

20S-CB-216

**EMERGENCY PETITION FOR  
ADMINISTRATIVE ORDERS FOR JAY COUNTY**

Come now the Circuit Court and Superior Court of Jay County, as well as the Portland City Court, 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:

The courts of Jay County have convened and have determined:

That the World Health Organization has determined the outbreak of COVID-19 is worldwide pandemic, and that it is spreading across the nation, state, and world.

That on March 13, 2020, President Trump declared National Emergency as result of the COVID-19 outbreak.

That on March 6, 2020, Governor Holcomb signed an executive order declaring an emergency related to COVID-19.

That the Center for Disease Control ("CDC") has determined the "social distancing" among other preventative measures is necessary for the prevention of further spreading the COVID19 virus.

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, including rescheduling events with 50 or more people for the next eight (8) weeks (if possible).

Jay County has NO confirmed case of COVID-19.

That all K-12 Schools located in Jay County have closed and will remain closed until at least May 1, 2020.

That public statement from the Jay County Department of Health encourages "social distancing", avoiding mass gatherings or public events, and advises high risk individuals to stay home as much as possible.

That as of March 15, 2020, the President of the United States recommended, inter alia, avoiding restaurants, travel and gatherings of more than 10 people.

That the Courts have consulted with or reviewed information and directives provided by leaders from Jay County including but not limited to: local law enforcement, Jay County Commissioners, and Jay County Department of Health.

That the entire population of Jay County is susceptible to the virus, as based upon the most recent information available, there is currently no vaccine available for the COVID-19 virus.

That the Court finds that on any given day numerous people enter into, and congregate in, the Jay County Courthouse, the Portland City Court, and the Jay County Community Corrections building. This includes those people who appear for hearings and/or jury trials in Circuit and Superior Court, those who appear for Probation and Community Corrections, those who appear in person in the Clerk's Office, and who appear in person at the Prosecutor's and Public Defender's Offices.

That the Courts find that ordering large volumes of people to appear at the Jay County Courthouse, the Portland City Court, the Jay County Community Corrections building represents failure to halt the spread of

## COVID-19.

That due to shortage of cleaning and sanitation products in all of the local stores, the Courts find that Jay County does not possess adequate hygiene stations or sanitation supplies to keep up with the continuous cleaning that would be required should large groups of people continue to appear in the immediate future.

That the Courts have conferred or attempted to confer with several justice stakeholders including the Prosecutor's Office, the Public Defender's Office, Jay County Probation, the Sheriff of Jay County, the Clerk of Jay County, and members of the Jay County Commissioners and Jay County Council regarding the situation and received their input on the proposed plan.

That the protection of Jay County Judicial Employees, Jay County Prosecutorial Employees, Jay County local government employees and the public is priority.

That the local courts have appointed Judge Hutchison as the presiding Judge for this emergency.

That the judges of the Jay Circuit Court and the Jay Superior Court and Portland City Court request that the Supreme Court declare that an emergency exists in Jay County under the authority of Ind. Admin Rule 17, and to make appropriate emergency orders for Jay County directing and allowing the courts, the clerks of Jay County, and the clerk of the Portland City Court to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith.

That the Jay Circuit Court, the Jay Superior Court's and the Portland City Court's Emergency Plan which would take place upon approval of the Supreme Court and run through May 4, 2020 (unless otherwise noted below), is as follows:

That being cognizant of the transparency of the Courts and the Judicial System, the Courts may take steps to limit spectators in the courtroom to provide adequate social distancing, if necessary, for the safety of Court, Prosecutor and County employees and the public in general, taking into consideration the constitutional rights of all parties. This shall not include the litigants and/or their attorneys.

The immediate continuance of all jury trials, civil and criminal, 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.

That the Courts will suspend all civil proceedings except to those that are emergencies or "urgent" in nature. That the Courts will use their discretion to determine which cases are emergencies or "urgent" in nature. That, at 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.

That the Courts will suspend all criminal proceedings except emergency motions and petitions, bond hearings, arraignments, initial hearings, emergency hearings, and any other criminal proceeding deemed urgent by the court.

That the Courts respectfully request that the Supreme Court authorize the tolling of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters; all judgments, support and other orders; and in all other criminal and civil matters before the courts of Jay County between March 17, 2020 through May 4, 2020.

That for incarcerated individuals, the Courts will utilize video conferencing to conduct hearings whenever reasonably possible.

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 may do so upon proper notification to the court. That no formal motion shall be required, and notice of remote appearance shall suffice.

That remote appearances may be coordinated through the staff of either the Jay Circuit Court, the Jay Superior Court or the Portland City Court.

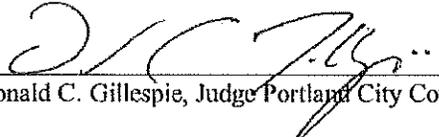
With respect to evidentiary hearings and trials, the courts now hereby find that:

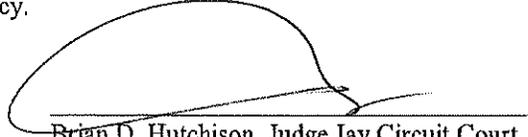
- (i) the existence of flu or "flu-like" symptoms in any party to the case, including witnesses expected to testify; or
  - (ii) exposure of such individuals to anyone who has or may have COVID-19,
- shall be considered good cause for any motion to appear remotely or continue court setting.

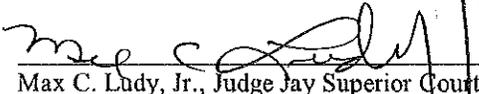
To the extent possible, and without violating statutory or constitutional rights, the court will accommodate those requests/motions.

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

DONE at Portland, Indiana, March 20, 2020

  
Donald C. Gillespie, Judge Portland City Court

  
Brian D. Hutchison, Judge Jay Circuit Court

  
Max C. Ludy, Jr., Judge Jay Superior Court