

20S-CB-199

STATE OF INDIANA)
)
 COUNTY OF HAMILTON)

SS:

IN THE CARMEL CITY COURT

CAUSE NO: 29H01

ORIGINAL MATTER

PETITION FOR RELIEF UNDER INDIANA ADMINISTRATIVE RULE 17

Comes now the Carmel City Court of Hamilton County and petitions the Supreme Court for relief under Indiana Administrative Rule 17. In support of this petition, the court informs the Supreme Court as follows:

1. I am the judge of Carmel City Court and have determined:
 - A. The President of the United States and the Governor of the State of Indiana have declared a national emergency over the entire State;
 - B. The Hamilton County Health Department has recommended the closure of all county schools beginning Monday, March 16, 2020, and lasting until April 13, 2020;
 - C. County governmental officials and the elected Mayors of Carmel, Fishers, Noblesville and Westfield having issued directives designed to protect the public by banning gatherings of more than 250 persons, allowing municipal employees to work from home and halting non-essential travel for municipal employees;
 - D. The United States Center for Disease Control is encouraging "social distancing" as a means of limiting the spread of COVID-19, also known as novel coronavirus, and other potentially fatal viruses, and has recommended gatherings of 50 or more persons be cancelled or postponed for the next 8 weeks;
 - E. Hamilton County health officials, on March 15, 2020, confirmed the first known case of a Hamilton County resident testing positive for COVID-19;
 - F. The Carmel City Court holds hearings and proceedings which result in hundreds of people entering the Carmel City Hall each week;
 - G. I have met with local stakeholders and government leaders regarding this situation and received their input on its proposed operational changes;
 - H. I am fully aware of the concerns of the Hamilton County Health Department and on the spread of COVID-19 and the impact court operations may have on the spread of the disease in the community;
 - I. The court has received numerous questions and concerns about the health and safety of the public, court staff and other employees of the City of Carmel;
 - J. That mitigation of contagions is of utmost importance to protect the citizens of Hamilton County and the City of Carmel;
 - K. The administration of justice and access to the court must be balanced with the health, safety and security of the people of Hamilton County and the City of Carmel;
 - L. I propose the following measures to maintain continuity of the court operations during this emergency:
 - i. All laws, rules and procedures setting time limits for speedy trials in criminal proceedings shall be tolled.

- ii. All cases deemed non-essential shall be continued.
- iii. In criminal proceedings, bond hearings and arraignments of inmates shall be deemed essential.
- iv. Initial Hearings, for individuals that have been issued a summons to appear, and are not in custody, shall be rescheduled for a date 60 days in the future.
- v. Judge may, in his discretion, schedule and hold a hearing in any case not listed above which he deems to be essential.
- vi. Traffic Court (Infractions and Local Ordinances) proceedings shall be suspended and rescheduled at least 60 days in the future.
- vii. The court shall have authority to limit spectators or other persons gathering in the courtroom and adjacent hallway.
- viii. The court shall communicate with the Hamilton County Bar and the general public to inform them of these rules and procedures and to make provisions to deal with emergency matters.
- ix. Communicate to the Indiana Supreme Court with a status update not later than May 15, 2020, to determine if the emergency persists.

The judge of Carmel City Court requests the Indiana Supreme Court declare an emergency exists in City of Carmel, Hamilton County under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for the City of Carmel directing and allowing the court and clerk of Carmel City Court to alter, modify and suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately address this emergency.

DONE at Carmel, Indiana on this 19th day of March, 2020.



Brian G Poindexter,
Judge, Carmel City Court

