

“IF WE CANNOT RECONCILE ALL OPINIONS, LET US ENDEAVOR TO UNITE ALL HEARTS.”

NEW-HARMONY, (IND.) May 1, 2018

**JAKE WARRUM FOR JUDGE
- AT KIWANIS MEETING
APRIL 9, 2018**

by: Dan Barton, Publisher

What follows are excerpts of a speech given by Posey County Indiana Circuit Court candidate for Judge, Jake Warrum, at an April New Harmony Kiwanis meeting:

This is the first opening that the Posey County Circuit Court has seen since 1983. So we are in for a big change and the change is coming, whether any of us wants to see change of not.

Judge Redwine has officially not filed, so there will be a new Circuit Court Judge. I made my announcement public in November for my intentions to run. And a fellow Democrat got in as well. So we'll be duking it out in the Primaries.

A little bit about me. I was born and grew up in St. Wendall, went to St. Wendall Catholic School and in the 6th grade went on to North Posey Junior High and High School. I was on the semi- state Football Team in the mid 90s. Then on to Hanover College (Indiana) and participated in two sports.

Then a Judge from South Carolina, who we were friends with, actually talked me into going to law school. He gave me the best advice probably anybody gave me, "Go to law school where you can wear a swimsuit year round." (Lots of laughs from the crowd) So I spent the next four and a half years out in San Diego. I spent four years in the sunshine having fun in southern California. Then I moved back home. I made that choice back in 2005. I started an office in Evansville and worked primarily in the Vanderburgh and Posey County Courts. I would occasionally go to Warrick County or Gibson County.

One of the memories I have was as a young lawyer when I met U.S. District

Court Judge Young in Evansville. I was just fresh out of law school and he says to me, "You're not ready to work here." But within 30 days the U.S. government chose to charge 36 people in a federal drug conspiracy indictment. We didn't have enough lawyers. I got a phone call and practiced in that Court and have been working ever since.

That's why I practice not only in the Posey County Courts and Vanderburgh County Courts but also about 35% in the Federal Courts. So I work here and in Evansville, Terre Haute, New Albany and Indianapolis. Occasionally I get over to Owensboro if they are short. Every now and then I have to run over to Benton, Illinois and work in that District.

Trial-wise experience - I stopped keeping count after about twenty. But I can tell you, somewhere between 75 and 85 jury trials in the last 14 years. Three of those have been Civil, which is absolutely unheard of now. No one tries a Civil jury trial anymore. Alternate dispute resolution has forced almost every Civil case to get resolved in pre-trial. The remaining ones have been criminal in nature.

Posey County is facing some pretty significant issues. House Bill 1006 was passed 3 or 4 years ago and we're keeping all of our low level criminals here in the county.

The new jail has been one of the biggest benefits we've seen because the jail's going to end up paying for itself in a very short time.

I'm working with U.S. Marshal Brian Tilson and Sheriff Oeth trying to get a federal contract in place. Then we can start housing federal inmates at our local jail. A lot of people would say why would we want to do that? About 25 years ago Vanderburgh County and the federal government got into a fight and they pulled the federal inmates and they've been housing them in Henderson since.

They actually house some of them right over here in White County. They house them in Knox County. They Pay \$47.50 per day, per inmate. It costs about \$5.80 to feed one. That means the County is pulling in \$42 per day, per inmate. Those are issues that we have to be cognizant of. Look at Vanderburgh county. They are currently housing roughly 150 inmates outside of Vanderburgh County.

One of the things I spoke to Mt. Vernon about was that the Circuit Court scheduling needs to be checked. I have somebody who needs to be sentenced now, and I can't get a sentencing date until the end of May. So, if I could sentence him tomorrow then we could get \$25 dollars a day from the State, from now till the end of May. I think everybody in here would take \$25 dollars a day from now till the end of May. Why can't I get the case into Court?

I've met with Mr. Clowers (County Prosecutor) a number of times to have court everyday. We have the beautiful (Court) Building, let's use it.

The CHINS court is the next step. (Children In Need of Services) That needs a lot of change.

