

**STATE OF INDIANA – COUNTY OF DECATUR
IN THE DECATUR CIRCUIT AND SUPERIOR COURTS**

**Notice of Proposed Local Rule Amendment and Finding Good Cause to
Deviate from Established Schedule**

The judges of the Decatur Circuit and Superior Courts, pursuant to Trial Rule 81(B), give notice of amendments to the local court rules and find good cause to deviate from the schedule for amending local rules under Trial Rule 81(D). All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for Local Rules concerning the caseload allocation plan and may not take effect until approved by the Supreme Court.

Notice has been given to the public by posting on the website of the Decatur County Clerk and on the Indiana Judicial Website, and by furnishing a copy to the officers of the Decatur County Bar Association. Comments may be made until August 1, 2021, to: Matthew D. Bailey, Judge of the Decatur Superior Court, via email to superiorcourt@decaturcounty.in.gov.

These rule amendments will be effective on September 1, 2021, and after approval of the Indiana Supreme Court for those rules requiring approval.

DATED this 17th day of June, 2021 on behalf of the Judges of Decatur County.

_____/S/_____
Matthew D. Bailey, Judge
Decatur Superior Court

LR16-CR2.2-1 Criminal Case Filings and Reassignment

In adopting the following case assignment rules, the goals of the courts are to comply with Indiana Criminal Procedure Rule 2.2 and to maximize efficiency by, except in certain circumstances, filing all cases against a particular defendant in the same court. The following criminal case assignment rules are to be applied in order beginning with the lowest numbered paragraph and continuing sequentially until a case has been assigned to a particular court.

1. — If a defendant is serving a sentence on probation or community corrections, then any new criminal case charging a felony offense shall be filed in the sentencing court. In the event that the defendant has unserved probation and/or community corrections sentences from both courts, case assignment shall be made by random selection.

2. — If a case has not been assigned pursuant to the preceding paragraph and the defendant has a pending criminal case, then any new criminal case charging a felony offense shall be filed in the court with the pending case. In the event that the defendant has pending criminal cases in both courts, case assignment shall be made by random selection.

3. — If a case has not been assigned pursuant to either of the preceding paragraphs and the highest offense level charged is a misdemeanor, then the case shall be filed in the Decatur Superior Court.

4. — If a case has not been assigned pursuant to any of the preceding paragraphs and the highest offense level charged arises under Title 9 of the Indiana Code, then the case shall be filed in the Decatur Superior Court.

5. — If a case has not been assigned pursuant to any of the preceding paragraphs, then the Clerk of the Decatur Circuit Court shall, by random selection, assign one-half (1/2) of the cases to the Decatur Superior Court and one-half (1/2) of the cases to the Decatur Circuit Court.

6. — Judges of the Decatur Circuit Court and the Decatur Superior Court may transfer any pending case to the other Decatur County Court or may appoint the other Decatur County Judge as special judge for any pending case that has been redocketed after the entry of the judgment of conviction, subject to acceptance by the other Decatur County Judge.

7. — In the event that a change of judge is granted or a judge is disqualified or recuses, the other Decatur County judge shall be appointed as special judge unless that judge has previously recused or is not eligible to serve pursuant to the Code of Judicial Conduct, then reassignment shall be made on a rotating basis to one of the judges of the following courts: Jennings Circuit Court, Jennings Superior Court, Bartholomew Circuit Court, Bartholomew Superior Court No. 1, Bartholomew Superior Court No. 2, Rush Circuit Court, Rush Superior Court, Franklin Circuit Court No. 1, Franklin Circuit Court No. 2, Ripley Circuit Court, Ripley Superior Court, Shelby Circuit Court, Shelby Superior Court No. 1, and Shelby Superior Court No. 2.

8. — When, under these rules, no judge is available for appointment, or when, in the discretion of the regular presiding judge, the particular circumstance warrants selection of a special judge

by the Indiana Supreme Court, the presiding judge shall certify these facts to the Indiana Supreme Court and request an appointment of a special judge under the applicable procedural rules.

(A) If the highest offense level charged is a misdemeanor, then the case shall be filed in the Decatur Superior Court.

(B) If the highest offense level charged is a felony, then the case shall be filed according to the following rules, to be applied in order:

(i) If the highest offense level charged is a felony arising under Title 9 of the Indiana Code, then the case shall be filed in the Decatur Superior Court.

Formatted: Indent: First line: 0.5"

(ii) If the defendant has a pending criminal case charging a felony offense in either the Decatur Circuit Court or the Decatur Superior Court, then the case shall be filed in the court where the pending case is. In the event that the defendant has pending criminal cases charging felony offenses in both courts, then case assignment shall be done by random selection.

Formatted: Indent: Left: 0.5"

(iii) All other criminal cases charging felony offenses shall be assigned by random selection with one-half (1/2) of the cases assigned to each court.

Formatted: Indent: Left: 0.5"

(C) Judges of the Decatur Circuit Court and the Decatur Superior Court may transfer any pending case to the other Decatur County Court or may appoint the other Decatur County Judge as special judge.

(D) In the event that a change of judge is granted or a judge is disqualified or recuses, then reassignment shall be made on a rotating basis to one of the judges/magistrates of the following courts: Jennings Circuit Court, Jennings Superior Court, Bartholomew Circuit Court, Bartholomew Superior Court No. 1, Bartholomew Superior Court No. 2, Rush Circuit Court, Rush Superior Court, Franklin Circuit Court No. 1, Franklin Circuit Court No. 2, Ripley Circuit Court, Ripley Superior Court, Shelby Circuit Court, Shelby Superior Court No. 1, Shelby Superior Court No. 2, Jackson Circuit Court, Jackson Superior Court No. 1, Jackson Superior Court No. 2, and Brown Circuit Court.

(E) When, under these rules, no judge is available for appointment, or when, in the discretion of the regular presiding judge, the particular circumstance warrants selection of a special judge by the Indiana Supreme Court, the presiding judge shall certify these facts to the Indiana Supreme Court and request an appointment of a special judge under the applicable procedural rules.

(Adopted May 22, 2008, effective January 1, 2009; amended June 1, 2011; amended June 1, 2012; amended effective February 11, 2013; amended effective February 15, 2017; amended effective July 1, 2017; amended effective December 19, 2017; amended effective July 1, 2018).

LR16-AR00-1 Civil Case Filings

Civil cases with the following case types shall be filed in the Decatur Circuit Court: DC, DN, AD, ES, EU, EM, GU, GM, TR, JC, JD, JS, JT, JP, JM, JQ, TS, and TP. Civil cases with the following case types shall be filed in the Decatur Superior Court: PL, CT, ML, IF, OV, OE, CC, MF, SC, EV, and PO. All civil cases with case types not specified herein may be filed in either court. A case with any case type may be transferred from one court to the other court, subject to acceptance by the receiving court.