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IN THE INDIANA SUPREME COURT
INDIANAPOLIS, INDIANA

CASE NO.: 20S-CB-217

EMERGENCY PETITION FOR ADMINISTRATIVE ORDERS FOR THE RANDOLPH COUNTY CIRCUIT AND SUPERIOR COURTS

Come now the Randolph County Circuit and Superior Courts and Petition the Supreme Court for relief under Ind. Administrative Rule 17. In support of this Petition, Judges of the Randolph Circuit and Superior Courts inform the Indiana Supreme Court as follows:

The Randolph County Circuit and Superior Courts 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 16, 2020, the CDC recommends the cancellation of in-person gatherings of ten (10) 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 in the state of Indiana are closed until at least May 1, 2020, due to the COVID-19 virus.

H) That the Randolph County Commissioners have restricted public access to all county buildings. The Randolph County Courthouse is excluded from this order.

I) That the entire population of Randolph 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 Randolph County Courthouse. This includes people that appear for hearings and/or jury trials in the Circuit and Superior Courts, and those that appear in the Clerk's Office. The Clerk's Office has already implemented procedures and practices to limit the number of people who come into the Courthouse.

K) That the Randolph County Circuit and Superior Courts find that allowing large volumes of people to appear at the Randolph County Courthouse represents a failure to halt the spread of COVID-19.

L) That the Judges of the Randolph County Circuit and Superior Courts have conferred with several justice stakeholders regarding the situation and received their input on the proposed plan.

M) That the protection of Randolph County employees and the public is a priority.

N) That the Judges of the Randolph County Circuit and Superior Courts request that the Supreme Court declare an emergency exists in Randolph County under the authority of Indiana Administrative Rule 17, and to make appropriate emergency orders for Randolph County directing and allowing the court and clerk of Randolph County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted below.

O) That the local courts have appointed Judge Jay L. toney as the presiding Judge for this emergency.

P) 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, all civil and criminal jury trials will be continued including those requests for "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 for the Randolph County Circuit and Superior Courts between March 23, 2020, and May 4, 2020.

6) That the 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 hearings, 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 Report Appearance shall be filed at least 24 hours prior to the hearing.

8) That remote appearances may be coordinated through the staff of the Randolph County Circuit and Superior Courts.

9) That with respect to hearings and trials, the Courts now hereby find 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 extended as approved by the Randolph County Circuit and Superior Courts and the Indiana Supreme Court.

DONE at Winchester, Indiana, this 20th day of March, 2020.

Jay L. Toney, Judge
Randolph Circuit Court

Peter D. Haviza, Judge
Randolph Superior Court