

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES) Case No. 29S00-0809-MS-520
)
FOR HAMILTON COUNTY)

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Hamilton Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

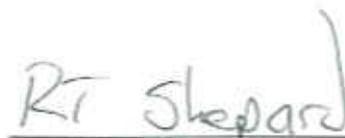
Upon examination of the proposed rule amendment requested by the Hamilton Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR29-CR00-301 complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website at least thirty (30) days prior to taking effect on January 1, 2009.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR29-CR00-301 for Hamilton County Courts, set forth as an attachment to this Order, is approved effective January 1, 2009. The Clerk of this Court is directed to post a copy of the amended rule on the Indiana Judicial Website at least thirty (30) days prior to January 1, 2009. The Clerk of this Court is further directed to forward a copy of this Order to the Hon. Judith S. Proffitt, Hamilton Circuit Court, One Hamilton Square, #337, Noblesville, 46060-2652; the Hon. Steven R. Nation, Hamilton Superior Court, One Hamilton Square, #345, Noblesville, 46060-2232; the Hon. Daniel J. Pflieger, Hamilton Superior Court, One Hamilton Square, #384, Noblesville, 46060-2614; the Hon. William J. Hughes, Hamilton Superior Court, One Hamilton Square, #215, Noblesville, 46060-2614; the Hon. J. Richard Campbell, Hamilton Superior Court, One Hamilton Square, #292, Noblesville, 46060-2614; the Hon.

Wayne A. Sturtevant, Hamilton Superior Court, One Hamilton Square, #297, Noblesville, 46060-2232; the Hon. Gail Bardach, Hamilton Superior Court, One Hamilton Square, Noblesville, 46060; and to the Clerk of the Hamilton Circuit Court.

The Clerk of the Hamilton Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website at least thirty (30) days prior to January 1, 2009.

DONE at Indianapolis, Indiana, this 19th day of September, 2008.



Randall T. Shepard
Chief Justice of Indiana

LR29-CR00-301. CRIMINAL RANDOM FILING

301.10 This Random Filing Rule does not apply to either civil cases or juvenile cases.

301.20 All misdemeanors (except those assigned to Superior Court No. 3 pursuant to Section 301.30 below) shall be randomly filed with 1/3 in Superior Court No. 4, 1/3 in Superior Court No. 5, and 1/3 in Superior Court No. 6 or other method as the judges of said courts shall agree. All class D Felonies (**except those assigned to Superior Court No. 3 pursuant to Section 301.30 below**) shall be randomly filed with 1/3 in Superior Court No. 4, 1/3 in Superior Court No. 5, and 1/3 in Superior Court No. 6 or other method as the judges of said courts shall agree. Reassignment of these cases shall be achieved by transferring cases originating in Superior Court No. 4 to either Superior Court No. 5 or Superior Court No. 6; transferring cases originating in Superior Court No. 5 to either Superior Court No. 4 or Superior Court No. 6; and, transferring cases originating in Superior Court No. 6 to either Superior Court No. 4 or Superior Court No. 5. In the event a subsequent reassignment is required (and neither Superior Court No. 4, nor Superior Court No. 5, nor Superior Court No. 6 is available) said case assignment shall be achieved by obtaining a new court assignment from all Hamilton County Courts using the Clerk's random assignment procedure.

301.30 Misdemeanor **and class D felony** battery offenses, **strangulation offenses**, and invasion of privacy offenses that do not involve operating while intoxicated offenses (IC 9-30-5) shall be filed in Superior Court No. 3. Reassignment of these cases will be achieved by randomly transferring said cases to either Superior Court No. 4, Superior Court No. 5, or Superior Court No. 6, with 1/3 of such transfers going to each of these three courts respectively.

301.40 All Murder (MR Case type), Class A (FA Case Type), Class B (FB Case Type), and Class C (FC Case Type) felonies shall be randomly filed per case type with 25% of each case type filed in Circuit Court, Superior Court No. 1, Superior Court No. 2 and Superior Court No. 3. Reassignment of these cases shall be achieved by obtaining a new court assignment using the Clerk's random assignment procedure of the Courts designated to accept this type of case.

301.50 The Clerk shall use a court-approved procedure which provides a tamper proof method for random assignment consistent with the foregoing paragraphs of this Criminal Rule.

301.60 From time to time, the Courts may provide orders to assist the Clerk in implementing the Criminal Random Filing procedures.

301.70 Pursuant to Indiana Criminal Rule 2.2(c), if a case is dismissed after filing, upon refileing it shall be assigned to the same court where it was originally assigned.

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Clerk of Hamilton County