.
- Existence of several logs claiming that Allen... cried, sang, and yelled out curse words.
- Existence of several logs claiming that Allen... mumbled.

Rozzi finishes citing Miller's logs, and returns to general questioning.

- Miller agrees there are people who come to the WCU Unit that have mental health issues. Part of his training was on how to recognize mental health issues. He acquiesces that being locked in a WCU cell for long periods of time could be detrimental to the mental health of someone with a serious mental health problem/illness.

Rozzi concludes his questioning.

[[Volume 17, Page 2]]

MCLELAND'S 2ND EXAMINATION OF JOHN MILLER

McLeland references SE-297. Miller confirms the following contents:

- A log from 7:46am, which claims that Allen... said "I only killed them to give my family more time to live, and I don't want to be free. Can't stop the bomb put in me."
- A log from 7:52am, which claims that Allen... said "You can't tell me if my wife is dead and it's because I had – what I did and took their virgin years away."
- A log from 7:58am, which claims that Allen... said "I'm sorry I killed those kids. I was afraid that they would say my wife told me to do it, and I may have touched my daughter, but I don't know, I can't remember."

McLeland finishes specifically citing Miller's logs, and returns to general questioning.

- Miller confirms that he thinks Allen's behavior changed when he was observing Allen, becoming odd or strange. He does not think this behavior was genuine, as you don't go from being respectful, kind, and cordial in your speech to changing completely in a period of 12 hours.
- Miller confirms that in his police statement, he told officers that he believed Allen's behavior was orchestrated and planned. He is unsure of the reason Allen would do so.

McLeland concludes his second questioning.

[[Volume 17, Page 4]]

ROZZI'S 2ND EXAMINATION OF JOHN MILLER

- Miller confirms that Allen was frequently concerned about his wife and that (basically) he hoped to spare her. All of Allen's confessions were generic, and no details of the murders were shared.
- Miller confirms Allen was being treated by the psychologist Dr. Wala. He believes that she would be in the best position to render an opinion about the state of Allen's mental health at the time. Not being a mental health professional, he can't speculate on whether Allen had entered a state of psychosis. He can't speculate on whether any of Allen's

actions indicated mental instability, but does not think it unreasonable for someone to believe that.

Rozzi concludes his second questioning.

[[Volume 17, Page 6]]

JURY QUESTIONS FOR JOHN MILLER

- Miller acquiesces that it's possible Allen's behaviors would be normal for someone who has refused to take their medications for a period of time.

All questioning is concluded. Miller steps down. McLeland calls next witness.



Brandon Fisher (17.6)

“Suicide Companion” / Correctional Officer

[[Volume 17, Page 6]]

MCLELAND’S EXAMINATION OF BRANDON FISHER

- Fisher establishes that he was employed as a corrections officer at Westville Correctional Facility, from 11-7-2022 thru 6-1-2023. He received training before becoming an officer and cites the training period as “two months, from 6-7-2022 thru 1-7-2023”. He worked in the WCU Unit on a 6pm-6am shift.
- Fisher confirms he was regularly assigned on Allen’s suicide watch. On these shifts he was responsible for filing “suicide companion watch reports” (logs about Allen’s observed behavior/demeanor).
- Fisher is shown State Exhibit 301. He confirms it as a suicide companion watch report about Allen, written by himself, citing his own handwriting and initials in the bottom right.

SE-301 is moved into evidence and shared with the jury. McLeland has Fisher further confirm the following contents of SE-301:

- A log from 6:25pm on 4-20-2023 which claims that Allen... requested twice to confess his guilt to “management” (presumably the warden).
- A log from 6:00pm on 4-29-2023 which claims that Allen... confessed to killing 2 Delphi girls with a boxcutter that he stole from CVS and then threw away. Allen requested Fisher’s water bottle, a doctor from Delphi, and to be allowed to write a confession.
- A log from 7:45pm on 4-29-2023 which claims that Allen... was lying down on his mattress before getting up and taking his meds at 7:57.
- A log from 8:15 on 5-16-2023 which claims that Allen... confessed to killing Abby and Libby. He had a small gash on his head from banging it on the wall (a habit).
- A log from 6:30pm on 4-29-2023 which claims that Allen... confessed that he intended to rape rather than scare Abby and Libby, and he killed them in a panic.

McLeland concludes his questioning.

