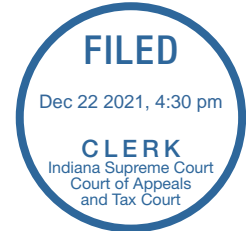


In the  
**Indiana Supreme Court**



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

Supreme Court Case No.  
21S-MS-87

**Order Approving Amended Local Rule**

The Judges of the Delaware Circuit Courts request the approval of amended local rules for caseload allocation in accordance with Indiana Administrative Rule 1(E), for criminal case assignments in accordance with Criminal Procedure Rule 2.2, and for criminal special judge selection in accordance with Criminal Procedure Rule 13. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Delaware Circuit Courts, this Court finds that the proposed rule amendments at LR18-AR00-DLR-0012 comply with the requirements of Indiana Administrative Rule 1(E), LR18-CR00-DLR-0006 comply with the requirements of Criminal Procedure Rule 2.2, and LR18-CR00-DLR-0006.5 comply with the requirements of Criminal Procedure Rule 13, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR18-AR00-DLR-0012, LR18-CR00-DLR-0006, and LR18-CR00-DLR-0006.5, for the Delaware Circuit Courts, set forth as an attachment to this Order, are approved effective January 1, 2022.

Done at Indianapolis, Indiana, on 12/22/2021.

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

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Loretta H. Rush  
Chief Justice of Indiana

**LR18-AR00-DLR-0012**  
**Allocation and Assignment of Cases**

Cases shall be filed per the following allocation:

**Circuit Court No. 1**

**Criminal:** Crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A felony), FB (Class B felony), FC (Class C felony), FD (Class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C Felonies or D Felonies. Crimes committed on or after July 1, 2014: MR (Murder); F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); F5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal, Firearm Seizure – excluding Waiver of Reinstatement of Fees Cases), and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5 and 6 felonies.

**Civil:** PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR, DC, DN (Domestic Relations), MI (Miscellaneous – excluding Specialized Driving Privilege Cases, excluding Judicial Review of Habitual Violator Suspension Cases), ES, EM, EU, GU, TR (Probate), PO (Protective Orders), PC (Post-Conviction Relief).

**Circuit Court No. 2**

**Criminal:** Crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A felony), FB (Class B felony), FC (Class C felony), FD (Class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C Felonies or D Felonies. Crimes committed on or after July 1, 2014: MR (Murder); F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); F5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal – excluding Firearm Seizure, excluding Waiver of Reinstatement of Fees Cases), and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5 and 6 felonies.

**Juvenile:** JP (Juvenile Paternity), JD (Juvenile Delinquency), JS (Juvenile Status), JM (Juvenile Miscellaneous), JC (Juvenile CHINS), JT (Juvenile Termination), JQ (Juvenile Protective Order), JM (Juvenile Miscellaneous).

**Civil:** PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR, DC, DN (Domestic Relations), AD (Adoption), MI (Miscellaneous - excluding Specialized Driving Privilege Cases, excluding Judicial Review of Habitual Violator Suspension Cases), GU-with related juvenile cases ONLY, RS (Reciprocal Support), PO (Protective Orders), PC (Post-Conviction Relief).

**Circuit Court No. 3**

**Criminal:** Crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A felony), FB (Class B felony), FC (Class C felony), FD (Class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C Felonies or D Felonies. Crimes committed on or after July 1, 2014: MR (Murder); F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4

felony); F5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal, Waiver of Reinstatement of Fees Cases-excluding Firearm Seizure), and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5 and 6 felonies.

**Civil:** PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR, DC, DN (Domestic Relations), MI (Miscellaneous, Specialized Driving Privilege Cases, Judicial Review of Habitual Violator Suspension Cases), MH (Mental Health), PO (Protective Orders), XP (Expungement), PC (Post-Conviction Relief).

#### **Circuit Court No. 4**

**Criminal:** Crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A felony), FB (Class B felony), FC (Class C felony), FD (Class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C Felonies or D Felonies. Crimes committed on or after July 1, 2014: MR (Murder); F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); F5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal – excluding Firearm Seizure, excluding Waiver of Reinstatement of Fees Cases), and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5 and 6 felonies.

**City Court:** Any criminal cases transferred from Muncie City Court may be filed in the Division of the Circuit Court that holds the highest pending felony charge, regardless of when the misdemeanor crime was allegedly committed.

