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ATTORNEY FOR APPELLANT:

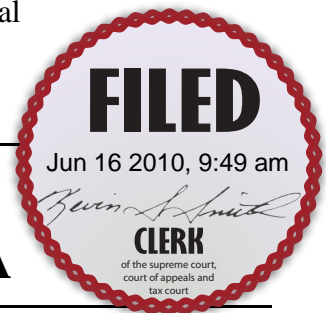
BART M. BETTEAU
Betteau Law Office, LLC
New Albany, Indiana

ATTORNEYS FOR APPELLEES:

GREGORY F. ZOELLER
Attorney General of Indiana

ELIZABETH ROGERS
Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**



GEORGE COX, KEVIN ALVEY, SHELIA)
BAKER, BRIAN BAGSHAW, RAYMOND)
BAIRD, CHRISTOPHER BARTON, DANIEL)
BELL, TAMMY BENNETT, CALEB BIERLY,)
NATHAN BLACKLOCK, TRAVIS)
BODENBENDER, KEITH D. BOWERS,)
JAMES BRADLEY, BRODERICK)
BUSSABARGER, JENNIFER CAMPBELL,)
JEREMY CARROLL, JAMES CODD,)
JOHNNY COOLEY, ADAM COSTELLO,)
SHANE CRAWFORD, CHRISTOPHER)
CRECELIUS, ROBERT DONAHUE, DANIEL)
EMILY, LISA ENLOW, JOHN FAITH,)
FREDERICK FOUTS, TIMOTHY GERDON,)
KEVIN HARBERSON, PRISCELLA HELM,)
DAVID HOPPER, DANNY KELLY, INDER)
KUMAR, MARK LAHUE, JAMES LAWSON,)
DONALD LELUEX, ROBERT A. LINK,)
JOSHUA W. LINTON, TONY LEWIS,)
BRENT MATHES, MATTHEW MANSHIP,)
JOSHUA MATLOCK, JOE MELLETT,)
LARISSA MOLLET, MATTHEW NORTH,)
WILLIAM OSBORNE, ROMA PEAS, GARY)
E. RICHARD, JAMES RIDENOUR, ROBERT)

RILEY, SCOTT ROBINSON, TRACY)	
SANDERS, BARBARA SAYLOR, RICHARD)	
SAYLOR, NICOLE SCHAFFER, DUSTIN)	
WAGERMAN, ALBERT WALLS, JODY)	
WAYNECOTT, JOHN WEATHERS, and)	
R. DEAN WHEAT,)	
)	
Appellants-Petitioners,)	
)	
vs.)	No. 31A01-0912-CV-571
)	
THE HONORABLE ROGER D. DAVIS, Judge,)	
)	
Appellee-Respondent.)	

APPEAL FROM THE HARRISON CIRCUIT COURT
The Honorable Jerome F. Jacobi, Special Judge
Cause No. 31C01-0810-MI-104

June 16, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

MAY, Judge

The Appellants filed a complaint in Harrison Circuit Court against Judge Roger D. Davis of the Harrison Superior Court. Judge Davis moved to dismiss the complaint, and the Circuit Court granted the motion. Because the Appellants have not shown that the Circuit Court had the authority to grant the relief they requested, we affirm.

FACTS AND PROCEDURAL HISTORY

On October 17, 2008, George Cox and several other individuals¹ filed suit against

¹ The complaint was later amended to include all of the current Appellants. The Appellants allege they are people “who were, are, or will be subject to” the complained of policies. (Appellants’ App. at 248.) Class

Judge Roger D. Davis, who presides over the Harrison Superior Court and all criminal cases filed in Harrison County. *See* Harrison County Local Rule LR31-AR-1(E)-28 (“Case Load Allocation Plan”) (*available at* <http://www.in.gov/judiciary/harrison> (last visited May 7, 2010)). The complaint challenged the validity of several aspects of the bond schedule and conditions of bond set out in Local Rule LR31-CR00-22. The complaint also alleged Judge Davis routinely holds arrestees for more than forty-eight hours without a probable cause determination and issues arrest warrants for probation violations based on boilerplate language submitted by the Probation Department. Finally, the complaint alleged Judge Davis issued, without a sufficient basis, an arrest warrant for Cox for failure to appear.² The complaint requested two forms of relief from the complained of policies: Count 1 requested a mandate “to compel Respondent-Defendant Judge to create and implement policies and procedures which are in compliance with Indiana statutory law and the Indiana and United States Constitutions,” (Appellants’ App. at 254), and Count 2 requested that the court “declare the policies and procedures complained of in this complaint to be illegal and enjoin their future use.” (*Id.* at 255.)

