



In the  
**Indiana Supreme Court**

STATE of Indiana	)	Supreme Court No. 71S00-0806-SJ-327
Plaintiff	)	
	)	
vs.	)	Case No. 71D01-0604-FC-106
	)	
Joel L. GROVE	)	in the St. Joseph Superior Court
Defendant	)	

ORDER REMANDING JURISDICTION TO TRIAL COURT

Comes now the Clerk of the St. Joseph 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 St. Joseph Superior Court and Judge Jane Woodward-Miller.

On June 21, 2007, Judge Jane Woodward-Miller entered a judgment of conviction and sentence with respect to certain charges pending against Grove. On February 19, 2008, Grove filed a "Petition for Examination for Post-Conviction Forensic Diversion Program, Stay of Execution of Sentence and Waiver of Execution of Sentence" pursuant to Indiana Code 11-12-3.7-12. On June 2, 2008, Grove filed a "Praecipe for Withdrawal of the Submission" pursuant to Trial Rule 53.1. On June 6, 2008, the Clerk withdrew the submission from the jurisdiction of Judge Woodward-Miller and certified the matter to the Supreme Court for appointment of a special judge.

The Court agrees that petitions filed pursuant to Indiana Code 11-12-3.7-12 are subject to the provisions of T.R. 53.1. However, the statute clearly contemplates that determinations thereunder be made by the sentencing judge. For this reason, the Court now directs that jurisdiction over the submission be returned to Judge Woodward-Miller. Judge Woodward-Miller is directed to rule on Grove's petition within 60 days of the date of this order or request an extension of time for ruling pursuant to T.R. 53.1(D), which request shall be granted for good cause.

IT IS, THEREFORE, ORDERED that jurisdiction of this matter is remanded to the St. Joseph Superior Court and Judge Woodward-Miller, who is directed to rule on Grove's petition within 60 days of the date of this order or request an extension of time for ruling pursuant to T.R. 53.1(D), which request shall be granted for good cause.

The Clerk of this Court is directed to forward notice of this Order to the Hon. Jane Woodward-Miller, St. Joseph Superior Court, 101 South Main Street, South Bend, IN 46601-1807, the Indiana Judicial Center and to the Clerk of the St. Joseph Superior Court.

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

DONE at Indianapolis, Indiana, this 29<sup>th</sup> day of August, 2008.

  
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Randall T. Shepard  
Chief Justice of Indiana