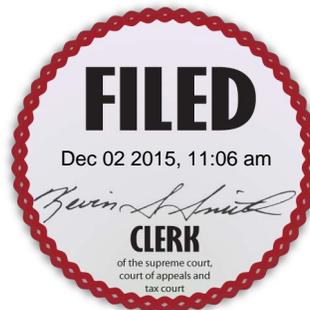


In the
Indiana Supreme Court



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

Case No. 72S00-1512-MS-674

ORDER APPROVING AMENDED LOCAL RULE

The judges of the Scott Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Indiana Administrative Rule 1(E) and appointment of special judges in accordance with Ind. Criminal Rule 13. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Scott Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR72-CR2.2-1, complies with the requirements of Indiana Administrative Rule 1(E) and Ind. Criminal Rule 13, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Scott Circuit and Superior Court Local Rule, LR72-CR2.2-1, set forth as an attachment to this Order, is approved effective January 1, 2016.

DONE at Indianapolis, Indiana, on 12/2/2015.

A handwritten signature in black ink that reads "Loretta H. Rush". The signature is written in a cursive style and is positioned above a horizontal line.

Loretta H. Rush
Chief Justice of Indiana

**LOCAL RULE NO. LR72-CR2.2-1
ASSIGNMENT OF CRIMINAL CASES
AND SPECIAL JUDGE ASSIGNMENT**

The Courts of Scott County, Indiana, adopt the following rules for the assignment of criminal cases and the selection of special judges in criminal cases:

(A) All cases wherein the most serious charge is Murder or a Class A, B, or C Felony or a Level 1, 2, 3, 4 or 5 Felony shall be filed in Circuit Court.

(B) All cases wherein the person is charged under Indiana Code title 9, Motor Vehicles, regardless of the class or level of felony offense shall be filed in Superior Court.

(C) All cases wherein the factual basis for the criminal charges, also, is the factual basis in the Circuit Court under Indiana Code 31-34 et. seq., Child In Need of Services, shall be filed in Circuit Court.

(D) All cases wherein a person is charged under Indiana Code Title 20, Compulsory School Attendance Law, shall be filed in Circuit Court.

(E) All juvenile delinquency cases shall be filed in Circuit Court and if there is a waiver from juvenile court into adult court, the case shall be filed in Circuit Court.

(F) All other criminal cases including Misdemeanors, Class D Felonies and Level 6 Felonies and infractions shall be filed in Superior Court.

(G) Any cases which may be joined by statute shall be treated as one case for purposes of determining which court shall be selected. The highest charge filed shall determine selection of the Court in which the charge is to be filed.

(H) When there is a recusal by the sitting Judge or when a motion for change of Judge has been granted, pursuant to Rule 13 of the Indian Rules of Criminal Procedure, the Clerk shall first assign the case to the other sitting Judge in Scott county and if that Judge is unable to serve then assign a judge randomly from the list of sitting and elected judges of the following Courts consisting of Courts in contiguous counties and Courts within the Administrative District:

1. Jennings Circuit Court
2. Jefferson Circuit Court
3. Jefferson Superior Court
4. Washington Circuit Court

5. Washington Superior Court
6. Jackson Superior Court 1
7. Jennings Superior Court
8. Jackson Superior Court 2
9. Jackson Circuit Court
10. Clark Circuit Court 1
11. Clark Circuit Court 2
12. Clark Circuit Court 3
13. Clark Circuit Court 4
14. Floyd Circuit Court
15. Floyd Superior Court 1
16. Floyd Superior Court 2
17. Floyd Superior Court 3

(I) In the event a case is dismissed and refiled, the Judge last having jurisdiction in the dismissed case shall be the judge in the new case.

(J) Criminal cases in the Scott Circuit Court or the Scott Superior Court for which there was a disposition prior to the date that the respective Judge of each Court assumed office, and for which there is filed a motion, pleading or notice of any nature, other than a petition for post conviction relief or a probation revocation proceeding, shall, if accepted, be transferred to or addressed by the other court or referred to a Senior Judge for further disposition or assigned to a new Judge pursuant to Section H of this Rule. A probation revocation proceeding in the Scott Superior Court, shall be heard by a senior judge assigned to the Scott Superior Court. A probation revocation proceeding which is declined by a senior judge or a petition for post conviction relief shall be assigned a new Judge pursuant to Section H of this Rule. A petition for post conviction relief or a probation proceeding in the Scott Circuit Court shall be assigned a new Judge pursuant to Section H of this Rule.