

Update to the Marion Superior Court Criminal Division Operations Plan Effective Immediately Until Further Notice

May 8, 2020 - For Immediate Release

The Marion Superior Courts – Criminal Division has continued remote operations as a result of the Indiana Supreme Court’s Order dated April 24, 2020, which *sua sponte* extended all Administrative Rule 17 relief previously granted to Marion County through May 17, 2020. The Indiana Supreme Court ordered that jury trials shall not resume until at least June 1, 2020, without prior approval from the Supreme Court. The Marion Superior and Circuit Courts are in the process of developing a transition plan for all courts detailing expanded operations for the Supreme Court’s approval prior to May 15, 2020.

As of May 4, 2020, the following protocols have been implemented in the Marion Superior Court Criminal Division and are effective until further notice:

- **All hearings that can be held remotely WILL be held remotely.**
- A Defendant who is ***in-custody*** will be set on one of the following calendars and appear remotely from the Marion County Jail. The statewide case management system (Odyssey) is working and the public can continue to view case information on mycase.in.gov.
- Attorneys of record will receive an email the night before the scheduled hearing to join remotely.
- The following hearing types will be set on the calendars listed below: initial hearings, advisement of rights, bond reviews, change of plea, violation hearings or any other matters set by a specific court.

Courts	Hearing Day	End Points	Times
Emergency Level 6 Calendar Session 1	Mon-Fri	MCSO-MJ-1	9:30 -12:30
Emergency Level 6 Calendar Session 2	Mon- Fri	MCSO-J2-2	10:30-12:30
Emergency Major Felony Calendar Session 1	Mon-Fri	MCSO-J2-1	9:30-12:30
Emergency Major Felony Calendar Session 2	Mon-Fri	MCSO-MJ-1	10:30-12:30
Major Felony Other Calendar	Mon-Thur	MCSO-MJ-2 or MCSO-J2-2	8:30 -11:00
Initial Hearing Court	Mon- Fri	MCSO-MJ-1	1:00-3:15

- All L6 & misdemeanor hearings that involve a defendant who is *out-of-custody* will be converted to an attorney only pre-trial conference that will occur remotely, unless specifically contacted by the court.
- All Major Felony hearings that involve a defendant who is out-of-custody, will require the defendant to appear remotely and will NOT be set for an attorney only pre-trial conference unless the Court indicates otherwise.
- Each court is responsible for handling their own out-of-custody hearings. The day before the scheduled hearing, a staff member from the host court will email an invitation to the attorney of record to attend the attorney only pre-trial conference.
 - This includes instances where the defendant was set for a bench trial or evidentiary hearing. That hearing will be converted to an attorneys only pre-trial conference to determine future dates of the originally scheduled hearing.
 - A list of assigned court emergency staff members and their email addresses is available at <https://www.indy.gov/agency/marion-superior-court>.
 - Please do not file motions to convert pre-trial conferences to an attorney-only conference. The courts are expecting attorneys only unless there is a resolution through a plea agreement. In those cases please see below.
 - All filings shall include the following:
 - Whether discovery is complete
 - Whether an offer has been tendered
 - The hearing type you wish to schedule
 - If requesting a guilty plea hearing, note if a PSI is needed
 - Proposed available dates
 - The phone number and email address for the defendant – Attorneys are encouraged to file this information confidentially under AR9 and are required to supplement any updates to that information.
- In situations where an *out-of-custody* defendant plans to proceed with a change of plea, please notify the emergency staff member for the court with information regarding the defendant and an interpreter if needed, so that invitations can be sent. All plea agreements shall be filed prior to the scheduled hearing. Please notify court staff if your client needs the assistance of an interpreter.
- **Out-of custody** defendants set for probation and community corrections violations shall be set remotely on a specific court's calendar.
- **Jury Trials** will not be scheduled at least, until after June 1, 2020. We anticipate receiving guidance from the Indiana Supreme Court working group in the upcoming days.
- **Return to the City-County Building:** The Marion Superior Court is working with Dr. Virginia Caine, Director of the Marion County Public Health Department, as well as other

city-county agencies to develop a safe plan for the re-opening of the City-County Building. Once the building is re-opened, the Courts WILL continue to hold as many hearings as possible remotely for both in and out-of-custody defendants.

We anticipate easing back into the building for in-person hearings in June on a limited basis with a rotating court schedule where each court will operate in the building 50% of the time. The number of people in-person will be limited in each courtroom to comply with social distancing efforts. A schedule of specific court operations will be forthcoming.

Cases will be assigned a specific court time rather than the traditional “cattle call docket” in an effort to limit the number of people in each courtroom. Gallery seating will be limited and seats will be marked that can be used by the public in accordance with social distancing guidelines.

The Marion Superior Court Criminal Division will continue to provide updates on information as it becomes available from the Indiana Supreme Court as well as local and state officials. We anticipate more changes coming in the near future and this document will be updated.