

IN THE INDIANA SUPREME COURT
INDIANAPOLIS, INDIANA

CASE NO.: 20S-CB-170

EMERGENCY PETITION FOR ADMINISTRATIVE ORDERS
FOR THE BROWN COUNTY CIRCUIT COURT

Come now the Brown County Circuit Court and petitions the Supreme Court for relief under Ind. Administrative Rule 17. In support of this Petition, Judge of the Brown Circuit Court informs the Indiana Supreme Court as follows:

The Brown County Circuit Court has determined:

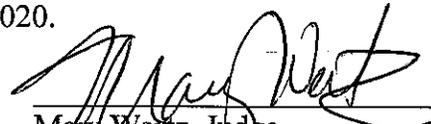
- A) That the World Health Organization has determined the outbreak of COVID-19 is a worldwide pandemic, and that it is spreading across the state, nation, and world.
- B) That on March 13, 2020, President Trump declared a National Emergency as a result of the COVID-19 outbreak.
- C) That on March 6, 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 Brown County are closed for spring break until March 22, 2020 and will remain closed after spring break until at least April 6, 2020 due to the COVID-19 virus.
- H) That the Brown County Commissioners have restricted public access to all county buildings. The Brown County Courthouse is excluded from this order.
- I) That the entire population of Brown 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.

- J) That on any given day people enter into, and congregate in, the Brown County Courthouse. This includes people that appear for hearings and/or jury trials in the Circuit Court, those that appear for Probation appointments and those that appear in person in the Clerk's Office. The Probation Office and the Clerk's Office have already implemented procedures and practices to limit the number of people who come into the Courthouse.
- K) That the Brown County Circuit Court finds that allowing large volumes of people to appear at the Brown County Courthouse represents a failure to halt the spread of COVID-19.
- L) That the Judge of the Brown County Circuit Court has conferred with several justice stakeholders including the elected Prosecutor, the Chief Probation Officer, the Clerk of the Brown Circuit Court and local attorneys regarding the situation and received their input on the proposed plan.
- M) That the protection of Brown County employees and the public is priority.
- N) That the Judge of the Brown County Circuit Court requests that the Supreme Court declare that an emergency exists in Brown County under the authority of Indiana Administrative Rule 17, and to make appropriate emergency orders for Brown County directing and allowing the court and clerk of Brown County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted below.
- O) That the court's Emergency Plan which would take place upon approval of the Supreme Court and be effective 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) That upon motion of a party or on the Court's own motion of all civil and criminal jury trials will be continued 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 Court will limit all civil proceedings to those that are emergencies or "urgent" in nature. That the Court will use its 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 Court will limit all criminal proceedings except emergency motions and petitions, bond hearings, initial hearings, emergency hearings, sentencing hearings, hearings when the Defendant is incarcerated, and any other criminal proceeding deemed urgent by the Court.
- 5) That the Court respectfully requests 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 in all criminal and civil matters before the Brown County Circuit Court between March 17, 2020 and May 4, 2020.
- 6) That incarcerated defendants will be transported to court only for criminal trials, criminal evidentiary hearings, change of plea hearings, and sentencing hearings. Incarcerated defendants shall appear for all other types of hearings by video conferencing or by telephone unless the defendant's due process rights would be violated. If any attorney wishes to have a defendant transported for one of these other types of hearing, the attorney shall file a motion to transport at least 24 hours prior to the hearing. The Court will review these motions on a case by case basis.
- 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 in a criminal or civil case may do so upon proper notification to the court. That no formal motion shall be required, and a Notice of Remote Appearance shall be filed at least 24 hours prior to the hearing.
- 8) That remote appearances may be coordinated through the staff of the Brown Circuit Court.
- 9) That with respect to hearings and trials, Court now hereby finds that (i) the existence of flu or "flu-like" symptoms in any attorney, party or necessary witness; or (ii) exposure of such individuals to anyone who has or may have COVID-19; or (iii) an attorney, party or necessary witness is at high risk due to physical condition, 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 Brown Circuit Court and the Indiana Supreme Court.

DONE at Nashville, Indiana, this 17th day of March 2020.



Mary Wertz, Judge
Brown County Circuit Court