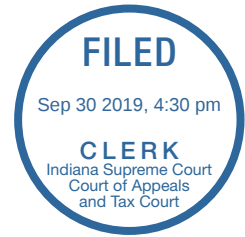


In the
Indiana Supreme Court



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

Supreme Court Case No.
19S-MS-532

Order Approving Amended Local Rule

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

Upon examination of the proposed rule amendment requested by the Delaware Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR18-CR00-DLR-0006 complies with the requirements of Indiana Administrative Rule 1(E), and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule 18-CR00-DLR-0006 for Delaware Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective October 1, 2019.

Done at Indianapolis, Indiana, on 9/30/2019.

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

Loretta H. Rush
Chief Justice of Indiana

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: 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.

Lower classes of felonies shall transfer to the court where the case alleging the higher felony offense is pending. A “pending” case is a case not yet disposed by guilty plea, jury trial, bench trial, bench disposition, or dismissal.

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.

If a Defendant charged with a pending Level 6 felony or class D felony case is later charged with a higher felony, i.e., Murder, Level 1, Level 2, Level 3, Level 4 and level 5 felonies or class A, class B, or class C felony, the Court with the Level 6 felony or class D felony case shall transfer the Level 6 felony or class D 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.

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.