

by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 4th ^{Jan. 2008.} day of ~~December~~, 2007.

Randall T. Shepard
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Chief Justice of Indiana

Rule LR43- CR2.2-1 Initial Case Assignment

(A) **Initial case assignments are as follows:**

(1) ~~Felonies under Title 9 (Traffic) and I.C. 35-46-1-5 through I.C. 35-46-1-7 cases~~

(1) **All D and C Felonies**

Thirty percent (30%) of D felonies shall be filed in the Kosciusko Circuit Court and should include any cases filed under Title 35, Article 48 (Controlled Substances)

Twenty percent (20%) of D felonies shall be filed in the Kosciusko Superior Court No. 1.

Ten percent (10%) of D felonies shall be filed in the Kosciusko Superior Court No. 2.

Forty percent (40%) of D felonies shall be filed in the Kosciusko Superior Court No. 3 and should include any cases involving felonies filed under Title 9 (Traffic) and I.C. 35-46-1-5 through and including I.C. 35-46-1-7.

Fifty percent (50%) of C felonies shall be filed in the Kosciusko Circuit Court and should include any cases filed under Title 35, Article 48 (Controlled Substances)

Thirty percent (30%) of C felonies shall be filed in the Kosciusko Superior Court No. 1.

Twenty percent (20%) of C felonies shall be filed in the Kosciusko Superior Court No. 3 and should include any cases filed under Title 9 (Traffic) and I.S. 35-46-1-5 through and including I.C. 35-46-1-7.

(2) **Felonies under Title 35-42-1 (Homicide) and I.C. 35-48 (Controlled Substances) cases**

All felonies filed under Title 35, Article 42, Chapter 1 (Homicide) and those filed under Title 35, Article 48 (Controlled Substances) shall be filed in the Kosciusko Circuit Court. (Amended effective January 1, 2005)

(3) **All other Felonies cases**

All other felonies shall be assigned to the Kosciusko Superior Court No. 1 and Kosciusko Circuit Court on an alternating basis.

(4) **All Misdemeanors cases**

All misdemeanors shall be assigned to the Kosciusko Superior Court No. 2.

(5) **All I.C. 31-6-4 (Juvenile) cases**

All cases filed under Title 31, Article 6, Chapter 4 (Juvenile) of the Indiana Code shall be initially assigned to the Kosciusko Superior Court No. 1. In the event a child is waived into adult court, the case shall be reassigned to the appropriate court in accordance with the proceeding provisions of this rule.

(6) **Combination of Felony and Misdemeanor cases**

In the event the case charges both felony and misdemeanor offenses, the case shall be considered a felony for the application of this rule.

Rule LR43- CR2.2-1 Transfer of Criminal Cases

- (B) The Judge in any Kosciusko Court, by appropriate order entered in the Record of Judgment and Orders, may transfer and reassign to any other court of record in the county with jurisdiction to hear the charged offense any pending cases subject to acceptance by the receiving court.

**Local Rule LR43- CR2.2-1 Refiling and/or
Subsequent Filings of Criminal Charges**

(C) (1) Dismissal and Subsequent Refiling of Charges

In the event the State of Indiana dismisses a case, any subsequent case filed against such defendant within the next six months shall be assigned to the court from which the dismissal was taken.

(C)(2) Filing of Additional Charges

In the event additional charges are filed against a criminal defendant subsequent to the assignment of the case, all such additional charges to be resolved in conjunction with the pending case shall be assigned to the court of initial assignment.

Rule LR43- CR2.2-1 Reassignment of Criminal Cases

(D)(1) Kosciusko Circuit Court

The following individuals have agreed to serve in the event it becomes necessary to reassign a criminal case in the Kosciusko Circuit Court:

1. The Judge of the Kosciusko Superior Court No. 1
2. The Judge of the Marshall Circuit Court
3. The Judge of the Wabash Circuit Court

By order of adoption of these rules, the Indiana Supreme Court, pursuant to Indiana Code 33-24-6-10 temporarily transfers the above judges to the Kosciusko Circuit Court for the purpose of reassignment in criminal cases.

(2) Kosciusko Superior Court 1

The following individuals have agreed to serve in the event it becomes necessary to reassign a criminal case in the Kosciusko Superior Court No.

1:

1. The Judge of the Kosciusko Circuit Court
2. The Judge of the Marshall Circuit Court
3. The Judge of the Wabash Circuit Court

By order of adoption of these rules, the Indiana Supreme Court, pursuant to Indiana Code 33-24-6-10 temporarily transfers the above judges to the Kosciusko Superior Court No. 1 for purpose of reassignment of criminal cases.

(3) Kosciusko Superior Court 2

The following individuals have agreed to serve in the event it becomes necessary to reassign a criminal case in the Kosciusko Superior Court No. 2:

1. The Judge of the Kosciusko Circuit Court
2. The Judge of the Kosciusko Superior Court No. 1
3. The Judge of the Kosciusko Superior Court No. 3

By order of adoption of these rules, the Indiana Supreme Court, pursuant to Indiana Code 33-24-6-10 temporarily transfers the above judges to the Kosciusko Superior Court No. 2 for the purpose of reassignment of criminal cases.

