

In the
Indiana Supreme Court

David R. SNYDER,
Plaintiff,

v.

J. Bradley KING and Trent DECKARD, in
their official capacities as Co-Directors of
the Indiana Election Division; and Linda
SILCOTT and Pam BRUNETTE, each in
their official capacities as members of the
St. Joseph County Voter Registration
Board,

Defendants.

) Supreme Court Cause No.
) 94S00-1101-CQ-50
)

) U.S. District Court, S.D. Ind.
) Case No. 1:10-cv-1019-WTL-MJD
)

AMENDED PUBLISHED ORDER ACCEPTING CERTIFIED QUESTION

Pursuant to Indiana Appellate Rule 64, the United States District Court for the Southern District of Indiana has certified a question of Indiana state law for this Court's consideration. The question arises in Snyder v. King, Case No. 1:10-cv-1019-WTL-MJD (S.D. Ind.). The question, as framed by the district court, is:

"Does the term 'infamous crime' as used in Article II, Section 8, of the Indiana Constitution include conviction of and imprisonment for a misdemeanor battery, so as to permit removal of the convicted person's voter registration from the official list of registered voters pursuant to Indiana Code §§ 3-7-13-4 and 3-7-46-1 and -2?"

The certified question, which each member of this Court has considered, is hereby ACCEPTED pursuant to Indiana Appellate Rule 64.

The Court further directs as follows:

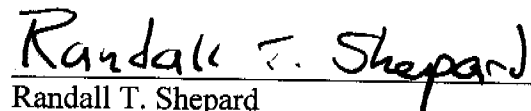
- a) There shall be simultaneous briefing of this matter. The plaintiff is allowed a main brief and a response brief, and the defendants are jointly allowed a main brief and a response brief. The plaintiff's briefs shall be bound with blue covers; the defendants' briefs with red covers. The main briefs and the response briefs shall, to the extent reasonably practicable, conform to the provisions of Appellate Rule 46(A), and must conform to the page limit and word limit requirements for Appellant and Appellee briefs set forth in Appellate Rules 44(D) and 44(E), exclusive of the items listed in Appellate Rule 44(C) (*i.e.*, thirty (30) pages or 14,000 words). The two main briefs, and the appendix (if any), must be filed by **Tuesday, March 8, 2011**. The two response briefs must be filed by **Tuesday, March 29, 2011**.
- b) Except to the extent this order directs otherwise, the four briefs shall substantially conform to the provisions of Appellate Rules 43 and 44. The briefs shall be

accompanied by the verified statement of word count referred to in Appellate Rule 44(F) if they exceed thirty (30) pages in length. *See* Ind. Appellate Rule 44(E).

- c) In addition, an appendix may be filed containing copies of documents from the federal court case, if any, that the parties believe are necessary or helpful for deciding the question. Because the district court's question was certified early in the proceedings, the Court recognizes there may not be additional documents that the parties wish to submit beyond those tendered with the district court's Certification. If an appendix is filed, then the cover shall be blue and labeled "Plaintiff's Appendix."
- d) In addition to the service requirements contained in Appellate Rule 24, the parties shall also serve each other, no later than the date the document is filed, via electronic mail.
- e) The parties shall file appearance forms within thirty (30) days of this order or contemporaneously with the first document filed by the appearing party, whichever comes first, as required by Appellate Rule 16(C). The appearance forms shall include electronic mail addresses for each attorney appearing in this case. These e-mail addresses shall be used in this case for transmission of all orders, opinions, and notices from the Clerk of this Court. *See* Ind. Appellate Rule 26.
- f) Extensions of time will be granted only in **truly extraordinary circumstances** and any motion seeking an extension of time must be made jointly by the parties.
- g) An order scheduling oral argument in this matter shall be issued at a later date.
- h) No later than two (2) weeks after the conclusion of this matter before this Court, the parties shall supply, in ".pdf" format via CD-Rom, file-stamped copies of all documents filed in this case, including the orders and opinions issued by this Court, to the Clerk of the United States District of Court for the Southern District of Indiana.

The Clerk is directed to send a copy of this order to the Hon. William T. Lawrence, United States District Judge; to the Hon. Mark J. Dinsmore, Magistrate Judge; to the Hon. Laura Briggs, Clerk of the U.S. District Court for the Southern District of Indiana; to the Supreme Court Administration Office; to William R. Groth; to ~~Greg~~ Zoeller, Attorney General of Indiana; to Thomas M. Fisher, Solicitor General of Indiana; to Ashley Tatman, David A. Arthur, Eric J. Beaver, and Heather L. Hagan, Deputy Attorneys General; and to James F. Groves. The Clerk is also directed to post this order to the Court's website, and Thomson Reuters is directed to publish this order in the bound volumes this Court's decisions.

Done at Indianapolis, Indiana, this 21st day of February, 2010.


Randall T. Shepard
Chief Justice of Indiana

All Justices concur.

CLERK



SUPREME COURT, COURT OF APPEALS, AND TAX COURT
STATE OF INDIANA

216 STATE HOUSE, INDIANAPOLIS, IN 46204
317-232-1930 • FAX: 317-232-8365

Kevin S. Smith
Clerk

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION
2011 FEB 24 PM 3:12
SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

LAURA BRIGGS
46 EAST OHIO STREET
ROOM 105
INDIANAPOLIS, IN 46204

Cause Number
94S00-1101-CQ-00050
Lower Court Number:
N/A

SNYDER, DAVID R. V. KING, J. BRADLEY, ET AL.

You are hereby notified that the SUPREME COURT has on this day 2/21/11
ISSUED THE ENCLOSED AMENDED ORDER:

WITNESS my name and the seal of said Court,
this 21ST day of FEBRUARY, 2011

Clerk, Supreme Court, Court of Appeals and Tax Court