When I came back (to Posey County) in '05 there were three family case managers working in all of Posey County. We are up to 16 now in 14 years. The CHINS numbers have exploded. From the State's standpoint they have poured gasoline on a hot fire.

Members of the Department of Family and Children Services have independently sued the department saying that they've been overworked; and they have.

So the State has put all of this money into the department and hired all of these new people to get into the guidelines. They haven't added any judges, they haven't added any lawyers. So we have all of these case managers and we are trying to manage a calendar

where we have court once every other week. You need to have two Criminal Court sessions per week. You need to have two CHINS Court sessions per week.

So what do you need to know about me? What and why should I be the person you check the Box for on May 8th. Those who know me know I'm a closet workaholic. It's what I thrive on. I start about 6:30 every morning with a pot of coffee. I'm in front of my computer by seven and there's a lot of days I don't stop until six or seven o'clock at night.

That's what we need. We need somebody who's going to get in there and work. We haven't tried a jury trial in Posey County in over two and a half years. Why? How many of you have been called for jury duty in the past two and a half years? (No one!)

Why aren't we trying cases? Are we pleading everything out? Is it due to the court not being available? Is it turning into time served? Those are questions we need to be asking. Vanderburgh County has tried 17 cases this year (2018). We haven't tried a jury trial in Circuit Court in two and a half years.

The Civil docket really doesn't need a great deal of work. It is functioning pretty good. The Domestic Relations docket - you can't get a hearing. I have a divorce case right now and it's looking at August. That's a long way off. That means we've already had a pre-trial and we've already had mediation that failed. But no hearing date until August.

The issue I see and the issue that I think the county should see, is that the next person that goes in there needs to be somebody that's going to take both reins and just put their nose to the grindstone. It's going to take a lot of work to get through the backlog. There's a pretty significant backlog.

The other thing we need to do; we have these statistics now that are saying punishment is very good, especially in the cases that need it. But there are so many cases that if we don't start the rehabilitation cycle - whether it be by creating a drug court, where there are more grants for them than any other program in the State right now. We have

community Christian programs without any sanctioning power. They have to get warrants.

Why is it a probation officer can be in charge of someone who is under the influence of methamphetamine but doesn't have the power to take them to jail. The Officer has to go get a warrant. So that let's the person leave and get in their car and if they run over a small child, who's responsible? There's a problem there. Those folks need to get immediate sanctions.

This morning I started about 7 a.m. - grabbed my stuff from the office and went to morning court - got out of morning court later - had a ministry team meeting at church and then went to afternoon court until after four p.m. I dropped my stuff and immediately came over here. So now you've got an introduction. At most of the places that I've spoken there have been many questions, because this is probably the biggest change we have seen in the county for a number of years.

So, any questions? General Question - What is CHINS?

JakeWarrum - Child in Need of Services. Indiana Department of Family and Children Services. If you have a mother and a father who get arrested who have a persistent drug use problem and who have a persistent domestic violence problem - anytime the State of Indiana has to go in and remove a child from a home. We have roughly 278 children in the system now. That's just in Posey County alone. That's a scary number! I have a CHINS case that's three and half years old and has no end in sight. Whether it be with the mother or the father or whether it be adoption. It's a really tough area of the law.

DanBarton - How many inmates will the new jail hold - with the additions? JakeWarrum - Intotal, max capacity within the State guidelines is 80% of 252. 252 is max capacity. But I don't know - the State says you are only supposed stay at 80%. Because in cities like Indianapolis you can have 50 - 75 person swings on the weekend. We don't get those kind of

swings in Posey County. We get a swing of 2 or 3 people on the weekend.

They were really smart when they built the new jail as big as they did. The new jail has 80 to 90 beds for local inmates. The rest of the beds will be farmed out.

DanBarton - How many do you think will be federal?

JakeWarrum - We are just starting that process. We don't yet qualify. Has anyone seen the new jail? It's being built in two phases. The first phase is for housing inmates and second phase now going on is the administrative building. So we don't qualify for federal inmates yet, because we don't have a working kitchen. That is in the present building phase and they are doing a really nice job maintaining through the four month period that everybody knew would be a nightmare. Marshal Tilson, Sheriff Oeth and I are trying to get the paperwork filled out correctly. That way when the jail is full operational we can set standards.

