

VIGO COUNTY CRIMINAL RULES

LR84-CR2.2 Rule 2. Criminal Case Assignments

~~(A) Except as provided for in paragraph (B) and (C) below, the following rotation for felony cases is adopted for Superior court Division 1, Circuit/Superior Court Division 3, and Superior Court Division 6, and is based upon the time of the occurrence of the offense:~~

- ~~(1) Offenses occurring between 12:01 A.M. on the first day of each month through midnight on the 7th day of each month will be assigned to Superior Court, Division 1.~~
- ~~(2) Offenses occurring between 12:01 A.M. on the 8th day of each month through midnight of the 15th day of that month through midnight of the 15th day of that month will be assigned to Circuit/Superior Court Division 3.~~
- ~~(3) Offenses occurring between 12:01 A.M. on the 16th day of each month through midnight of the last day of that month will be assigned to Superior Court Division 6.~~
- ~~(4) In the case of multiple offenses, the date of the earliest offense alleged in the charging document shall assign the rotation date and assignment of the court. If a case involves both felony and misdemeanor chargers, the case shall be considered a felony for the application of the rule.~~

(A) Except as provided in paragraph (B) and (C) below, the following rotation for felony cases is adopted for Superior Court Division 1, Circuit/Superior Court Division 3, Superior Court Division 5, and Superior Court Division 6, felony cases will be assigned on a rotating basis beginning with Division 1, then 3, then 5, and then 6, and is based upon the time of the occurrence of the offense.

- (1) Offenses occurring between 12:01 A.M. of the first day of each month through midnight on the 7th day of each month will be assigned to Superior Court Division 1.
- (2) Offenses occurring between 12:01 A.M. of the 8th day of each month through midnight of the 15th day of that month will be assigned to Circuit/Superior Court Division 3.
- (3) Offenses occurring between 12:01 A.M. on the 16th day of each month through midnight of the 23rd day of that month will be assigned to Superior Court Division 5.
- (4) Offenses occurring between 12:01 A.M. of the 24th day of each month through midnight of the last day of that month will be assigned to Superior Court Division 6.
- (5) Notwithstanding the above rule, no Superior Court judge shall have more than one capital murder case pending at any one time except where

multiple defendants are charged with capital murder arising out of a single episode.

(B) All criminal misdemeanor and Class D Felonies arising out of domestic relations shall be assigned to Superior Court Division 4.

~~(C) All criminal misdemeanor and Class D Felonies relating to controlled substances and Class C Felony controlled substance cases which the prosecutor deems appropriate for Drug Court shall be assigned to Superior Court Division 5. All criminal misdemeanor and D felonies relating to the operation of a motor vehicle shall be assigned to Superior Court Division 5. Habitual Traffic Violator charges filed as Class C felonies shall be assigned to Superior Court Division 5.~~

(C) All criminal misdemeanor and Class D Felonies relating to controlled substances and Class C Felony controlled substance cases which the prosecutor deems appropriate for Drug Court shall be assigned to Superior Court Division 5. Class D Felonies relating to Operating a Motor Vehicle While Intoxicated shall be assigned to Superior Court Division 5. All other Class D Felonies shall be assigned to Superior Court Division 1, 3 and 6 on the following schedule: offenses occurring from the first day of the month through midnight of the 10th day of the month will be assigned to Superior Court Division 1; offenses occurring from 12:01 A.M. on the 11th day of each month through midnight of the 20th day of each month will be assigned to Superior Court Division 3; offenses occurring from 12:01 on the 21st day of each month through the end of the month will be assigned to Superior Court Division 6.

~~(D) The following rotation for criminal misdemeanor offenses is adopted for Superior Court Division 4 and Superior Court Division 5:~~

~~(1) Misdemeanor offenses occurring between 12:01 A.M. on the first day of the each month through midnight on the 15th day of each month will be assigned to Vigo Superior Court Division 4.~~

~~(2) Misdemeanor offenses occurring between 12:01 A.M. on the 15th day of the each month through the last day of each month will be assigned to Vigo Superior Court Division 5.~~

~~(3) In the case of multiple offenses, the date of the earliest offense alleged in the charging document shall assign the rotation date and assignment of the court. If a case involves both felony and misdemeanor chargers, the case shall be considered a felony for the application of the rule.~~

(D) All criminal misdemeanor cases shall be assigned as follows:

(1) Offenses for Operating a Vehicle While Intoxicated shall be assigned to Division 5.