[[Volume 17, Page 12]]

ROZZI’S EXAMINATION OF BRANDON FISHER

- Fisher confirms that he gave a statement to police on 10-30-23, which was not entirely recorded due to machine malfunction. He reiterates that he no longer works for the Department of Corrections, but he had for 7-8 months. He never saw genuine suicidal behavior from Allen, even if it would appear that way to most other people.
- Fisher establishes that he wasn’t given prior information about Allen’s mental health, and did not know Allen’s therapist; only knew that sometimes Allen was on meds and sometimes wasn’t. Nurses gave out meds between 7pm-8pm so he saw the nurse, but no mental health or medical staff (as he worked from 6pm-6am).
- Fisher recounts seeing Allen with feces on his face but that it wasn’t surprising behavior, as prison operates differently than regular society. He was never assigned one-on-one to watch a prisoner in that unit, other than Allen. It was during this assignment that Allen told him he... killed the girls with a boxcutter stolen from CVS, and wanted to write a confession. He wasn’t aware of any confession that Allen wrote before that request.

- Fisher is again shown SE-301. He confirms (per the log) that Allen was banging his head on the door; not hard, but hard enough to leave a small gash. Allen was asking for somebody to read the Bible to him and said he killed Abby and Libby. Fisher confirms some guards preferred not to watch Allen due to his accused crime, but nobody treated Allen as if he was convicted.
- Fisher confirms interactions with and observations of Allen. In one instance, Allen claimed to have been raped by his nextdoor babysitter at the age of 11. In another instance, Allen said the girls were “screaming” as he killed them. Inmates would scream at Allen and call him a baby killer. Fisher recalled regarding Allen like he was living in the 1400s; but feeling like Allen’s statements were true because of the look in his eyes.

Rozzi concludes his questioning.

[[Volume 17, Page 19]]

MCLELAND’S 2ND EXAMINATION OF BRANDON FISHER

- Fisher elaborates on his belief that Allen’s suicidal behavior was disingenuous. He cites that he watched Allen anywhere from 4 thru 12 hours a night, and Allen never caused any big problems (preferring to talk about his childhood/upbringing, or be read certain passages from the Bible). In the one instance where he found Allen with feces on his face, Allen told him “I won’t be doing that again”.

McLeland concludes his second questioning.

[[Volume 17, Page 20]]

ROZZI’S 2ND EXAMINATION OF BRANDON FISHER

- Fisher divulges that if Allen ever had another feces incident, it happened on a different shift that he didn’t know about. He believes that mental illness has various visual indicators (although it can’t be seen literally in the person’s eyes). He agrees that Allen’s confinement could have been detrimental to Allen’s mental health.

Rozzi concludes his second questioning.

[[Volume 17, Page 22]]

JURY QUESTIONS FOR BRANDON FISHER

- Fisher elaborates on a name (Jerome Roby) listed in the first page of SE-301. The name belonged to a fellow guard.

The floor is handed to McLeland for an optional follow-up on that statement.

- Fisher reiterates that Jerome Roby was a fellow guard. Despite Roby’s name being on the top of a log in page one of SE-301, Fisher was the one who wrote all entries except for the very last one. He cites his initials next to the 3 out of 4 entries he made on the page one log.

The floor is handed back to the Judge to resume questioning on behalf of the jury.

- Fisher confirms that there were no rules against guards talking/interacting with the offenders. Nor were they ever told not to interact with specific offenders.

The floor is handed to Rozzi for an optional follow-up.

- Fisher elaborates that the “observation only” nature of the guard position did not limit guards from interacting with inmates. “Observation” referred to his duty to take notes on

statements/behaviors. Guards were not allowed to share such information with the general cell block.

The floor is handed back to the Judge to resume questioning on behalf of the jury.

- Fisher divulges that training taught him to observe and report, rather than try to de-escalate.

All questioning is concluded. Fisher steps down. McLeland calls next witness.



Raymond Smith (17.25)

“Suicide Companion” / Correctional Officer

[[Volume 17, Page 25]]

MCLELAND’S EXAMINATION OF RAYMOND SMITH

- Smith establishes that he has been employed for over 6 years as a corrections officer at Westville Correctional Facility. He received 8 weeks of training from the facility before becoming an officer. He works in the WCU Unit, referred to as “segregation”, on a 6pm-6am shift.
- Smith confirms Allen was an inmate in his unit, and that he was consistently assigned to Allen’s suicide watch. On these shifts he was responsible for recording Allen’s statements/actions [through watch reports/logs].
- Smith is shown State Exhibit 299. He confirms it as a suicide companion watch report about Allen, written by himself, citing his own handwriting and initials in the bottom right.

