

**In the
Indiana Supreme Court**

IN THE MATTER OF)
REQUEST FOR APPROVAL)
OF LOCAL RULES)
FOR COURTS OF RECORD IN)
POSEY COUNTY)

**NOTICE OF PROPOSED AMENDED LOCAL COURT RULES, FINDING
GOOD CAUSE TO DEVIATE FROM THE SCHEDULE FOR LOCAL RULES, AND
REQUEST FOR SUPREME COURT APPROVAL
October 6, 2015**

In accordance with Trial Rule 81 of the Indiana Court Rules, the judges of the Posey Circuit and Superior Court hereby give notice to the bar and the public that the Courts propose to amend their current local court rules concerning their caseload allocation plan at **LR65-CR2.2-01** and **LR65-AR1-02 and 03**. We find that good cause exists to deviate from the schedule for adopting or amending local rules. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for the amendments to the local court rules concerning caseload allocation. We request Supreme Court approval for these amended rules.

Comment Period and Effective Date

The time period for the bar and the public to comment will begin on **October 7, 2015**, and will close on **November 9, 2015**. The effective date for the amended rules will be **January 1, 2016**.

Comments

Comments by the bar and the public should be made in writing and mailed, or emailed, to Brent S. Almon, Judge, Posey Superior Court at P.O. Box 604 Coliseum, Mount Vernon, IN 47620 or brentalmon@yahoo.com.

A paper copy of the proposed amended local rules will be made available for viewing in the office of the Clerk of Posey County, in the Posey County Courthouse. Persons with Internet access may view the proposed new and amended local rules at the following website:

<http://www.in.gov/judiciary/2906.htm>

For the Courts of Record of Posey County

_____/S/_____
The Honorable James M. Redwine
Posey Circuit Court

_____/S/_____
The Honorable Brent S. Almon
Posey Superior Court

LR65-CR2.2-01 Rule for the Assignment of Criminal Cases in the Posey Circuit and Superior Courts

The Clerk of the Courts of Posey County shall assign criminal cases between the Courts of Posey County as follows:

(A) Felony Cases. Except for any criminal offense charged under I.C. 9-30-5 or I.C. 9-30-10, # if a named defendant is on felony probation or has a pending felony case in the Posey Circuit or Posey Superior Court, the case shall be assigned to the court in which the defendant is on felony probation or in which the prior case is pending. Criminal Grand Jury proceedings shall be held in the Posey Circuit Court and any criminal indictment returned filed in the Posey Circuit Court. All other felony cases (MR, FA, FB, FC, FD, F1, F2, F3, F4, F5, and F6) shall be randomly assigned to the Posey Circuit and Superior Courts in accordance with LR65-AR1-03. If more than one defendant is charged in a separate cause number for acts arising out of the same incident or course of conduct, all cases so related shall be assigned to a single court determined randomly in accordance with LR65-AR1-03. The random assignment of related cases shall apply even though one or more of the defendants charged is on probation or has a pending felony case. If an indictment or information contains felony and misdemeanor charges, the case shall be considered a felony case.

(B) Misdemeanor Cases. Misdemeanor cases (CM) shall be assigned to the Posey Superior Court.

(C) OVWI and Habitual Traffic Violator Cases. All criminal offenses under I.C. 9-30-5 and I.C. 9-30-10 shall be assigned to the Posey Superior Court, - including any such case in which the Defendant is on probation or has a prior case pending in the Posey Circuit Court.

(C) Post Conviction Relief. Post Conviction Relief Petitions (PC) shall be assigned to the court in which judgment of conviction was entered.

LR65-AR1-02 Rules for Assignment of Civil Cases in the Posey Circuit and Superior Courts

Civil cases shall be assigned between Posey Circuit and Superior Courts as follows:

(A) Dissolution of Marriage (DR), Mental Health (MH), Juvenile CHINS (JC), Juvenile Delinquency (JD), Juvenile Status (JS), Juvenile Miscellaneous (JM), Juvenile Termination of Parental Rights (JT), Juvenile Paternity (JP), Reciprocal Support (RS), Adoption (AD), Estate Supervised (ES), Estate Unsupervised (EU), Guardianship (GU), Trust (TR), Petition for Change of Name (MI), and Election Recount (MI) shall be assigned to the Posey Circuit Court.

(B) Dissolution of Marriage (DR), Expungement (XP), Small Claim (SC), Traffic Violation and other Infractions (IF), Local Ordinance Violation (OV), and Petitions for Protective Order (PO) shall be assigned to the Posey Superior Court.

(C) Civil Plenary (CP), Civil Collection (CC), Mortgage Foreclosure (MF), Civil Tort (CT), and all other Miscellaneous Civil (MI) cases shall be randomly assigned to the courts in accordance with LR65-AR1-03.

LR65-AR1-03

Rule for Random Assignment of Felony and Civil

Cases

The Clerk of the Courts of Posey County shall devise and utilize a plan for the random and equal assignment of all other felony and civil cases required by these rules to be assigned at random to the Posey Circuit and Superior Courts.