

THE LAW OFFICE OF
RICHARD J. THONERT

810 Mill Lake Road
Fort Wayne, Indiana 46845
Telephone (260) 637-4040 Facsimile (260) 637-9887
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January 8, 2020

Karen Richards, Prosecuting Attorney
Allen County Prosecutor's Office
602 South Calhoun Street
Fort Wayne, IN 46802

RE: State v. Juventino Ramirez in the Allen Superior Court
Cause No.: 02D05-1910-F4-103

Dear Karen:

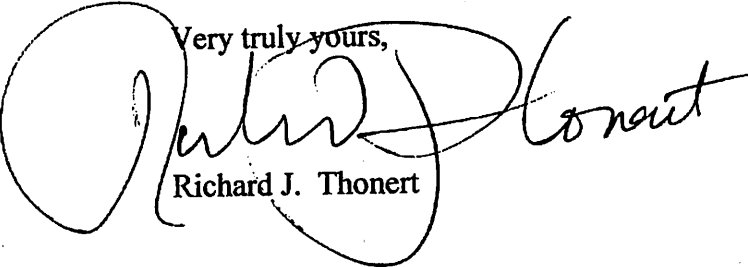
As I am sure you are aware, the defendant, Juventino Ramirez has objected to the terms and conditions set forth in the letter and proposed receipt of November 26, 2019 from your office regarding certain conditions as it relates to obtaining discovery.

I had spoken with Tracy Noetzel and Tesa Helge as well Paralegal Kalie in efforts to obtain this discovery but as to the date of this letter, have not been able to pick-up the discovery for which I would provide a receipt, which has been previously provided to your office and which copy is attached.

Please let me know whether we may pick-up the discovery and discuss a resolution of the discovery issues to be scheduled for January 17, 2020 at 8:30 a.m.

I remain,

Very truly yours,



Richard J. Thonert

RJT/jrc

cc: Tracy Noetzel, DPA
cc: Tesa Helge, DPA
cc: Matt Chapel
cc: Juventino Ramirez

Attachment 3
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Office of the Prosecuting Attorney

Karen E. Richards
Prosecuting Attorney

Third Floor Keystone Building
602 South Calhoun Street
Fort Wayne, IN 46802-1700

Phone (260) 449-7641
Fax (260) 449-8699

January 16, 2020

Attorney Richard Thonert
810 Mill Lake Road
Fort Wayne, IN 46845

Re: State of Indiana v. Juventino Ramirez
02D05-1910-F4-103

Dear Mr. Thonert,

This letter is in response to your letter of January 8, 2020, and is being sent in an effort to resolve our discovery disputes. Enclosed is the letter that we require to be signed by defense counsel before we will provide copies of police reports, etcetera.

Please be advised that in providing discovery, we adhere to the guidelines of Indiana and Allen County, as well as Federal Law, with regard to what needs to be provided. You are not entitled, under current law, to copies of police reports, etcetera, and if the enclosed letter is not signed, you will be provided with a synopsis of the statements of our witnesses. We have the discovery ready and waiting to be picked up at our office, and have had for quite some time.

You have also been advised that you may view the Child Advocacy Center tape, with your client, at our office, during normal business hours. We will not, under any circumstances, provide you with a copy of that tape.

You are the only attorney in Allen County who will not sign our discovery letter. Every other defense attorney has agreed to these terms and discovery is provided, pursuant to our letter. The above has been the longstanding policy of our office, and is in response to several incidents of defense counsel, the defendant, or defense witnesses taking various items of discovery and posting them on social media.

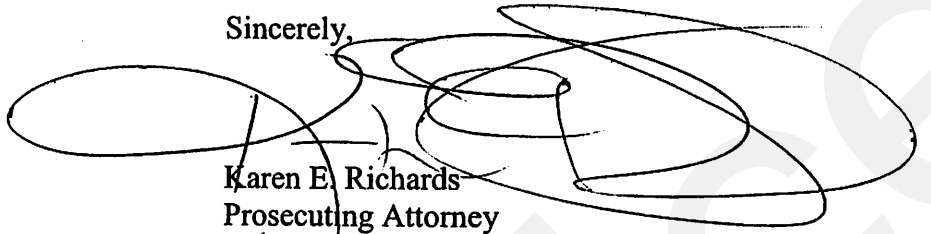
Again, if you are not willing to sign our discovery letter, you will get the names of our witnesses and a synopsis of what they will testify to at trial. You will get copies of any test results, etcetera, if they exist. What you will not get is identifying information on our witnesses and police reports. Again, you will also not receive, under any circumstance, a copy of the CAC tape, but will always be welcome to come view it in our office.

