

In the Indiana Supreme Court

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

Supreme Court Case No.
19S-MS-392



Order Approving Amended Local Rule

The Judges of the Tippecanoe Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Indiana Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Tippecanoe Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR79-AR 1(E) complies with the requirements of Indiana Administrative Rule 1(E), and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR79-AR 1(E) for Tippecanoe Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective January 1, 2020.

Done at Indianapolis, Indiana, on 7/2/2019.

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

Loretta H. Rush

Chief Justice of Indiana

LR79-AR 1(E). Rule 1 County Caseload Plan

As of the date of the Order adopting these Rules, and subject to any modifications which may subsequently be made, the Tippecanoe County Caseload Plan reads as follows:

All cases wherein the most serious charge alleged is Murder, a Class A, B, or C felony or a Level 1, 2, 3, 4 or 5 felony and those Class D felonies or Level 6 felonies specified below shall be assigned to Tippecanoe Circuit Court, Superior Court of Tippecanoe County, and Superior Court No. 2 of Tippecanoe County, on a random basis according to the following ratio:

Court	Ratio
Tippecanoe Circuit Court	2
Superior Court of Tippecanoe County	4
Superior Court No. 2 of Tippecanoe County	4

For any defendant who has a Class A, B, or C felony or a Level 1, 2, 3, 4 or 5 felony case pending or who is serving a Class A, B, or C felony or a Level 1, 2, 3, 4 or 5 felony sentence, whether executed or suspended, any new case in which the most serious charge alleged is a Class A, B, or C felony or a Level 1, 2, 3, 4 or 5 felony shall be filed in the court having jurisdiction of the oldest such prior case. Upon learning that such a case has been filed in the wrong court, the prosecutor shall within 14 days move to transfer the case to the proper court.

Class D felony and Level 6 felony cases assigned to Tippecanoe Circuit Court, Superior Court of Tippecanoe County, and Superior Court No. 2 of Tippecanoe County are as follows:

Battery on a Child
Possession of Child Pornography
Child Exploitation
Vicarious Sexual Gratification
Child Solicitation
Child Seduction
Dissemination of Matter Harmful to Minors
Neglect of a Dependent
Arson
Sexual Conduct in Presence of Minor
Kidnapping

All Class D felonies, Level 6 felonies, misdemeanors, and infractions alleging a violation of Indiana Code Title 9, Traffic Code, and only those civil plenary cases with claims up to \$10,000 shall be assigned to Superior Court No. 6 of Tippecanoe County.

All Class D felonies, Level 6 felonies, misdemeanors, and infractions alleging a violation of Indiana Code Title 35, Article 48, Controlled Substances, and not set forth in paragraph 2 above, and only those civil cases involving small claims and landlord tenant's claims, shall be filed in Superior Court No. 4 of Tippecanoe County. Glue Sniffing, in violation of Indiana Code 35-46-6-2, Public Intoxication cases, and Illegal Possession of Alcohol by a Minor cases (Ind. Code § 7.1-5-7-7) shall be filed in Superior Court No. 4 of Tippecanoe County, along with search warrants and 72 hour holds approved by the Tippecanoe County Magistrate.

Where it is alleged a defendant committed the offense of Escape or Failure to Return to Lawful Detention (I.C. 35-44.1-3-4) in violation of an order issued by a Tippecanoe County Court, the charge of Escape or Failure to Return to Lawful Detention shall be filed in the court which issued the order.

Where it is alleged a defendant committed the offense of Escape or Failure to Return to Lawful Detention (I.C. 35-44.1-3-4) in violation of an order issued by a court in any other county, state or jurisdiction, the charge of Escape or Failure to Return to Lawful Detention shall be filed in Tippecanoe Superior Court 5.

All remaining Class D felonies, Level 6 felonies, misdemeanors, and infraction cases not specifically set forth above shall be filed in Superior Court No. 5 of Tippecanoe County.

Superior Court No. 3 of Tippecanoe County exercises juvenile jurisdiction and will not receive filings of felony or misdemeanor cases. A case wherein juvenile jurisdiction is waived may be assigned to a court by agreement of the parties. In the absence of such agreement, the case shall be filed in accordance with the Local Rule on Assignments of Criminal Cases.

When it is alleged that defendants jointly commit a crime or crimes and the most serious charge alleged is Murder, the cases shall be assigned together to Tippecanoe Circuit Court, Superior Court of Tippecanoe County or Superior Court No. 2 of Tippecanoe County on a random basis in the ratio of 2:4:4 set forth above.

Where it is alleged that defendants jointly commit a crime or crimes, and the most serious charge alleged is a Class A, B or C felony or a Level 1, 2, 3, 4 or 5 felony, their cases shall be filed together in the same court. In any such cases where one or more of the defendants has a Class A, B or C felony or a Level 1, 2, 3, 4 or 5 felony case pending or is serving a Class A, B, or C felony or a Level 1, 2, 3, 4 or 5 sentence, whether executed or suspended, all the cases shall be filed in the court having jurisdiction of the oldest such prior case.

Any case in which the most serious charge is a Class D felony, Level 6 felony, misdemeanor or infraction shall be filed as specified above, notwithstanding any charges against co-defendants.

A judge, by appropriate order may transfer and reassign to any other court of record in the county, any pending case, subject to acceptance by the receiving court.

A case transferred to Tippecanoe County by reason of change of venue from another county may be assigned to a court by agreement of the parties. In the absence of such an agreement, the case shall be filed in accordance with this Local Rule on Case Assignments.

When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which dismissal was taken.

All petitions for civil orders of protection shall be filed initially in Superior Court No. 5 of Tippecanoe County.

Petitions for dissolution of marriage in which a fee waiver is requested shall be filed in Superior Court No. 2.

Petitions to expunge records under I.C. 35-38-9-1 shall be filed in the court in which the charges were filed under a new expungement (XP) cause without the payment of court costs, and if no charges were filed or the petition includes Section 1 requests from multiple courts, then said petitions shall be filed in Tippecanoe Superior Court No. 2 under a new expungement (XP) cause without the payment of court costs.

Petitions to expunge misdemeanor convictions under I.C. 35-38-9-2, minor Class D or Level 6 felony convictions under I.C. 35-38-9-3, less serious felony convictions under I.C. 35-38-9-4, and certain serious felony convictions under I.C. 35-38-9-5 shall be filed under a new expungement (XP) cause with the payment of court costs. Said petitions shall be filed in the court in which conviction was entered, unless the petition seeks to expunge causes from multiple courts, then the petition shall be filed in Tippecanoe Superior Court No. 2. The payment of court costs is required so long as the petition includes a request to expunge at least one conviction. Petitions to expunge records concerning a delinquent child or a child in need of services under I.C. 31-39-8 or petitions to seal records of a juvenile under I.C. 35-38-9-1 shall be filed in Tippecanoe Superior Court No. 3 under a new expungement (XP) cause without the payment of court costs.

The Presiding Judge of the Superior Courts 4, 5, and 6 shall assign the Magistrate to serve any of the Tippecanoe Circuit or Superior Courts in a manner which provides the greater assistance to the courts with greater caseloads. Considering the 2014 caseloads, the Superior Court No. 4 will be limited to one-half day each week and the Circuit Court to two one-half days each week. The balance of the Magistrate's time will be allocated to the courts as set forth above.

All other civil cases, regardless of type, not otherwise mentioned herein, shall be filed in either Circuit Court, Superior Court 1, or Superior Court 2.