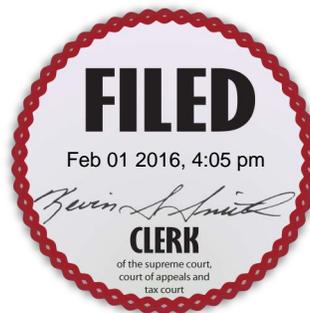


In the
Indiana Supreme Court



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

Case No. 02S00-1602-MS-55

ORDER APPROVING AMENDED LOCAL RULE

The judges of the Allen Circuit and Superior Courts request the approval of an amended local rule for special judge selection in accordance with Indiana Criminal Rule 13. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Allen Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR02-CR2.2-1, complies with the requirements of Indiana Criminal Rule 13, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Allen Circuit and Superior Court Local Rule, LR02-CR2.2-1, set forth as an attachment to this Order, is approved effective February 1, 2016.

DONE at Indianapolis, Indiana, on 2/1/2016.

Loretta H. Rush
Chief Justice of Indiana

LR02-CR2.2-1 Assignment of Criminal Cases

Pursuant to CR 2.2 Effective January 1, 2005, Criminal cases filed in Allen County, Indiana shall be before the Court herein designated as follows:

A. Original Assignments-Charged by Information

1. All Criminal cases filed by information, charging an offense of:

Operating a Motor Vehicle With Lifetime Suspension, a Class C Felony, I.C. 9-30-10-17;

Operating While Intoxicated, a Class D felony, I.C. 9-30-5-3;

Operating Vehicle as Habitual Traffic Violator, a Class D felony I.C. 9-30-10-16;

Criminal Non-Support of Dependents, I.C. 35-46-1-5 through I.C. 35-46-1-7;

shall be filed before the Allen Circuit Court.

2. All other criminal cases, filed by Information, other than those filed before the Allen Circuit Court pursuant to Paragraph 1 above, shall be filed in the Allen Superior Court, Criminal Division.

3. Unless pendent to a felony, all misdemeanors shall be filed in the Misdemeanor and Traffic Division of the Allen Superior Court, Criminal Division.

4. Within the Allen Superior Court, Criminal Division, felony offenses shall be filed as follows:

a) Two (2) Judges shall preside over all Murder, Class A, B and C felonies, excluding Drug cases.

b) One (1) Judge shall preside over all Class D Felonies, and over all Drug cases not assigned to the Drug Court Intervention Program.

5. Designation of Judges to the categories, referred to in Section 4(a) and (b), shall be by Order of the Judges of the Allen Superior Court, Criminal Division, to be made on or before May 1, 1995 and annually prior to January 1 each year thereafter.

B. Original Assignment-Indictment by Grand Jury. All criminal prosecutions, investigated and by True Bill returned as a Grand Jury indictment, shall be filed in the respective Criminal Courts of Allen County as provided in Paragraph A above.

C. Assignment By Transfer. Transfers of cases may be made between the Allen Circuit Court and the Allen Superior Court, Criminal Division, at the discretion of and with the consent of respective Judges of said Courts to accommodate the respective work load of said judges. Said transfers shall be made pursuant to I.C. 33-33-2-25 and I.C. 33-33-2-26

Transfers of individual cases may be made among Judges of the Allen Superior Court, Criminal Division, at the discretion of and with the consent of said Judges to accommodate the respective work loads of said Judges.

D. Special Judge Assignment. In the event of disqualification, recusal, or other change of Judge, the case shall be reassigned in random order in equal numbers to one of the Judges exercising Felony or Misdemeanor jurisdiction in Allen County. A Judge who previously served in the case is not eligible for reassignment.

If a judge is not available for reassignment from the judges in Allen County, then the Clerk of the Court shall select a special judge (on a rotating basis) from a list of judicial officers from contiguous counties.

In the event no Judge is available for reassignment of a Felony or Misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a 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, the presiding Judge may request the Indiana Supreme Court for such appointment.

E. Miscellaneous. Cases dismissed and re-filed shall be filed or assigned to the Judge presiding at the time of the dismissal, regardless of the foregoing rules of assignment.

This rule may be modified upon order and notice of a minimum of 30 days by the Allen Circuit Court or the majority of the Judges of the Allen Superior Court, Criminal Division. Following such an order of modification, should the Judges of the Allen Circuit and Allen Superior Court, Criminal Division fail to adopt a new plan pursuant to CR2.2 within 30 days, the Supreme Court of Indiana shall be notified.

Adopted effective April 11, 1995 Amended September 29, 2004, effective January 1, 2005; amended September 28, 2010, effective January 1, 2011; amended effective February 1, 2016.