

STATE OF INDIANA

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MARION CIRCUIT AND
SUPERIOR COURTS

COUNTY OF MARION

In Re Local Court Rules

**Notice of Proposed Local Rule Amendments, Finding Good Cause to Deviate
from the Schedule for Amending Local Court Rules, and Requesting
Comments**

The Judges of the Marion County Courts in compliance with the provisions of Trial Rule 81 give Notice of proposed amendments to their local court rule concerning **LR49-CR2.2-100 Random Assignment of Criminal Cases**. And, pursuant to Trial Rule 81(D), the Judges find that good cause exists to deviate from the schedule established by the Division of State Court Administration for the publishing of amendments to local rules. Accordingly, the Courts issue the following proposed amendments to the Marion County Local Court Rules and ask for comment from the bar and the public. Underlining indicates proposed additions and ~~striking through~~ indicates deletions. The amended rule will be effective on **April 17, 2020**.

Comments to this proposed Local Rule amendment will be received through noon on **February 14, 2020**. Comments to this proposed amended Local Rule should be e-mailed to the Office of the Court Administrator, c/o Emily VanOsdol, at Emily.VanOsdol@indy.gov or mailed to:

Emily VanOsdol
Office of the Court Administrator
Marion County Circuit and Superior Courts
200 East Washington St., Ste. T1221
Indianapolis, IN 46204

All of the above is so ORDERED this 14th day of January, 2020.

/s/ Heather Welch
Judge Heather Welch
Presiding Judge
Marion Superior Court

LR49-CR2.2-100 RANDOM ASSIGNMENT OF CRIMINAL CASES

(a) ~~All criminal cases filed in Marion County in the Superior Courts shall be assigned to an individual courtroom on a random basis. The random assignment rule for criminal cases does not apply to certain cases designated by the Court and Prosecutor as belonging in the:~~

- ~~• Domestic Violence Courts; or~~
- ~~• Major Felony and Class D/Level 6 Felony Drug Courts; or~~
- ~~• Traffic Court; or~~
- ~~• Mental Health Court docket; or~~
- ~~• PAIR Court docket; or~~
- ~~• Check Deception Court docket; or~~
- ~~• Gun Retention Court docket; or~~
- ~~• Cases involved in LR49-CR2.3-101: Case Consolidation.~~

~~This rule strives for the equalization of caseload among all of the individual courtrooms.~~

(b) ~~Any new filing for a Major Felony case shall be randomly assigned to one of the multiple courtrooms designated as Major Felony Courts (G01, G02, G03, G04, G05, and G06). All major felony drug offense cases and major felony handgun cases shall be assigned to courts G20 or G21. Initial hearings for cases that are assigned to a Major Felony Court shall be conducted in the assigned Court.~~

(c) ~~Initial hearings for all Class D/Level 6 Felony cases shall be conducted in the Initial Hearing Court, G11. These cases shall be assigned on a random basis to one of the multiple courtrooms designated as Class D/Level 6 Felony Courts (G09, G15, G18, and G24). The random assignment rule for criminal cases does not apply to Class D/Level 6 felony cases involving allegations of domestic violence or to Class D/Level 6 felony cases designated as drug court cases. Cases involving an allegation of domestic violence shall be randomly assigned to either of the domestic violence courts (G16 and G17). Class D/Level 6 felony drug cases shall be assigned to the D felony/Level 6 drug courts (G14 and G25).~~

(d) ~~Initial hearings for all Misdemeanor cases shall be conducted in the Initial Hearing Court, Court G11. These cases shall be assigned on a random basis to one of the multiple courtrooms designated as Misdemeanor Courts (G07, G08, G10, G12, and G19). Misdemeanor cases involving allegations of domestic violence shall be randomly assigned to either of the Domestic Violence Courts (G16 and G17). Misdemeanors involving allegations of violations of traffic laws, with the exception of Operating a Vehicle While Intoxicated, shall be assigned to the Traffic Court (G13). If the Judge, defense counsel or prosecutor believes the defendant may have a mental illness and/or mental disability, the Judge, defense counsel or prosecutor may apply to the PAIR Roundtable for evaluation. If, after evaluation, the PAIR Roundtable finds the defendant is PAIR eligible, the case shall be transferred to the designated Mental Health Court. In the event the defendant fails the PAIR program, the case shall be returned to the originating~~

court for adjudication. ~~If a participant is terminated from the Mental Health Alternative Court program, the case will remain in that Court for disposition.~~

~~(e) In the event that a defendant has a Misdemeanor or D Felony/Level 6 Domestic Violence case, and that case is amended to include a class C/Level 5 Felony charge, that case shall stay in the Domestic Violence Court to which it was originally assigned.~~

Amended effective October 1, 2017

(1) Random Assignment of Criminal Cases. The Criminal Division of Marion County is divided into two sub-divisions: Major Felony and Misdemeanor/F6. All criminal cases filed in Marion Superior Court shall be assigned to a Court on a random and equal distribution, utilizing the following guide:

- (a) **Major Felony Sub-Division:** Courts 1, 2, 3, 4, 5, 6, 20, and 21 will equally receive all random filings for level 5 felonies, level 4 felonies, level 3 felonies, level 2 felonies, level 1 felonies, murder, class C felonies, class B felonies, and class A felonies.
- (b) **Misdemeanor/Level 6 Sub-Division:** Courts 7, 8, 9, 10, 12, 14, 15, 18, 24, and 25 will equally receive all random filings for level 6 felonies, class D felonies, and misdemeanors.
 - 1. Court 13 will receive filings for all Traffic-related misdemeanor, infractions, and ordinance violations not to include offenses of Operating a Vehicle While Intoxicated.
 - 2. Courts 16 and 17 will receive all misdemeanor, level 6 felony, and class D felony filings involving allegations of domestic violence.

(2) Case Consolidation. Cases subject to the policies of case consolidation are exempt from the rule of Random Assignment of Criminal Cases.

(3) Problem-Solving Dockets. If a case has been accepted into a problem-solving docket, that case will be transferred to the court overseeing the relevant problem-solving docket.

Amended effective April 17, 2020