Judge Davis filed a motion to dismiss the complaint on the grounds (1) the Appellants lacked standing; (2) the Harrison Circuit Court lacked jurisdiction; and (3) the case should be

certification was requested, but the trial court dismissed the case before ruling on whether a class should be certified.

² Specifically, Cox alleges he was ordered to appear at 1:00 p.m. on a particular day. He alleges he arrived at 12:40 p.m. and waited until 2:00 p.m., at which time Judge Davis had not yet entered the courtroom or begun proceedings scheduled for that afternoon. Cox alleges he left, and Judge Davis later issued a warrant for failure to appear.

dismissed pursuant to Ind. Trial Rule 12(B)(8)³ because it was “the same case” as the individuals’ criminal cases. The trial court granted the motion.

DISCUSSION AND DECISION

Although numerous issues are raised, the seminal issue is whether the Circuit Court lacked jurisdiction to issue a mandate or injunction against Judge Davis. “If the facts before the trial court are not in dispute, then the question of subject matter jurisdiction is purely one of law.” *Reel v. Clarian Health Partners, Inc.*, 917 N.E.2d 714, 717 (Ind. Ct. App. 2009), *reh’g denied*. Thus, we review *de novo* a trial court’s ruling on a motion to dismiss for lack of subject matter jurisdiction. *Id.*

The Indiana Supreme Court has exclusive, original jurisdiction over actions for writs of mandamus against inferior courts. *Chissell v. State*, 705 N.E.2d 501, 506 (Ind. Ct. App. 1999), *trans. denied*. The reason for this rule is that the Supreme Court alone has authority over the supervision of State courts. Ind. Const. Art. 7, § 4 (“Jurisdiction of Supreme Court”); Ind. Appellate Rule 4(B)(3) (Supreme Court has exclusive jurisdiction over matters involving the supervision of courts, including issuance of writs of mandate and prohibition); Ind. Original Action Rules 1(A) and (B) (same). Both the mandate and the injunction sought by the Appellants would require Judge Davis to cease the policies of which they complain; thus, the same reasoning would seem to apply to the Appellants’ request for injunctive relief. The Appellants cite no authority that jurisdiction is conferred on the Circuit

³ That rule provides a party may move for dismissal if the “same action” is “pending in another state court of this state.” Ind. Trial Rule 12(B)(8).

Court if the relief sought is characterized as an injunction or a declaratory judgment.⁴

Therefore, we conclude the Circuit Court properly dismissed the complaint.

Affirmed.

BAILEY, J., and BARNES, J., concur.

⁴ The section of the Appellants' Brief discussing the appropriateness of an injunction or declaratory judgment cites only Ind. Code §§ 34-14-1-1 and -8, two sections of the Uniform Declaratory Judgment Act. Neither section addresses the authority of one trial court to enjoin or issue a declaratory judgment against another trial court.

In a separate argument, the Appellants compare their case to *Gerstein v. Pugh*, 420 U.S. 103 (1975), and *County of Riverside v. McLaughlin*, 500 U.S. 44 (1991) (together holding that a determination of probable cause should be made within forty-eight hours of a warrantless arrest absent a bona fide emergency or extraordinary circumstances), in which the plaintiffs were allowed to proceed with their claims for injunctive and declaratory relief. *Gerstein* and *County of Riverside* were both filed in federal court and stated claims under 42 U.S.C. § 1983. The Appellants' complaint does not purport to state a claim under 42 U.S.C. § 1983, and they do not contend it should be construed as such. Thus, those cases provide no basis for finding the Harrison Circuit Court had jurisdiction over their claims.