(4) ~~Kosciusko Superior Court 3~~

~~The following individuals have agreed to serve in the event it becomes necessary to reassign a criminal case in the Kosciusko Superior Court No. 3:~~

- ~~1. The Judge of the Kosciusko Circuit Court~~
- ~~2. The Judge of the Kosciusko Superior Court No. 1~~
- ~~3. The Judge of the Kosciusko Superior Court No. 2~~

~~By order of adoption of these rules, the Indiana Supreme Court, pursuant to Indiana Code 33-24-6-10 temporarily transfers the above judges to the Kosciusko Superior Court No. 3 for the purpose of reassignment of criminal cases.~~

(4) Kosciusko Superior Court 3

The following individuals have agreed to serve in the event it becomes necessary to reassign a criminal case in the Kosciusko Superior Court No. 3:

1. The Judge of the Kosciusko Superior Court No. 2
2. The Judge of the Kosciusko Circuit Court
3. The Judge of the Kosciusko Superior Court No. 1

By order of adoption of these rule, the Indiana Supreme Court, pursuant to Indiana Code 33-24-6-10 temporarily transfers the above judges to the Kosciusko Superior Court No. 3 for the purpose of reassignment of criminal cases.

(5) Method of Reassignment of Cases

In the event it becomes necessary to reassign a criminal case in the Kosciusko Circuit Court, Kosciusko Superior Court No. 1, Kosciusko Superior Court No. 2 or Kosciusko Superior Court No. 3, the cases will be reassigned in consecutive order to the above noted judges

RULE LR43 – AR -1

CIVIL CASE ASSIGNMENT

(A)

- ~~(1) All cases which have case classification code MH and pro se DR shall be filed in the Kosciusko Circuit Court.~~
- (1) All cases which have case classification code MH shall be filed in the Kosciusko Circuit Court.
- (2) All cases which have case classification code JC, JD, JS, JP, JM and JT shall be filed in Kosciusko Superior Court No. 1.
- ~~(3) All cases which have case classification code CT, CP, MI, RS, DR (excluding pro se), AD, AH, ES, EU and TR may be filed in either Kosciusko Circuit or Kosciusko Superior Court No. 1; however, attorneys are strongly encouraged to file such cases on an alternating basis in Kosciusko Circuit and Kosciusko Superior Court No. 1.~~
- (3) All cases which have case classification code PL, CT, MI, RS, AD, AH, ES, EU, GU and TR may be filed in either Kosciusko Circuit Court or Kosciusko Superior Court No. 1; however, attorneys are strongly encouraged to file such cases on an alternating basis in Kosciusko Circuit and Kosciusko Superior Court No. 1.
- (4) All cases which have case classification code IF shall be filed in Kosciusko Superior Court No. 2.
- ~~(5) All cases which have case classification code OV, PO, (except PO cases where a DR or JP case is in existence involving the same parties which shall then be filed in the court having the DR or JP case), and SC shall be filed in Kosciusko Superior Court No. 3.~~
- (5) All cases which have case classification code OV, OE, PO (except PO cases where a JP case is in existence involving the same parties which shall then be filed in the court having the JP case, and SC shall be filed in Kosciusko Superior Court Kosciusko Superior Court No. 3.
- (6) One-fourth (1/4) of dissolution cases shall be filed in Kosciusko Superior Court No. 3.
- (7) One-fourth (1/4) of dissolution cases shall be filed in Kosciusko Circuit Court.
- (8) One-half (1/2) of dissolution cases shall be filed in Kosciusko Superior Court No. 1

- (9) Collection (CC) cases shall be filed in Kosciusko Superior Court No. 3 or Kosciusko Superior Court No. 2 with case assignment to be made by the Clerk in order that:
three fourths (3/4) are filed in Kosciusko Superior Court No. 3;
one-fourth (1/4) are filed in Kosciusko Superior Court No. 2;
- (10) Mortgage foreclosure cases shall be filed in Kosciusko Circuit Court and Kosciusko Superior Court No. 3 with case assignment to be made by the Clerk in order that:
one-half (1/2) are filed in Kosciusko Circuit Court; and
one-half (1/2) are filed in Kosciusko Superior Court No. 3.

(B)

- (1) The judge of Kosciusko Circuit Court, if available, shall be judge pro tempore for the judge of Kosciusko Superior Court No. 1, if the judge of Kosciusko Superior Court No. 1 shall be unavailable by reason of absence, trial, or hearing and no other person has been appointed judge pro tempore or is serving as senior judge for the judge of Kosciusko Superior Court No. 1.
- (2) The judge of Kosciusko Superior Court No. 1, if available, shall be judge pro tempore for the judge of Kosciusko Circuit Court if the judge of Kosciusko Circuit Court shall be unavailable by reason of absence, trial, or hearing and no other person has been appointed judge pro tempore or is serving as senior judge for the Kosciusko Circuit Court.
- (3) The judge of Kosciusko Superior Court No. 2, if available, shall be judge pro tempore for the judge of Kosciusko Superior Court No. 3 if the judge of Kosciusko Superior Court No. 3 shall be unavailable by reason of absence, trial, or hearing and no other person has been appointed judge pro tempore or is serving as senior judge for the Kosciusko Superior Court No. 3.
- (4) The judge of Kosciusko Superior Court No. 3, if available, shall be judge pro tempore for the judge of Kosciusko Superior Court No. 2 if the judge of Kosciusko Superior Court No. 2 shall be unavailable by reason of absence, trial, or hearing and no other person has been appointed judge pro tempore or is serving as senior judge for the Kosciusko Superior Court No. 2.
- (C) Senior judge services shall be allocated to the various courts of Kosciusko County to enable the judges of Kosciusko County to have vacation, sick days and attendance at judicial seminars and to allow continuance of cases and court duties in the absence of the elected judge.