

20S-CB-141

STATE OF INDIANA)

IN THE MADISON CIRCUIT COURT 6

COUNTY OF MADISON)

CAUSE NUMBER 48C06-2003-CB-000009

**AMENDED PETITION FOR RELIEF UNDER INDIANA ADMINISTRATIVE RULE 17 (re: To add signature of Pendleton Town Court Judge to the Petition)**

Come now the Courts of Madison County and petition the Indiana Supreme Court for relief under Indiana Administrative Rule 17. In support of this petition the courts inform the Supreme Court as follows:

The Madison Circuit Court, City and Town Court Judges, in conjunction with the Madison Circuit Court Chief Judge have determined:

1. The President of the United States has declared a national emergency
2. The Governor of the State of Indiana has declared a public health emergency;
3. All Madison County schools are closed through Monday, April 6, 2020;
4. The United States Center for Disease Control is encouraging "social distancing" as a means of limiting the spread of COVID-19 and other potentially fatal viruses; Current recommendations from the CDC state that entities considering postponing non-essential activities and asking non-essential employees to remain at and/or work from home should do so for 8 weeks.
5. The Madison Circuit Court and local City and Town Courts hold hearings and proceedings which result in thousands of people entering the Madison County Courthouse, Juvenile Court Complex on Mounds Road, City and Town Court venues in Anderson, Elwood, Edgewood, and **Pendleton** each week;
6. The Madison Circuit Court met with involved stakeholders, including the Sheriff, Prosecutor's Office, Clerk, and Commissioners, regarding this situation and received their input on its proposed operational changes;
7. The court has received numerous concerns about the health and safety of prospective jurors and the public based on readily available public health information regarding COVID-19
8. That mitigation of contagions is of utmost importance to protect the citizens of Madison County.
9. The purpose of this request is not to discontinue court operations. The purpose of this request is to continue court operations while greatly minimizing the required attendance of members of the public at court.
10. The judges of Madison County have proposed the following measures to maintain continuity of court operations during this emergency:

- a. 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 all other civil and criminal matters shall be tolled. Further, no interest shall be due or charged during the tolled period.
- b. All cases deemed non-essential with in-court hearings shall be continued.
- c. In civil proceedings, protective orders regarding family or domestic violence, stalking, or a sex offense, civil commitments, emergency guardianships juvenile detention, and emergency Child in Need of Services (CHINS) proceedings shall be deemed essential.
- d. In criminal proceedings, bond hearings and arraignments of inmates shall be deemed essential.
- e. A judge or magistrate may, in his or her discretion, schedule and hold a hearing in any case not deemed essential.
- f. The courts shall have the authority to limit spectators or other persons gathering in the courtrooms and adjacent hallways.
- g. The courts shall communicate with the Madison County Bar and the general public to inform them of these rules and procedures and to make provisions to deal with emergency matters.
- h. Set a review date of April 17, 2020, to determine if the emergency persists and to then update the Indiana Supreme Court with that finding.

11. That the local courts have appointed Madison Circuit Judge Mark Dudley, Chief Judge of the Madison Circuit Court, as the presiding judge of this emergency.

The judges of Madison County request that the Indiana Supreme Court declare that an emergency exists in Madison County under the authority of Ind. Administrative Rule 17, and to make appropriate emergency orders for Madison County directing and allowing the courts and clerk of Madison County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith, to appropriately address this emergency for the period of Monday, March 17 through Friday, May 15, 2020, including a toll on the timeframes outlined in Ind. Crim. R. 4

Done at Anderson, Indiana, this 16th day of April, 2020

Mark Dudley /s/

Circuit Chief Judge Mark Dudley

Angela Sims /s/

Circuit Court 1 Judge Angela Sims

G. George Pancol /s/

Circuit Court 2 Judge G. George Pancol

Andrew Hopper /s/

Circuit Court 3 Judge Andrew Hopper

Thomas Clem /s/

Circuit Court 5 Judge Thomas Clem

Jason Jamerson / s/

Anderson City Court Judge Jason Jamerson

Scott Norrick /s/

Edgewood Town Court Judge Scott Norrick

Kyle Noone /s/

Elwood City Court Judge Kyle Noone

George Gasparovic /s/

**Pendleton Town Court Judge George Gasparovic**