(2) All other misdemeanor offenses shall be assigned to Division 1, and 6 on a rotating basis. Offenses occurring between 12:01 A.M. of the first day of each month through midnight of the 15th day of that month will be

assigned to Superior Court Division 1. Offenses occurring between 12:01 on the 16th day of each month through the end of the month will be assigned to Superior Court Division 6.

- (3) In the case of multiple offenses, the date of the earliest offense alleged in the charging document shall assign the rotation date and assignment of the court. If a case involves both felony and misdemeanor charges, the case shall be considered a felony for application of this rule.

(E) A judge of the Circuit or Superior Courts, by appropriate order entered in the record of judgments and orders, may transfer and reassign a case to any other court of record in the county with jurisdiction to hear the charged offense subject to acceptance by the receiving court.

(F) When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which the dismissal was taken.

(G) In the event additional charges are filed against a criminal defendant subsequent to the assignment of the case, all such additional charges shall be assigned to the court of initial assignment.

~~(H) (1) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 1, the case shall be reassigned to either Superior Court Division 3 or Superior Court Division 6 on a rotating basis. If the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court. If the judges of Superior Court Division 3 and Superior Court Division 6 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4 or Superior Court Division 5 on a rotating basis.~~

~~(2) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 3, the case shall be reassigned to Superior Court Division 1 or Superior Court Division 6 on a rotating basis. If the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court. If the judges of Superior Court Division 1 and Superior Court Division 6 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4 or Superior Court Division 5 on a rotating basis.~~

(H) ((1) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 1, the case shall be reassigned first to Superior Court Division 3, then to Superior Court Division 5, then to Superior Court Division; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 3, Superior Court Division 5, or Superior Court Division 6

cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.

(2) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 3, the case shall be reassigned first to Superior Court Division 5, then to Superior Court Division 6 then to Superior Court Division; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 1, Superior Court Division 5, or Superior Court Division 6 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.

(3) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 4, the case shall be reassigned first to the judge of Superior Court Division 5. If the judge of Superior Court Division 5 cannot accept jurisdiction, the case will be reassigned first to Superior Court Division 6, then to Superior Court Division 1, then to Superior Court Division 3; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated.

~~(4) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 5, the case shall be reassigned first to the judge of Superior Court Division 4. If the judge of Superior Court Division 4 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 1, Superior Court Division 3, or Superior Court Division 6 on a rotating basis.~~

(4) In the event a change of judge is granted or it becomes necessary to assign another judge in any misdemeanor criminal proceeding in Superior Court Division 5, the case shall be reassigned first to the judge in Superior Court Division 4. In the event a change of judge is granted or it becomes necessary to assign another judge in any felony criminal proceeding in Superior Court Division 5, the case shall be reassigned first to Superior Court Division 6 then to Superior Court Division 1, then to Superior Court Division 3; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 1, Superior Court Division 3, or Superior Court Division 6 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.

~~5) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 6, the case shall be reassigned to Superior Court Division 1 or Superior Court Division 3 on a rotating basis. If the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court. If the judges of Superior Court Division 1 and Superior Court Division 3 cannot accept jurisdiction, the case will be reassigned to~~

~~Superior Court Division 4 or Superior Court Division 5 on a rotating basis.~~

(5) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 6, the case shall be reassigned to Superior Court Division 1, then to Superior Court Division 3, then to Superior Court Division 5; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 1, Superior Court Division 3, or Superior Court Division 5 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.

- (I) In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for appointment of a Special Judge. In the event the judge presiding in a felony or misdemeanor case concludes that special 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 make such appointment.
- (J) This rule does not prohibit the filing of appropriate criminal offenses in the Terre Haute City Court to the extent of its jurisdiction.

