

IN THE KOSCIUSKO CIRCUIT AND SUPERIOR COURTS
KOSCIUSKO COUNTY

IN THE MATTER OF)
LOCAL COURT RULES)

**NOTICE OF LOCAL RULE AMENDMENT AND
REQUESTING SUPREME COURT APPROVAL**

The Judges of the Kosciusko Circuit and Superior Courts, pursuant to Trial Rule 81(B), give notice of an amendment to the Local Court Rules, LR43-AR1E-1 Initial Civil Case Assignment and LR 43-CR2.2-1 Initial Criminal Case Assignment. All new text is shown by underlining and deleted text is shown by ~~strikethrough~~.

Notice is given to the public by posting with the Kosciusko County Clerk and on the Indiana Judicial Website and by furnishing a copy to the officers of the Kosciusko County Bar Association. This rule amendment will be effective January 1, 2018, subject to the approval of the Indiana Supreme Court.

Comments may be made until June 30, 2017, and should be directed to Judge Michael W. Reed, Kosciusko Circuit Court, 121 North Lake Street, Warsaw, Indiana 46580, or by e-mail at mreed@kcgov.com.

ORDERED this 24th day of April, 2017, on behalf of the Judges of Kosciusko County.

/s/ Michael W. Reed
Michael W. Reed, Judge
Kosciusko Circuit Court

LR43-AR1E-1

CIVIL CASE ASSIGNMENT

A.

- (1) All cases which have case classification code MH, TS, and TP shall be filed in the Kosciusko Circuit Court.
- (2) All cases which have case classification code JC, JD, JS, JP, JM and JT shall be filed in Kosciusko Superior Court No. 1.
- (3) All cases which have case classification code PL, CT, RS, AH AD, ES, EU, GU and TR may be filed in either Kosciusko Circuit Court or Kosciusko Superior Court No. 1.
- (4) Seventy-five percent (75%) of MI cases shall be filed in Kosciusko Superior Court No. 3, Twenty-five percent (25%) may be filed in either Kosciusko Circuit Court or Kosciusko Superior Court No. 1; however, attorneys are strongly encouraged to file such cases on an alternating basis in Kosciusko Circuit Court and Kosciusko Superior Court No. 1.
- (5) All cases which have case classification code IF shall be filed in Kosciusko Superior Court No. 2.
- (6) All cases which have case classification code OV, OE, PO (except PO cases where a JP, DC or DN case is in existence involving the same parties which shall then be filed in the court having the JP, DC or DN case), and SC shall be filed in Kosciusko Superior Court No. 3.
- (7) Twenty percent (20%) of ~~dissolution cases~~ DC and DN cases shall be filed in Kosciusko Superior Court No. 3.
- (8) ~~Thirty-five percent (35%)~~ Thirty percent (30%) of dissolution cases DC and DN cases shall be filed in Kosciusko Circuit Court.
- (9) Twenty percent (20%) of ~~dissolution cases DC and DN~~ cases shall be filed in Kosciusko Superior Court No. 1.
- (10) ~~Twenty-five percent (25%)~~ Thirty percent (30%) of dissolution cases DC and DN cases shall be filed in Kosciusko Superior Court No. 2.
- (11) Collection (CC) cases shall be filed in Kosciusko Superior Court No. 3 or Kosciusko Superior Court No. 2 with case assignment to be made by the Clerk in order that: three-fourths (3/4) are filed in Kosciusko Superior Court No. 3; one-fourth (1/4) are filed in Kosciusko Superior Court No. 2.
- (12) ~~Mortgage foreclosure ME~~ cases shall be filed in Kosciusko Circuit Court and Kosciusko Superior Court No. 3 with case assignment to be made by the Clerk in order that: one-half (1/2) are filed in Kosciusko Circuit Court; and one-half (1/2) are filed in Kosciusko Superior Court No. 3.
- (13) XP cases may be filed in any court.

LR43-CR2.2-1 INITIAL CASE ASSIGNMENT

(A) Initial case assignments are as follows:

(1) All D and C Felonies

Thirty percent (30%) of D felonies shall be filed in the Kosciusko Circuit Court and should include any cases filed under Title 35, Article 48 (Controlled Substances).

Twenty percent (20%) of D felonies shall be filed in the Kosciusko Superior Court No. 1.

Ten percent (10%) of D felonies shall be filed in the Kosciusko Superior Court No. 2.

Forty percent (40%) of D felonies shall be filed in the Kosciusko Superior Court No. 3 and should include any cases involving felonies filed under Title 9 (Traffic) and I.C. 35-46-1-5 through and including I.C. 35-46-1-7.

Fifty percent (50%) of C felonies shall be filed in the Kosciusko Circuit Court and should include any cases filed under Title 35, Article 48 (Controlled Substances).

Thirty percent (30%) of C felonies shall be filed in the Kosciusko Superior Court No. 1.

Twenty percent (20%) of C felonies shall be filed in the Kosciusko Superior Court No. 3 and should include any cases filed under Title 9 (Traffic) and I.C. 35-46-1-5 through and including I.C. 35-46-1-7.

All F6, F5, F4 Felonies

Thirty-five percent (35%) of F6, F5 and F4 felonies shall be filed in the Kosciusko Circuit Court and should include any cases filed under Title 35, Article 48 (Controlled Substances).

Thirty-five percent (35%) of all F6, ~~F5~~ and F4 felonies and Five percent (5%) of all F5 and F6 felonies shall be filed in the Kosciusko Superior Court No. 1.

Fifteen percent (15%) of all F5 and F6 felonies shall be filed in the Kosciusko Superior Court No. 2.

Thirty percent (30%) of all F6, F5 and F4 felonies and Forty-Five percent (45%) of all F5 and F6 felonies shall be filed in the Kosciusko Superior Court No. 3 and should include any cases involving felonies filed under Title 9 (Traffic) and I.C. 35-46-1-5 through and including I.C. 35-46-1-7.

(2) Felonies under Title 35-42-1 (Homicide) and I.C. 35-48 (Controlled Substances) cases

All felonies filed under Title 35, Article 42, Chapter 1 (Homicide) and those filed under Title 35, Article 48 (Controlled Substances) shall be filed in the Kosciusko Circuit Court. *(Amended effective January 1, 2005)*

(3) All other Felony cases

All other felonies shall be assigned to the ~~Kosciusko Superior Court No. 1 and Kosciusko Circuit Court~~ on an alternating basis as set forth above.

(4) All Misdemeanor cases

All misdemeanors shall be assigned to the Kosciusko Superior Court No. 2.

(5) All I.C. 31-6-4 (Juvenile) cases

All cases filed under Title 31, Article 6, Chapter 4 (Juvenile) of the Indiana Code shall be initially assigned to Kosciusko Superior Court No. 1. In the event a child is waived into adult court, the case shall be reassigned to the appropriate court in accordance with the proceeding provisions of this rule.

(6) Combination of Felony and Misdemeanor cases

In the event the case charges both felony and misdemeanor offenses, the case shall be considered a felony for the application of this rule.
(Amended effective July 1, 2014)

(7) Post-Conviction Relief cases

PC cases shall be filed in the court in which the related criminal case was filed.