

In the
Indiana Supreme Court

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

Supreme Court Case No.
18S-MS-355



Order Approving Amended Local Rules

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

Upon examination of the proposed rule amendments requested by the Decatur Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR16-CR2.2-1 and LR16-AR00-1 comply with the requirements of Indiana Criminal Rule 2.2 and Indiana Administrative Rule 1(E), and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR16-CR2.2-1 and LR16-AR00-1 for Decatur Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective the date of this Order.

Done at Indianapolis, Indiana, on 7/3/2018.

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

Loretta H. Rush

Chief Justice of Indiana

LR16-CR2.2-1 Criminal Case Filings and Reassignment

1. In adopting the following case assignment rules, the goals of the courts are to comply with Indiana Criminal Procedure Rule 2.2 and to maximize efficiency in the local criminal justice system by, except in certain circumstances, filing all cases against a particular defendant in the same court. The following criminal case assignment rules are to be applied in order beginning with the lowest-numbered paragraph and continuing sequentially until a case has been assigned to a particular court.
2. If a defendant is serving a sentence on probation or community corrections, then any new criminal case charging a felony offense shall be filed in the sentencing court.
3. If a case has not been assigned pursuant to the preceding paragraph and the defendant has a pending criminal case, then any new criminal case charging a felony offense shall be filed in the court with the pending case.
4. If a case has not been assigned pursuant to either of the preceding paragraphs and the highest offense level charged is a misdemeanor, then the case shall be filed in the Decatur Superior Court.
5. If a case has not been assigned pursuant to any of the preceding paragraphs and the highest offense level charged arises under Title 9 of the Indiana Code, then the case shall be filed in the Decatur Superior Court.
6. If a case has not been assigned pursuant to any of the preceding paragraphs, then the Clerk of the Decatur Circuit Court shall, by random selection, assign one-half (1/2) of the cases to the Decatur Superior Court and one-half (1/2) of the cases to the Decatur Circuit Court.
7. When charges against a defendant have been filed and dismissed, any subsequent charges filed against the same defendant arising out of the same investigation shall be filed with the court to which the case was originally assigned.
8. Judges of the Decatur Circuit Court and the Decatur Superior Court may transfer any pending case to the other Decatur County Court or may appoint the other Decatur County Judge as special judge for any pending case that has been redocketed after the entry of the judgment of conviction, subject to acceptance by the other Decatur County Judge.
9. In the event that a change of judge is granted or a judge is disqualified or recuses, the other Decatur County judge shall be appointed as special judge unless that judge has previously recused or is not eligible to serve pursuant to the Code of Judicial Conduct, then reassignment shall be made on a rotating basis to one of the judges of the following courts:

Jennings Circuit Court, Jennings Superior Court, Bartholomew Circuit Court, Bartholomew Superior Court No. 1, Bartholomew Superior Court No. 2, Rush Circuit Court, Rush Superior Court, Franklin Circuit Court No. 1, Franklin Circuit Court No. 2, Ripley Circuit Court, Ripley Superior Court, Shelby Circuit Court, Shelby Superior Court No. 1, and Shelby Superior Court No. 2.

10. When, under these rules, no judge is available for appointment, or when, in the discretion of the regular presiding judge, the particular circumstance warrants selection of a special judge by the Indiana Supreme Court, the presiding judge shall certify these facts to the Indiana Supreme Court and request an appointment of a special judge under the applicable procedural rules.

(Adopted May 22, 2008, effective January 1, 2009; amended June 1, 2011; amended June 1, 2012; amended effective February 11, 2013; amended effective February 15, 2017; amended effective July 1, 2017; amended effective December 19, 2017; amended effective July 1, 2018).

LR16-AR00-1 Civil Case Filings

Civil cases may be filed in either court in Decatur County with the following exceptions:

1. All juvenile cases (CHINS and delinquency) are filed in Circuit Court.
 2. All small claims (SC), protective order (PO), mortgage foreclosure (MF), and civil collections (CC) cases are filed in Superior Court.
- (Amended effective June 1, 2012)*