

STATE OF INDIANA	)	MARION CIRCUIT AND
	)	SUPERIOR COURTS
	)	
COUNTY OF MARION	)	
	)	
In Re Local Court Rules	)	

**Notice of Proposed Local Rule Amendments, Finding Good Cause to Deviate from the Schedule for Amending Local Court Rules, and Requesting Comments**

The Judges of the Marion County Courts in compliance with the provisions of Trial Rule 81 give Notice of proposed amendments to their local court rule concerning the **Criminal Division Rules**. And, pursuant to Trial Rule 81(D), the Judges find that good cause exists to deviate from the schedule established by the Division of State Court Administration for the publishing of amendments to local rules. Accordingly, the Courts issue the following proposed amendments to the Marion County Local Court Rules and ask for comment from the bar and the public. Underlining indicates proposed additions and ~~striking through~~ indicates deletions. The amended rule will be effective on **October 1, 2017**.

Comments to this proposed Local Rule amendment will be received through **Noon on September 30, 2017**. Comments to this proposed amended Local Rule should be e-mailed to the Office of the Court Administrator, c/o Emily VanOsdol, at [Emily.VanOsdol@indy.gov](mailto:Emily.VanOsdol@indy.gov) or mailed to:

Emily VanOsdol  
Office of the Court Administrator  
Marion County Circuit and Superior Courts  
200 East Washington St., Ste. T1221  
Indianapolis, IN 46204

All of the above is so ORDERED this 31<sup>st</sup> day of August, 2017.

s/ Timothy Oakes  
\* Judge Timothy Oakes  
Presiding Judge  
Marion Superior Court

\* Original signature on file with the Court.

# MARION SUPERIOR COURT CRIMINAL DIVISION RULES

\* Unless otherwise prescribed by another law or rule, all time computations refer to business days which the Superior Court is open, pursuant to Order of Marion County Circuit Court.

## LR49-CR2.2-100 RANDOM ASSIGNMENT OF CRIMINAL CASES

(a) All criminal cases filed in Marion County in the Superior Courts shall be assigned to an individual courtroom on a random basis. The random assignment rule for criminal cases does not apply to certain cases designated by the Court and Prosecutor as belonging in the:

- Domestic Violence Courts; or
- Major Felony and Class D/Level 6 Felony Drug Courts; or
- Traffic Court; or
- Mental Health Court docket; or
- PAIR Court docket; or
- Check Deception Court docket; or
- Gun Retention Court docket; or
- Cases involved in LR49-CR2.3-101: Case Consolidation.

This rule strives for the equalization of caseload among all of the individual courtrooms.

(b) ~~Advisement of Rights hearings shall be conducted in the Arrestee Processing Center Court (G11). All other hearings for Felony cases will be conducted in the Felony Court.~~ Any new filing for a Major Felony case shall be randomly assigned to one of the multiple courtrooms designated as Major Felony Courts (G01, G02, G03, G04, G05, and G06). All major felony drug offense cases and major felony handgun cases shall be assigned to courts G20 or G21. All initial hearings for cases assigned to a Major Felony Court will be conducted in the assigned courtroom.

(c) Initial hearings for all Class D/Level 6 Felony Cases ~~that are the result of an outright arrest where the defendant is still in custody~~ shall be conducted in the ~~Arrestee Processing Center~~ Initial Hearing Court, G11. These cases shall be assigned on a random basis to one of the multiple courtrooms designated as Class D/Level 6 Felony Courts (G09, G15, G18, and G24). The random assignment rule for criminal cases does not apply to Class D/Level 6 felony cases involving allegations of domestic violence or to Class D/Level 6 felony cases designated as drug court cases. Cases involving an allegation of domestic violence shall be randomly assigned to either of the domestic violence courts (G16 and G17). Class D/Level 6 felony drug cases shall be assigned to the D felony/Level 6 drug courts (G14 and G25).

(d) Initial hearings for cases involving Misdemeanor Cases ~~that are a result of an outright arrest where the defendant is still in custody~~ shall be conducted in the ~~Arrestee Processing~~ Initial

Hearing Court, Court G11. These cases shall be assigned on a random basis to one of the multiple courtrooms designated as Misdemeanor Courts (G07, G08, G10, G12, and G19). Misdemeanor cases involving allegations of domestic violence shall be randomly assigned to either of the Domestic Violence Courts (G16 and G17). Misdemeanors involving allegations of violations of traffic laws, with the exception of Operating a Vehicle While Intoxicated, shall be assigned to the Traffic Court (G13). If the Judge, defense counsel or prosecutor believes the defendant may have a mental illness and/or mental disability, the Judge, defense counsel or prosecutor may apply to the PAIR Roundtable for evaluation. If, after evaluation, the PAIR Roundtable finds the defendant is PAIR eligible, the case shall be transferred to the designated Mental Health Court. In the event the defendant fails the PAIR program, the case shall be returned to the originating court for adjudication. If a participant is terminated from the Mental Health Alternative Court program, the case will remain in that Court for disposition.

(e) In the event that a defendant has a Misdemeanor or D Felony/Level 6 Domestic Violence case, and that case is amended to include a class C/Level 5 Felony charge, that case shall stay in the Domestic Violence Court to which it was originally assigned.