In the
Indiana Supreme Court

FILED
JUL 17 2014
CLERK OF THE
INDIANA SUPREME COURT
COURT OF APPEALS
AND TAX COURT

IN THE MATTER OF THE	)	
	)	
APPROVAL OF LOCAL RULES	)	Case No. 27S00-1407-MS-472
	)	
FOR GRANT COUNTY	)	

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Grant Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Grant Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR27-CR2.2-2 and LR27-AR01-24 comply with the requirements of Ind. Administrative Rule 1(E), and should be approved.

IT IS, THEREFORE, ORDERED by this Court that Grant Circuit and Superior Court Local Rules, LR27-CR2.2-2 and LR27-AR01-24, set forth as an attachment to this Order, are approved effective retroactive to July 1, 2014, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Warren Haas, Grant Superior Court 3, 101 East Fourth Street, #306, Marion, IN 46952-4010; to the Hon. Dana J. Kenworthy, Grant Superior Court 2, 101 East Fourth Street, #306, Marion, IN 46952-4004; to the Hon. Mark Spitzer, Grant Circuit Court, 101 East Fourth Street, Marion, IN 46952-4010; to the Hon. Jeffrey D. Todd, Grant Superior Court 1, 101 East Fourth Street, #306, Marion, IN 46952-4010; to the Clerk of the Grant 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 Grant 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, on July 17, 2014.

Acting Chief Justice of Indiana

LR-27 CR 2.2-2
ASSIGNMENT OF CRIMINAL CASES

July 1, 2014 Revision

All felony and misdemeanor (CM) cases [and all infraction (IF) cases and all ordinance (OV) cases] are to be filed in the Courts in Grant County pursuant to this Local Rule (this Rule). The Courts are Gas City City Court (27H01), Marion City Court (27H02), Grant Circuit Court (27C01), Grant Superior Court 1 (27D01), Grant Superior Court 2 (27D02), and Grant Superior Court 3 (27D03).

I. Case Assignments When There Are No Pending Cases nor Probation

Cases shall be assigned as set out below when no other criminal proceeding is pending and when the Defendant is not on probation:

A. The following cases shall be filed in 27H01:

(1) All CM and IF cases that are alleged to have occurred in Grant County, Indiana, outside the corporate limits of the City of Marion, except those assigned to 27D03 pursuant to this Rule.

(2) All OV cases that are alleged to have occurred within the city limits of Gas City.

(3) All CM and infraction cases that are alleged to have occurred within the corporate limits of the City of Marion, when the primary law enforcement officer is an officer with the Grant County Sheriff's Department or with the Indiana State Police, except those cases assigned to 27D03 pursuant to this Rule.

(4) All CM cases in which the crime alleged is compulsory school attendance violation [Ind. Code § 20-33-2], including cases that would otherwise be filed in 27H02.

B. The following cases shall be filed in 27H02:

(1) All CM and IF cases that are alleged to have occurred within the corporate limits of the City of Marion, Indiana, that are not assigned to 27H01 or 27D03.

(2) All OV cases that are alleged to have occurred within the city limits of Marion.

C. The following cases shall be filed in 27C01:

(1) All waivers of jurisdiction over juveniles to adult court.

(2) All cases designated as Drug Court cases.

(3) All Level 6 felony (L6) controlled substance, L6 possession of paraphernalia, and L6 possession of marijuana cases except cases in which the controlled substance, paraphernalia, or marijuana is alleged to have been in the Defendant's possession while operating a motor vehicle. Those cases shall be filed in 27D03.

(4) All grand jury proceedings, including impaneling the grand jury.

D. The following cases shall be filed in 27D01:

(1) All Reentry Court cases.

E. The following cases shall be filed in 27D02:

(1) All juvenile cases except waivers of jurisdiction to adult court.

(2) All L6 domestic battery cases.

(3) All L6 strangulation cases.

(4) All felony neglect of a dependent cases.

(5) All L6 cases in which the Grant County Prosecutor initially determines that domestic violence may be involved, such as a residential entry or intimidation, even if a domestic violence charge is not filed.

F. The following cases shall be filed in 27D03:

(1) All OV cases, other than those assigned to 27H01 or 27H02.

(2) All trial de novo cases from 27H01 or 27H02.

