

New Filing's Case Type Offenses Charged in New Case	CM	F6	F5, F4, F3, F2, F1, or MR
<u>Domestic Battery</u> (IC 35-42-2-1.3)	301.30 <b>D06</b>	301.30 <b>D03</b>	301.40 <b>Randomly into C01/D01/D02/D03</b>
Invasion of Privacy (IC 35-46-1-15.1) <i>or</i> Strangulation (IC 35-42-2-9)	301.30 <b>D03</b>	301.30 <b>D03</b>	301.40 <b>Randomly into C01/D01/D02/D03</b>
<b>ALL OTHER OFFENSES,</b> including (non-domestic) Battery	301.20 <b>Randomly into D04/D05/D06</b>	301.20 <b>Randomly into D04/D05/D06</b>	301.40 <b>Randomly into C01/D01/D02/D03</b>
<i>Defendant has a case PENDING in C01/D01/D02/D03</i>	301.80a <b>The same court as that of the pending case</b> <small>Trumped by 301.30</small>	301.80a <b>The same court as that of the pending case</b> <small>Trumped by 301.30</small>	301.80a <b>The same court as that of the pending case</b>
<i>Defendant has a case PENDING in C01/D01/D02/D03 but the new case has OWI offense(s) (IC 9-30-5)</i>	301.80a <b>Randomly into D04/D05/D06</b> <small>Trumped by 301.30</small>	301.80a <b>Randomly into D04/D05/D06</b> <small>Trumped by 301.30</small>	301.80a <b>The same court as that of the pending case</b>
<i>Defendant has a case PENDING in D04/D05/D06</i>	301.80b <b>The same court as that of the pending case</b> <small>Trumped by 301.30</small>	301.80b <b>The same court as that of the pending case</b> <small>Trumped by 301.30</small>	301.80c <b>Randomly into C01/D01/D02/D03</b>

## **LR29-CR00-301. CRIMINAL RANDOM FILING**

**301.10** This Random Filing Rule does not apply to either civil cases or juvenile cases.

**301.20** All CM case types (except those assigned to Superior Court No. 3 and 6 pursuant to Section 301.30 below) shall be randomly filed with 1/3 in Superior Court No. 4, 1/3 in Superior Court No. 5, and 1/3 in Superior Court No. 6 using the Clerk's random assignment procedure. All F6 case types (except those assigned to Superior Court No. 3 pursuant to Section 301.30 below) shall be randomly filed with 1/3 in Superior Court No. 4, 1/3 in Superior Court No. 5, and 1/3 in Superior Court No. 6 using the Clerk's random assignment procedure. Reassignment of these cases shall be achieved by transferring cases originating in Superior Court No. 4 to either Superior Court No. 5 or Superior Court No. 6; transferring cases originating in Superior Court No. 5 to either Superior Court No. 4 or Superior Court No. 6; and, transferring cases originating in Superior Court No. 6 to either Superior Court No. 4 or Superior Court No. 5. In the event a subsequent reassignment is required (and neither Superior Court No. 4, nor Superior Court No. 5, nor Superior Court No. 6 is available) said case assignment shall be achieved by obtaining a new court assignment from all Hamilton County Courts using the Clerk's random assignment procedure.

**301.30** F6 case types with domestic battery offenses, strangulation offenses, and invasion of privacy offenses shall be filed in Superior Court No. 3; and, CM case types with invasion of privacy offenses shall be filed in Superior Court No. 3. All other CM case types with domestic battery offenses shall be filed in Superior Court No. 6.

**301.40** MR, F1, F2, F3, F4, and F5 case types shall be randomly filed per case type with 25% of each case type filed in Circuit Court, Superior Court No. 1, Superior Court No. 2 and Superior Court No. 3. Reassignment of these cases shall be achieved by obtaining a new court assignment using the Clerk's random assignment procedure of the Courts designated to accept this type of case.

**301.50** The Clerk shall use a court-approved procedure which provides a tamper proof method for random assignment consistent with the foregoing paragraphs of this Criminal Rule.

**301.60** From time to time, the Courts may provide orders to assist the Clerk in implementing the Criminal Random Filing procedures.

**301.70** Pursuant to Indiana Criminal Rule 2.2(C), if a case is dismissed after filing, upon refiling it shall be assigned to the same court where it was originally assigned.

**301.80** The Clerk shall file subsequent cases against a defendant with a pending case (where a "pending case" is defined under this rule as a criminal case in which there is either no disposition of the charge(s) via a determination of guilt or dismissal or the defendant has not yet been discharged from the sentence imposed, including probation) as follows:

- a. When a defendant has a pending case in Circuit Court, Superior Court No. 1, Superior Court No. 2, or Superior Court No. 3, the Clerk shall file any subsequent criminal case types (MR, F1, F2, F3, F4, F5, F6, or CM) in the same court as that of the pending case. However, this subparagraph does not apply to F6 or CM case types with one (1) or more OWI offenses (IC 9-30-5) charged.
- b. When a defendant has a pending case in Superior Court No. 4, or Superior Court No. 5, or Superior Court No. 6, the Clerk shall file any subsequent F6 or CM case types (except those assigned to Superior Court No. 3 or 6 pursuant to Section 301.30) in the same court as that of the pending case.
- c. When a defendant's only pending cases are in Superior Court No. 4, or Superior Court No. 5, or Superior Court No. 6, the Clerk shall file any subsequent case types listed under Sections 301.30 or 301.40 as set forth in Sections 301.30 and 301.40.
- d. When the State elects to name two or more individuals or entities as defendants pursuant to LR 29-CR00-303, Section 303.10, and more than one (1) such co-defendant has a pending case, then the Clerk shall file the causes under the procedure set forth in Section 303.10 [but notwithstanding Section 303.10(b)(1)] into the Court with the oldest pending case for which the defendant has personally appeared. The "oldest" case shall be determined by the earliest filing date.
- e. It shall be the duty of the Prosecuting Attorney or Deputy Prosecuting Attorney to file written notice with the Clerk that a defendant has a pending case that requires the Clerk to follow the filing requirements of this rule.
- f. If a conflict arises between Sections 301.30 and 301.80, Sections 301.30 controls.
- g. A Court, at the request of both parties, may transfer a case to another Court where the defendant has a pending case, as defined by this rule, provided that the receiving Court agrees to accept the transfer.