

In The Indiana Supreme Court

CASE NO. 29S-CB-133

PETITION FOR ADDITIONAL RELIEF UNDER INDIANA ADMINISTRATIVE RULE 17

Come now the Circuit and Superior Courts of Hamilton County and petition the Supreme Court for additional relief under Indiana Administrative Rule 17. In support of this petition, the courts inform the Supreme Court as follows:

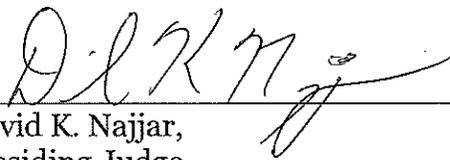
1. The courts of Hamilton County filed for emergency relief under Indiana Administrative Rule 17 on March 16, 2020.
2. The Indiana Supreme Court issued an order on the petition on March 18, 2020 under case number 20S-CB-133.
3. Since the Supreme Court's order was issued, the courts of Hamilton County have been operating under the parameters of the Supreme Court's order. In light of the far-reaching effects of COVID-19 on the courts, including directives and advice from the Governor of the State of Indiana, the State Department of Health, and the Hamilton County Health Department, the courts are requesting additional relief from the Indiana Supreme Court.
4. Indiana Administrative Rule 14 contains provisions for conducting hearings by telephone or audiovisual telecommunication during a declared emergency under Indiana Administrative Rule 17. Strict adherence to Administrative Rule 14, however, may not allow for all hearings to be conducted in this fashion absent the consent of all parties.

5. The courts of Hamilton County have been utilizing audio/video technology to conduct essential and emergency hearings.
6. **The courts of Hamilton County seek** an order from this Court suspending Administrative Rule 14 and allow for all hearings during this emergency to be conducted by telephone or audiovisual telecommunications, subject to the due process rights of litigants.
7. Hamilton County has 125 residents in its work release facility. Though many have recently lost their jobs due to the economic shutdown, ninety-four (94) of the residents are working in and around Hamilton County. These residents come into contact with many more individuals while they are working, and then return to dormitory-style housing at the end of each shift, potentially exposing other program participants to illness.
8. Should any resident at the work release facility exhibit symptoms consistent with COVID-19, the Hamilton County Health Department will impose a quarantine on the residents of one or more of the 24-48 person living units, potentially much of the facility, and on much of the Community Corrections staff.
9. Many of the residents in the Hamilton County work release facility are placed in open commitment status and may be moved to electronically monitored home detention without a modification of their sentence. Many more, however, cannot be moved from work release without a modification of sentence.
10. **The courts of Hamilton County seek** an order from this Court authorizing temporary modification of sentences where a defendant has been ordered to serve a direct commitment through work release, allowing the defendant to be moved to electronically monitored home detention for the duration of this

emergency. The courts of Hamilton County further request that such modification be granted upon notice to all parties, with an opportunity for all parties, including any applicable victim, to respond or to object, but without the requirement of a hearing. If a hearing is required or necessary, that hearing shall be conducted by audiovisual telecommunications.

WHEREFORE, the Circuit and Superior Courts of Hamilton County hereby request the Indiana Supreme Court grant additional emergency relief as set forth herein, so as to appropriately address this emergency.

DONE at Noblesville, Indiana, this 30 day of March, 2020.



David K. Najjar,
Presiding Judge

