

In the
Indiana Supreme Court

CAUSE NUMBER: 94S00-1003-MS-128



ORDER AMENDING INDIANA RULES FOR TRIAL DE NOVO

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Indiana Trial De Novo Rules 1(A), 2(A), and 3(A) are amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

Rule 1. Trial de Novo Following Civil Judgment ~~in City Court~~

(A) **Application.** A party who has a statutory right to a trial *de novo* in circuit or superior court after entry of a judgment in a civil action by a city court or an appeal after entry of a judgment in a civil action by a town court described in IC 33-35-2-5 may request and shall receive the trial *de novo* as provided in this Rule. As used in Rule 1, all references to a city court shall also include a town court described in IC 33-35-2-5.

...

Rule 2. Trial de Novo Following Infraction or Ordinance Violation Judgment in City or Town Court

(A) **Application.**

(1) A defendant who has a statutory right to ~~a trial de novo in circuit or superior court~~ an appeal after a trial for an infraction or ordinance violation in a city or town court may request and shall receive the trial *de novo* as provided in this rule.

(2) A city or town court defendant who admitted committing an infraction or ordinance violation and therefore had no trial in city or town court may request as provided in this rule that the circuit or superior court either:

- (a) permit the defendant to withdraw the admission and have a trial *de novo*; or
- (b) provide a trial *de novo* on the sanctions.

...

Rule 3. Trial de Novo Following Misdemeanor Trial in City or Town Court

(A) Application.

(1) A defendant who has a statutory right to ~~a trial de novo in circuit or superior court~~ an appeal after a trial for a misdemeanor in a city or town court may request and shall receive the trial *de novo* as provided in this Rule.

...

These amendments shall take effect January 1, 2011.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Public Defender's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and Thomson Reuters. The Clerk is also directed to post this Order to the Court's website.

Thomson Reuters is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this 21st day of September, 2010.

/s/Randall T. Shepard
Randall T. Shepard
Chief Justice of Indiana

All Justices concur.