In the
Indiana Supreme Court

FILED
JUN 16 2011
CLERK OF THE
INDIANA SUPREME COURT
COURT OF APPEALS
AND TAX COURT

IN THE MATTER OF THE	)	
	)	
APPROVAL OF LOCAL RULES	)	Case No. 16S00-1106 -MS- 348
	)	
FOR DECATUR COUNTY	)	

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Decatur 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 Decatur Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR16-CR2.2-1 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 LR16-CR2.2-1 for Decatur County Courts, set forth as an attachment to this Order, is approved effective retroactive to June 1, 2011. The Clerk of this Court is directed to forward a copy of this Order to the Hon. John A. Westhafer, Decatur Circuit Court, 150 Courthouse Square, Suite 6, Greensburg, IN 47240-2089; the Hon. Matthew D. Bailey, Decatur Superior Court, 150 Courthouse Square, Suite 216, Greensburg, IN 47240-2074; to the Clerk of the Decatur Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Decatur Circuit and Superior Courts 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 16th day of June, 2011.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

LR16-CR2.2-1 CRIMINAL CASE FILINGS

1. When a court has personal jurisdiction of the defendant under a pending criminal cause or probation, any new criminal cause against that defendant shall be filed in that same court having such jurisdiction. The filing rule under this paragraph shall have priority over all other provisions of the filing rules.

2. If a court does not already have personal jurisdiction over the defendant, the Decatur Superior Court shall have exclusive jurisdiction over all charges filed under Titles 7.1, 9, and 14 of the Indiana Code. The Decatur Circuit Court shall have exclusive jurisdiction over all charges filed under Title 35, Article 43 of the Indiana Code.

3. In all other criminal actions presented for filing, the Decatur County Clerk shall, by random selection, assign one-third (1/3) of the felony cases and two-thirds (2/3) of the misdemeanor cases to the Decatur Superior Court and shall, by random selection, assign two-thirds (2/3) of the felony cases and one-third (1/3) of the misdemeanor cases to the Decatur Circuit Court.

4. Where multiple counts or defendants have been charged, the most serious offense shall dictate the classification to be assigned to the case for purposes of implementing the random selection process in paragraph 3. If a conflict of subject matter jurisdiction arises under paragraph 2, the subject matter of the most serious offense shall determine the court assignment. If there is any further conflict under these rules, the method of random selection used to determine court assignment, as provided in paragraph 3, will be utilized.

5. Where the investigation of an event results in criminal charges against more than one defendant, all criminal charges arising from the investigation shall be filed with the same court. If among the group of defendants, charges are pending in both courts against more than one in the group, the Clerk shall determine the appropriate court by random selection, as provided under paragraph 3.

6. When charges against a defendant have been filed and dismissed, any subsequent charges filed against the same defendant arising out of the same investigation shall be filed with the court to which the case was originally assigned.

7. Judges of the Decatur Circuit Court and the Decatur Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign to the other court any pending case, subject to acceptance by that court. In addition, in order to comply with Criminal Rule 13, reassignment shall be made on a rotating basis to one of the judges of the following courts: Shelby Circuit Court, Shelby Superior Courts 1 and 2, Bartholomew Circuit Court, Bartholomew Superior Courts 1 and 2, Rush Circuit Court, Rush Superior Court, Jennings Circuit Court, Jennings Superior Court, Ripley Circuit Court, Ripley Superior Court, and Franklin Circuit Court.

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.

(Adopted May 22, 2008, effective January 1, 2009; amended effective June 1, 2011)

LR16-AR00-1CIVIL CASE FILINGS

Civil cases may be filed in either court in Decatur County with the following exceptions:

1. All juvenile cases (CHINS and delinquency) are filed in Circuit Court.
2. All small claims cases and protective order cases are filed in Superior Court.