Attachment 4
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Office of the Prosecuting Attorney

If these issues are not resolved, it is my understanding that this matter is set for hearing on January 24, 2020.

Sincerely,

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the left.

Karen E. Richards
Prosecuting Attorney
38th Judicial Circuit
State of Indiana

Enclosure

cc: Tracy Noetzel, DPA
Attorney Matt Chapel



THIRD FLOOR KEYSTONE BUILDING
602 SOUTH CALHOUN STREET
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TELEPHONE: 260/449-7641
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OFFICE OF THE PROSECUTING ATTORNEY

38th Judicial Circuit
KARL E. RICHARDS
PROSECUTING ATTORNEY

November 26, 2019

Matthew W. Chapel, Esq.

Telephone No: 260-387-6236

RE: State of Indiana vs. Juventino V. Ramirez

Cause No: 02D05-1910-F4-103

File No: 0148505

Dear Mr. Chapel:

In compliance with the local court rules of reciprocal discovery, enclosed please find copies of the discoverable portions of our file and a detailed list of those attachments. A signature on the bottom of this document acknowledges receipt of those identified attachments.

As a condition of producing discovery in this case, any police reports, DVD's, CD's, witness lists, medical reports, etcetera, may not be copied, reproduced, nor provided to anyone, including the defendant. The defendant shall have the ability to view discovery, with the exception of witnesses' identifying information, but shall not, in any way, receive a copy of said discovery. No one, other than the defendant, defense counsel of record, and defense counsel's designated staff, or an expert witness retained by defense counsel may review any discovery materials unless specific authority is granted, in writing, by the deputy prosecuting attorney assigned to the case. While the defendant reviews the provided discovery, defense counsel or a designated staff person of defense counsel must be present while this material is being reviewed. If the deputy prosecutor consents to the review of discovery by a third party, or if defense counsel retains an expert, said third party, including an expert, agrees that at the conclusion of their services, they must return the provided material to defense counsel and agree not to provide the discovery to any other person. This discovery may not be provided to any successor counsel for the defendant. A signature on the bottom of this document acknowledges receipt of those identified attachments, and an agreement to be bound by these conditions.

Criminal histories (NCICs) are available in our office for viewing by appointment. The State of Indiana, if applicable to this case, intends to offer self authenticating, certified copies of prior convictions and business records. We will also use digitally certified driving records maintained by the Indiana Bureau of Motor Vehicles at the trial of this case. Those records are available for inspection in our office by appointment. We must be notified in advance of any court dates if you have any challenges to these records. The State of Indiana intends to call any or all witnesses listed in the discovery materials provided in this case.

Very truly yours,

Tracy Noetzel/HK

Tracy Noetzel
Deputy Prosecuting Attorney

Attachments
cc: Court, File

Date

Received By

THE LAW OFFICE OF
RICHARD J. THONERT

810 Mill Lake Road
Fort Wayne, Indiana 46845
Telephone (260) 637-4040 Facsimile (260) 637-9887
Email: info@thonert.net

January 21, 2020

Karen Richards, Prosecuting Attorney
Allen County Prosecutor's Office
602 South Calhoun Street
Fort Wayne, IN 46802

RE: State v. Juventino Ramirez in the Allen Superior Court
Cause No.: 02D05-1910-F4-103

Dear Ms. Richards:

Thank you for your letter of January 16, 2020.

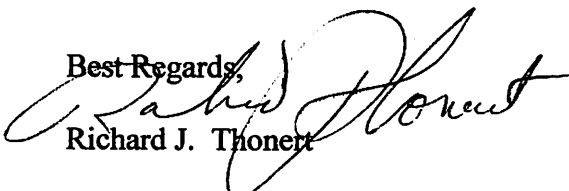
I have provided in my pending motions for discovery the legal authority for production of written, recorded or otherwise documented witness statements.

It appears from the content of your letter that these issues will need to be addressed at 8:30 a.m. on January 24, 2020.

I do appreciate your response to my letter; however, in discussing your conditions of your discovery letter with my client, **my client has advised that the letter should not be signed** by either myself or co-counsel Matt Chapel; rather, we are to proceed to obtain the discovery as requested by my earlier letters and proposed receipt to your office.

I had provided a Subpoena Duces Tecum to your Keeper of the Records for purposes of producing the witness statements and DVD in Court. I made this request solely for the purpose of having this information available in the event the Judge would request "in-camera" inspection of the information in order to assist the Court in determination of the ruling of the issues raised in the pending discovery pleadings.

Best Regards,


Richard J. Thonert

RJT/jrc

cc: Tracy Noetzel, DPA

cc: Matt Chapel

cc: **Juventino Ramirez**

Attachment 5
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