

STATE OF INDIANA	)	In the Marshall Circuit Court
	)	SS: Marshall Superior Court No. 1
COUNTY OF MARSHALL	)	Marshall Superior Court No. 2
	)	Marshall Superior Court No. 3
	)	
	)	
In re: AMENDMENT OF	)	
LOCAL RULES	)	
	)	
	)	

ORDER FINDING GOOD CAUSE TO DEVIATE FROM  
SCHEDULE FOR ADOPTING LOCAL COURT RULES  
AND REQUEST FOR SUPREME COURT APPROVAL

The Marshall Circuit and Superior Courts, upon review of recent actions of the Indiana Supreme Court and consistent with the Marshall County Local Rules, and finds as follows:

The Court FIND AS FOLLOWS:

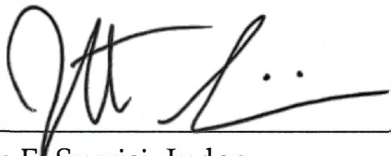
1. Pursuant to Indiana Trial Rule 81(D), good cause exists to amend the local rules of the Marshall County Courts.
2. The Indiana Supreme Court has recently adopted new case identifiers, GV, CE, and AR, which were not available at the time the current caseload allocation rule was submitted and approved.
3. Inclusion of these new case type identifiers is necessary to ensure that cases can be assigned and managed effectively within the Marshall County Circuit and Superior Courts.
4. The Court finds that amending LR-50-TR81 & AR1(E)-MLR-010 to include these newly adopted case type identifiers is in the interest of judicial efficiency and is necessary to prevent delay or confusion.
5. The creation of the case-types after submission and approval is good cause for deviating from the schedule provided in Indiana Rule of Trial Procedure 81(A)-(C).
6. Based on the foregoing, and pursuant to Indiana Trial Rule 81(D), the Court finds good cause to amend the local rule to include the newly adopted cause numbers.

IT IS THEREFORE ORDERED that the Marshall County Local Rule LR-50-TR81 & AR1(E)-MLR-010 shall be amended to include the new case type identifiers, GV, CE, and AR, consistent with the attached Rule, to become effective January 6, 2025.

IT IS FURTHER ORDERED this order fulfills the requirement of Indiana Rule of Trial Procedure 81 to show good cause for amending a local rule due to recently adopted procedural changes. Pursuant to Ind. R. Trial Pro. 81(D) the Clerk of Court shall post this in a publicly accessible area in the courthouse and notice shall be provided to the Marshall County Bar Association for comment. Comments shall be submitted in writing to Marshall Circuit Court, 501 N. Center Street, Suite 301, Plymouth, Indiana 46563, or via email to [amyp@co.marshall.in.us](mailto:amyp@co.marshall.in.us). All comments shall be submitted by January 5, 2025.

PROVIDED FURTHER the Courts of Marshall County request the Indiana Supreme Court approve the attached amended local rule in accordance with Indiana Rule of Trial Procedure 81(D) and Appendix A(8)(a)(iv).

SO ORDERED THIS 5<sup>th</sup> DAY OF December, 2024.



Janette E. Surrisi, Judge  
Marshall Circuit Court



Robert O. Bowen, Judge  
Marshall Superior Court No. 1



Matthew T. Aldridge, Judge  
Marshall Superior Court No. 2



Matthew E. Sarber, Judge  
Marshall Superior Court No. 3

**LR50 – TR81 & AR1 (E) – MLR-010**  
*Local Caseload Allocation Plan*  
*Transfer, Refiling, and Reassignment*

**SECTION ONE, LOCAL CASELOAD ALLOCATION PLAN**

In order to meet the statistical requirements mandated by the Indiana Supreme Court, except as noted below in the paragraphs entitled “Exceptions”, original case filing shall be made into the following Courts as listed below effective January 1, 2025.

