

20S-CB-221

THE INDIANA SUPREME COURT

IN RE THE PETITION FOR EMERGENCY RELIEF)
 PURSUANT TO ADMINISTRATIVE RULE 17, BY)
 THE MERRILLVILLE TOWN COURT.)

**EMERGENCY PETITION FOR ADMINISTRATIVE RELIEF
 UNDER ADMINISTRATIVE RULE 17**

Comes not the Merrillville Town Court and petitions the Indiana Supreme Court for relief under Administrative Rule 17. In support of this petition, the Court informs the Indiana Supreme Court as follows:

1. The Court has reviewed the CDC recommendations, the Order of Emergency Relief issued by the Indiana Supreme Court applicable to the courts of Lake County, dated March 13, 2010, the recommendations contained in the Order of the Indiana Supreme Court dated March 16, 2020, and executive Order 20-04 issued by the Governor of the State of Indiana dated March 16, 2020.
2. The Court has also had an opportunity to review additional order issued by the Governor of the state of Indiana cancelling the May Primary election and continuing to June of 2020.
3. Additionally, the court has considered the Governor’s Order as it relates to closing all school in the State of Indiana until May of 2020.
4. The court has considered the Merrillville Town Council’s recommendations and instructions as they relate to the closing of the townhall to the general public and allowing only limited hours for the use of the town employees said being from Monday from 10 a.m. to 2:00 p.m. Monday, Wednesday and Friday, and from 12:00 p.m. to 4:00 p.m. on Tuesday and Thursday during the present Emergency Conditions.
5. As a result of all of the above conditions including the a ban on public gatherings and possibly the Sheltering in Place Orders that seem to be forthcoming in view of the spread of the CORVID-19 epidemic and resulting loss of life, the Judge of the Merrillville Town Court now requests that the Indiana Supreme Court declare that an Emergency exists in Lake County, under authority of Indiana Administrative Rule 17, and to make appropriate emergency orders directing and allowing the Court and Clerk

of the Court to alter, modify and suspend as necessary procedures as provided in the Emergency Plan submitted herewith, so as to appropriately address this emergency.

PROPOSED EMERGENCY PLAN

The Merrillville Town Court now submits the following Emergency Plan in response to the current COVID-19 emergency situation:

1. Tolling for a limited time all laws, rules, and procedures setting time limits for speedy trials in criminal proceedings, all judgements, support and other orders; and in all other civil matters and criminal matter before the court.
2. Suspending and or rescheduling criminal and civil jury trials for a limited time (subject in criminal cases to the Constitutional right to a speedy trial and Constitutional protection against double jeopardy).
3. Suspending new juror orientation, extending existing jury panels, and/or postponing jury service to a later date for jurors who are ill, caring for someone who is ill, or are in a high-risk category.
4. Continuing and or rescheduling all non-essential hearing (excluding emergency matters, domestic violence hearings and evidentiary hearing in criminal cases).
5. Using telephonic or video technology in lieu of in-person appearances, unless a litigant's due process rights would be violated.
6. Issuing summonses in lieu of bench warrants, writs of attachment, notices of failure to appear or notices of failure to pay.
7. Considering (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness attending court; (b) exposure of such individual to anyone who has or may have the COVID-19; or (c) status of such individual in a high risk category to be deemed and constitute "good cause" to either appear remotely or continue a court setting to the extent possible without violating statutory or constitutional rights.
8. Subject to applicable Constitutional limitations, limiting spectators (other than the parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing.
9. Allowing individuals with legitimate court business to stay home and request a continuance by phone to the court clerk if they are ill, caring for someone who is ill or in a high-risk category.
10. Posting signage at all public entries to judicial facilities advising all individuals not to enter the building if they have:
 - a. Visited China, Europe, the Middle East or any country previously identified by the CDC or the President of the United States as having been imposed a travel ban due to the incidence of COVID-19.
 - b. Resided with or been in close proximity to anyone who has travel in those countries within the last 14 days, or who has sustained or shown any signs of the COVID-19.

- c. Anyone who has been previously quarantined due to the COVID-19 either by a medical professional or self-identified as a potentially exposed individual.
- d. Anyone who has any signs or has had any signs within the last 14 days of a fever, cough, shortness of breath, sniffles, post nasal drip or any combination thereof.

WHEREFORE, the Judge of the Merrillville Town Court now requests that the Indiana Supreme Court declare retroactive to March 18, 2020, that an emergency exists in the Town of Merrillville, Lake County, Indiana under the authority of Ind. Admin. R. 17., and to enter appropriate emergency orders for the Merrillville Town Court directing and allowing the Court and Clerk of the town of Merrillville to alter, modify and suspend necessary procedures as provided in the submitted emergency plan herewith, so as to appropriately address the current emergency for as long as the emergency continues to exist or until such time as the Governor of the State of Indiana declares the current COVID-19 emergency terminated.

Respectfully submitted,

Eugene M. Velazco, Jr.

Eugene M. Velazco, Jr., Judge
Merrillville Town Court