



16th Judicial Circuit

Shelby Circuit Court
Shelby Superior Court I
Shelby Superior Court II

Charles D. O'Connor
Jack A. Tandy
David N. Riggins

In the Circuit and Superior Courts of Shelby County, Indiana

-Notice and Proposed Amended Rule Regarding Bonds and Case Apportionment-

The Circuit and Superior Courts of Shelby County, Indiana, hereby give notice of their intention to amend the following local rules:

LR73-CR2.2 RULE 1. CRIMINAL CASELOAD ASSIGNMENT

The text of the proposed new rules may be found below. Due to recent legislative changes and pursuant to Ind. Trial Rule 81(D), the undersigned judges find good cause exists to deviate from the typical adoption schedule contemplated by T.R. 81, and to provide for a **fifteen (15) day comment period** that begins on **July 15, 2014** and ends on **July 30 2014**. Notice shall be forwarded to the Shelby County Bar Association, the Shelby County Clerk for publication on the county website, and the Division of State Court Administration for publication on the judicial website. The **effective date** of the new rules will be **August 1, 2014**. Comments regarding the Amendment should be directed to **David N. Riggins, Shelby Superior Court 2, 407 S. Harrison Street, Shelbyville, IN 46126**.

SO ORDERED this 30th day of June, 2014.

LR73-CR2.2 RULE 1. CRIMINAL CASELOAD ASSIGNMENT

- 1.1 All misdemeanors shall be filed in Shelby Superior No. 2;
- 1.2 All felonies (including murder) shall be assigned on a random basis among the three courts by the Shelby County Clerk pursuant to the Shelby County Caseload Allocation Plan under LR73-AR00 Rule 3. Thus, Shelby Circuit and Superior Court I shall receive 45% of Murder and Level 1, 2, 3, 4, & 5 felonies and Superior Court II shall receive 10% of such cases. Circuit and Shelby Superior Court II shall each receive 45% of Level 6 felonies and Superior Court I shall receive 10% of Level 6 felonies.
- 1.3 The most serious level of charge filed determines ~~if the case~~ where the case is assigned. ~~automatically to Shelby Superior No. 2 or if the case is randomly assigned by the Shelby County Clerk;~~
- 1.4 When the State of Indiana dismisses a ~~pool~~ felony case and chooses to refile that case, the case shall be assigned to the court from which dismissal was taken;
- 1.5 All co-defendants in ~~pool~~ felony cases shall be assigned to the same court based upon a single random draw by the Shelby County Clerk;
 - 1.5.1 The Shelby County Prosecutor's Office shall notify the Clerk at the time of filing if the cases involve co-defendants. Each ~~case~~ person will be assigned an individual cause number. For purposes of this Rule, the cases involve co-defendants as provided by I.C. 35-34-1-9 and amendments thereto.
- 1.6 Except in felony cases involving co-defendants as defined above, any new ~~pool~~ felony case filed against a defendant who has an open ~~pool~~ felony case already pending in any Court, shall be assigned to the Court where the current case is pending. The Shelby County Prosecutor's Office shall notify the Clerk at the time of filing if the defendant has a pending ~~pool~~ felony case.

- 1.7 A judge of Shelby Circuit or a Superior Court may, by appropriate order entered in the Record of Judgments and Orders, transfer and reassign to any other court of record in the county with jurisdiction to hear the charged offense(s), any pending case subject to acceptance by the receiving court, where the interests of justice or the interest of judicial economy so require.
- 1.8 The prosecuting attorney or the defendant may seek to transfer a case, and upon good cause shown, a case may be transferred to any of the other courts for consolidation with a companion case, or with other cases pending in that court against the defendant with the acceptance of the judge of the receiving court.
- 1.9 In the event a motion for change of judge is granted the case shall be reassigned pursuant to Local Rule or District Rule DR17-CR12-00003-Appointment of a Special Judge in Criminal Cases.
- ~~or it becomes necessary to reassign a felony or misdemeanor case in Shelby Circuit or Shelby Superior Courts, the Clerk shall maintain a list containing the names of the judges of the Shelby County Courts and the names of the judges of the circuit and superior courts of Hancock, Rush, Decatur, Bartholomew and Johnson Counties, who have agreed to serve. Whenever an appointment of a successor judge becomes necessary the case shall be reassigned to one of the judges on the Clerk's list on a rotation basis.~~
- ~~1.10 Should a judge not be available for assignment from the Clerk's list or the particular circumstances of the case require a selection of a special judge by the Indiana Supreme Court, the case shall be certified to the Indiana Supreme court pursuant to Criminal Rule 13(d).~~

LR73-TR45 RULE 1. POOL FELONY

- ~~1.1 All A, B, & C felonies, (hereafter "pool" felonies), shall be assigned on a random basis among the three courts by the Shelby County Clerk with Shelby Superior No. 1 receiving forty five percent (45%), Shelby Circuit Court forty five percent (45%) and Shelby Superior No. 2 receiving ten percent (10%) of said cases;~~
- ~~1.1.2 All co-defendants in "pool" felony cases shall be assigned to the same court, based upon a single random draw by the Shelby County Clerk.~~
- ~~1.1.3 The Shelby County Prosecutor's Office shall notify the Clerk at the time of filing if the cases involve co-defendant. Each co-defendant case will be assigned an individual cause number. For purposes of this Rule, the cases involve co-defendants: as provided by I.C. 35-34-1-9 and amendments thereto.~~
- ~~1.1.4 Except in felony cases involving co-defendants under 1.1.3 above, any new "pool" felony case filed against a defendant who has an open "pool" felony case already pending in any Court, shall be assigned to the Court where the current case is pending. The Shelby County Prosecutor's Office shall notify the Clerk at the time of filing if the defendant has a pending pool felony case.~~
- ~~1.2 All misdemeanor cases and D felonies under Indiana Code 9-30-5 shall be filed in Shelby Superior Court No. 2. The remaining D felonies (hereinafter "pool felonies" shall be filed in the respective courts in the following percentages:~~
- ~~45% in Shelby Circuit Court~~
- ~~10% in Shelby Superior Court 1~~
- ~~45% in Shelby Superior Court 2.~~



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Judge
Shelby Circuit Court



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