

Marshall Circuit and Superior Courts Emergency Petition**Pursuant to Administrative Rule 17**

Come now the Marshall Circuit and Superior Courts and petition the Supreme Court for relief under Indiana Administrative Rule 17. In Support of this petition, the Marshall Circuit and Superior Courts inform the Supreme Court as follows:

1. The Marshall Circuit and Superior Courts have convened *en banc* and have determined:
 - A. That the COVID-19 or Coronavirus is spreading across the Nation, State and World.
 - B. That on March 6, 2020, Governor Eric Holcomb signed an executive order declaring an emergency related to the Coronavirus.
 - C. That the Marshall County Health Department has directed Marshall County residents to the Centers for Disease Control website for guidance and instruction. Many public school corporations in Marshall County have closed up to and including March 30, 2020, some extending into the first week of April, 2020.
 - D. That the Marshall Circuit and Superior Courts have appointed Judge Curtis Palmer as the presiding Judge for this emergency.
 - E. The Judges of the Marshall Circuit and Superior Courts request that the Supreme Court declare that an emergency exists in Marshall County under the authority of Indiana Administrative Rule 17 and to make appropriate emergency orders for Marshall County directing and allowing the Courts and Clerk of Marshall County to alter, modify and suspend necessary procedures as provided in the

emergency plan submitted herewith, so as to appropriately address this emergency.

- F. The Marshall Circuit and Superior Courts emergency plan which would only take effect following approval by the Supreme Court and upon the joint decision of the Marshall County judges and would remain in effect until terminated by the Supreme Court or the local judiciary, is as follows:
- a. All jury trials would be suspended.
 - b. All criminal proceedings would be suspended except emergency motions and petitions, bond hearings, arraignments for inmates, initial hearings, emergency hearings and any criminal hearing or proceeding necessary to protect a defendant's right to a speedy trial.
 - c. All criminal hearings for in-custody defendants shall be held by video or other electronic means consistent with the defendants' rights under the State and Federal constitutions.
 - d. Any attorney wishing to appear remotely for any status conference, pre-trial conference or other non-evidentiary hearing may do so.
 - e. Liberal continuances shall be given upon request for any attorney, litigant, necessary witness or other party exhibiting flu-like symptoms.
 - f. Civil body attachments shall not be issued for a litigants' failure to appear for a hearing. A new court date shall be set and the litigant shall be notified by mail of the new court date.

THEREFORE, the Judges of Marshall County request the Supreme Court declare that an emergency exists in Marshall County under the authority of Administrative Rule 17 and to make emergency

orders for Marshall County directing the courts and clerk of Marshall County to alter, modify, and suspend necessary procedures and deadlines as provided in the emergency plan submitted herewith.

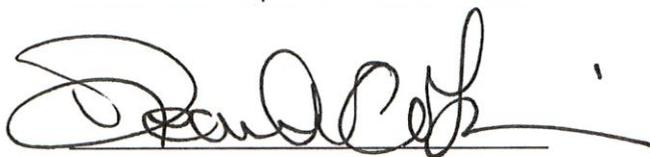
DONE at Plymouth, Indiana, this 17th day of March, 2020.



Curtis Palmer, Judge
Marshall Circuit Court



Robert O. Bowen, Judge
Marshall Superior Court No. 1



Dean A. Colvin, Judge
Marshall Superior Court No. 2