

Section IV:

CRIMINAL RULES

LR84-CR2.1-1 Withdrawal of Appearance

(A) Except as otherwise provided in this rule, withdrawal of representation of a defendant in criminal cases may not be granted except upon hearing conducted in open court on record in the presence of the defendant. Withdrawal of appearance will be allowed without compliance with the requirements of this rule if the reason for withdrawal is the inability to locate and communicate with the defendant; in such event, a warrant shall forthwith be issued for the arrest of the defendant.

(B) A hearing in open court will not be required where other counsel has entered an appearance, the substitution of counsel will not cause a delay in the proceedings and the defendant has either consented to or requested the substitution of counsel in writing.

LR84-CR2.2-2 Criminal Case Assignments

(A) Except as provided in paragraphs (F) and (G) below, Felony cases shall be assigned as follows:

(1) All felonies arising out of domestic relations filed under I.C. I.C. 35-42-2-1.3(b)(1) , 35-42-2-1.3(b)(2), I.C. 35-42-2-9, I.C. 35-42-2-1(d), 35-42-2-1(e), I.C. 35-42-2-1(f), 35-42-3-3(a), 35-43-1-2(a)(2)(A), 35-42-2-2(b)(1)(A) and 35-43-2-1.5 and felonies in conjunction with domestic relations, (other than murder) shall be assigned to Superior Court Division 4.

(2) All felonies relating to Operating a Motor Vehicle While Intoxicated filed under I.C. I.C. § 9-30-5, and felonies in conjunction with Operating a Motor Vehicle While Intoxicated, shall be assigned to Superior Court Division 5.

(3) All other Felony offenses shall be assigned on a rotating basis beginning with Superior Court Division 1, then Circuit/Superior Court Division 3, and then Superior Court Division 6, and then Superior Court Division 5 and is based upon the time of the occurrence of the offense.

(a) Offenses occurring between 12:01 A.M. on the 1st day of each month through midnight on the 9th day of each month shall be assigned to Superior Court Division 1.

(b) Offenses occurring between 12:01 A.M. on the 10th day of each month through midnight on the 18th day of each month shall be assigned to Circuit/Superior Court Division 3.

(c) Offenses occurring between 12:01 A.M. on the 19th day of each month through the midnight on the 27th day of each month shall be assigned to Superior Court Division 6.

(d) Offenses occurring between 12:01 A.M. on the 28th day of each month through midnight of the last day of that month shall be assigned to Superior Court Division 5.

(4) 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 cases shall be assigned as follows:

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

(2) All criminal misdemeanors arising out of domestic violence shall be assigned to Superior Court Division 4.

(3) All other misdemeanor offenses shall be assigned to Superior Court Division 1, and Superior Court Division 6 on a rotating basis.

(a) 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.

(b) 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.

(C) 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.

(D) A judge of the Circuit of 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.

(E) 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, except for cases dismissed and transferred to Drug Court.

(F) When a new felony cause of action is filed pursuant to (A)(3) against a Defendant who has an existing felony proceeding originally filed or which would have been filed under subsection (A)(3) the new cause of action shall be assigned to the Court where the existing cause of action is pending.

(G) When a new felony cause of action is filed pursuant to (A)(3) 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 or which would have been filed under (A)(3) the new cause of action shall be filed in the Court in which the probation or Commitment is being supervised.

(H) Change of Judge.

(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.

(I) If this process does not result in the selection of a special judge, the Clerk shall select a special judge in rotating order from the judges of the following courts, comprising courts contiguous to, or within the same administrative district as, Vigo County:

Clay Circuit
Clay Superior
Sullivan Circuit
Sullivan Superior
Putnam Circuit
Putnam Superior
Parke Circuit
Vermillion Circuit

The Clerk shall maintain the list of special judges, and shall select from the list on a rotating basis when appointment under this local rule is required. If a judge is skipped in the rotation because of ineligibility or disqualification, he or she shall be selected first for the next eligible case.

(J) 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.

