

**In the
Indiana Supreme Court**

STATE OF INDIANA)	Supreme Court No. 91S00-0510-SJ-474
)	
vs.)	
)	Case No. 91D01-0306-FC-101
JENNIFER S. BENNETT)	in the White Superior Court

ORDER REMANDING JURISDICTION TO TRIAL COURT

Comes now the Clerk of the White Superior Court, and pursuant to Ind. Trial Rule 53.1, certifies this matter here for the appointment of a special judge.

And this Court, being duly advised, now finds that jurisdiction of this matter should be remanded to the White Superior Court and Special Judge Robert W. Roth. The Chronological Case Summary in this case reveals that the court denied defendant's first motion for modification of sentence on September 22, 2004. The defendant filed a second motion for modification of sentence on December 20, 2004. Ind.Trial Rule 53.1(B)(4) provides that the time limitations of the rule do not apply to repetitive motions. As such, the court's failure to rule on the repetitive motion for modification of sentence does not establish a violation of the rule.

IT IS, THEREFORE, ORDERED that jurisdiction of this matter is remanded to the White Superior Court and Special Judge Roth.

The Clerk of this Court is directed to forward notice of this Order to the Hon. Robert W. Roth, White Superior Court, P.O. Box 1005, Monticello, IN 47960-1005, and to the Clerk of the White Superior Court.

The Clerk of the White Superior Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this _____ day of October, 2005.

Randall T. Shepard
Chief Justice of Indiana