

In the  
Indiana Supreme Court



IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR GREENE COUNTY )

Case No. 28S00-1507-MS-404

ORDER APPROVING AMENDED LOCAL RULE

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

Upon examination of the proposed rule amendment requested by the Greene Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR28-AR01-01 complies 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 LR28-AR01-01 for Greene Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective upon the date of this Order.

DONE at Indianapolis, Indiana, on 7/6/2015.

A handwritten signature in black ink that reads "Loretta H. Rush". The signature is written in a cursive style.

Loretta H. Rush  
Chief Justice of Indiana

**LR28-AR01-01**  
**CASELOAD ALLOCATION PLAN**

**A. ANNUAL REVIEW:** The Judges of the Greene Circuit Court and the Greene Superior Court shall meet annually to review the weighted caseload statistics of each Court and to comply with Orders of the Indiana Supreme Court concerning case assignments.

**B. GREENE CIRCUIT COURT:** The following cases shall be filed exclusively with the Greene Circuit Court:

1. Juvenile.
2. Adoption.
3. Guardian.
4. Estates.

**C. GREENE SUPERIOR COURT:** The following cases shall be filed exclusively with the Greene Superior Court:

1. Small Claims.
2. Infractions.
3. Minor Offenses and Violations.
4. Criminal, if each Count is a misdemeanor, a Class D Felony, a Level 6 Felony, or if a Count alleges either a felony or misdemeanor violation of I.C. 9-30-5 et seq.

**D. CONCURRENT ASSIGNMENT:** The Greene Circuit Court and Greene Superior Court shall receive assignments of all other matters, including:

1. Civil Commitments.
2. Criminal offenses, except cases alleging all misdemeanors, Class D Felonies, Level 6 Felonies, or cases alleging either a felony or misdemeanor violation of I.C. 9-30-5 et seq.
3. Civil.
4. Civil and Criminal Cases Transferred from Other Counties.
5. Protective Orders.

from the Clerk of the Greene Circuit Court as follows:

**1. Random Draw:** When a case is filed, the Clerk will file the case in the court randomly selected by the Odyssey Case Management system.

**2. Probation Transfer, Subpoena Duces Tecum, and Search Warrant Cases:**

Notwithstanding the above, any case that is a probation transfer from another county, or a case in which the State is filing a motion for subpoena duces tecum, or a case in which the State is seeking a search warrant, the Clerk will file the case randomly, consistent with the procedures set forth in the preceding paragraph.

**3. Companion Civil Filings:** In the event two or more civil cases are identified by the filing party as companion cases, arising from the same circumstances, with similar issues of fact and law, the Clerk will file the case in the court randomly selected by the Odyssey Case Management system. All companion cases will then be filed in the selected Court.

**4. Subsequent Criminal Filings:** The Circuit Court and the Superior Court state that the policy of the Courts is to have all criminal felony cases, excluding Class D Felonies, Level 6 Felonies, or violations of I.C. 9-30-5 et seq., pending against an individual filed in the same Court. Therefore, when a criminal case is filed which charges an accused with a Level 5 Felony and above, excluding violations of I.C. 9-30-5 et seq., the Prosecuting Attorney and the Clerk shall determine if the accused has another felony charge pending in either Court. "Another felony charge pending" means both a felony case where judgment has not yet been entered and a felony case in which a Petition to Revoke has been filed. If there is another felony charge pending in either Court, the new charge shall be filed in the same Court where the previous felony charge is pending.

**E. TRANSFER:** The Judge of the Greene Circuit Court or the Greene Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign any case to the other Court, subject to acceptance by the receiving Court.

**F. REFILINGS:** When the State of Indiana dismisses a case and chooses to refile that case, the case shall be assigned to the Court from which the dismissal was taken.

**G. APPOINTMENT OF SPECIAL JUDGES IN CRIMINAL CASES:** 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**.