

**IN THE MARION CIRCUIT AND SUPERIOR COURT
STATE OF INDIANA**

EXECUTIVE ORDER CONTINUING JURY TRIALS DUE TO EMERGENCY

Comes now the Marion Circuit and Superior Courts (hereinafter “Court”) and does hereby find as follows:

1. That on November 10, 2020, the Indiana Supreme Court, in 20S-CB-123, provided new guidance to trial courts on minimizing the risk of exposure to COVID-19 to court staff, litigants, attorneys and members of the public. In the Order, the Indiana Supreme Court reiterated that trial courts have inherent authority to suspend and/or reschedule criminal or civil jury trials for a limited time.
2. Pursuant to Criminal Rule 4(A) and (B), this Court may continue a criminal trial upon finding of a public emergency. This Court finds the novel coronavirus pandemic is an emergency.
3. That on November 13, 2020, Governor Eric Holcomb issued Executive Order No. 20-48, which rescinded Indiana’s Stage 5 status and extended the State’s emergency status through December 12, 2020. Executive Order 20-48 also implemented restrictions on a county-based assessment depending on the color-coded zone of each county. The Indiana Supreme Court’s Resuming Court Operations Task Force issued guidance for trial courts. That guidance recommends very limited trials being held in Orange Zone counties and no trials in Red Zone counties.
4. As of November 20, 2020, Marion County is in the Orange Zone and has a positivity rate of 13.7%
5. Pursuant to Marion County Health Department Order, all schools in Marion County shall conduct only virtual learning from November 30, 2020 through January 15, 2021.
6. On November 13, 2020, the Marion County Health Department issued Public Health Order 36-2020, which sets forth that Marion Circuit and Superior Courts must limit gatherings in any of their court facilities to 25 persons or fewer. This Order is effective November 23, 2020.

7. Based upon the orders as set forth above and the rapidly increasing positivity rate in Marion County, the Court has determined that an emergency does exist.
8. With the emergency finding, the Court, pursuant to Criminal Rule 4(A) and (B), finds that all jury trials in Marion County should not occur at this time due to the increased transmission of the novel coronavirus and in order to protect public health and safety.
9. Therefore, the Court orders all jury trials continued and reset it for after January 15, 2021, which is a reasonable time to expect to be able to safely conduct trials again.

SO ORDERED THIS 20th day of November, 2020.



Hon. Sheryl Lynch, Judge
Marion Circuit Court



Hon. Heather Welch
Presiding Judge, Marion Superior Court



Hon. Amy Jones
Associate Presiding Judge, Marion Superior Court



Hon. Christina Klineman
Associate Presiding Judge, Marion Superior Court



Hon. Alicia Gooden
Associate Presiding Judge, Marion Superior Court