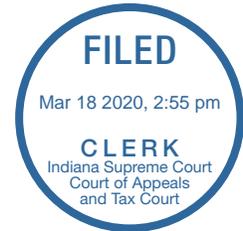


In the
Indiana Supreme Court



In the Matter of the Petition of the
St. Joseph County Courts for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-130

Order

The courts of St. Joseph County *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the Governor of the State of Indiana has declared a state of emergency due to the 2019 novel coronavirus (“COVID-19”); the World Health Organization has declared COVID-19 to be a pandemic; the St. Joseph County Health Department has declared a local health emergency; and that on March 15, 2020, the Center for Disease Control recommended cancelation of any gathering of 50 people or more. The petition requests an emergency order allowing the clerk and courts of St. Joseph County to “alter, modify, and suspend necessary procedures” as provided in the “Action Plan” submitted with the petition.

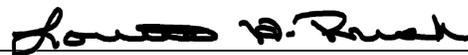
The Court finds that good cause exists for granting emergency relief.

Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in St. Joseph County, and APPROVES IN PART the Action Plan as submitted **subject to the dates and procedures established in this Order**. The Court further ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, **effective March 16, 2020**.

1. The Court authorizes the tolling, from the effective date of this order **through May 4, 2020**, of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, mental health, and appellate matters; all judgments, support, and other orders; and in all other civil and criminal matters before the courts of St. Joseph County. Further, no interest shall be due or charged during this tolled period.
2. This Court authorizes immediate suspension of all criminal and civil jury trials, including those with a “fast and speedy” setting requested, through **May 4, 2020**. The courts of St. Joseph County are directed to review **no later than April 20, 2020**, whether continued suspension is necessary; and if it is not, to resume jury trials **no later than May 4, 2020**, to allow adequate notification of the jury pool. If the courts of St. Joseph County believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. **Through May 4, 2020**, this Court authorizes hearings in all criminal cases involving defendants who are not in custody to be reset to a date after May 4, 2020, and defendants who are in custody to appear via video conferencing for all criminal case hearings except sentencing hearings.
4. **Through May 4, 2020**, this Court authorizes in all civil cases the immediate suspension of all hearings the courts in their discretion deem non-essential and non-emergency.
5. **Through May 4, 2020**, the courts of St. Joseph County are authorized, in their discretion and subject to applicable Constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing.
6. **Through May 4, 2020**, the courts of St. Joseph County are authorized to *sua sponte* review county-jail sentences of non-violent offenders and juveniles; and after consultation with a team comprised of the State, a public defender, and the county sheriff, to modify sentences to probation or order temporary release from the jail, with service of executed sentences to resume as thereafter ordered by the courts of St. Joseph County.
7. **Through May 4, 2020**, the courts of St. Joseph County are authorized to *sua sponte* permit telephone or audiovisual telecommunications without the parties consent, but must consider any party's objection.
8. **Through May 4, 2020**, the courts of St. Joseph County may post signage advising litigants who appear at the courthouse after their matter has been continued to check mycase.in.gov or to call their lawyer or the St. Joseph County Clerk for updated information. This authorization is in addition to the signage authorized by ¶ 12 of this Court's March 16, 2020 order in Case No. 20S-CB-123.
9. **Through May 4, 2020**, the clerk of St. Joseph County is authorized to set initial hearings in immediate possession cases after May 4, 2020. Judicial officers may still enter orders pursuant to Ind. Code 32-30-3-3- or set hearings before May 4, 2020.
10. The courts of St. Joseph County shall file a status update **no later than April 20, 2020**, to inform this Court of whether there is an ongoing need for emergency relief.

Done at Indianapolis, Indiana, on 3/18/2020.



Loretta H. Rush
Chief Justice of Indiana