In the
Indiana Supreme Court

FILED
DEC 22 2006
CLERK OF THE INDIANA SUPREME COURT COURT OF APPEALS AND TAX COURT

CHARLES HARTSELL, JR.	)	**Supreme Court No. 71S00-0611-SJ-475**
	)	
vs.	)	
	)	**Case No. 71D02-0501-FB-9**
STATE OF INDIANA	)	**in the St. Joseph Superior Court**

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 John M. Marnocha for clarification of the record. Petitioner alleges that Judge Marnocha has not ruled upon motions filed on April 21 and June 6, 2006. The Chronological Case Summary does not indicate the filing of the motions. Therefore, the record must be clarified, showing whether the motions were in fact filed, before a determination can be made that rulings on the motions have been delayed.

IT IS, THEREFORE, ORDERED that jurisdiction of this matter is remanded to the St. Joseph Superior Court and Judge Marnocha for clarification of the record.

The Clerk of this Court is directed to forward notice of this Order to the Hon. John M. Marnocha, St. Joseph Superior Court, 101 South Main Street, South Bend, IN 46601-1807, 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 22nd day of December, 2006.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana