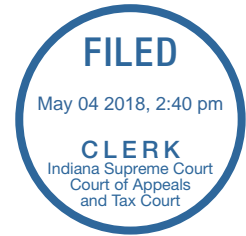


In the
Indiana Supreme Court

In the Matter of the Approval of Local
Rules for Morgan County

Supreme Court Case No.
18S-MS-253



Order Approving Amended Local Rule

The Judges of the Morgan Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Indiana Criminal Rule 2.2. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Morgan Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR55-CR2.2-1 complies with the requirements of Indiana Criminal Rule 2.2, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR55-CR2.2-1 for Morgan Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective July 1, 2018.

Done at Indianapolis, Indiana, on 5/4/2018.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", written over a horizontal line.

Loretta H. Rush

Chief Justice of Indiana

LR55-CR2.2-1____. Case Filing Procedure

1.2 Case Filing Procedure; Random Filing.

In accordance with Criminal Rule 2.2, and to facilitate parity between the Courts for weighted caseload numbers , the following rules concerning the filing of criminal cases in the Morgan Circuit and Superior Courts shall apply.

The Clerk of Morgan County will not randomly select a criminal case number for a new criminal case file (except “MC” cases) until a fully completed and signed Information or Indictment is presented to the Clerk by the Prosecuting Attorney or designated agent/staff member.

Felony Classification (MR, and Level 1 through 5 felonies) [formerly FA, FB, FC, FD] and Misdemeanor Classifications: Each case in which the highest penalty offense filed by Information or Indictment against a Defendant is Murder, or a Level 1 through 6 Felony or a Class A, B or C Misdemeanor shall be randomly assigned to one of the Morgan Superior Courts by the Clerk of Morgan County, in the following proportions:

- (a) Morgan Superior Court 1: 1 of every 3 cases filed.
- (b) Morgan Superior Court 2: 1 of every 3 cases filed.
- (c) Morgan Superior Court 3: 1 of every 3 cases filed.

1.3 Exceptions to Random Case Filing Procedure:

The following exceptions to paragraph 1.2 shall apply:

(a) Co-Defendants: When two or more Defendants are charged under separate case numbers, but the offenses charged arise from the same factual allegations, the cases of all co-defendants shall be randomly assigned to one of the Circuit or Superior Courts by the Clerk of Morgan County. The Prosecuting Attorney shall, at the time of presentment of the cases for filing, notify the Clerk of Court of the fact that co-defendant cases are presented for filing.

(b) Refiling of dismissed cases. If the Prosecuting Attorney seeks to refile a case previously dismissed by a Court, the case shall be refiled in the Court in which the case was previously dismissed.

(c) Reassignment of cases. If a motion for change of judge is granted and the criminal case, Felony or Misdemeanor, must be reassigned, then upon receipt of the Order granting change of venue from the Judge, the Clerk of Court shall randomly reassign the case to one of the three remaining Circuit or Superior Courts.

(d) Adjustment of Proportional Misdemeanor case filing for caseload management. The proportion of misdemeanor cases assigned to each court may be adjusted at the end of each quarter of a calendar year, as determined and agreed by the Judges of the Morgan Circuit and Superior Courts, after evaluating the weighted caseload of each court for the preceding quarter of the calendar year.

(e) New and Pending Cases: Any criminal case filed regarding a Defendant who has pending criminal charges, or who is under an executed or suspended sentence, shall be filed in the court exercising jurisdiction over the prior proceedings. If a Defendant has prior proceedings in multiple courts in this county, any new charges shall be filed in the court first having jurisdiction. A case may be transferred under this Rule by motion of the parties or by the Court.