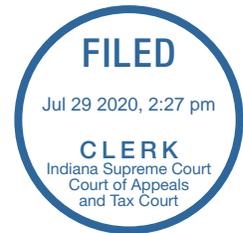


In the Indiana Supreme Court

In the Matter of the Petition of the
Knox County Courts for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-213



Order Approving Expansion of Operations Plan

By orders issued April 24 and May 13, 2020, this Court ordered trial courts statewide to submit plans for gradually resuming normal operations under limitations appropriate to the 2019 novel coronavirus (COVID-19) public health emergency. Pursuant to that order, the petitioning court(s) filed an amended expansion of operations plan (“Plan”) on July 28, 2020.

The Court finds that the Plan was made in coordination with appropriate local authorities and local justice system partners to account for local health conditions, facility readiness, and litigants’ needs; and that the Plan makes reasonable provisions for resuming normal staffing, providing public access to non-confidential proceedings, and resuming jury trials. A copy of the Plan is attached to this order and incorporated by reference.

Being duly advised, and pursuant to Indiana Administrative Rule 17 and this Court’s inherent authority to supervise the administration of all courts of this State, the Court ORDERS as follows:

1. All emergency relief previously granted to the petitioning court(s) under Administrative Rule 17 is deemed to expire as of the effective date of this order, except as provided by this Court’s “Order Extending Trial Courts’ Emergency Tolling Authority and Setting Expiration of Other Emergency Orders” issued May 29, 2020 in Case No. 20S-CB-123. However, this Court’s May 13, 2020 “Emergency Order Permitting Expanded Remote Hearings” and paragraph 3 of its May 13 “Order Extending Time for Expanding Trial Court Operations” in Case No. 20S-CB-123 (prohibiting jury trials before July 1 without prior approval of this Court) remain in full force and effect.
2. The Plan is approved, and the petitioning court(s) shall comply with its terms through its stated duration, subject to further order of this Court.

Done at Indianapolis, Indiana, on 7/29/2020, effective **July 20, 2020**.



Loretta H. Rush
Chief Justice of Indiana

IN THE INDIANA SUPREME COURT

IN THE MATTER OF THE PETITION
OF THE KNOX CIRCUIT AND
SUPERIOR COURTS FOR
ADMINISTRATIVE RULE 17
EMERGENCY RELIEF

Supreme Court Case No.
20S-CB-213

Trial Court Case Nos.
42C01-2003-CB-25
42D01-2003-CB-26
42D02-2003-CB-27

PETITION TO AMEND

Come now the Courts of Knox County, Indiana, following the filing of their petition to the Indiana Supreme Court for relief pursuant to Indiana Administrative Rule 17 and the granting thereof and extensions thereto and file their Petition to Amend having filed their Court Transition Plan as directed by the Supreme Court of Indiana. The Courts of Knox County inform the Indiana Supreme Court as follows:

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

The Knox County Courts are aware that various government officials and/or agencies continue to address the COVID-19 emergency. The Governor of the State of Indiana has laid out a phased plan to address the “re-opening” of the State and continues to address COVID-19 concerns as conditions change. The Indiana State Department of Health (ISDH) continues to recommend that public facilities and organizations implement preventive measures to help contain the spread of COVID-19. The Knox County Commissioners continue to take certain actions, including but not limited to providing for public officeholders to restrict access by the public to offices in the Knox County Courthouse and Knox County Court Annex, permitting only essential business, requiring the use of face coverings in county buildings and providing hand sanitizing stations. Meetings are held to discuss continuing local measures to address COVID-19. Representatives in that group include officials from these relevant areas: all three (3) judges in Knox County, prosecutor, sheriff, city police, university police, county commissioners, county clerk, chief public defender, building superintendent, county health officer, and county work release.

The Knox County Courts have determined that compliance with appropriate public health practices will continue to 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 continue to declare that an emergency exists in Knox County, Indiana, under the authority of Indiana Admin. R.17, and to make the following further orders:

1. Authorize the tolling, from the effective date of this order **through August 14, 2020**, 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 civil and criminal matters before the courts. Further, no interest shall be due or charged during this tolled period.

2. This Court authorizes continuing criminal and civil jury trials on a case-by-case basis, including those with a “fast and speedy” setting requested, through **August 14, 2020**.
3. **Through January 1, 2021**, the courts are authorized, subject to Constitutional limitations, to conduct non-evidentiary hearings and pretrial conferences by telephone if possible.
4. **Through January 1, 2021**, the courts are authorized to permit remote appearances by counsel by using telephone services whenever possible.
5. **Through January 1, 2021**, the courts are authorized, subject to Constitutional limitations, to utilize the courts’ videoconferencing ability to hold hearings between the courts and incarcerated individuals.
6. **Through August 14, 2020**, the courts are authorized, notwithstanding Paragraph 1 above, to make all reasonable attempts to adhere to all statutory deadlines unless doing so would endanger court personnel, members of the bar, litigants, or the public; and to make all reasonable efforts to reschedule-time sensitive hearings as quickly as possible.
7. **Through August 14, 2020**, the courts are authorized pursuant to Paragraph 1 above to set or reset non-adjudicatory and non-detention juvenile CHINS and delinquency proceedings outside the statutory time periods when deemed necessary by the court.
8. **Through August 14, 2020**, the courts are authorized to require that, to the extent possible, plea agreement negotiations in criminal cases should take place and be completed prior to court hearings and not take place in open court; and to provide that same-day plea agreements will not be entertained except in urgent situations (e.g., the defendant will be released the same day).
9. **Through August 14, 2020**, the courts are authorized to exercise flexibility in ruling on requests for continuances, including treating a party’s good faith wish to avoid unnecessary social contact as good cause for a continuance.
10. **Through August 14, 2020**, the courts are authorized, subject to applicable Constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing and to limit the size of the gathering consistent with public-health recommendations, subject to the right of the public to remote access to view court

proceedings.

Respectfully submitted this 28th day of July 2020.

_____/S/_____
Sherry B. Gregg Gilmore
Knox Circuit Court

_____/S/_____
Gara U. Lee
Knox Superior Court 1

_____/S/_____
Ryan D. Johanningsmeier
Knox Superior Court 2