

In the
Indiana Supreme Court

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

Supreme Court Case No.
23S-MS-362



Order Approving Amended Local Rule

The Judges of the Ripley County 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 Ripley County Circuit and Superior Courts, this Court finds that the proposed rule amendments to LR69-AR-01 comply with the requirements of Administrative Rule 1(E) and Criminal Procedure Rule 2.2, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that the amended local rule, LR69-AR-01, for the Ripley County Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective January 1, 2024.

Done at Indianapolis, Indiana, on 12/8/2023.

Loretta H. Rush

Loretta H. Rush
Chief Justice of Indiana

Unless otherwise required by statute, the Clerk of Ripley Circuit Court and Superior Courts and the Prosecuting Attorney of Ripley County, to the extent applicable, are directed to file the following types of cases in the following manner:

- A. All A, B, & C Felonies, all Level 1, 2, 3, 4, and 5 felonies, Murder and related Red Flag, Post Conviction Relief Petitions and Expungements, Juvenile CHINS, Juvenile Delinquent, Juvenile Status, Juvenile Paternity, Juvenile Miscellaneous, Juvenile Termination of Parental Rights, Mental Health, Adoptions, Miscellaneous Estates, Unsupervised Estates, Supervised Estates, Trusts, Guardianships, Reciprocal Support, Domestic Relations, Domestic Relations with Children, Domestic Relations without Children, Miscellaneous Civil, Civil Plenary, Civil Tort, and alternating Miscellaneous Criminal and unrelated Red Flag in the Ripley Circuit Court.
- B. All Level 6 and "D" Felonies, Criminal Misdemeanors and related Red Flag, Post Conviction Relief Petitions and Expungements, Small Claims, Mortgage Foreclosure, Civil Collections, Miscellaneous, Protective Orders, and alternating Miscellaneous Criminal and unrelated Red Flag, in the Ripley Superior Court. The Prosecuting Attorney may file infractions and ordinance violations in the Ripley Superior Court.
- C. In criminal cases, the most serious count filed shall determine the proper court.
- D. In the event the Prosecuting Attorney dismisses a criminal case and re-files against the same Defendant or files another case in another court involving the same subject matter and Defendant, the case shall be re-filed in the same Court in which the case was originally filed or immediately transferred to the Court in which the same subject matter is pending.
- E. In the event that a Defendant is charged with a Habitual Offender Enhancement wherein Circuit Court Judge Ryan J. King prosecuted said Defendant for an alleged predicate offense(s) and has recused ("recused Defendant") and the State has also filed a Motion to Join one or more other Defendant's case(s) together with the recused Defendant, then Superior Court Judge Jeffrey L. Sharp (or Special Judge from list) may preside over the Motion to Join Hearing(s) and objections thereto, and, if joined, any severance requests and related issues.

If Judge Sharp grants a Motion to Join two (2) or more cases and said cases remain joined and proceed to a joint trial, then Judge Sharp will continue to preside over the joined cases up to and through the joint trial and sentencing, if convicted, of all jointly tried co-defendants.

If a Motion for Joinder is denied or denied as to any Defendant's case; or the cases are later severed; or the cases do not otherwise proceed to a joint trial, then the Defendant(s) cases not proceeding to a joint trial with the recused Defendant's case shall, as a general matter, be transferred to Judge King for further proceedings and/or final disposition. However, if good cause exists, such as a Criminal Rule 4 issue and/or a jury having already been summonsed, Judge Sharp may dispose of said cases as necessary.

This subsection is to be construed so as to fulfill the purpose of allowing Defendant cases to be tried together so long as a Judge finds that doing so is appropriate, but also to ensure criminal cases are assigned as they otherwise would be, absent a joint trial, and pursuant to the case allocation plan.