SE-299 is moved into evidence and shared with the jury. McLeland has Smith further confirm the following contents of SE-299:

- A log from 3:24am on 4-10-2023 which claims that Allen... licked the window of his door and stated, “Kathy, I did it. I’m guilty. Run, Kathy, run. I did it.”
- A log from 7:55pm on 4-22-2023 which claims that Allen... stated, “I killed those two girls, so I have to kill myself.”

McLeland concludes his questioning.

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ROZZI’S EXAMINATION OF RAYMOND SMITH

- Smith reiterates that he’s worked with the Department of Corrections for over 6 years. He confirms he was interviewed by police on 8-8-23 at the facility where he works. He would need to refer to his statement to comment on any specifics.
- Smith is shown Page 13, Lines 9-11, of his police statement. He confirms the contents (that Allen said, “If I fucked those girls, I fucked them. If I killed them, I killed them”). Allen had repeated this statement several times. Smith merely reported what he had heard; he did not have any insight into Allen’s memory/mental health. He wasn’t sure of context, so it’s possible Allen could have been saying it like it didn’t matter.

Rozzi references SE-299. Smith confirms the following contents:

- A log from 2:50am, which claims that Allen... was awake and singing “God Bless America”.
- A log from 3:12am, which claims that Allen... started masturbating in front of his door, singing “Mamas, Don’t Let Your Babies Grow Up to be Cowboys” before beginning to lick the window of his door.
- A log from 3:35am, which claims that Allen... [said?] “Godbless America. I’m guilty”.
- A log from 4:05-4:11am, which claims that Allen... ran in place singing “God Bless America”.
- A log from 4:50am, which claims that Allen... said “I want to go camping, you, me, Roger, and Mervin. Chris is my best friend”.
- A log from 5:17am, which claims that Allen... started mentioning and talking about his wife, Kathy.

Rozzi finishes specifically citing Smith's logs, and returns to general questioning.

- Smith discloses there is no mental health provider to report to until morning, and the log was the only way to keep track until then. Allen never mentioned any details about the murders that Smith did not record.
- Smith confirms that, as of 4-8-2023, he described Allen to the police as being polite and sleeping far more than other offenders. He noted Allen's cell was pretty bare, and not a stimulating environment.
- Smith confirms that the last time he heard Allen talk about the case was in April or June of 2023, but not as late as July 2023. Some other inmates would attempt to agitate Allen by telling him "there's no insanity defense".

Rozzi concludes his questioning.

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MCLELAND'S 2ND EXAMINATION OF RAYMOND SMITH

- Smith is shown Page 13, Lines 11-13, of his police statement. He confirms the contents (of Allen talking about having sex with and potentially killing the girls). Allen seemed to be having trouble remembering, but did not display any behavior that indicated he was about to attempt suicide.
- Smith recounts that Allen did state (paraphrased)... "he killed those girls, so he needs to kill himself". This statement was not accompanied with any actions that indicated intent to do so. Mental Health was not available to be notified, and the nurse on site was not notified.

McLeland concludes his second questioning.

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ROZZI'S 2ND EXAMINATION OF RAYMOND SMITH

- Smith reiterates that the log from Exhibit 299 was from April 10th. He confirms this was in the general timeframe that Allen stated (paraphrased)... "he killed those girls, so he needs to kill himself". Allen was on suicide watch at the time.
- Smith confirms that Allen's cell was mostly bare. There were no sheets on the bed. There was a mattress, a steel toilet bolted in the wall, and a sink on top of the toilet.

Rozzi concludes his second questioning.

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JURY QUESTIONS FOR RAYMOND SMITH

- Smith elaborates that "suicidal actions that require calling the doctor" would be physical attempts of suicide. Verbal statements are reported via logs which can be seen by mental health professionals the next morning.
- Smith elaborates on a name (Mark Moneypenny) listed in the first page of Exhibit 299. The name belonged to a fellow officer.

All questioning is concluded. Smith steps down. McLeland calls next witness.



