

20S-CB-213

STATE OF INDIANA )  
 ):  
 COUNTY OF KNOX )

IN THE KNOX CIRCUIT COURT  
 CAUSE NO. 42C01-2003-CB- 025

IN THE KNOX SUPERIOR COURT 1  
 CAUSE NO. 42D01-2003-CB- 026

IN THE KNOX SUPERIOR COURT 2  
 CAUSE NO. 42D02-2003-CB- 027

PETITION TO THE INDIANA SUPREME COURT PURSUANT TO ADMINISTRATIVE  
 RULE 17

Come now the Courts of Knox County, Indiana, and petition the Indiana Supreme Court for relief pursuant to Indiana Administrative Rule 17. In support of this petition, the Courts of Knox County inform the Indiana Supreme Court as follows:

The judges of the Knox County Courts have convened en banc and have determined:

The Knox County Courts have been informed that various government officials and/or agencies have recognized that there is an emergency due to Coronavirus disease. Said information includes the following:

The Governor of the State of Indiana has declared a public health emergency due to Coronavirus disease 2019 (“COVID-19”) pursuant to Executive Order 20-02 signed March 6, 2020. Said Executive Order provides, in part, the following: that COVID-19 is a severe respiratory illness; a rapidly spreading virus that is transmitted from human-to-human and results in symptoms ranging from fever, cough, acute respiratory distress, pneumonia, and even death; that on January 31, 2020, the Health and Human Services Secretary declared a public health emergency for the United States.

The Indiana State Department of Health (ISDH) has already recommended that public facilities and organizations should implement preventive measures to help contain the spread of COVID-19. With the objectives of protecting public health and slowing the rate of transmission of this illness, ISDH has issued several recommendations that can be generally summarized as providing postponement or cancellation of non-essential gatherings of individuals in a single room or space and allowing for social distancing of at least six (6) feet per person.

The Center for Disease Control (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 inundated with patients.

A meeting was held March 18, 2020 to discuss emergency measures to address COVID-19. Represented in that discussion were officials from these relevant areas: all three (3)

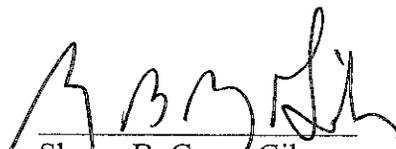
judges in Knox County, prosecutor, sheriff, city police, university police, county commissioners, county council, county clerk, chief public defender, building superintendent, county health officer, and county work release. Steps are being taken to address COVID-19. On March 18, 2020, the Knox County Commissioners declared a state of emergency due to the virus outbreak, and are taking certain actions, including but not limited to providing for restricted access by the public of the Knox County Courthouse and Knox County Court Annex, permitting only essential business and requiring a temperature check/screening for all individuals entering the court buildings.

In addition, the Knox County Courts are halting all transport of inmates from the Knox County Jail. Until further notice, all hearings will be conducted by video. Any other hearing that can be properly conducted by telephone will be handled in that fashion. Further, only attorneys and actual litigants will be allowed inside the courtroom. Witnesses must remain outside or in their vehicles until called to testify. Hearings that are of high importance will be scheduled and at staggered times to prevent large numbers of people from assembling together. Otherwise, no new hearings will be scheduled until after more is known about COVID-19. Building deputies may deny building access to anyone who is showing signs of illness.

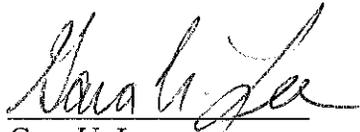
The Knox County Courts have determined that compliance with appropriate public health practices will inhibit litigants' and courts' ability to comply with statutory deadlines and rules of procedure.

The judges of the Knox County Courts therefore respectfully request that the Indiana Supreme Court declare that an emergency exists in Knox County, Indiana, under the authority of Indiana Admin. R.17, and to make appropriate emergency orders for Knox County, directing and allowing the Knox County Courts and the Knox County Clerk to alter, modify, and suspend necessary procedures as provided in the emergency plan attached hereto, including 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, and in all other criminal and civil matters before the courts of Knox County beginning March 20, 2020, and through April 30, 2020.

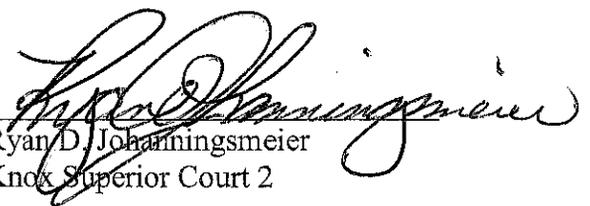
Respectfully submitted this 20<sup>th</sup> day of March 2020.



Sherry B. Gregg Gilmore  
Knox Circuit Court



Gara U. Lee  
Knox Superior Court 1



Ryan D. Johanningsmeier  
Knox Superior Court 2

## KNOX COUNTY INDIANA COURTS EMERGENCY PLAN

The Courts submit the following as the Emergency Plan of Knox County beginning on March 20, 2020, and request authorization to utilize any combination of these measures as the Courts deem appropriate:

1. 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 Knox County beginning on March 20, 2020 and through April 30, 2020. The courts will review the circumstances again on April 29, 2020.
2. Minimize contact between all individuals appearing for any court hearing, including the limitation of spectators in the courtroom.
3. Conduct non-evidentiary hearings and pretrial conferences by telephone, if possible.
4. Permit remote appearances by counsel by using telephone services whenever possible.
5. Utilize the courts' videoconferencing ability to hold hearings between the courts and incarcerated individuals. No incarcerated individuals will be transported from the local jail to court unless absolutely necessary.
6. Make all reasonable attempts to adhere to all statutory deadlines unless doing so would endanger court personnel, members of the bar, litigants, or the general public.
7. To the extent possible, all criminal court plea agreement negotiations should take place and be completed prior to court. Plea agreement negotiations should not take place in open court.
8. Same day plea agreements will not be entertained except in urgent situations (i.e. defendant is to be released that same day, etc.).
9. The Courts will make all reasonable efforts to reschedule time sensitive hearings as quickly as possible.
10. The court may exercise flexibility on requests for continuances. A Party's bona fide wish to avoid unnecessary social contact may be considered good cause for continuances by the court under T.R. 53.5.
11. Allowance for setting/resetting non-adjudicatory and non-detention juvenile CHINS and delinquency proceedings outside the statutory timeframes as deemed necessary by the court.
12. Criminal and civil jury trials will be continued on a case by case basis depending upon the status of the COVID-19 virus.
13. The Courts will consult regularly with the Knox County Health Department and the Knox County Commissioners regarding additional preventative measures.