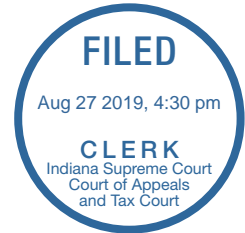


In the
Indiana Supreme Court

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

Supreme Court Case No.
19S-MS-483



Order Approving Amended Local Rule

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

Upon examination of the proposed rule amendments requested by the Lawrence Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR47-AR00-002 A 1, A 2, and A 3 comply 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 LR47-AR00-002 A 1, A 2, and A 3 for Lawrence Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective the date of this Order.

Done at Indianapolis, Indiana, on 8/27/2019.

A handwritten signature in black ink that reads "Steven David".

Steven David

Acting Chief Justice of Indiana

LR47-AR00-002 ASSIGNMENT OF CASES

A. Criminal Case Assignment.

1. All initial filing determinations shall be on the basis of the most serious offense charged.

MURDER, LEVEL I TO IV FELONY, CLASS A TO C FELONY

All felonies classified as Murder, Level I to IV, and Class A to C, shall be blind filed in the Superior Courts through the Office of the Lawrence County Clerk. The Lawrence County Clerk shall assign 2/3 of those cases to Lawrence Superior Court, Division I and 1/3 to Lawrence Superior Court, Division II.

LEVEL VI and V, MISDEMEANORS, INFRACTIONS AND ORDINANCES

All Level VI and V felonies and misdemeanors charging an alcohol, traffic or controlled substance offense, and all infraction and ordinance violations, shall be filed in the Lawrence Superior Court, Division II. All other Level VI and V felonies and misdemeanors shall be filed in the Lawrence Superior Court, Division I.

2. New and Pending Cases: Any criminal case filed regarding a Defendant who under a probation sentence or has pending felony case, shall be filed in the court exercising jurisdiction over the prior proceedings. If a Defendant has a probation sentence or a pending felony case 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.

3. 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 assigned to one of the Superior Courts by the Clerk of Lawrence County as follows:

1. If any Defendant has a probation sentence, or pending felony case, the new charge shall be filed in the Court where a probation sentence or pending felony case exists and the other Defendants shall follow that case;
2. If more than one Defendant has a probation sentence or pending felony case, the new case shall be filed where each defendant has a probation sentence or pending case. This may result in co-defendants being charged in different Courts.

3. If there are more than two co-defendants and the additional co-defendant(s) do not have a probation sentence or pending case those additional co-defendant(s) case shall be filed in the Court in which the highest level charge exists. If the charges are equal the additional co-defendant(s) case shall be filed in the same Court in alphabetical order of the Defendants that have a probation sentence or pending felony case.
4. If neither situation exists all defendants shall be charged in the same Court pursuant to LR47-AR00-002 A 1.

- B. Transfer of Criminal Cases.** The Judges of the Lawrence Superior Courts, by appropriate order, may transfer and reassign to the other Courts any pending case, subject to acceptance by the receiving Court.
- C. Re-Filing and Subsequent Filing of Criminal Cases.** Upon dismissal of a case by the State of Indiana and a subsequent re-filing of the case based on the same occurrence, such newly filed case shall be re-filed in the Court from which the dismissal was taken. Further, in the event additional criminal charges are filed against a felony defendant at any time prior to sentencing, the additional charges shall be filed in the Court in which the other charges are already pending.
- D. Change of Judge in Criminal Case.** In the event the regular Judge of the Court recuses himself/herself, the case shall be assigned as follows: from the Judge of the Superior Court, Division I, to the Judge of the Superior Court, Division II; from the Judge of the Superior Court, Division II, to the Judge of the Superior Court, Division I. When it is necessary to appoint a special judge pursuant to Criminal Rule 13, it shall be done in accordance with District 20 Rule on appointment of special judge in criminal cases at **DR20-CR13-000**.
- E. Civil and Other Case Assignment.** All small claims shall be filed in the Lawrence Superior Court, Division II. All civil proceedings which are assigned a CP, PL, CT, RS, MF, CC or MI case number shall be filed in the Lawrence Circuit Court through the Clerk of Lawrence County. Additionally, all proceedings regarding dissolution of marriage shall be filed in the Lawrence Circuit Court and the Lawrence Superior Court, Division I, on a rotating basis, through the Clerk of Lawrence County. All mental health proceedings shall be filed in the Lawrence Superior Court, Division I. All protective order requests shall be filed in the Lawrence Circuit Court, subject to statutory exception and any exception specified by these rules. Additionally, if a dissolution action has been filed in the Lawrence Circuit or Superior Court, Division I, a subsequently filed protective order, with the same parties, shall be filed in that Court. Any Protective Order in which there is a companion criminal case shall be filed in the court that has jurisdiction over the criminal cause. All probate juvenile, guardianship, trust, adoption, or Title IV-D support collection matters, excepting those where the original dissolution was in Superior Court, Division I, shall be filed in the Lawrence Circuit Court.

F. Modification. The Courts of Lawrence County may, from time to time, modify the above rules regarding local assignment of cases to meet the needs of the Courts in circumstances deemed necessary by agreement of the Judges of the Courts of Lawrence County. Some instances that may necessitate temporary modification of this assignment of cases rule are as follows: temporary extended absence or disability of a Judge; a case of size or complexity to overburden a particular Court; temporary case load disparities.