

**In the
Indiana Supreme Court**



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR TIPPECANOE COUNTY)

Case No. 79S00-1001-MS- 16

ORDER APPROVING AMENDED LOCAL RULE

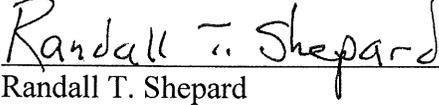
The Judges of the Tippecanoe Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Tippecanoe Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR79-AR 1(E)-1 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.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR79-AR 1(E)-1 for Tippecanoe County Courts, set forth as an attachment to this Order, is approved effective retroactive to January 1, 2010. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Donald L. Daniel, Tippecanoe Circuit Court, 301 Main Street, Lafayette, IN 47901-1354; the Hon. Thomas H. Busch, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901; the Hon. Gregory J. Donat, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901-1363; the Hon. Les A. Meade, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901-1354; the Hon. Michael A. Morrissey, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901; the Hon. Loretta H. Rush, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901-1354; the Hon. Randy Williams, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901-1354; and to the Clerk of the Tippecanoe Circuit Court. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Tippecanoe 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.

DONE at Indianapolis, Indiana, this 6th day of January, 2010.



Randall T. Shepard
Chief Justice of Indiana

LR79-AR 1 (E)-1 County Caseload Plan

This Rule incorporates by reference the current caseload allocation plan for Tippecanoe County, as approved by the Indiana Supreme Court. The plan is subject to review every two (2) years. As of the date of the Order adopting these Rules, and subject to any modifications which may subsequently be made, the plan reads as follows:

All cases wherein the most serious charge alleged is Murder, a Class A, B, or C felony and those Class D felonies set forth in paragraph 2 below shall be assigned to Tippecanoe Circuit Court, Superior Court of Tippecanoe County, and Superior Court No. 2 of Tippecanoe County, on a random basis according to the following ratio:

Court	Ratio
Tippecanoe Circuit Court	2
Superior Court of Tippecanoe County	4
Superior Court No. 2 of Tippecanoe County	4

For any defendant who has a Class A, B, or C felony case pending or who is serving a Class A, B, or C felony sentence, whether executed or suspended, any new case charging that defendant with a Class A, B or C felony shall be filed in the court having jurisdiction of the oldest such case. Upon learning that such a case has been filed in the wrong court, the prosecutor shall within 14 days move to transfer the case to the proper court.

Class D felony cases assigned to Tippecanoe Circuit Court, Superior Court of Tippecanoe County, and Superior Court No. 2 of Tippecanoe County are as follows:

I.C. 35-42-2-1 (a) (2) (B)	Battery on a Child
I.C. 35-42-4-4 (b) (1) and (2)	Possession of Child Pornography; Child Exploitation
I.C. 35-42-4-5 (a)	Vicarious Sexual Gratification
I.C. 35-42-4-6	Child Solicitation
I.C. 35-42-4-7	Child Seduction
I.C. 35-42-4-9 (b)	Sexual Misconduct with a Minor
I.C. 35-49-3-3	Dissemination of Matter Harmful to Minors
I.C. 35-46-1-4	Neglect of a Dependent
I.C. 35-43-1-1 (d)	Arson
I.C. 35-48-4-4	Dealing in Schedule V Controlled Substance

Where it is alleged that defendants jointly commit a crime or crimes, their cases shall be filed together in the same court. In any such cases where one or more of the defendants has a Class A, B or C felony case pending or is serving a Class A, B, or C felony sentence, whether executed or suspended, all the cases shall be filed in the court having jurisdiction of the oldest such case.

Superior Court No. 3 of Tippecanoe County exercises juvenile jurisdiction and will not receive filings of felony or misdemeanor cases. A case wherein juvenile jurisdiction is waived may be assigned to a court by agreement of the parties. In the absence of such agreement, the case shall be filed in accordance with the Local Rule on Assignments of Criminal Cases.

All Class D felonies, misdemeanors, and infractions alleging a violation of Indiana Code Title 9, Traffic Code, shall be assigned to Superior Court No. 6 of Tippecanoe County.

All Class D felonies, misdemeanor, and infractions alleging violation of Indiana Code Title 35, Article, Controlled Substances, and not set forth in paragraph 2 above, shall be filed in Superior Court No. 4 of Tippecanoe County. Glue Sniffing in violation of Indiana Code 35-46-6-2, and Public Intoxication cases shall be filed in Superior Court No. 4 of Tippecanoe County.

All remaining Class D felonies, misdemeanors, and infraction cases not specifically set forth above shall be filed in Superior Court No. 5 of Tippecanoe County.

A judge, by appropriate order may transfer and reassign to any other court of record in the county, any pending case, subject to acceptance by the receiving court.

A case transferred to Tippecanoe County by reason of change of venue from another county may be assigned to a court by agreement of the parties. In the absence of such an agreement, the case shall be filed in accordance with this Local Rule on Case Assignments.

When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which dismissal was taken.

In the event a change of judge is granted pursuant to Indiana Criminal Rule 12 or it becomes necessary to assign another judge in any felony or misdemeanor proceeding, the case shall be returned to the Clerk of court for random selection of another court from among all the courts in Tippecanoe County. On selection, the case shall be reassigned by the Clerk to the selected court.

In the event no judge is available for assignment or reassignment of a felony or a misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge. In the event the judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a special judge, the presiding judge may request the Indiana Supreme Court for such appointment.

All petitions for civil orders of protection shall be filed initially in Superior Court No. 5 of Tippecanoe County.