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

(Amended effective January 1, 2022)

LR84-CR00-3

Bail

(A) Persons arrested for a non-violent misdemeanor shall be released on their own recognizance unless they do not reside in the State of Indiana. Except in the case of judicial order otherwise, the Sheriff shall have the authority and discretion to detain a person under the influence of intoxicating beverages or drugs until such time as that person may be safely released.

(B) At the time each person is released on his own recognizance, he will be required to furnish data concerning his address, phone number, social security number, driver's license, employer's name and address, and, if under twenty-one (21) years of age, his parents: name, address and phone number.

Section VII:

ADMINISTRATIVE RULES

LR84-AR00-1 Court Hours

Each Court shall be open to the public daily during regular business days, Monday through Friday. The Presiding Judge of each respective Division shall designate a schedule of business hours for said respective Divisions as the respective Court’s Docket allows and is in the best interests of the public and Court. Except when otherwise designated, the Courts shall be open until 4:00 p.m. on each business day. If any Division of the Court finds it necessary to remain in session until after 4:00 p.m., no member of the staff of that Division shall leave for the day except upon permission of the presiding Judge.

Case Load Allocation Plan

LR84-AR01-2 CASE ASSIGNMENTS

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

(B) CIVIL CASES

(1) DISSOLUTION ACTIONS (~~DR~~) (DN) & (DC)

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

Vigo Superior Court Division Two: 60%

Vigo Superior Court Division One: 13.33%

Vigo Superior Court Division Three: 13.33%

Vigo Superior Court Division Six: 13.33%

(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: 25%

Vigo Superior Court Division Two: 25%

Vigo Superior Court Division Three: 25%

Vigo Superior Court Division Six: 25%

(5) CIVIL COLLECTIONS (CC)

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

Vigo Superior Court Division One: 20%
Vigo Superior Court Division Two: 20%
Vigo Superior Court Division Three: 20%
Vigo Superior Court Division Four: 20%
Vigo Superior Court Division Six: 20%

(6) MORTGAGE FORECLOSURES (MF)

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

Vigo Superior Court Division Three: 40%
Vigo Superior Court Division One: 15%
Vigo Superior Court Division Two: 15%
Vigo Superior Court Division Four: 15%
Vigo Superior Court Division Six: 15%

(7) SMALL CLAIMS (SC) & EVICTIONS (EV)

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

Vigo Superior Court Division Four: 66%
Vigo Superior Court Division Five: 34%

(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)

(A) All miscellaneous civil filings relating to the waiving of Indiana Bureau of Motor Vehicle reinstatement fees shall be filed in Vigo Superior Court Division 5.

(B) All miscellaneous civil filings relating to the issuance of motor vehicle titles shall be filed in

Vigo Superior Court Division 4.

(C) All miscellaneous civil filings relating to name changes shall be filed in Vigo Circuit Court.

(D) All other miscellaneous civil filings, except as provided in (E), shall be will be divided equally between Division 1, Division 2, and Division 6 on a rotating basis.

(E) The annual MI filing for Vigo County Tax Sales shall be rotated among the courts as follows so that no court receives the filing two (2) years in a row:

2016 – Division 4

2017 – Division 3

2018 – Division 1

2019 – Division 6

2020 – Division 5

2021 – Division 2, and so on.

(12) EXPUNGEMENTS FILED UNDER I.C. 35-38-9 (XP)

(A) All expungement matters required by statute to be filed in a particular Court shall be filed in such Court.

(B) All other expungement matters shall be filed in the following proportionate rotation:

Vigo Superior Court Division One: 20%

Vigo Superior Court Division Three: 20%

Vigo Superior Court Division Four: 20%

Vigo Superior Court Division Five: 20%

Vigo Superior Court Division Six: 20%

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.

(Amended effective January 1, 2022)

LR84-AR9-3 Confidentiality of Court Records

(A) Search Warrants

All search warrants shall be confidential prior to return of duly executed service.

(B) Arrest Warrants

All arrest warrants for criminal offenses shall be confidential prior to return of duly executed service, unless in a particular case, the State applies for an Order lifting confidentiality in order to facilitate the peaceful surrender of the person for whom the arrest warrant was issued.

(C) Indictments and Informations