

20S-CB-181

Perry Circuit Court Emergency Petition Pursuant to Administrative Rule 17

Comes now the Perry Circuit Court and petitions the Supreme Court for relief under Ind. Administrative Rule 17. In Support of this petition, the Perry Circuit Court informs the Supreme Court as follows:

1. The Perry Circuit Court has determined:
 - A. That on March 13, 2020, President Trump declared a National Emergency as a result of the COVID-19 outbreak.
 - B. That on March 6, 2020, Governor Eric Holcomb signed an executive order declaring an emergency related to the COVID-19 virus.
 - C. 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.
 - D. 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.
 - E. The Perry County Health Department has issued a Community Plan that recommended social distancing and for residents to stay at home and limit contact to groups no greater than ten (10) persons.
 - F. That the three public school corporations in Perry County have closed their schools from March 16, 2020 to April 6, 2020.
 - G. That the court finds that on any given day several hundred people enter into, and congregate in, the Perry County Courthouse. Including those people that appear for hearings and/or trials in the Perry Circuit Court, those that appear for probation, and those that appear in person in the Clerk’s Office.

- H. That the court finds that allowing large volumes of people to appear at the Perry County Courthouse represents a failure to halt the spread of COVID-19.
- I. That the Judge of the Perry Circuit Court requests that the Supreme Court declare that an emergency exists in Perry County under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Perry County directing and allowing the court and clerk of Perry County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately address this emergency.
- J. The Perry Circuit Court emergency plan which would take effect upon approval and run through April 20, 2020, is as follows:
 - a. That being cognizant of the transparency of the court 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.
 - b. The immediate continuance of all jury trials, civil and criminal, including those requests for a “fast and speedy” trial until April 20, 2020, to eliminate the gathering of large groups of people to try to limit the spread of the COVID-19 virus.
 - c. That the court will limit all civil proceedings to those that are emergencies or “urgent” in nature. That the court will use their discretion to determine which cases are emergencies or “urgent” in

nature. That, at a minimum, those emergency and/or urgent cases shall include emergency CHINS proceedings, and JD and JC detention hearings.

- d. That the court will limit all criminal proceedings except emergency motions and petitions, bond hearings, initial hearings for inmates, emergency hearings, and any criminal proceeding deemed urgent by the court.
- e. 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; all judgments, support and other orders; and in all other criminal and civil matters before the Perry Circuit Court between March 17, 2020 through April 20, 2020.
- f. That for incarcerated individuals, the court will utilize video conferencing to conduct hearings.
- g. In person probation and community corrections appointments will be suspended, with these appointments to be conducted by telephone.
- h. That effective from the date of this order through April 20, 2020, any attorney who desires to appear remotely for any status conference or non-evidentiary hearing may do so upon proper notification to the court. That no formal motion shall be required, and a notice of remote appearance shall suffice.

- i. That remote appearances may be coordinated through the staff of the Perry Circuit Court.
- j. With respect to evidentiary hearings and trials, the court now hereby finds that (i) the existence of flu or “flu-like” symptoms in any party to the case, including witnesses expected to testify; or (ii) exposure of such individuals to anyone who has or may have COVID-19, 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.

DONE at Tell City, Indiana, this 18th day of March, 2020.



Lucy Goffinet, Judge
Perry Circuit Court