(A) CRIMINAL CASES shall be filed pursuant to LR84-CR2.2-2.

(B) CIVIL CASES

(1) DISSOLUTION ACTIONS (DR)

The filing of dissolution actions shall be filed in the following proportionate rotation:

Vigo Superior Court Division Two	50%	<u>60%</u>
Vigo Superior Court Division One	16.66%	<u>13.33%</u>
Vigo Superior Court Division Three	16.66%	<u>13.33%</u>
Vigo Superior Court Division Six	16.66%	<u>13.33%</u>

(2) PROBATE

The filing of probate matters shall be filed in the following proportionate rotation:

Vigo Superior Court Division One	33.33%
Vigo Superior Court Division Two	33.33%
Vigo Superior Court Division Three	33.33%

(3) CIVIL TORT (CT)

The filing of civil tort actions shall be filed in the following proportionate rotation:

Vigo Superior Court Division Six	20%
Vigo Superior Court Division One	20%
Vigo Superior Court Division Two	40%
Vigo Superior Court Division Three	20%

(4) CIVIL PLENARY (PL)

The filing of civil plenary actions shall be filed in the following proportionate rotation:

Vigo Superior Court Division One	60%
Vigo Superior Court Division Two	20%
Vigo Superior Court Division Three	20%

(5) CIVIL COLLECTIONS (CC)

The filing of civil collection actions shall be filed in the following proportionate rotation:

Vigo Superior Court Division Six	20%
Vigo Superior Court Division One	20%
Vigo Superior Court Division Two	20%
Vigo Superior Court Division Three	40%

(6) MORTGAGE FORECLOSURES (MF)

The filing of mortgage foreclosures shall be filed in the following proportionate rotation:

Vigo Superior Court Division Three	50%
Vigo Superior Court Division One	16.66%
Vigo Superior Court Division Two	16.66%
Vigo Superior Court Division Six	16.66%

(7) SMALL CLAIMS (SC)

The filing of small claims actions shall be in the following proportionate rotation:

Vigo Superior Court Division 4	60%
Vigo Superior Court Division 5	40%

(8) PROTECTIVE ORDERS (PO)

Petitions for protection orders and workplace restraining orders shall be filed in Vigo Superior Court Division 4 except for protection order petitions filed by a party:

1. To a pending marriage dissolution case or to a marriage dissolution case in which a decree has been entered and there are minor children to the parties. These petitions shall be filed in the Court presiding over the dissolution action.
2. To a pending paternity case or who is a juvenile or naming a juvenile as respondent. These cases shall be filed in Juvenile Court.

(9) MENTAL HEALTH CASES (MH)

All mental health cases filed shall be in Vigo Superior Court Division 2.

(10) JUVENILE COURT (JP)

To the extent of its jurisdiction, all juvenile matters shall be filed in the Juvenile Division of the Vigo Circuit Court.

(11) MISCELLANEOUS (MI)

All miscellaneous civil filings shall be filed in the following rotation:

All hardship license cases arising out of Superior Court Division 5 shall be filed in Superior Court Division 5. All other miscellaneous civil filings will be divided equally between Division 1, Division 2, Division 3, Division 4, Division 5, and Division 6 on a rotating basis.

As in the past, Vigo County Judges shall continue to cooperate with one another to insure the effective and efficient administration of justice by assisting one another with hearings, should they be available to do so.

DATED: May 10, 2010

HON. MICHAEL H. ELDRED, Judge
Vigo Superior Division 1 Court

HON. PHILIP I. ADLER, Judge
Vigo Superior Division 2 Court

HON. DAVID R. BOLK, Judge
Vigo Circuit/Superior Division 3 Court

HON. CHRISTOPHER NEWTON, Judge
Vigo Superior Division 4 Court

HON. MICHAEL J. LEWIS, Judge
Vigo Superior Division 6 Court

HON. MICHAEL RADER, Judge
Vigo Superior Division 5 Court