

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

IN THE MONROE CIRCUIT COURT
CAUSE NO. 53C02-2107-F6-000605

STATE OF INDIANA,)
)
Plaintiff,)
)
v.)
)
VAUHXX R. BOOKER,)
)
Defendant.)

**OBJECTION TO PETITION FOR CASE TO BE ASSIGNED TO SPECIAL JUDGE
LANCE HAMNER AND REQUEST FOR HEARING**

Comes now the Defendant, by counsel, and objects to the State's Petition for Case to be Assigned to Special Judge Lance Hamner. For the following reasons, the Court should deny the State's Petition:

1. Undersigned counsel has entered a limited appearance for purposes of objecting to jurisdiction, which will be the subject of future pleadings.
2. The special prosecutor who filed these charges, Sonia Leerkamp, has no jurisdiction to act in this case, and no jurisdiction to request the assignments of a special judge.
3. Criminal Rule 12 dictates the grounds and methods by which a party may seek a change of judge. The State's Petition does not follow the only prescribed method for a Change of Judge by failing to comply in any way with the requirements of Criminal Rule 12, and the State cites no authority whatsoever for its impermissible maneuver.
4. The only grounds by which a party can seek a change of judge is to assert by affidavit, in good faith, that the current assigned judge has a personal bias or prejudice against the State. C.R. 12. The State's petition makes no such assertion. The State has not filed the required affidavit in support of its Petition; it has also not filed a certificate of good faith indicating the historical facts recited in the (missing) required affidavit are true.
5. Mere commonality of location, dates, and parties is not a ground for a change of judge.

6. In effect, the State, by Special Prosecutor Leerkamp, is attempting to select her own judge. Criminal Rule 12 does not permit that, and the Court should deny the State's Petition.

WHEREFORE, the Defendant objects to the State's Petition, respectfully requests this matter be set for hearing, and thereafter deny the motion.

Respectfully submitted,

/s/ Katharine C. Liell
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been served upon Special Prosecutor Sonia Joanne Leerkamp, by electronic service, this 5th day of August, 2021.

/s/ Katharine C. Liell
Katharine C. Liell
Attorney at Law