

20S-CB-143

In the Indiana Supreme Court
Indianapolis, Indiana

Case No.:

EMERGENCY PETITION FOR ADMINISTRATIVE ORDERS FOR SHELBY COUNTY

Come now the Courts of Shelby County (Shelby Circuit Court and Shelby Superior Courts I and II, hereinafter courts) and petition the Supreme Court for relief under Ind. Administrative Rule 17. In Support of this petition, the courts inform the Supreme Court as follows:

The courts have convened in banc and have determined:

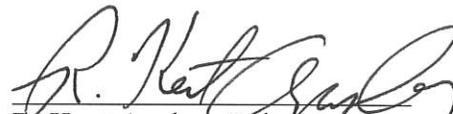
- A) That the World Health Organization has determined the outbreak of COVID-19 is a worldwide pandemic, and that it is spreading across the state, nation, and world.
- B) That on March 13, 2020, President Trump declared a National Emergency as a result of the COVID-19 outbreak.
- C) That on March 6, 2020, Governor Holcomb signed an executive order declaring an emergency related to COVID-19.
- D) That the Center for Disease Control (CDC) has determined that "social distancing" among other preventative measures is necessary for the prevention of further spreading the COVID-19 virus.
- E) That as of March 15, 2020 the CDC recommends the cancellation of in-person gatherings of fifty (50) people or more for the next eight (8) weeks.
- F) That the CDC has further determined that drastic steps are immediately required to halt the spread of the virus and to protect public health care systems from being inundated.
- G) That all K-12 Schools located in Shelby County have closed for at least two weeks beginning March 16, 2020. Those schools include, but are not limited to, Shelbyville Central Schools, Shelby Eastern Schools, Northwestern Consolidated Schools, and Southwestern Consolidated Schools.
- H) That Governor Holcomb has ordered that all dine-in restaurants and bars are to close.
- I) That the entire population of Shelby County is susceptible to the virus. That based upon the most recent information available there is currently no vaccine available for the COVID-19 virus.

- J) That the courts find that on any given day several hundred people enter into, and congregate in, the Shelby County Courthouse, including those people that appear for hearings and/or jury trials in the Circuit Court or Superior Courts, those that appear for Probation, those that appear in person in the Clerk's Office, and those that appear in person at the Prosecutor's Office.
- K) That the courts find that allowing large volumes of people to appear at the Shelby County Courthouse represents a failure to halt the spread of COVID-19.
- L) That do to a shortage of cleaning and sanitation products in all of the local stores, the courts find that Shelby County does not possess adequate hygiene stations or sanitation supplies to keep up with the continuous cleaning that would be required should large groups of people continue to appear in the immediate future.
- M) That the protection of Shelby County Employees and the public is priority.
- N) That the courts have appointed Judge R. Kent Apsley as the presiding Judge for this emergency.
- O) That the judges of the courts request that the Supreme Court declare that an emergency exists in Shelby County under the authority of Ind. Admin Rule 17, and to make appropriate emergency orders for Shelby County directing and allowing the courts and clerk of Shelby County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted below.
- P) That the court's Emergency Plan which would take place upon approval of the Supreme Court and run through May 4, 2020 (unless otherwise noted below), is as follows:
 - 1) That being cognizant of the transparency of the courts and the Judicial System, the court may take steps to limit spectators in the courtroom to provide adequate social distancing, if necessary, for the safety of County employees and the public in general, taking into consideration the constitutional rights of all parties. This shall not include the Parties, their attorneys, or witnesses.
 - 2) The immediate continuance of all jury trials, civil and criminal, including those requests for a "fast and speedy" trial until May 4, 2020, to eliminate the gathering of large groups of people to try to limit the spread of the COVID-19 virus.
 - 3) That the courts respectfully request that the Supreme Court authorize the tolling of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, omnibus deadlines, public health, and mental health matters; all judgements, support and other orders; and in all other criminal and

civil matters before the courts of Shelby County between March 16, 2020 through May 4, 2020.

- 4) That the courts may continue all pre-trial conferences and non-essential hearings; hold hearings by counsel only whenever possible; and allow counsel to appear remotely.
- 5) With respect to evidentiary hearings and trials, the courts now hereby finds that (i) the existence of flu or “flu-like” symptoms in any party to the case, including witnesses expected to testify; or (ii) exposure of such individuals to anyone who has or may have COVID-19, shall be considered good cause to appear remotely or continue a court setting to the extent possible, and without violating statutory or constitutional rights, the court will accommodate those requests/motions.
- 6) Court staff is authorized to work from home or remotely as directed by the presiding judge of each court.
- 7) Given the fluid nature of this pandemic, the terms of this order may be modified or extend as approved by the Courts and the Indiana Supreme Court.

DONE at Shelbyville, Indiana, this 16th day of March, 2020



R. Kent Apsley, Judge
Shelby Superior Court I



David N. Riggins, Judge
Shelby Superior Court II



Trent E. Meltzer, Judge
Shelby Circuit Court