

IN THE MARION CIRCUIT AND SUPERIOR COURT
STATE OF INDIANA
EXECUTIVE ORDER CONTINUING JURY TRIALS DUE TO EMERGENCY

Mary Jo. O'Rourke
CLERK OF THE MARION CIRCUIT COURT

Comes now the Marion Circuit and Superior Courts (hereinafter "Court") and does hereby find as follows:

1. That on November 10, 2020, the Indiana Supreme Court, in 20S-CB-123, provided new guidance to trial courts on minimizing the risk of exposure to COVID-19 to court staff, litigants, attorneys and members of the public. In the Order, the Indiana Supreme Court reiterated that trial courts have inherent authority to suspend and/or reschedule criminal or civil jury trials for a limited time.
2. Pursuant to Criminal Rule 4(A) and (B), this Court may continue a criminal trial upon finding of a public emergency. This Court finds the novel coronavirus pandemic is an emergency.
3. The Indiana Supreme Court's Resuming Court Operations Task Force issued guidance for trial courts. As of January 5, 2022, Marion County is in the "high risk" category with a positivity rate of 35.45%.
4. In the last 72 hours, nearly 40 vaccinated and unvaccinated court staff members have tested positive for the coronavirus.
5. The Indiana National Guard is now supporting multiple hospitals due to the recent surge of coronavirus cases.
6. The recent surge of coronavirus cases has resulted in a shortage of home testing kits and long delays to obtain rapid testing through providers.
5. Based upon the orders as set forth above and the rapidly increasing positivity rate in Marion County, the Court has determined that an emergency does exist.
6. With the emergency finding, the Court, pursuant to Criminal Rule 4(A) and (B), finds that all jury trials in Marion County should not occur at this time due to the increased transmission of the novel coronavirus and in order to protect public health and safety.
7. Therefore, the Court orders all jury trials continued and reset after January 21, 2022, at which time the Court shall reevaluate the status of the pandemic.

SO ORDERED THIS 6th day of January, 2022.

Tiffany U. Vivo

Hon. Tiffany Vivo, Judge
Marion Circuit Court

Amy M. Jones

Hon. Amy M. Jones
Presiding Judge, Marion Superior Court

Shatrese M. Flowers

Hon. Shatrese M. Flowers
Associate Presiding Judge, Marion Superior Court

John M. T. Chavis, II

Hon. John M.T. Chavis, II
Associate Presiding Judge, Marion Superior Court

Alicia A. Gooden

Hon. Alicia Gooden
Associate Presiding Judge, Marion Superior Court