**Marshall Circuit Court**

All CE, CT, EM, JC, JD, JS, JP, JM, JQ, JT, PL, MF, RS, TS, TP, RA

**Marshall Superior Court No. 1**

All LP, DP, MR, F1, F2, PO\*, RF

**Marshall Superior Court No. 2**

All Title 9 F5, Title 9 F6, CM, IF, OV, OE, EV, SC

**Marshall Superior Court No. 3**

All F3, F4, non-Title 9 F5, non-Title 9 F6, CC, MH

**Exceptions:**

1. If a person is on probation, or has a criminal case pending in any Marshall County Court, any new criminal case filing against that person regardless of its classification may be filed in the same or any other Marshall County Court at the State’s discretion.
2. If the charged offense contains a Title 9 F5 or F6 and a non-Title 9 F5 or F6 offense, the State of Indiana has the discretion to file the matter in Superior 2 or Superior 3.
3. \* new PO cases which relate to a previously filed JP, JD, JC, DR, DC, DN, or GV case type shall be filed in the court where the previously filed case already exists.

**Additional case types and case divisions:**

1. The following shall be divided equally in either Marshall Circuit Court or Marshall Superior Court No. 1:  
All DN, DC, AD, ES, EU, GU, TR, GV
2. The Clerk of Marshall County shall be responsible for monitoring and controlling the division of DN, DC, AD, ES, EU, GU, GV, and TR case types as outlined herein.
3. CB, PC, MI, MC, and XP filings shall be made in the most appropriate Court for the matter being adjudicated.
4. Transfers shall be permitted between Courts provided both participating judges approve.
5. Judicial officers shall be authorized to act and conduct trials and hearings of all types in any of the courts of Marshall County in the event the presiding judge is unavailable or requests assistance.

6. Any pending Motion to Revoke Probation regardless of case type shall remain with the Court where it is now pending. Forthcoming revocation or modification proceedings shall be filed in the Court acquiring jurisdiction over the case type for the violation resulting from this rule.

## **SECTION TWO, TRANSFER, REFILING AND SUBSEQUENT FILINGS, AND REASSIGNMENT**

### **(A) TRANSFER**

A judge of the Marshall Circuit Court, Marshall Superior Court No. 1, Marshall Superior Court No. 2, or Marshall Superior Court No. 3 may, by appropriate order entered in its record of judgments and orders, transfer and reassign a case or cases to either of the other courts of record in Marshall County with jurisdiction to hear the charged offense, subject to acceptance by the judge of the receiving court.

### **(B) REFILING AND SUBSEQUENT FILINGS**

When the State of Indiana dismisses a case and chooses to refile the case, the case shall be assigned to the court from which the dismissal was taken.

In the event charges have been filed against a criminal defendant and subsequent charges of a higher level than previously filed are filed in an alternative court, the existing charges pending in the other court, of a lesser degree, may be reassigned to the court where the higher level felony charge is filed.

### **(C) REASSIGNMENT**

In the event a change of judge is granted, or it becomes necessary to assign another judge in any felony or misdemeanor proceeding, the case shall be returned to the Clerk of the Court for assignment to one of the other courts in Marshall County on an alternating basis contingent upon approval by the judge of the court next in line for assignment. In the event the judge next in line for assignment of a case declines assignment due to a conflict of interest the remaining court shall be subject to assignment of the case unless the presiding judge also declines assignment due to a conflict of interest.

In the event a change of judge is granted, or it becomes necessary to assign the case to another judge and the other judges in Marshall County decline assignment of that case due to a conflict of interest, the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list that includes:

- (1) eligible judicial officers from within the administrative district; and,
- (2) eligible judicial officers from a contiguous county.

**(D) APPOINTMENT OF SPECIAL JUDGE**

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 the appointment of a special judge. In the event the judge presiding in the felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a special judge, this presiding judge may request the Indiana Supreme Court for such appointment.

*(Amended effective January 5, 2025, as amended December 5, 2024)*