

**STATE OF INDIANA  
COUNTY OF VIGO  
IN THE VIGO CIRCUIT AND SUPERIOR COURTS**

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**Notice of Proposed Amendments to Local Court Rule**

**July 17, 2012**

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In accordance with Trial Rule 81 of the Indiana Rules of Court, the Vigo Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule on **Criminal Case Assignments** at **LR84-CR2.2 Rule 2** for the courts of record of Vigo County, effective **September 1, 2012**. All new text is shown by underlining and deleted text is shown by ~~strike through~~. Supreme Court approval is required for Local Rules concerning Criminal Case Assignments and may not take effect until approved by the Supreme Court.

The time period for the bar and the public to comment begins on **July 17, 2012**, and closes on **August 20, 2011**. The proposed amendments to the rules will be adopted, modified or rejected before August 25, 2012, and the final version of the rule will be submitted to the Indiana Supreme Court for review and approval to be effective on **September 1, 2012**.

Comments by the bar and the public should be made in writing and mailed, or emailed, to:

Honorable David R. Bolk, Judge of the Vigo Circuit/Superior Court Division 3, Attn: Public Comment on Local Rules, Vigo County Courthouse, 33 South 3<sup>rd</sup> Street, Terre Haute, Indiana 47807; or [dabolk@aol.com](mailto:dabolk@aol.com).

A paper copy of the proposed amended local rules will be made available for viewing in the office of the Clerk of Vigo County, Vigo County Courthouse, 33 South 3<sup>rd</sup> Street, Terre Haute, Indiana 47807 during normal business hours. Persons with Internet access may view the proposed amended local rule for Caseload Allocation Plan at the following websites:

<http://www.vigocounty.in.gov/clerk> or <http://www.courts.IN.gov/rules/local>

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David R. Bolk, Judge  
Vigo Circuit/ Superior Court Division 3

## LR84-CR2.2 Rule 2 Criminal Case Assignments

(A) Except as provided in paragraph (B), ~~and (C), (D), (H) and (I)~~ 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 9<sup>th</sup> day of each month will be assigned to Superior Court Division 1.
- (2) Offenses occurring between 12:01 A.M. of the 10<sup>th</sup> day of each month through midnight of the 18<sup>th</sup> day of that month will be assigned to Circuit/Superior Court Division 3.
- (3) Offenses occurring between 12:01 A.M. on the 19<sup>th</sup> day of each month through midnight of the 27<sup>th</sup> day of that month will be assigned to Superior Court Division 6.
- (4) Offenses occurring between 12:01 A.M. of the 28<sup>th</sup> day of each month through midnight of the last day of that month will be assigned to Superior Court Division 5.
- (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.~~

**(B) Except as provided in paragraphs (C) and (D) below, all Class C Felonies shall be assigned to Vigo Superior Court Division 1, 3 and 6 on a rotating basis, beginning with Division 1, then 3, then 6, and is based upon the time of the occurrence of the offense.**

- (1) Offenses occurring from the first day of the month through midnight of the 10<sup>th</sup> day of the month will be assigned to Superior Court Division 1.**
- (2) Offenses occurring from 12:01 A.M. on the 11<sup>th</sup> day of each month through midnight of the 20<sup>th</sup> day of each month will be assigned to Superior Court Division 3.**
- (3) Offenses occurring from 12:01 A.M. on the 21<sup>st</sup> day of each month through the end of the month will be assigned to Superior Court Division 6.**

~~(C) 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 10<sup>th</sup> day of the month will be assigned to Superior Court Division 1; offenses occurring from 12:01 A.M. on the 11<sup>th</sup> day of each month through midnight of the 20<sup>th</sup> day of each month will be assigned to Superior Court Division 3; offenses occurring from 12:01 on the 21<sup>st</sup> day of each month through the end of the month will be assigned to Superior Court Division 6.~~

**(C) Class D Felonies arising out of domestic relations shall be assigned to Superior Court Division 4.**

**(D) Class D Felonies relating to Operating a Motor Vehicle While Intoxicated shall be assigned to Vigo Superior Court Division 5.**

~~(D)~~ **(E)** 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 criminal misdemeanors arising out of domestic violence shall be assigned to Division 4.**

~~(2)~~ (3) 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 15<sup>th</sup> day of that month will be assigned to Superior Court Division 1. Offenses occurring between 12:01 on the 16<sup>th</sup> day of each month through the end of the month will be assigned to Superior Court Division

~~(3)~~ **(F)** 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)~~ **(G)** 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)~~ **(H)** 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.

**(I) When a new cause of action is filed against a Defendant with an existing felony proceeding originally filed under subsection (A) or (B) the new cause of action shall be assigned to the Court where the existing cause of action is pending.**

**(J) When a new cause of action is filed against a Defendant who is on probation or serving a direct commitment in a Community Corrections program as a result of a case originally filed under (A) or (B) the new cause of action shall be filed in the Court in which the probation or Commitment is being supervised.**

~~(H)~~ **(K)** (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 6; 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 1; 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 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, 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.

⊕ **(L)** 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.

⊕ **(M)** This rule does not prohibit the filing of appropriate criminal offenses in the Terre Haute City Court to the extent of its jurisdiction.