

In the Indiana Supreme Court

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

Supreme Court Case No.
23S-MS-326



Order Approving Amended Local Rules

The Judges of the Clinton Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Indiana Administrative Rule 1(E) and for criminal case assignments in accordance with 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 Clinton Circuit and Superior Courts, this Court finds that the proposed rule amendments to LR12-CR 2.2-Rule 01 comply with the requirements of Indiana Administrative Rule 1(E) and Criminal Procedure Rule 2.2, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule, LR12-CR 2.2-Rule 01, for the Clinton Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective January 1, 2024.

Done at Indianapolis, Indiana, on 11/20/2023.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", written over a horizontal line.

Loretta H. Rush
Chief Justice of Indiana

LR12 - CR 2.2 - RULE 01
FILING OF CRIMINAL CASES

1.10 As required by Criminal Rule 2.2 and subject to approval by the Indiana Supreme Court, Clinton Circuit Court and Clinton Superior Court adopt the following Local Rule by which felony and misdemeanor cases are assigned to each court:

1.20 General Provisions. Except as provided by LR12 - CR2.2 - Rule 1.30, misdemeanor cases shall be assigned on a monthly rotating basis according to the month in which the crime is alleged to have occurred, with cases occurring in odd-numbered months assigned to Superior Court and with cases occurring in even-numbered months assigned to Circuit Court. Except as provided by LR12 - CR2.2 - Rule 1.30, felony cases shall be assigned on a monthly rotating basis according to the month in which the crime is alleged to have occurred, with cases occurring in even-numbered months assigned to Superior Court and with cases occurring in odd-numbered months assigned to Circuit Court.

1.30 Exceptions.

a. Cases involving crimes at Title 7.1 (alcohol offenses) shall be assigned to Circuit Court.

b. Cases involving crimes at I.C. 20-33-2 (compulsory school attendance) shall be assigned to Circuit Court.

c. Cases involving crimes at I.C. 35-46-1-5, I.C. 35-46-1-6, and I.C. 35-46-1-7 (non support) shall be assigned to the Court that issued the support order. If the case will be filed based on multiple support orders, or if the support order was issued in another jurisdiction, or if the case will be filed based on any other basis, the case shall be assigned to Circuit Court.

1.40 Application of Assignment Rules. Where multiple offenses are filed, the most serious offense shall control the court assignment. Where multiple offenses are filed, the date of the earliest offense shall control the court assignment. Should the month of the offense be unknown, the case shall be assigned according to the year of the offense, with odd-numbered cases assigned to Circuit Court and even-numbered cases assigned to Superior Court. Where the foregoing rules still do not define a court for assignment, a felony case shall be assigned to Circuit Court and a misdemeanor case shall be assigned to Superior Court.

1.50 Added Charges. In the event additional related charges are filed against a defendant after a court has been assigned, such additional charges shall be filed in the same court where the case is pending.