

FILED
IN CIRCUIT COURT

MAR 17 2020

Angela Bede
Clerk, Sullivan Circuit Court

20S-CB-168

SULLIVAN CIRCUIT AND SUPERIOR COURTS
SULLIVAN, SULLIVAN COUNTY, INDIANAIN RE: THE MATTER OF PETITION
FOR RELIEF UNDER INDIANA
ADMINISTRATIVE RULE 17CAUSE NO. 77C01-2003-CB- 000012**PETITION FOR RELIEF PURSUANT INDIANA ADMINISTRATIVE RULE 17**

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

1. The Circuit and Superior Courts of Sullivan County have convened and have determined:
 - a. Due to COVID-19 the President of the United States has declared a national emergency and the Governor of the State of Indiana has declared an emergency.
 - b. The Governor has approved a twenty (20) day waiver for Indiana Schools in an effort to prevent the transmission of COVID-19.
 - c. The World Health Organization has declared COVID-19 a pandemic.
 - d. The Center for Disease Control ("CDC") has determined that "social distancing" is a necessary strategy for the prevention of the further spread of the virus. Further, measures have been implemented to cancel events and gatherings of 50 or more people.
 - e. The CDC has determined that drastic steps are immediately required to halt the spread of the virus and to protect public health care systems from being overwhelmed.
 - f. In the State of Indiana the two largest public universities, Indiana University and Purdue University, are utilizing social distancing by cancelling all in person classes for the remainder of the 2020 spring semester.
 - g. The most recent information available identifies those over the age of 60 as the population most susceptible to serious complications from the COVID-19 virus.
 - h. A significant portion of the jury pool in our county is included within the population identified as the most susceptible to serious complications from the COVID-19 virus.
 - i. The Courts concluded that ordering a susceptible population to appear for jury service or for other non-essential court proceedings in this pandemic climate is a failure of the judiciary to take necessary steps to halt the spread of the virus.
 - j. The courts in Sullivan County do not possess adequate hygiene stations or supplies for the volume of jurors required for jury selection in civil and criminal matters.
 - k. Because of the limited judicial resources in Sullivan County, it is critical that precautions be taken so that essential operations can continue without interruption.

2. The Judges of Sullivan County request that the Supreme Court declare that an emergency exists in Sullivan County, under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Sullivan County, directing and allowing the courts and clerk of Sullivan County to alter, modify and suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately address this emergency.

EMERGENCY PLAN

3. The Courts submit the following as the Emergency Plan of Sullivan County beginning on March 17, 2020, and request authorization to utilize any combination of these measures as the Courts deem appropriate:

- a. The immediate tolling of all laws, rules and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters, and in all other criminal and civil matters before the courts of Sullivan County beginning on March 17, 2020 and through April 20, 2020. The courts will review the circumstances again on April 20, 2020, and if it is determined by the courts that the COVID-19 crisis has subsided, jury trials may begin no earlier than May 11, 2020, thus allowing for adequate notification of the jury pool and the parties.
- b. While remaining vigilant of the necessity for transparency of the court's business, the courts may take steps to limit spectators in the courtroom to provide adequate social distancing, if necessary. Persons who exhibit symptoms of illness potentially indicating COVID-19 could be asked to leave the courtroom and courthouse at the discretion of the Court. Those denied access will be provided information regarding the appropriate entity to contact.
- c. Effective March 17, 2020 and extending through April 20, 2020, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing is hereby given permission to do so. Counsel may submit a simple "Notice of Remote Appearance" at least 24 hours prior to a scheduled hearing to inform the court that they wish to appear remotely.
- d. The courts will hold civil and criminal pre-trial and discovery status hearings by counsel only, when the party or parties are represented by counsel.
- e. At the Court's discretion, defendants may appear via teleconference from the jail for any other hearing excepting contested sentencing hearings or jury trials.
- f. The courts may continue non-essential criminal hearings until such time as the court deems the health and safety risks to Parties and Counsel to be sufficiently addressed.
- g. The court will allow Parties to appear remotely in all civil matters when it can be accomplished with available technology.
- h. The court may, at its discretion, continue non-essential civil hearings until such time as the court deems the health and safety risks to Parties and Counsel to be sufficiently addressed. The court may exercise flexibility on requests for continuances. A Party's bona fide wish to avoid of unnecessary social contact may be considered good cause for continuances by the court under T.R. 53.5.
- i. Allowance for setting/resetting non-adjudicatory and non-detention juvenile CHINS and delinquency proceedings outside the statutory timeframes as deemed necessary by the court.

Therefore, the Judges of the Sullivan Circuit and Superior Courts request the Supreme Court declare that an emergency exists in Sullivan County, Indiana under the authority of Ind. Admin. Rule 17, and to make appropriate emergency orders for Sullivan County, Indiana, directing and allowing the courts and clerk of Sullivan County to alter, modify,

and suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately address this public health emergency.

We have discussed this matter with Ann Mischler, Prosecuting Attorney of Sullivan County, Indiana, and Barbara Montgomery, Chief Probation Officer, who join in this matter as evidenced by her signature below.

Respectfully submitted on this 17th day of March, 2020.



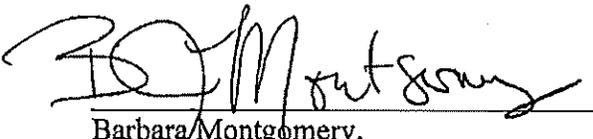
Robert E. Hunley II, Judge
Sullivan Circuit Court



Hugh R. Hunt, Judge
Sullivan Superior Court



Ann Mischler, Prosecuting Attorney
Sullivan County, Indiana



Barbara Montgomery,
Chief Probation Officer
Sullivan County, Indiana