

20S-CB-229

**IN RE THE PETITION FOR
EMERGENCY RELIEF PURSUANT TO AR 17
BY THE WINCHESTER CITY COURT**

**PETITION FOR RELIEF PURSUANT
INDIANA ADMINISTRATIVE RULE 17**

Come now the Winchester City Court (“Court”) and petitions the Supreme Court for relief under Indiana Administrative Rule 17. In support of this Petition, the Court informs the Indiana Supreme Court as follows:

The Winchester City Court has determined:

1. The Randolph County Circuit and Superior Courts (located in Winchester, Indiana) have already enacted some of the measures below due to the COVID-19 risk to Randolph County.
2. On Monday, March 23, 2020, Jim Nunez, a member of the Winchester City Council, was officially quarantined.
3. The Winchester City Council had met for a city council meeting in the same room used for the Court on March 16, 2020, at which meeting the judge of the Winchester City Court was in attendance.
4. All of the schools in the Randolph County School system have been closed since March 16, 2020.
5. The Indiana ban on public gatherings of more than 10 people, enacted on March 16 and reinforced on March 24, 2020, is still in effect and will likely affect the number of hearings that can be held by “cattle-call” at the Winchester City Court.
6. Alternative pay methods (online ticket payment and drive-through window service) have already been a part of the Winchester City Court options, but FTAs are now more likely and therefore require large-scale changes to normal operations and procedures.

The Judge of Winchester City Court requests that the Indiana Supreme Court declare or affirm that an emergency exists in Randolph County, under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders directing and allowing the Court and clerk of the Court to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately address this emergency.

EMERGENCY PLAN

The Court submits the following as the Emergency Plan of Winchester City Court and requests authorization to utilize any combination of these measures as the Court deem appropriate:

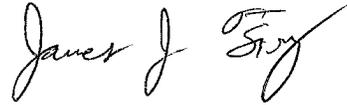
1. Tolling for a limited time all laws, rules, and procedures setting time limits for speedy trials in criminal proceedings, all judgments, support, and other orders; and in all other civil and criminal matters before the Court.
2. Suspending and/or rescheduling criminal and civil jury trials for a limited time (subject in criminal cases to the Constitutional right to speedy trial and Constitutional protection against double jeopardy).

3. Suspending new juror orientations, 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 in a high-risk category.
4. Continuing and/or rescheduling non-essential hearings (excluding emergency matters, domestic violence hearings, and evidentiary hearings 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 expected to testify; (b) exposure of such individuals to anyone who has or may have COVID-19; or (c) status of such individuals in a high-risk category; to constitute "good cause" to either appear remotely or continue a court setting, to the extent possible without violating statutory or constitutional rights.
8. Allowing any attorney wishing to appear remotely (e.g., through teleconference systems, etc.) for any status conference or non-evidentiary hearing without further leave of court upon filing a "Notice of Remote Appearance" in the court in which the matter will be heard.
9. Subject to applicable Constitutional limitations, limiting spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing.
10. For court clerk, making drop boxes available, for conventionally filed documents and receipt of payments. The Court will maintain sufficient operations to process emergency matters, mail received, and receipt of payments for fines and judgments.
11. 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.
12. Posting signage at all public entry points to judicial facilities advising individuals not to enter the building if they have:
 - a. Visited China, Iran, South Korea, any European countries, or any other high-risk countries identified by the CDC in the previous 14 days;
 - b. Resided with or been in close contact with someone who has been in any of those countries within the previous 14 days;
 - c. Traveled domestically within the United States where COVID-19 has sustained widespread community transmission;
 - d. Been asked to self-quarantine by any doctor, hospital, or health agency;
 - e. Been diagnosed with or had contact with anyone who has been diagnosed with COVID-19; or
 - f. A fever, cough or shortness of breath;

and directing bailiffs or court security officers to deny entrance to individuals attempting to enter in violation of these protocols.

The petitioning Court proposes this plan remain in effect until June 01, 2020 or as may be extended from time to time, upon Motion of the petitioning Court.

Respectfully submitted:

A handwritten signature in cursive script that reads "James J. Fry".

WINCHESTER CITY COURT
JAMES J. FRY, Judge
113 E. Washington St., P.O. Box 408
Winchester, IN 47394-0408