

STATE OF INDIANA )

IN THE CLINTON CIRCUIT COURT

)

COUNTY OF CLINTON )

CAUSE NO.

IN RE THE CASELOAD ALLOCATION )

PLAN OF )

)

CLINTON COUNTY )

The Judges of Clinton County, Indiana have reviewed the 2022 Weighted Caseload Statistics for Clinton Circuit Court and Clinton Superior Court. After review, we believe we are in compliance with an even distribution of cases.

The Judges of Clinton County, Indiana are suggesting a change to their Local Rules, LR12 - CR 2.2 - Rule 01, to modify how criminal cases are assigned. The Judges believe the proposed change will be easier to follow and will assist in more evenly dividing criminal cases. The Judges do not believe the change will cause our caseload to fall out of compliance with an even distribution of cases.

Dated this May 18, 2023.

/s/

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Bradley K. Mohler

Judge, Clinton Circuit Court

STATE OF INDIANA )

IN THE CLINTON CIRCUIT COURT

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COUNTY OF CLINTON )

CAUSE NO.

### NOTICE OF PROPOSED AMENDMENTS TO LOCAL COURT RULES

In accordance with Trial Rule 81 of the Indiana Court Rules, the Clinton Circuit Court and Clinton Superior Court hereby give notice to the bar and the public that the Court propose to amend the Local Rules for the courts of record for Clinton County, effective January 1, 2024. All new text is shown in **bold** and deleted text is shown by ~~strikethrough~~.

The time period for the bar and the public to comment shall begin on June 1, 2023 and shall close on July 1, 2023. The proposed amendments to the rules will be adopted, modified, or rejected before July 31, 2023, and, if required, the final version of the rules will be submitted to the Indiana Supreme Court for review and approval not later than August 1, 2023 with an effective date of January 1, 2024.

Comments by the bar or public should be made in writing and mailed, or emailed, to:

Bradley K. Mohler  
Clinton Circuit Court  
355 Courthouse Square  
Frankfort, Indiana 46041  
[bmohler@clintonco.com](mailto:bmohler@clintonco.com)

A paper copy of the proposed amended Local Rules will be made available for viewing in the office of the Clerk of Clinton County, 265 Courthouse Square, Frankfort, Indiana 46041 during normal business hours.

/s/

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Bradley K. Mohler

Judge, Clinton Circuit Court

## LR12 - CR 2.2 - RULE 01

### FILING OF CRIMINAL CASES

**1.10** As required by Criminal Rule 2.2 and subject to approval by the Indiana Supreme Court, Clinton Circuit Court and Clinton Superior Court adopt the following Local Rule by which felony and misdemeanor cases are assigned to each court:

**1.20 General Provisions.** ~~Except as provided by LR12 - CR2.2 - Rule 1.30, misdemeanor cases shall be assigned to Superior Court. Except as provided in LR12 - CR2.2 - Rule 1.30, all criminal cases involving felonies or murder shall be assigned to a court on a monthly rotating basis according to the month in which the felony occurred. If the crime is alleged to have first occurred in an odd-numbered month, the case shall be assigned to Circuit Court. If the crime is alleged to have first occurred in an even-numbered month, the case shall be assigned to Superior Court.~~ Except as provided by LR12 - CR2.2 - Rule 1.30, misdemeanor cases shall be assigned on a monthly rotating basis according to the month in which the crime is alleged to have occurred, with cases occurring in odd-numbered months assigned to Superior Court and with cases occurring in even-numbered months assigned to Circuit Court. Except as provided by LR12 - CR2.2 - Rule 1.30, felony cases shall be assigned on a monthly rotating basis according to the month in which the crime is alleged to have occurred, with cases occurring in even-numbered months assigned to Superior Court and with cases occurring in odd-numbered months assigned to Circuit Court.

**1.30 Exceptions.**

a. ~~Cases involving crimes at Title 9 (traffic offenses) shall be assigned to Superior Court.~~

b. ~~Cases involving crimes at I.C. 35-42-4 (sex related crimes) shall be assigned to Circuit Court.~~

c. ~~Cases involving crimes at I.C. 35-43 (offenses against property) shall be assigned to Circuit Court.~~

d. ~~Cases involving crimes at I.C. 35-46-1-15.1 (invasion of privacy) shall be assigned to the Court that issued the Protection Order or No Contact Order if such Order was issued by a court in Clinton County.~~

e. ~~Cases involving crimes at I.C. 35-44-3 or I.C. 35-44.1-3 (interference, fleeing, or resisting governmental operations) shall be filed in the Court that issued the original Order or other process that is alleged to have been violated.~~

f a. Cases involving crimes at Title 7.1 (alcohol offenses) shall be assigned to Circuit Court.

g b. Cases involving crimes at I.C. 20-33-2 (compulsory school attendance) shall be assigned to Circuit Court.

h c. Cases involving crimes at I.C. 35-46-1-5, I.C. 35-46-1-6, and I.C. 35-46-1-7 (non support) shall be assigned to the Court that issued the support order. If the case will be filed based on multiple support orders, or if the support order was issued in another jurisdiction, or if the case will be filed based on any other basis, the case shall be assigned to Circuit Court.

**1.40 Application of Assignment Rules.** Where multiple offenses are filed, the most serious offense shall control the court assignment. Where multiple offenses are filed, the date of the earliest offense shall control the court assignment. Should the month of the offense be unknown, the case shall be assigned according to the year of the offense, with odd-numbered cases assigned to Circuit Court and even-numbered cases assigned to Superior Court. Where the foregoing rules still do not define a court for

assignment, a felony case shall be assigned to Circuit Court and a misdemeanor case shall be assigned to Superior Court.

**1.50 Added Charges.** In the event additional related charges are filed against a defendant after a court has been assigned, such additional charges shall be filed in the same court where the case is pending.

## LR12 - TR63 - RULE 06

### TEMPORARY JUDGES

**6.10.** Each regular sitting judge shall be empowered to act as a temporary judge of the other Court for all types of cases in the absence or unavailability of the regular sitting judge of the other Court **or for any other reason.**

**6.20.** As needed, a regular sitting judge may appoint one or more pro tempore judges to serve in the event of his temporary unavailability and the unavailability of the other judge.

**6.30.** Where a pro tempore judge or the other regular sitting judge sits as judge for a temporary period, the judge of the court where the case is pending retains jurisdiction and may resume sitting as judge for all proceedings without any formal order discontinuing the temporary judge's service.