Jason Bedwell (17.38)

“Suicide Companion” / Correctional Officer

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MCLELAND’S EXAMINATION OF JASON BEDWELL

- Bedwell establishes that he has been employed for 9 years as a custody officer at Westville Correctional Facility. He received training before becoming an officer; including training on facility security, inmate security, inmate transportation, and mentally ill inmate handling. He worked in the secured correctional unit (confinement), on a 6am-6pm shift.
- Bedwell confirms that a responsibility of his was to patrol every ~15 minutes, and observe Allen’s mental/physical health on each round. He would then log his observations in a flowchart (suicide watch sheet). Allen would be observed for a few minutes minimum, up to however long was necessary.
- Bedwell is shown State Exhibit 300. He confirms it as a suicide companion watch report about Allen written by himself; citing his own initials, name and job title in the bottom right.

SE-300 is moved into evidence and shared with the jury. McLeland has Bedwell further confirm the following contents of SE-300:

- A log from 10:00am on 2-4-2024 which claims that Allen... was laying down awake, crying, talking to himself, and said “I am sorry for what I did. I am sorry for killing those girls”.

McLeland concludes questioning

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ROZZI’S EXAMINATION OF JASON BEDWELL

- Bedwell reiterates he has been with the Wabash Valley facility for 9 years and that he was assigned to monitor Allen’s maximum security solitary confinement unit. Allen’s cell was approximately 8x12, with concrete walls, steel door, and steel toilet. It was not isolated, but Allen’s only means to communicate with other inmates was to speak or yell through the walls.
- Bedwell elaborates that he was assigned to Allen from “approximately February to said date” [??]. During his assignment, he observed that Allen would be laying down the majority of the time from 6am-12pm. Allen would get up for meal time and then go sit back in bed, not doing much else. These behaviors were recorded in real time.

Rozzi references SE-300. Bedwell confirms the following contents:

- A log from 9am [on unknown date], which claims that Allen... was taking his medication.
- A log from 6:30am [on unknown date], which claims that Allen... was eating and drinking.
- A log from 10:00am on 2-4-[??], which claims that Allen... was laying awake and talking to himself, saying he was sorry for killing the girls.

Rozzi finishes specifically citing Bedwell’s logs, and returns to general questioning.

- Bedwell confirms that the watch sheets have codes (with a corresponding key), used to shorthand certain behaviors. The logs are one page long, and are designed to be easy as well as to record information as accurately (in as much detail) as possible.

- Bedwell confirms that he was interviewed by police on 3-15-2024. In the interview, he told police that Allen was curled in a fetal position during the instance that Allen was laying awake and talking to himself, saying he was sorry for killing the girls. There was no way to code “fetal position” in the logs, so it was recorded that Allen was simply lying down.

Rozzi references the contents of SE-300. Bedwell confirms:

- “Code 27” in the key is a shorthand for “Other, specify”. At the time, this code could have Rozzi finishes specifically citing Bedwell’s logs, and returns to general questioning.
- Bedwell confirms that he told police Allen, during the incident, was facing the wall on his bunk. He also told police that Allen’s demeanor would change from calm to almost hysterical. Neither of these observations got recorded in the logs.
- Bedwell reiterates that at 9:45pm, he noted that Allen was laying down. At 10:15pm, he noted that Allen was laying down and talking. He noted at the time of the instance that Allen was crying, but not in the 9:45pm or 10:15pm logs. There is not much recorded activity before or after the 10:00 entry.
- Bedwell elaborates that he told police Allen, in that instance, had said... “I’m sorry for the things I’ve done. I’m sorry for killing those girls.” He recorded the second half of the statement in his logs, but did not mention “I’m sorry for the things I’ve done” anywhere until he added it to his police interview 1 ½ months later.
- Bedwell elaborates that Allen’s cell was a rectangle, and the bunk was on the back wall. Allen was facing away from him when the incident occurred, so he could not see Allen’s face. He was observing through a strip window on Allen’s cell door. The window’s visibility was not obstructed.
- Bedwell elaborates that he did not hear any comments from Allen in the ~10 minutes he stood at Allen’s door, except for what is noted in his log. He reiterates that he added the other comment by Allen in his police interview 6 weeks later.
- Bedwell elaborates that the log sheet is just a quick reference, filled out every 15 minutes after observation of the cell. Due to other responsibilities in the unit, there was no time to make full/detailed entries. He reiterates that he observed Allen for 10 minutes in the logged instance, and that he logged everything he observed at the time.

Rozzi concludes questioning.

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JURY QUESTIONS FOR JASON BEDWELL

- Bedwell admits that he does not know if the suicide watch charts are logged electronically after he turns them in at the end of his shifts.
- Bedwell denies that Allen was under video or audio surveillance at the time.

All questioning is concluded. Bedwell steps down. Jury is dismissed and the day concludes.