

IN THE HANCOCK CIRCUIT
AND SUPERIOR COURTS
STATE OF INDIANA

IN THE MATTER OF JOINT)
LOCAL RULES OF COURT)

NOTICE OF LOCAL RULE AMENDMENTS

Pursuant to Trial Rule 81(D) of the Indiana Rules of Trial Procedure, the Judges of the Hancock Circuit and Superior Courts propose amendments to the local rule concerning caseload plan at LR30-AR00-2 and assignment of felony and misdemeanor cases at LR30-CR2.2-1 effective on ***July 1, 2014***.

Adopted this 10th day of June, 2014.

_____/S/_____
Richard D. Culver, Judge,
Hancock Circuit Court

_____/S/_____
Terry K. Snow, Judge,
Hancock Superior Court #1

_____/S/_____
Dan E. Marshall, Judge,
Hancock Superior Court #2

LOCAL CASELOAD PLAN FOR THE EIGHTEENTH JUDICIAL CIRCUIT

Pursuant to the Order for Development of Local Caseload Plans of the Indiana Supreme Court entered on July 16, 1999, the undersigned Judges of the Eighteenth Judicial Circuit adopt the following Local Caseload Plan for the Courts of the Circuit:

The Judicial Circuit

Hancock County, Indiana constitutes the Eighteenth Judicial Circuit of the State of Indiana and is served by the Hancock Circuit Court and Hancock Superior Courts No. 1 and 2. According to the 2006 Weighted Caseload Measures (WCLM) the County average was 1.40 as opposed to the State average of 1.23. The WCLM of the courts within the Circuit were: Hancock Circuit Court, 1.44; Hancock Superior Court No. 1, 1.27; and Hancock Superior Court No. 2, 1.49.

Plan Concepts

The Local Plan shall be premised upon a review and evaluation of:

1. WCLM information for the courts serving the Circuit,
2. Resources and needs of individual courts within the Circuit as well as available judicial resources,
3. measures which would facilitate as well as impede implementation of the Plan goal and
4. mechanics for the implementation of the Plan goal.

Upon completion of such review significant caseload disparities have been determined to exist among the courts of the Circuit as evaluated by WCLM.

The goal of the Local Plan is the alteration of the caseloads of the courts so that each is within 0.25 points of the state average WCLM relevant to the Plan (1.22 for 2006) or the range which may hereafter be adopted by the Indiana Supreme Court. The most efficient method for balancing caseloads within the Circuit is through management of the docketing of cases within the courts of the Circuit so that WCLM analysis of each court will be approximately 1.00.

Implementation, Yearly Evaluation, and Review

The judges of the Circuit shall meet en banc each year for the purpose of evaluating the WCLM of each court within the Circuit and adopting appropriate alterations or revisions of the Local Plan and to relieve caseload disparities among the Courts. Each annual meeting shall be scheduled within thirty days of the yearly certification of WCLM information by the Division of State Court Administration. Implementation of the Local Plan shall be on a calendar year basis.

At their annual meeting an evaluation shall be made of the utilization of judicial resources within the courts of the Circuit based upon WCLM for the prior year. A determination shall be made concerning the most efficient and appropriate manner for the Circuit to meet its responsibilities pursuant to the Orders of the Indiana Supreme Court regarding caseload allocation. Upon the completion of the yearly review appropriate and necessary Plan modifications shall be adopted by a majority vote and an order shall be entered which shall direct the Clerk of Hancock County with respect to implementation of the Local Plan. Starting in January of 2008, the courts will move the filing of Protective Order cases (PO) from Superior Court 2 to Superior Court 1.

Judicial Circuit Plan

Case types shall be docketed in the courts of the Circuit only as indicated:

a. **Circuit Court and Superior Court No. 1**

MR, ~~FA~~, ~~FB~~, ~~FC~~, ~~FD~~, **F1, F2, F3, F4, F5, F6**, MC, JC, JD, JS, JM, JT, PL, CC, MF, CT, DR, RS, MH, AD, AH, ES, EU, GU, TR and MI,

b. **PO cases** are to be filed in Superior Court No. 1. They may be transferred to Circuit Court or Superior Court 2 if there is a DR case or other case involving the parties in that court.

c. **Superior Court No. 2**

~~FD F6~~ **F6** (as limited by local filing rule), CM, MC, IF, OV, SC. The Local Rule concerning the filing of criminal cases shall be amended in accordance with such filing procedure and continue to control the docketing of ~~FD F6~~ case types.

