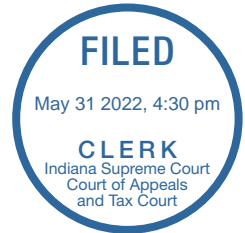


In the
Indiana Supreme Court

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

Supreme Court Case No.
22S-MS-164



Order Approving Amended Local Rules

The Judges of the DeKalb Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Indiana Administrative Rule 1(E) and for criminal case assignments and special judge selection in accordance with Criminal Procedure Rules 2.2 and 13. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the DeKalb Circuit and Superior Courts, this Court finds that the proposed rule amendments at LR17-AR 1-1 comply with the requirements of Indiana Administrative Rule 1(E) and LR17-CR 2.2-1 comply with the requirements of Criminal Procedure Rules 2.2 and 13, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR17-AR 1-1, and LR17-CR 2.2-1, for DeKalb Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective June 1, 2022.

Done at Indianapolis, Indiana, on 5/31/2022.

A handwritten signature in black ink, appearing to read "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

LR17-CR 2.2-1 – Criminal Case Reassignment and Special Judge Selection

Pursuant to Ind. Criminal Rule 2.2(D) and Ind. Criminal Rule 13(C), in the event a change of judge is granted or a disqualification or recusal is entered, the case shall be reassigned as follows:

- (1) Superior Court I: In the event a change of Judge is granted where it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in the DeKalb Superior Court I, the case shall be reassigned to the DeKalb Superior Court II.
- (2) Superior Court II: In the event a change of Judge is granted where it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in the DeKalb Superior Court II, the case shall be reassigned to the DeKalb Superior Court I.
- (3) Alternative: In the event a reassignment cannot be accomplished pursuant to the rules set forth above, then the case will be reassigned on a rotating basis from the following Judicial Officers: DeKalb Circuit Court Judge, and the Judicial Officers of those counties within the Administrative District, and the Judicial Officers of any counties contiguous to DeKalb County, Indiana.

Pursuant to Ind. Criminal Rule 13(D), in the event no Judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of Special Judge. In the event the Judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, this presiding Judge may request the Indiana Supreme Court for such appointment.

LR17-AR 1-1 Caseload Allocation Plan for DeKalb County Courts

- (A) Cases to be filed exclusively in the DeKalb Circuit Court:

JC*, JD, JS, JP, JM, JT, JO, RS, and Nonsupport of a child cases filed under I.C. 35-46-1-5 shall be filed exclusively in DeKalb Circuit Court.

*JC – When the Judge of DeKalb Circuit Court has a conflict, the case shall be filed in DeKalb Superior Court II.

- (B) Cases to be filed exclusively in the DeKalb Superior Court I:

FD, F6 (except Nonsupport of child cases), CM, MC**, IF, OV-based on moving traffic violations, and specialized driving privileges filed as MI cases.

**In the event DeKalb Superior Court I is unable to hear a search warrant when

requested, the warrant may be requested of and issued by any of the Judges or Courts.

** Probation transfer cases shall be filed in the same manner as criminal cases, i.e., Misdemeanor and FD and F6 probation cases shall be filed in Superior Court I. MR, FA, FB, FC, F1, F2, F3, F4, and F5 probation cases shall be filed on a rotating basis between Superior I and Superior II.

(C) Cases to be filed exclusively in the DeKalb Superior Court II:

SC, EM, ES, TR, XP (unless otherwise required by statute), PL, MF, CT, EV, CC

(D) Cases to be filed on a rotating basis between DeKalb Circuit Court and DeKalb Superior Court II:

DN, DC, MH, AD, EU, GU, PO, MI- except specialized driving privilege cases, TP, TS

(E) Cases to be filed on a rotating basis between DeKalb Superior Court I and DeKalb Superior Court II:

MR, FA, FB & FC, OE, OV-other than moving traffic violations, CB***, F1, F2, F3, F4, F5

*** CB cases involving the appointment of Special, Pro Tem and Senior Judges shall be filed in the Court making the appointment.

Resolutions Spread of Record may be filed in any Court

When additional criminal charges are filed against a Defendant with a pending MR, FA, FB, FC, F1, F2, F3, F4, F5 case, the new charges shall be filed in the same Court as the pending case.

In the event the Judge of DeKalb Superior Court I or II has a conflict in a criminal case, the case shall be filed in or transferred to Circuit Court.

In the event of a conflict, and except as otherwise provided by this Plan, the Judge of the Court where originally filed shall transfer the case to either of the other Courts in DeKalb County.

PC- The case to be filed in the Court in which the underlying conviction was entered. After hour search warrants or PC reviews may be requested of and authorized by any of the judges.

This caseload allocation plan shall be effective until modified. The DeKalb County Judges shall meet as necessary to review the caseload allocation.