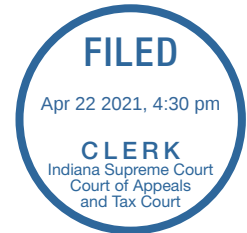


In the
Indiana Supreme Court

In the Matter of the Approval of Local
Rules for Grant County

Supreme Court Case No.
21S-MS-157



Order Approving Amended Local Rule

The Judges of the Grant Circuit and Superior Courts request the approval of amended local rule for caseload allocation in accordance with Indiana Administrative Rule 1(E) and Criminal Procedure Rule 2.2. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendments requested by the Grant Circuit and Superior Courts, this Court finds that the proposed rule amendments at LR27-CR 2.2-2 complies with the requirements of Indiana Administrative Rules 1(E) and Criminal Procedure Rule 2.2, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule, LR27-CR 2.2-2, for Grant Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective May 1, 2021.

Done at Indianapolis, Indiana, on 4/22/2021.

A handwritten signature in black ink, appearing to read "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

LR-27 CR 2.2-2
Assignment of Criminal Cases

All felony and misdemeanor (CM) cases [and all infraction (IF) cases and all ordinance (OV) cases] are to be filed in the Courts in Grant County pursuant to this Local Rule (this Rule). The Courts are Gas City City Court (27H01), Marion City Court (27H02), Grant Circuit Court (27C01), Grant Superior Court 1 (27D01), Grant Superior Court 2 (27D02), and Grant Superior Court 3 (27D03).

I. Case Assignments When There Are No Pending Cases nor Probation

Cases shall be assigned as set out below when no other criminal proceeding is pending and when the Defendant is not on probation:

- A. The following cases shall be filed in 27H01:
 - (1) All CM and IF cases that are alleged to have occurred in Grant County, Indiana, outside the corporate limits of the City of Marion, except those assigned to 27D03 pursuant to this Rule.
 - (2) All OV cases that are alleged to have occurred within the city limits of Gas City.
 - (3) All CM and infraction cases that are alleged to have occurred within the corporate limits of the City of Marion, when the primary law enforcement officer is an officer with the Grant County Sheriff's Department or with the Indiana State Police, except those cases assigned to 27D03 pursuant to this Rule.
 - (4) All CM cases in which the crime alleged is compulsory school attendance violation [Ind. Code § 20-33-2], including cases that would otherwise be filed in 27H02.
- B. The following cases shall be filed in 27H02:
 - (1) All CM and IF cases that are alleged to have occurred within the corporate limits of the City of Marion, Indiana, that are not assigned to 27H01 or 27D03.
 - (2) All OV cases that are alleged to have occurred within the city limits of Marion.
- C. The following cases shall be filed in 27C01:
 - (1) All waivers of jurisdiction over juveniles to adult court.
 - (2) All cases designated as Drug Court or Veterans Court cases.
 - (3) All Level 6 felony (L6) controlled substance and possession of a syringe cases.
 - (4) All grand jury proceedings, including impaneling the grand jury.
- D. The following cases shall be filed in 27D01:
 - (1) All Reentry Court cases.
- E. The following cases shall be filed in 27D02:

- (1) All juvenile cases except waivers of jurisdiction to adult court.
 - (2) All L6 domestic battery cases.
 - (3) All L6 strangulation cases.
 - (4) All felony neglect of a dependent cases.
 - (5) All L6 cases in which the Grant County Prosecutor initially determines that domestic violence may be involved, such as a residential entry or intimidation, even if a domestic violence charge is not filed.
- F. The following cases shall be filed in 27D03:
- (1) All OV cases, other than those assigned to 27H01 or 27H02.
 - (2) All trial de novo cases from 27H01 or 27H02.
 - (3) All cases transferred from 27H01 or 27H02 due to a timely jury trial demand.
 - (4) All cases transferred from 27H01 and 27H02 when the City Court Judge enters an order of disqualification or recusal or grants a motion for change of judge.
 - (5) All CM cases that include a charge under I.C. § 9-30-5 (Operating a Vehicle While Intoxicated).
 - (6) All L6 traffic cases and all L6 theft cases, even if the Defendant has a prior felony conviction unless an additional L6 felony is charged that calls for the case to be filed in 27C01 or 27D02 under C or E.
 - (7) All other L6 cases, except L6 cases that are assigned to 27C01 or 27D02 pursuant to this Rule.

II. Case Assignments When There Is a Pending Case or Probation

- A. If charges are pending against an individual in 27C01, 27D01, or 27D02 or if an individual is on probation in 27C01, 27D01, or 27D02, and a new felony charge is filed, the new felony shall be filed in the Court with the pending charge or probation.
- B. If charges are pending against an individual in 27D03, or if an individual is on probation in 27D03, and a new L6 case is filed, it shall be filed in 27D03.
- C. Otherwise, the felony cases shall be filed as shown in Section I and III of this Rule.

III. Ball Draw for All Other Criminal Cases

All other felony cases, including those filed upon a grand jury indictment, shall be filed by random selection in 27C01, 27D01 and 27D02. Random selection shall be done as follows:

- A. The Clerk of the Grant Circuit Court (the Clerk) shall maintain a closed container with three (3) balls of the same size and weight. Each Court shall be represented by one (1) of the three (3) balls.

- B. The Clerk shall randomly select a ball from the closed container and the case shall then be filed in the Court that has been designated for that particular ball. The Clerk shall enter the Court so designated on the criminal information and record the date and time the Court was selected.
- C. If the case must be transferred from the Court selected on the first draw, the Clerk shall randomly select a ball for one (1) of the two (2) remaining Courts and the case shall then be filed in the Court that has been designated for that particular ball. The Clerk shall enter the Court so designated on the criminal information and record the date and time the Court was selected.
- D. If the case must be transferred from the Court selected on the second draw, the case shall be transferred to the remaining Court. The Clerk shall enter the Court so designated on the criminal information and record the date and time the Court was selected.
- E. If the case must be transferred from the third Court selected, the case shall be transferred to the 27D03. The Clerk shall enter the Court so designated on the criminal information and record the date and time of the Court was selected.
- F. If a case filed in 27D03 must be transferred to another Court, the Clerk is to use the random selection process outlined above.
- G. If 27C01, 27D01, or 27D02 becomes over-burdened with cases from the blind draw system that Court's ball may be removed from further draws in criminal cases upon majority vote of the three (3) Judges of those Courts for whatever length of time and upon such terms and conditions that those Judges agree.
- H. When a change of Judge has been granted, the successor Court shall be selected in accordance with the random selection process outlined above. If all Grant County Judges have declined to exercise jurisdiction or are unable to do so, a special judge will be assigned according to the provisions of Local Rule 79-3(E).

IV. Miscellaneous Provisions

- A. Multiple offenses against the same defendant arising from the same course of conduct shall be filed contemporaneously with the other charges using the highest class of charge in determining in which Court the case shall be filed.
- B. When multiple defendants are charged with crimes arising out of the same facts and circumstances, all of the charges shall be filed in the same Court, which shall be selected according to the highest class of the charges filed against any of the defendants.
- C. The Judge of one Court may transfer any case to be redocketed in another Court, if the Judge of the receiving Court consents to the transfer and the receiving Court has jurisdiction over the subject matter of the case.