All cases filed in the civil docket of the Hancock Circuit and Superior Court No. 1 shall be filed on a random basis by the Clerk pursuant to a method approved by the courts.

The Local Plan shall continue in effect from year to year thereafter except as modified.

Plan Impact

Based upon WCLM information for ~~2008~~ **2012**, implementation of the Local Plan will result in the WCLM of each court within the Circuit being approximately equal.

LR30-CR2.2-1 ASSIGNMENT OF FELONY AND MISDEMEANOR CASES **Section 1 – Definitions**

A misdemeanor case may include a charged infraction but not a felony.

A felony case may include both misdemeanors and infractions in addition to the charged felony. A felony case shall be deemed to be a felony case of the highest class alleged in the information or indictment.

Section 2 – Case Assignment upon Filing

Immediately upon the filing a case the Prosecuting Attorney shall deliver the file to the appropriate court and advise the court as to whether the defendant is in custody.

The following offenses shall be filed only in Hancock Superior Court No. 2:

Ordinance Violations,

Infractions,

Misdemeanors,

~~Class D~~ **Level 6** felonies defined by IC-9 [OWI OR HTO felonies],

~~Class D~~ **Level 6** felonies defined by IC 35-46-1-4 [Neglect of a Dependent] if joined with a violation of IC 9-30-5-1 through IC 9-30-5-5 [OWI as a misdemeanor or felony],

~~Class D~~ **Level 6** felonies defined by IC 35-46-1-5 [Non-Support of a Dependent],

~~Violations of IC 35-43-4-2 [Theft] if the value of the property is less than One Hundred Dollars (\$100.00);~~

Violations of IC ~~35-44-3-3(b)(1)~~ **35-44.1-3-3(b)(1)** [Resisting Law Enforcement as a ~~Class-D Level 6~~ felony] and, ~~Class-D Level 6~~ felonies joinable with a filed criminal offense under IC-9 arising out of the same fact situation.

~~Class "D" Level 6~~ felonies filed against other defendants arising out of the same fact situation as any of the above mentioned cases joinable by law shall also be filed in Hancock Superior Court No. 2. All other felony offenses shall be filed in either the Hancock Circuit Court or Hancock Superior Court No. 1 as hereinafter prescribed except Escape charged pursuant to IC ~~35-44-3-5~~ **35-44.1-3-4(b)or(c)** shall be filed in the same court which had sentenced or ordered the defendant held.

Offenses shall be filed in the Hancock Circuit Court and Hancock Superior Court No. 1 on an alternate basis within each year according to the date of the earliest offense alleged to have been committed on odd days of the month shall be filed in the Hancock Circuit Court and alleging the commission of offense on an even day of the month shall be filed in Hancock Superior Court No. 1.

If an information or indictment alleges a period of time for the commission of an offense rather than a single specific date, the case shall be filed according to the earliest month alleged. Cases involving offenses alleged to have been committed during odd months shall be filed in the Hancock Circuit Court and those alleging the commission of an offense during an even month shall be filed in Hancock Superior Court No. 1. An information or indictment involving both specific alleged dates and period of time shall be filed as though it alleged specific dates only. **The same shall apply if only a year for commission is alleged.**

Cases filed against other defendants arising out of the same fact situation which are joinable by law shall be filed in the same court. Juvenile Delinquency cases will be filed as civil cases, however if a juvenile has a pending or open case, a new case shall be filed in the same court as the existing case.

Section 3 – Refiling and/or Subsequent Filing

If the State of Indiana dismisses an information or indictment filed against a defendant, any subsequent refiling of such information or indictment charging the same and/or other offenses, arising out of the same underlying factual situation, shall be filed in the same court from which the dismissal was obtained.

Section 4 – Reassignment of Cases Due to Disqualification of the Judge

If the judge before whom a case is pending becomes disqualified from jurisdiction of a case pursuant to the Indiana Rules of Criminal Procedure, Rules of Procedure for Post Conviction Remedies, Recusal or the Code of Judicial Conduct, the procedures of Indiana Judicial Administrative District Rule DR17-CR-00003 will be followed. **As amended and approved effective May 1, 2013.*

Adopted June 2014; Effective July 1, 2014.