

**STATE OF INDIANA – COUNTY OF MONTGOMERY  
IN THE MONTGOMERY CIRCUIT AND SUPERIOR COURTS**

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**Notice of Proposed Amendment to Local Court Rule  
January 14, 2014**

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In accordance with Trial Rule 81 of the Indiana Court Rules, the Montgomery Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule on assignment of infraction, ordinance violation and criminal cases for the courts of record of Montgomery County, effective February 17, 2014. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for Local Rules concerning caseload allocation plans and may not take effect until approved by the Supreme Court.

The time period for the bar and the public to comment shall begin on January 15, 2014, and shall close on February 14, 2014. The proposed amendments to the rule will be adopted, modified or rejected before February 21, 2014, and, if required, the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than February 28, 2014.

Comments by the bar and the public should be made in writing and mailed, or emailed, to: Hon. David A. Ault, Judge of the Montgomery Superior Court 1, Attn: Public Comment on Local Rules, Montgomery County Courthouse, 100 East Main Street, Crawfordsville, Indiana 47933; or [superior1@montgomeryco.net](mailto:superior1@montgomeryco.net).

A paper copy of the proposed amended local rule(s) will be made available for viewing in the office of the Clerk of Montgomery County, Montgomery County Courthouse, 100 East Main Street, Crawfordsville, Indiana, during normal business hours. Persons with Internet access may view the proposed amended local rule for Caseload Allocation Plan at the following websites: <http://www.montgomeryco.net> or <http://www.courts.IN.gov/rules/local>

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David A. Ault, Judge  
Montgomery Superior Court 1

LR54-CR2.2-1

Case Assignment

A. All traffic, infraction, misdemeanor, and ordinance violation, nonsupport, Class D felony offenses against property, and motor vehicle license-related cases shall be assigned to the Montgomery Superior Court 2.

~~B. All misdemeanor cases will be filed in Superior Court 2.~~

~~C. All Class D felony drug and alcohol cases and all misdemeanor drug and alcohol cases with habitual substance offender charges for nonsupport of a dependent child shall be assigned to the Montgomery Superior Court 1.~~

~~D.C. All murder, Class A, B and Class C felony cases shall be assigned to the Montgomery Circuit Court.~~

D. All criminal cases not otherwise included in the above allocation among the courts, such as offenses against general public administration (Ind. Code 35-44.1), offenses against public health, order and decency (Ind. Code 35-45), and miscellaneous offenses (Ind. Code 35-46), shall be allocated equally among the three courts.

E. If there is a conflict as to which court a case should be assigned pursuant to the foregoing rules, the case shall be assigned according to the highest class of felony charged.~~All Class A felony and murder cases shall be assigned on an alternating basis to the Montgomery Circuit Court and Montgomery Superior Court 1, with such cases to alternate between courts so that such offenses~~

~~which occurred in odd numbered months shall be filed in Circuit Court, and such offenses which occurred in even numbered months shall be assigned to Superior Court 1.~~

F. To promote judicial economy, the foregoing assignment of cases among the three courts shall be modified with respect to offenses charging the same defendant or arising out of the same or related incidents in which litigation is pending so that the new charge may be filed in the court in which the defendant has already been charged or related litigation is pending.

G. This Case Assignment rule notwithstanding, consistent with LR 54-CR2.3-2 ~~and the Family Court Rules~~, cases may be transferred from one court to another as may be appropriate.

~~(Amended effective January 1, 2012)~~