(3) All cases transferred from 27H01 or 27H02 due to a timely jury trial demand.

(4) All cases transferred from 27H01 and 27H02 when the City Court Judge enters an order of disqualification or recusal or grants a motion for change of judge.

(5) All CM cases that include a charge under I.C. § 9-30-5 (Operating a Vehicle While Intoxicated).

(6) All L6 traffic cases, even if the Defendant has a prior felony conviction.

(7) All other L6 cases, except:

(a) L6 cases that are assigned to 27C01 or 27D02 pursuant to this Rule;

(b) And non-traffic L6 cases, whenever the Defendant already has a felony conviction.

II. Case Assignments When There Is a Pending Case or Probation

A. If charges are pending against an individual in 27C01, 27D01, or 27D02 or if an individual is on probation in 27C01, 27D01, or 27D02, and a new felony charge is filed, the new felony shall be filed in the Court with the pending charge or probation.

B. If charges are pending against an individual in 27D03, or if an individual is on probation in 27D03, and a new L6 case is filed, it shall be filed in 27D03.

C. Otherwise the felony cases shall be filed as shown in Section I and III of this Rule.

III. Ball Draw for All Other Criminal Cases

All other felony cases, including those filed upon a grand jury indictment, shall be filed by random selection in 27C01, 27D01 and 27D02. Random selection shall be done as follows:

A. The Clerk of the Grant Circuit Court (the Clerk) shall maintain a closed container with three (3) balls of the same size and weight. Each Court shall be represented by one (1) of the three (3) balls.

B. The Clerk shall randomly select a ball from the closed container and the case shall then be filed in the Court that has been designated for that particular ball. The Clerk shall enter the Court so designated on the criminal information and record the date and time the Court was selected.

C. If the case must be transferred from the Court selected on the first draw, the Clerk shall randomly select a ball for one (1) of the two (2) remaining Courts and the case shall then be filed in the Court that has been designated for that particular ball. The Clerk shall enter the Court so designated on the criminal information and record the date and time the Court was selected.

D. If the case must be transferred from the Court selected on the second draw, the case shall be transferred to the remaining Court. The Clerk shall enter the Court so designated on the criminal information and record the date and time the Court was selected.

E. If the case must be transferred from the third Court selected, the case shall be transferred to the 27D03. The Clerk shall enter the Court so designated on the criminal information and record the date and time of the Court was selected.

F. If a case filed in 27D03 must be transferred to another Court, the Clerk is to use the random selection process outlined above.

G. If 27C01, 27D01, or 27D02 becomes over-burdened with cases from the blind draw system that Court's ball may be removed from further draws in criminal cases upon majority vote of the three (3) Judges of those Courts for whatever length of time and upon such terms and conditions that those Judges agree.

H. When a change of Judge has been granted, the successor Court shall be selected in accordance with the random selection process outlined above. If all Grant County Judges have declined to exercise jurisdiction or are unable to do so, a special judge will be assigned according to the provisions of Local Rule 79-3(E).

IV. Miscellaneous Provisions

A. Multiple offenses against the same defendant shall be filed contemporaneously with the other charges using the highest class of charge in determining in which Court the case shall be filed.

B. When multiple defendants are charged with crimes arising out of the same facts and circumstances, all of the charges shall be filed in the same Court, which shall be selected according to the highest class of the charges filed against any of the defendants.

C. The Judge of one Court may transfer any case to be redocketed in another Court, if the Judge of the receiving Court consents to the transfer and the receiving Court has jurisdiction over the subject matter of the case.

LR-27 AR01-24
ASSIGNMENT OF CIVIL CASES

A) Civil cases for the following case types shall be filed as follows:

1) All MH cases shall be filed in Circuit Court.
2) All cases related to tax sales shall be filed in Superior Court 1
3) All PO and AD cases shall be filed in Superior Court 2.
4) All IV-D cases for the collection of support shall be filed in Superior Court 2.
5) All JP, JC, JT, and JM cases shall be filed in Superior Court 2
6) All IF and OV cases that are not designated to be filed in the Gas City City Court or the Marion City Court shall be filed in Superior Court 3.
7) All SC cases shall be filed in Superior Court 3.

B) Except as set forth above, and any statutory limitations on subject matter jurisdiction, civil cases may be filed in any court.

(Effective January 1, 2012)