If no felony cases are pending against the Defendant the misdemeanor will be filed in the Delaware Circuit Court No. 4 or No. 5 under the following rotation schedule:

- Circuit Court No. 4: January, March, May, July, September and November;
- Circuit Court No. 5: February, April, June, August, October, and December.

A “pending” case is a case not yet disposed of by guilty plea, jury trial, bench trial, bench disposition, or dismissal.

**Civil:** PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR, DC, DN (Domestic Relations), AD (Adoption), MI (Miscellaneous - excluding Specialized Driving Privilege Cases, excluding Judicial Review of Habitual Violator Suspension Cases) PO (Protective Order), SC (Small Claims), EV (Eviction), PC (Post-Conviction Relief).

#### **Circuit Court No. 5**

**Criminal:** Crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A felony), FB (Class B felony), FC (Class C felony), FD (Class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C Felonies or D Felonies. Crimes committed on or after July 1, 2014: MR (Murder); F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); F5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal –

excluding Firearm Seizure, excluding Waiver of Reinstatement of Fees Cases), and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5 and 6 felonies.

**City Court:** Any criminal cases transferred from Muncie City Court may be filed in the Division of the Circuit Court that holds the highest pending felony charge, regardless of when the misdemeanor crime was allegedly committed.

If no felony cases are pending against the Defendant the misdemeanor will be filed in the Delaware Circuit Court No. 4 or No. 5 under the following rotation schedule:

- Circuit Court No. 4: January, March, May, July, September and November;
- Circuit Court No. 5: February, April, June, August, October, and December.

A “pending” case is a case not yet disposed of by guilty plea, jury trial, bench trial, bench disposition, or dismissal.

**Civil:** PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR, DC, DN (Domestic Relations), MF (Mortgage Foreclosure), MI (Miscellaneous – excluding Specialized Driving Privilege Cases, excluding Judicial Review of Habitual Violator Suspension Cases), PO (Protective Order), SC (Small Claims), EV (Eviction), ES, EU, EM, GU, TR (Probate), TS (Tax Sale), TP (Tax Deed Petition), PC (Post-Conviction Relief).

1. Assignment of cases as heretofore set out will continue to be subject to all Local Rules regarding non-discretionary assignment of felony and misdemeanor cases.
2. Forfeiture Proceedings – The State of Indiana shall file the forfeiture action as a miscellaneous civil (MI) action in the Circuit Court Division where the State either has filed or is required to file the related criminal action pursuant to Local Rule. If the State does not intend to file a criminal action, or the criminal action has been filed with Muncie City Court, the State shall then file the forfeiture as a miscellaneous (MI) action in the Circuit Court where the criminal case would have been filed had it been filed in Circuit Court.

## **LR18-CR00-DLR-0006**

### **Criminal Practice and Procedure**

#### **A. Assignment of Cases.**

The following case numbers shall be used for crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A felony), FB (Class B felony), FC (Class C felony), FD (Class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C felonies or D felonies. The following case numbers shall be used for crimes committed on or after July 1, 2014: MR (Murder); F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); L5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Level 1, 2, 3, 4, 5 and 6 felonies.

All felonies, charging Murder, Levels 1, 2, 3, 4, 5 and 6 will be assigned to the appropriate court based upon the month in which the offense is alleged to have occurred.

The following monthly rotation is now established, effective October 1, 2019:

- Circuit Court No. 2 - the first month (October 1, 2019)
- Circuit Court No. 3 - the second month;
- Circuit Court No. 4 - the third month;
- Circuit Court No. 5 - the fourth month;
- Circuit Court No. 1 - the fifth month.

Thereafter, the monthly rotation among the courts will continue in this sequence until further order.

**B. Standalone Misdemeanors and Misdemeanors Transferred from Muncie City Court.**

1. If a felony case is pending against a defendant, a misdemeanor shall be filed in or transferred into the Division of the Circuit Court that holds the highest pending felony charge, regardless of when the misdemeanor crime was allegedly committed.

2. If no felony cases are pending against the Defendant, the misdemeanor will be filed or transferred into in the Delaware Circuit Court No. 4 or No. 5 under the following rotation schedule:

- Circuit Court No. 4: January, March, May, July, September and November;
- Circuit Court No. 5: February, April, June, August, October, and December.

