

In the Matter of Administrative)	Supreme Court Case No.
Emergency Relief for Indiana Trial Courts)	20S-CB-000 <u>154</u>
Relating to the 2019 Novel Coronavirus)	
(COVID-19).)	
)	

**PETITION FOR EMERGENCY MEASURES FOR CASS COUNTY
PURSUANT TO ADMINISTRATIVE RULE 17**

Come now the Courts of Cass County 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:

1. The courts of Cass County have convened in banc and have determined:
 - A. That on March 6, 2020, Governor Holcomb declared a public health emergency in Indiana in regard to the spread of the 2019 novel coronavirus (COVID-19).
 - B. On March 16, 2020, the Indiana Supreme Court directed Indiana Courts to implement emergency local plans to protect the health of court personnel, court users, and the public. These plans will rely heavily on technology and case continuances to accomplish enhanced social distancing.
 - C. That Cass County has closed all local schools, public gatherings have been cancelled, and the Governor has ordered all restaurants to close their dining room facilities.
 - D. That the local courts have appointed Judge Jim Muehlhausen as the presiding Judge for this emergency.

The judges of Cass County request that the Supreme Court declare that an emergency exists in Cass County under the authority of Ind. [Admin. R. 17](#), and to make appropriate emergency orders for Cass County directing and allowing the courts and clerk of Cass County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted below, so as to appropriately address this emergency.

Cass County Courts Emergency Plan

The Cass County Courts, working with the Indiana Office of Court Services (IOCS), have developed the following local emergency plan to protect the health of court personnel, court users, and the public through enhanced social distancing. The Cass County Courts have considered that

local needs warrant petitioning for the following emergency measures under Indiana Administrative Rule 17:

1. Tolling from March 17, 2020 through April 30, 2020 all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, mental health, and appellate matters; all judgments, support, and other orders; and in all other civil and criminal matters before all the Cass County Courts.
2. Suspending and/or rescheduling criminal and civil jury trials for a limited time, including in criminal cases involving the Constitutional right to speedy trial.
3. Continuing jury trials, as necessary, for the period of March 17, 2020 through April 30, 2020. After that period, if the period is not extended by order of the Supreme Court, suspending new juror orientations, extending existing jury panels, and/or postponing jury service to a later date for jurors who are ill, caring for someone who is ill, or in a high-risk category, such as individuals with underlying health conditions and those over the age of 60 until the Governor ends the period of the public health emergency.
4. Continuing and/or rescheduling non-essential hearings (excluding emergency matters and domestic violence hearings).
5. Using telephonic or video technology such as Skype or other means, when available, in lieu of in-person appearances, unless a litigant's due process rights would be violated.
6. In Court's discretion, issuing summonses in lieu of bench warrants or notices of failure to appear.
7. With the showing of "good cause," a person may either appear remotely or continue a court setting, to the extent possible without violating statutory or constitutional rights.
8. Courts may close the proceedings to the public with the exception of a request for a limited number of media attendees from March 17, 2020 through April 30, 2020. Thereafter, if the period is not extended by the Supreme Court, Cass County Courts may limit the number of spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing until the Governor ends the public health emergency.

9. Beginning March 17, 2020 and until April 30, 2020, the Court authorizes the Cass County courts reduce the number of court staff members working; provided, however, that the courts shall maintain sufficient operations to process emergency matters.
10. Beginning March 17, 2020 and through April 30, 2020, the Court authorizes continuance of all civil jury trials and all out-of-custody criminal jury trials; and of in-custody jury trials if the public health emergency is still in effect.
11. The courts of Cass County shall file a status update no later than April 24, 2020 to inform this Court if there is an ongoing need for emergency relief.

Wherefore, the Cass County Courts request that this Petition for Emergency Measures be Granted and for all other relief proper in the premises.

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

/S/ Jim Muehlhausen
Judge, Cass Superior Court 1

/S/ Lisa L. Swaim
Judge, Cass Superior Court 2

/S/ Stephen Kitts III
Judge, Cass Circuit Court