

In the Indiana Supreme Court

Benjamin Ritchie,
Appellant,

v.

State of Indiana,
Appellee.

Supreme Court Case Nos.
49S00-0409-PD-420
24S-SD-342

Trial Court Case No.
49G04-0010-CF-172900



Order

On September 27, 2024, the State of Indiana moved to set an execution date for Appellant who was convicted of murdering a police officer and sentenced to death in 2002. In its motion, the State asserts that (1) Appellant has no further grounds available to review the validity of his convictions or sentence, and (2) there is no active stay preventing Appellant's execution.

On October 1, 2024, new deputy State Public Defender counsel filed appearances in this matter and a "Notice to the Court" stating (1) Appellant plans to file, by counsel, a response to the State's motion; (2) new counsel have not previously represented Appellant; (3) counsel have begun reviewing transcripts, briefs, and opinions; and (4) counsel need time to complete their review and determine Appellant's proper next steps. Counsel requested thirty days by which to file Appellant's response to the State's motion. The State objected.

Appellate Rule 34 provides that any party may file a response to a motion within fifteen days after the motion is served. The certificate of service on the State's "Verified Motion to Set Execution Date" indicates the motion was served on the Public Defender of Indiana on September 27, 2024. Appellate Rule 35 provides for extensions of time for briefing deadlines.

Being duly advised, the Court grants Appellant thirty days by which to file his response to the State's "Verified Motion to Set Execution Date," making Appellant's response due by **November 1, 2024**. *See* Appellate Rule 1. The State's reply shall be due by **November 18, 2024**; and Appellant's surresponse shall be due by **December 2, 2024**. At the conclusion of the briefing, the Court will take the State's request under advisement. The parties are further directed to file all pleadings in this matter under case number 24S-SD-342.

Done at Indianapolis, Indiana, on 10/3/2024 .

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

All Justices concur except Massa, J., who is not participating.