3. A “pending” case is a case not yet disposed of by guilty plea, jury trial, bench trial, bench disposition, or dismissal.

**C. Transfer and Reassignment.**

A judge may transfer and reassign to any of the other five Circuit Court Judges a pending case, by issuing a written order for transfer, and subject to the receiving court’s acceptance, unless the conditions below are met, and acceptance is not required.

If a Defendant charged with a pending felony case is later charged with a higher felony, the Court with the lower level felony shall transfer the lower level felony case to the court with the higher pending felony case, either on its own motion or at a party’s request.

A “pending” case is a case not yet disposed of by guilty plea, jury trial, bench trial, bench disposition, or dismissal.

If the case transferred is a Level 5 or Level 6 felony, the transferring court shall order the Clerk to transfer the case to the receiving court, and the Clerk shall transfer the case without an order of acceptance.

**D. Filing and Reassignment of Class Level 6 felony or D felony Cases.**

Any Level 6 felony or Class D felony case may be filed in the Division of the Circuit Court that holds another pending felony charge, regardless of when the Level 6 felony or Class D felony offense was allegedly committed.

**E. Re-filing by the State.**

In the event the State of Indiana dismisses a case and later re-files that case, the State shall file the case in the court which dismissal was taken.

In the event the State of Indiana dismisses a case, any subsequent related cases filed against such defendant within ninety (90) days shall be assigned to the court from which dismissal was taken.

**F. Additional Related Charges.**

If the State files additional related charges against a Defendant, after the case is initially assigned, the State shall file all additional related charges in the court of initial assignment.

**G. Additional Unrelated Charges.**

If a Defendant has allegedly committed multiple offenses in different months, the date of the highest-level alleged offense shall control the assignment. If a Defendant has committed the same level of felony in different months, the date of the first alleged offense shall control the assignment.

**LR18-CR00-DLR-0006.5**

**Criminal Case Reassignment and Special Judge Selection**

**A. Reassignment.**

If a judge grants a change of judge motion, or should a judge find it necessary to disqualify and assign a different judge to a case, the Clerk shall reassign the case as follows:

- Cases from the Delaware Circuit Court No. 1 shall be reassigned to the Delaware Circuit Court No. 2.
- Cases from the Delaware Circuit Court No. 2 shall be reassigned to the Delaware Circuit Court No. 3.
- Cases from the Delaware Circuit Court No. 3 shall be reassigned to the Delaware Circuit Court No. 4.
- Cases from the Delaware Circuit Court No. 4 shall be reassigned to the Delaware Circuit Court No. 5.
- Cases from the Delaware Circuit Court No. 5 shall be reassigned to the Delaware Circuit Court No. 1.

If the judge to whom the case is assigned cannot assume jurisdiction for any reason, the Clerk shall assign the case to the next judge in the consecutive order as set out above.

**B. Special Judge Assignment – Outside Delaware County**

If the Clerk is unable to assign a special judge under the provisions of Trial Rule 79(H), then the regular sitting judge shall direct the Clerk of Delaware County to select (on a rotating basis) one of the judges from the following available panel of judges:

- a. Presiding Judge, Blackford Circuit Court;
- b. Presiding Judge, Blackford Superior Court;
- c. Presiding Judge, Henry Circuit Court No. 1
- d. Presiding Judge, Henry Circuit Court No. 2;
- e. Presiding Judge, Henry Circuit Court No. 3;
- f. Presiding Judge, Jay Circuit Court;
- g. Presiding Judge, Jay Superior Court;
- h. Presiding Judge, Randolph Circuit Court;
- i. Presiding Judge, Randolph Superior Court;

If a special judge selected from the rotating list is ineligible for, disqualified from, or excused from appointment, then the regular sitting judge shall direct the Delaware County Clerk to select (on a rotating basis) the next judge on the list.

If the Clerk is unable to assign a special judge from the judges listed above, then the Clerk shall select a judge from the contiguous counties of Madison or Grant.

In the event that no judicial officer within the above list is eligible to serve as special judge, or if the case's particular circumstances warrant selection of a special judge by the Indiana Supreme Court, the judge of the court in which the case is pending shall certify the matter to the Indiana Supreme Court to appoint a special judge.