

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

STATE OF INDIANA)
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ALLAN J. KAUFFMAN)

IN THE ELKHART SUPERIOR COURT NO. 3

CAUSE NO.: 20D03-2402-F6-000220

MOTION TO VACATE WARRANT

COMES NOW the Defendant, Allan J. Kauffman, by attorney Peter A. Britton, and files this Motion to Vacate Warrant, in this action, and in support thereof, states as follows:

1. The State of Indiana filed charges under this case on 2/19/2024. Based upon that filing, the Court issued an arrest warrant, setting bail at \$2,500.00.
2. Before the filing of this case, Defendant was experiencing health issues that necessitated in-patient medical treatment. As of the date of filing, Defendant has been hospitalized for approximately two weeks, with an anticipated discharge from in-patient treatment during the first week of March 2024.
3. Upon learning of these charges, Defendant actively sought legal counsel and has retained the undersigned attorney to represent him under this cause.
4. Defendant is 75 years of age, has lived in Elkhart County, Indiana, his entire life, and owns a home with his wife.
5. But for his hospitalization, Defendant would have voluntarily surrendered himself to the Elkhart County Sheriff, resolved the outstanding warrant, and submitted himself to the authority of the Court. The Defendant's delay in surrendering himself to the Court is not out of disdain for the Court's authority or to avoid the jurisdiction of the Court but one of necessity due to his ongoing health condition and hospitalization.

6. Based upon the preceding, the Defendant requests the Court recall the warrant issued on 2/20/2024, set his matter for an Initial Hearing, and instruct the Clerk of Court to issue a summons, ordering the Defendant to appear for his Initial Hearing.
7. Undersigned counsel has spoken with the State of Indiana about the Defendant's request to recall the warrant. The State of Indiana does not take a position on Defendant's request to recall the warrant.

WHEREFORE, the defendant, by counsel, respectfully requests the court recall the warrant and set this matter for a hearing and for all other relief proper on the premises.

Respectfully submitted,

/s/ Peter A. Britton

Peter A. Britton, #25192-64

Britton Law, LLC

712 E. JEFFERSON BLVD.

SOUTH BEND, IN 46617

(574) 304-6770

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was served by the Indiana E-File system on this date of filing upon:

State of Indiana
Office of the Prosecuting Attorney
Elkhart County, Indiana
301 S. Main Street
Elkhart, Indiana 46516
elkhartprosecutor@elkhartpa.com

/s/ Peter A. Britton

Peter A. Britton, #25192-64