

**THE SUPREME COURT FOR THE STATE OF INDIANA****IN RE:****DEKALB COUNTY COURTS' PETITION FOR ORDERS****PURSUANT INDIANA ADMINISTRATIVE RULE 17****PETITION FOR TEMPORARY ORDER PURSUANT INDIANA****ADMINISTRATIVE RULE 17**

The Judges of DeKalb County Indiana, respectively, The Honorable Kevin P. Wallace of the DeKalb Superior Court I, The Honorable Monte L. Brown of the DeKalb Superior Court II, and the Honorable Kurt B. Grimm of the DeKalb Circuit Court respectfully petition the Indiana Supreme Court for various orders to be immediately effective upon the declaration of a Judicial Emergency by any one of the enumerated courts or a combination thereof.

**Prefatory Basis for Relief**

The World Health Organization has declared the COVID-19 virus, commonly called the novel coronavirus to be a global pandemic.

The President of the United States has declared a national emergency in relation to the COVID-19 virus.

Health and Human Services Secretary Alex M. Azar II has declared a public health emergency for the entire United States for the COVID-19 virus.

Indiana Governor Eric Holcomb has issued various directives concerning large gatherings, and non-essential out-of-state and international travel for the next 45 days in relation to state employees, as well as other measures.

There are no known COVID-19 infections in DeKalb County at this time, however, reported confirmed cases exist in an adjoining county.

At least one attorney, a part-time public defender in DeKalb County, who regularly practices in all three courts has been ordered into self-quarantine by her physician due to the manifestation of symptoms consistent with COVID-19 infection.

### **Concerns of the Judiciary**

The Judiciary of DeKalb County is concerned that if effective measures are not put in place in a preemptive fashion, a coronavirus outbreak could seriously disable the proper functioning of the judiciary in this county.

The Judiciary of DeKalb County wishes to have various Supreme Court orders in place to be triggered by the declaration of a Judicial Emergency in this county.

### **The Necessary Orders Requested Include:**

1. The ability to allow remote appearances outside the current ambit of Indiana Administrative Rule 14.

2. A “hiatus order” or “stop clock” order in the event of a declared Judicial Emergency which would immediately toll all time periods, both civil, criminal and juvenile for a period commencing on the day a Judicial Emergency is declared and ending ten days after the Judicial Emergency is terminated. The hiatus order would toll all criminal case timeframes, established either by statute, common law or court rule. The hiatus order would toll all time frames in civil cases established either by statute, common law or court rule. The hiatus order would toll all timeframes in Child in Need of Services cases and Juvenile Delinquency cases, established either by statute, common law or court rule.

3. The authority to allow court staff to work remotely during the Judicial Emergency without any impact upon employment terms, benefit terms or salary.

4. The ability to modify, by single order, reporting terms of probation to allow for telephonic reporting.

5. The ability to order immediate release upon recognizance any arrested person without compliance with Criminal Rule 26.

6. The ability to stay, upon the Court’s own motion, or the motion of any party the reporting date previously established for incarceration, and the ability to do so immediately in an *ex parte* fashion.

7. The ability to grant continuances without regard to existing requirements of the Indiana Rules of Trial Procedure and Criminal Procedure as well as local rules. This authority would allow a continuance *sua sponte* without motion.

8. The ability to allocate court reporters and bailiffs, regardless of original assignment, among the courts as necessary to alleviate shortages caused by COVID-19 illness, and the ability to order the county to pay overtime to these employees necessitated by court business in the event of court staff shortages, regardless of existing ordinances or county and court policies and without the required mandate process specified by law.

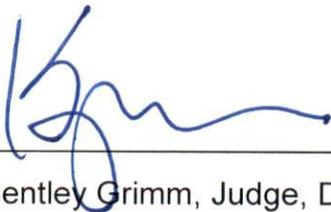
9. The ability to direct the Clerk of DeKalb County to allocate cases among the courts irrespective of the existing case allocation plan.

10. The ability to adopt, without notice, public comment, or Supreme Court approval, emergency temporary local rules relating to Quarantine Petitions filed pursuant I. C. 16-41-9-1.5.

This petition was prepared and tendered by Judge Kurt B. Grimm, with the consent of all DeKalb County judges, and Kurt B. Grimm may be considered the point of contact in relation to this petition.

**Wherefore** the Judges of DeKalb County petition the Indiana Supreme Court for relief as set out above.

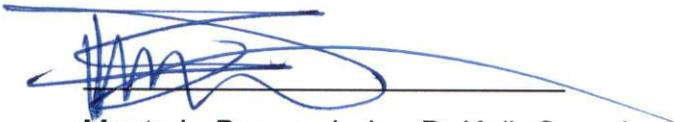
March 16, 2020

A handwritten signature in blue ink, appearing to read 'K. Grimm', written over a horizontal line.

Kurt Bentley Grimm, Judge, DeKalb Circuit Court

A handwritten signature in black ink, appearing to read 'Kevin Wallace', written over a horizontal line.

Kevin P. Wallace, Judge DeKalb Superior Court I



Monte L. Brown, Judge DeKalb Superior Court II