

In the Indiana Supreme Court



In the Matter of the Petition of the
Martin Circuit Court for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-164

Order

The Martin Circuit Court (“court”) has petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the 2019 novel coronavirus (COVID-19, “the virus”) is spreading across the state, nation, and world; that Governor Eric Holcomb has declared an emergency related to the virus; that the Martin County Health Department has directed residents to the Center for Disease Control website for guidance and instruction; that public school corporations in Martin County have closed their schools; that the Martin County Sheriff’s Department has suspended personal contact between legal counsel and incarcerated defendants and requires said persons to communicate through glass partitions using telephones that record all conversations; and that several court staff or stakeholders are ill, caring for others who are ill, or in vulnerable groups. The Hon. Lynne E. Ellis acts as Presiding Judge for the emergency in Martin County.

It appears from the petition that these circumstances will inhibit litigants’ and the courts’ ability to comply with statutory deadlines and rules of procedure. The Court finds that good cause exists for granting emergency relief.

Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Martin County, and APPROVES the plan as set out below. The Court ORDERS as follows to ensure the orderly and fair administration of justice in Martin County during this emergency, effective March 17, 2020 through April 10, 2020.

1. This Court authorizes the tolling, from March 17, 2020 through April 10, 2020, of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters.
2. This Court authorizes the suspension of civil proceedings, except for protective orders in domestic violence cases, emergency CHINS proceedings, and mental health proceedings; and the suspension of all criminal proceedings except emergency motions and petitions, bond hearings, arraignments for inmates, initial hearings, emergency hearings, and any criminal hearing or proceeding necessary to protect a defendant’s Constitutional rights.

3. This Court authorizes the court to require, where consistent with the constitutional rights of the parties, telecommunication through Zoom.us, which shall be recorded and stored in both the court's computer network and FTR Recorder files, for all hearings including evidentiary hearings, protective orders in domestic violence cases, emergency CHINS proceedings, juvenile delinquency hearings, mental health proceedings, emergency criminal motions and petitions, bond hearings, arraignments for inmates, initial hearings, emergency hearings, and any criminal hearing or proceeding necessary to protect a defendant's Constitutional rights; further, this Court authorizes the court to authorize Martin County Probation Officers and the Director of Martin County Alcohol and Drug Program to communicate with their clients through Zoom.us.
4. This Court allows the court and clerk to process CCS entries remotely.
5. The court shall file a status update **no later than April 8, 2020** to inform this Court of whether there is an ongoing need for emergency relief.

Done at Indianapolis, Indiana, on 3/19/2020.



Loretta H. Rush
Chief Justice of Indiana