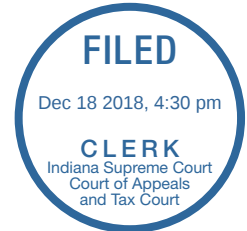


In the
Indiana Supreme Court

In the Matter of the Approval of Local
Rules for St. Joseph County

Supreme Court Case No.
18S-MS-610



Order Approving Amended Local Rule

The Judges of the St. Joseph 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 St. Joseph Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR71-CR2.2-303 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 LR71-CR2.2-303 for St. Joseph Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective January 1, 2019.

Done at Indianapolis, Indiana, on 12/18/2018.

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

Loretta H. Rush

Chief Justice of Indiana

STATE OF INDIANA – COUNTY OF ST. JOSEPH
IN THE ST. JOSEPH CIRCUIT, SUPERIOR, AND PROBATE COURTS

Notice of Proposed New Rule or Amendment(s) to Local Court Rule(s)

October 3, 2018

In accordance with Trial Rule 81 of the Indiana Court Rules, the St. Joseph Circuit, Superior, and Probate Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule(s) for the courts of record of St. Joseph County, effective January 1, 2019. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for Local Rules concerning Caseload Allocation Plan and may not take effect until approved by the Supreme Court.

The time period for the bar and the public to comment shall begin on October 3, 2018, and shall close on November 5, 2018. The proposed amendments to the rule will be adopted, modified or rejected before November 12, 2018, and, if required, the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than November 18, 2018.

Comments by the bar and the public should be made in writing and mailed, or emailed, to:

Lisa A. Plencner, Court Administrator of the St. Joseph Circuit Court, Attn: Public Comment on Local Rules, St. Joseph County Courthouse, 101 S. Main Street, Room 223, South Bend, Indiana 46601; or lplencner@sjcindiana.com

or

Brigitte R. Wasielewski, Court Administrator of the St. Joseph Superior Court, Attn: Public Comment on Local Rules, St. Joseph County Courthouse, 101 S. Main Street, Room 23, South Bend, IN 46601; or bwasielewski@sjcindiana.com

A paper copy of the proposed amended local rule(s) will be made available for viewing in the office of the Clerk of St. Joseph County, St. Joseph County Courthouse, 101 S. Main Street, South Bend, Indiana during normal business hours. Persons with Internet access may view the proposed amended local rules at the following websites:

<http://www.stjoebar.org> or <http://www.courts.IN.gov/rules/local>

Hon. John E. Broden

Judge, St. Joseph Circuit Court

Hon. David C. Chapleau

Chief Judge, St. Joseph Superior Court

Rule LR71-CR2.2-303. Assignment of Criminal Cases.

303.3. Other Criminal Proceedings. This Rule applies to all criminal cases filed with the Superior Court, whether initiated by information, indictment (pursuant to Local Rule 302.1), or by transfer from another county. Pursuant to Rule 2.2, Indiana Rules of Criminal Procedure, criminal felony and misdemeanor cases filed in the Superior Court will be assigned as follows:

(1) Each of the Judges of the court shall be assigned by the Chief Judge, responsible for the finding of probable cause in new criminal felony and misdemeanor filings.

(2) Upon the finding of probable cause on a felony charge, the Prosecutor shall submit to the Clerk of the Court the charges and Court's finding of probable cause. The Clerk shall not assign a judge or cause number to any new criminal felony filings in advance of a judicial finding of probable cause. Further, if the Prosecuting Attorney shall elect to file a case and request that the Clerk issue a summons, without first submitting the case for a finding of probable cause, or after a finding of no probable cause, the Clerk shall assign the case as provided herein.

(3) The Clerk shall, upon filing, whether by indictment or information, randomly assign, by computer, all criminal felony cases to the judges of the criminal division. Should there be a Drug Treatment Court established pursuant to Local Rule 109.2 herein, all cases assigned to that Court shall be done in accordance with an assignment order entered by the Chief Judge. The Chief Judge shall thereafter have authority to transfer such felonies to other judges of the Court to comply with Rule LR71-AR1-107, that being the Local Caseload Plan for St. Joseph County.

(4) Notwithstanding the subparagraph above, the Chief Judge may reassign a case to any other judge of the Court for good cause shown by any judge of the Court, by agreement between judges of the Court, or as may be determined to be in the best interests of the Court pursuant to Rule LR71-AR1-107 herein.

(5) Any dismissed felony charges shall, if re-filed, be assigned to the original judge, notwithstanding paragraph (4) (3) above.

(6) Upon a change of judge under C.R. 12, the case shall be reassigned pursuant to C.R. 13. If sufficient Criminal Division judges are not available, judges assigned to the Civil Division shall be available for assignment to the case.

(7) Special procedures for Traffic and Misdemeanor Division, (a) upon initial appearance, counsel will be entitled, upon request, to a continuance of three (3) to four (4) weeks to investigate the case and/or discuss potential plea agreements with the prosecutor's office; (b) at the second appearance, counsel and defendant must be present and unless good cause shown, be prepared to enter a plea or set the matter for trial.