

In the Indiana Supreme Court  
Indianapolis, Indiana

Case No.: 20S-CB-125

**EMERGENCY PETITION FOR ADMINISTRATIVE ORDERS FOR WABASH COUNTY**

Come now the Courts of Wabash County (Wabash Circuit Court and Wabash Superior Court, hereinafter courts) and petition the Supreme Court for relief under Ind. Administrative Rule 17. In Support of this petition, the courts inform the Supreme Court as follows:

The courts have convened in banc and have determined:

- A) That the World Health Organization has determined the outbreak of COVID-19 is a worldwide pandemic, and that it is spreading across the state, nation, and world.
- B) That on March 13, 2020, President Trump declared a National Emergency as a result of the COVID-19 outbreak.
- C) That on March 6, 2020, Governor Holcomb signed an executive order declaring an emergency related to COVID-19.
- D) That the Center for Disease Control (CDC) has determined that "social distancing" among other preventative measures is necessary for the prevention of further spreading the COVID-19 virus.
- E) That as of March 15, 2020 the CDC recommends the cancellation of in-person gatherings of fifty (50) people or more for the next eight (8) weeks.
- F) That the CDC has further determined that drastic steps are immediately required to halt the spread of the virus and to protect public health care systems from being inundated.
- G) That all K-12 Schools located in Wabash County have closed from March 13, 2020 until varying dates in mid-April, 2020. Those schools include, but are not limited to, MSD of Wabash County, Wabash City Schools, and Manchester School Corporation. In addition to the K-12 Schools, Manchester University has suspended all in-person classes until sometime in April, 2020.
- H) That a public statement from "Wabash County Leaders" encourages "social distancing" at this time. The same statement encouraged refraining from attending large gatherings or frequenting public spaces and ends by directing people to the CDC website and [in.gov/isdh](http://in.gov/isdh) for more information and tips.
- I) That it is the courts' understanding that those aforementioned leaders included, but were not limited to, members of the Wabash County Emergency Management (EMA), local law enforcement, the Mayor of Wabash, Wabash County Commissioners, and officials from the local hospitals.
- J) That the entire population of Wabash County is susceptible to the virus. That based upon the most recent information available there is currently no vaccine available for the COVID-19 virus.

- K) That the courts find that on any given day several hundred people enter into, and congregate in, the Wabash Judicial Center. These attendees include those people that appear for hearings and/or jury trials in the Circuit Court or Superior Court, those that appear for Probation, those that appear in person in the Clerk's Office, and those that appear in person at the Prosecutor's Office.
- L) That the courts find that allowing large volumes of people to appear at the Wabash Judicial Center represents a failure to halt the spread of COVID-19.
- M) That do to a shortage of cleaning and sanitation products in all of the local stores, the courts find that Wabash County does not possess adequate hygiene stations or sanitation supplies to keep up with the continuous cleaning that would be required should large groups of people continue to appear in the immediate future.
- N) That the courts have conferred with several justice stakeholders including the Prosecutor's Office, Wabash County Court Services (Probation), the Sheriff of Wabash County, the Clerk of Wabash County, and Barry Eppley (Wabash County Commissioner) regarding the situation and received their input on the proposed plan.
- O) That the protection of Wabash County Employees and the public is priority.
- P) That the courts have appointed Judge Benjamin Vanderpool as the presiding Judge for this emergency.
- Q) That the judges of the courts request that the Supreme Court declare that an emergency exists in Wabash County under the authority of Ind. Admin Rule 17, and to make appropriate emergency orders for Wabash County directing and allowing the courts and clerk of Wabash County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted below.
- R) That the court's Emergency Plan which would take place upon approval of the Supreme Court and run through May 4, 2020(unless otherwise noted below), is as follows:
  - 1) That being cognizant of the transparency of the courts and the Judicial System, the court may take steps to limit spectators in the courtroom to provide adequate social distancing, if necessary, for the safety of County employees and the public in general, taking into consideration the constitutional rights of all parties. This shall not include the Parties, their attorneys, or witnesses.
  - 2) The immediate continuance of all jury trials, civil and criminal, including those requests for a "fast and speedy" trial until May 4, 2020, to eliminate the gathering of large groups of people to try to limit the spread of the COVID-19 virus.
  - 3) That the courts will limit all civil proceedings to those that are emergencies or "urgent" in nature. That the courts will use their discretion to determine which cases are emergencies or "urgent" in nature. That, at a minimum, those emergency and/or urgent cases shall include protective orders, emergency CHINS proceedings, JD and JC detention hearings, and emergency custody and visitation motions.

- 4) That the courts will limit all criminal proceedings except emergency motions and petitions, bond hearings, initial hearings, emergency hearings, sentencing hearings, and any other criminal proceeding deemed urgent by the courts.
- 5) That the courts respectfully request that the Supreme Court authorize the tolling of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, omnibus deadlines, public health, and mental health matters; all judgements, support and other orders; and in all other criminal and civil matters before the courts of Wabash County between March 16, 2020 through May 4, 2020.
- 6) That for incarcerated individuals, the Court will utilize video conferencing to conduct hearings whenever reasonably possible.
- 7) That effective from the date of this order through May 4, 2020, any attorney who desires to appear remotely for any status conference or non-evidentiary hearing may do so upon proper notification to the court. That no formal motion shall be required, and a notice of remote appearance shall suffice.
- 8) That remote appearances may be coordinated through the staff of either the Wabash Superior or Wabash Circuit Courts.
- 9) With respect to evidentiary hearings and trials, the courts now hereby finds that (i) the existence of flu or "flu-like" symptoms in any party to the case, including witnesses expected to testify; or (ii) exposure of such individuals to anyone who has or may have COVID-19, shall be considered good cause for any motion to appear remotely or continue a court setting. To the extent possible, and without violating statutory or constitutional rights, the court will accommodate those requests/motions.
- 10) Given the fluid nature of this pandemic, the terms of this order may be modified or extend as approved by the Courts and the Indiana Supreme Court.

DONE at Wabash, Indiana, this 16 day of March, 2020.



Benjamin D. R. Vanderpool, Judge  
Wabash Superior Court



Robert R. McCallen, NI, Judge  
Wabash Circuit Court