In the
Indiana Supreme Court

IN THE MATTER OF THE	)	
	)	
APPROVAL OF LOCAL RULES	)	Case No. 84S00-1210 -MS- 592
	)	
FOR VIGO COUNTY	)	

ORDER APPROVING AMENDED LOCAL RULE

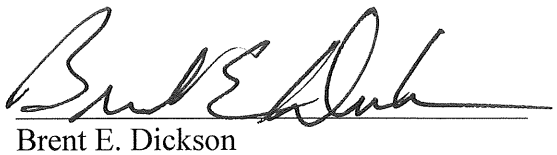
The Judges of the Vigo Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Vigo Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR 84-CR2.2 Rule 2 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 LR 84-CR2.2 Rule 2 for Vigo County Courts, set forth as an attachment to this Order, is approved effective retroactive to September 1, 2012. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Phillip I. Adler, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. David R. Bolk, Vigo Circuit Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. Michael Lewis, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807; the Hon. Christopher A. Newton, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. Michael R. Rader, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. John Roach, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434 to the Clerk of the Vigo 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 Vigo 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 11th day of October, 2012.



Brent E. Dickson
Chief Justice of Indiana

LR84-CR2.2 Rule 2 Criminal Case Assignments

(A) Except as provided in paragraph (B), (C), (D), (H) and (I) below, the following rotation for felony cases is adopted for Superior Court Division 1, Circuit/Superior Court Division 3, Superior Court Division 5, and Superior Court Division 6. Felony cases will be assigned on a rotating basis beginning with Division 1, then 3, then 5, and then 6, and is based upon the time of the occurrence of the offense.

(1) Offenses occurring between 12:01 A.M. of the first day of each month through midnight on the 9th day of each month will be assigned to Superior Court Division 1.
(2) Offenses occurring between 12:01 A.M. of the 10th day of each month through midnight of the 18th day of that month will be assigned to Circuit/Superior Court Division 3.
(3) Offenses occurring between 12:01 A.M. on the 19th day of each month through midnight of the 27th day of that month will be assigned to Superior Court Division 6.
(4) Offenses occurring between 12:01 A.M. of the 28th day of each month through midnight of the last day of that month will be assigned to Superior Court Division 5.
(5) Notwithstanding the above rule, no Superior Court judge shall have more than one capital murder case pending at any one time except where multiple defendants are charged with capital murder arising out of a single episode.

(B) Except as provided in paragraphs (C) and (D) below, all Class D Felonies shall be assigned to Vigo Superior Court Division 1, 3 and 6 on a rotating basis, beginning with Division 1, then 3, then 6, and is based upon the time of the occurrence of the offense.

(1) Offenses occurring from the first day of the month through midnight of the 10th day of the month will be assigned to Superior Court Division 1.
(2) Offenses occurring from 12:01 A.M. on the 11th day of each month through midnight of the 20th day of each month will be assigned to Superior Court Division 3.
(3) Offenses occurring from 12:01 A.M. on the 21st day of each month through the end of the month will be assigned to Superior Court Division 6.

(C) Class D Felonies arising out of domestic relations shall be assigned to Superior Court Division 4.

(D) Class D Felonies relating to Operating a Motor Vehicle While Intoxicated shall be assigned to Vigo Superior Court Division 5.

(E) All criminal misdemeanor cases shall be assigned as follows:

(1) Offenses for Operating a Vehicle While Intoxicated shall be assigned to Division 5.
(2) All criminal misdemeanors arising out of domestic violence shall be assigned to Division 4.

(3) All other misdemeanor offenses shall be assigned to Division 1, and 6 on a rotating basis. Offenses occurring between 12:01 A.M. of the first day of each month through midnight of the 15th day of that month will be assigned to Superior Court Division 1. Offenses occurring between 12:01 on the 16th day of each month through the end of the month will be assigned to Superior Court Division

(F) In the case of multiple offenses, the date of the earliest offense alleged in the charging document shall assign the rotation date and assignment of the court. If a case involves both felony and misdemeanor charges, the case shall be considered a felony for application of this rule.

(G) A judge of the Circuit or Superior Courts, by appropriate order entered in the record of judgments and orders, may transfer and reassign a case to any other court of record in the county with jurisdiction to hear the charged offense subject to acceptance by the receiving court.

(H) 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 the dismissal was taken.

(I) When a new cause of action is filed against a Defendant with an existing felony proceeding originally filed under subsection (A) or (B) the new cause of action shall be assigned to the Court where the existing cause of action is pending.

(J) When a new cause of action is filed against a Defendant who is on probation or serving a direct commitment in a Community Corrections program as a result of a case originally filed under (A) or (B) the new cause of action shall be filed in the Court in which the probation or Commitment is being supervised.

(K) (1) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 1, the case shall be reassigned first to Superior Court Division 3, then to Superior Court Division 5, then to Superior Court Division 6; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 3, Superior Court Division 5, or Superior Court Division 6 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.
(2) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 3, the case shall be reassigned first to Superior Court Division 5, then to Superior Court Division 6 then to Superior Court Division; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 1, Superior Court Division 5, or Superior Court Division 6 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.

(3) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 4, the case shall be reassigned first to the judge of Superior Court Division 5. If the judge of Superior Court Division 5 cannot accept jurisdiction, the case will be reassigned first to Superior Court Division 6, then to Superior Court Division 1, then to Superior Court Division 3; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated.

(4) In the event a change of judge is granted or it becomes necessary to assign another judge in any misdemeanor criminal proceeding in Superior Court Division 5, the case shall be reassigned first to the judge in Superior Court Division 4. In the event a change of judge is granted or it becomes necessary to assign another judge in any felony criminal proceeding in Superior Court Division 5, the case shall be reassigned first to Superior Court Division 6 then to Superior Court Division 1, then to Superior Court Division 3; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 1, Superior Court Division 3, or Superior Court Division 6 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.

(5) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 6, the case shall be reassigned to Superior Court Division 1, then to Superior Court Division 3, then to Superior Court Division 5; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 1, Superior Court Division 3, or Superior Court Division 5 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.

(L) In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for appointment of a Special Judge. In the event the judge presiding in a felony or misdemeanor case concludes that special 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 make such appointment.

(M) This rule does not prohibit the filing of appropriate criminal offenses in the Terre Haute City Court to the extent of its jurisdiction.