DanBarton - I was looking at the numbers and it was \$16 million dollars for the addition.

JakeWarrum - I thought it was \$14.8, right now around \$15 million dollars is close. If you're housing a 100 inmates even at \$25 dollars per day, per inmate, it makes a pretty good dent in it.

DanBarton - The reason I'm thinking that you have so few jury trials - criminal jury trials - very few - So that means there's a lot of plea bargaining going on, right?

JakeWarrum - There's a certain amount.

DanBarton - Pleading down their cases?

JakeWarrum - Posey County doesn't plead down as much as other counties I've worked in. You don't normally see a lead charge plea. I'd say Mr. Clowers and Mr. Parkhurst do a nice job getting their charges. They are not over doing by asking for too much.

CharlieGaston - Why is there such a backlog?

JakeWarrum - Criminal Court is scheduled once a week by the Judge. It could be set at two times a week. It needs to happen more often. One of the things that we see is called the "Cattle

Call” day. That’s really what it is. It’s 40 to 50 cases off the docket in one day. They do one after another and it’s awful. Anybody who’s been to Criminal Court and sat through that knows what I mean. It’s terribly inefficient . You need to be able to set ten a day. If you set ten then it runs smooth. Each one runs about 40 minutes. Right now over the next 120 days the courts will be unavailable for 60 of the next 120.

General Question - When you went today did you have to sit through all of this before your case could be called?

JakeWarrum - I had four cases on the calendar this morning, that’s four out of thirty. It’s infuriating. The other day I did some calculations. There were 14 lawyers in court just sitting. Thirteen of which were appointed by the court and paid by the public. Court started 40 minutes late. And we all just sat there. When I sit in court I’m getting paid for my time just like everyone else. We need to have Criminal Court at least 2 or 3 times a week. We need to have CHINS Court 2 or 3 times a week.

GeneralQuestion - Is there the infrastructure to do that?

JakeWarrum - I will tell you that the infrastructure would be screaming and shouting, “Thank You!” But I wouldn’t say they sit around doing nothing. They are in the same boat as all of us. They’d much rather do 5 or 6 a day than do 40 in an afternoon. It makes their job much harder. The infrastructure is there.

The only infrastructure problem is that we’re having trouble on the days that we have 40 to 45 cases set. Transporting to and from the jail. Because the jail transport officer has to come up, wait for those people to be called, then go back and then bring the next set up. And then go back again. The new jail will have the capability of SKYPE and that will help. The Supreme Court has said that that is an acceptable manner to hold certain hearings. There are certain hearings where people must be in person. But for 70% you can do by video. The new jail will have that technology.

It’s my understanding that they are going to ask for a magistrate to help with the CHINS cases. A magistrate

is a non-elected judge. It’s somebody who gets appointed. Warrick County has been given a magistrate. There is not a magistrate in Gibson County. Vanderburgh County has seven magistrates.

My concern is, why are we going to ask the Supreme Court to give us a magistrate and then have to go to the County Commissioners and say we need \$100 thousand plus dollars to pay this magistrate when the court’s not going to work 60 out of 120 days. Now, I’m all for getting a magistrate because you never turn away help. But it seems like we’re cutting our nose off to spite our face. We’re spending money on something that could be fixed with a little bit of elbow grease.

Remember to vote in the primary on May 8th. The last time we had an election in our district, 7000 voters cast ballots. That was because it was also a Presidential primary. The time before that one was a mid term, like now, and only 1100 voters turned out. Don’t forget to vote on or before May 8th.

OUR ENDANGERED ATMOSPHERE!

*by: Ann Rains, Writer, Editor Written
March 2018*

As I stared out the window at the dazzling sunlight, my mind began listing the outside work I hoped to accomplish this Spring-like day even though the vernal equinox was more than two weeks in the future. Cut the tall naked flower stalks with their seed pod heads. These had been left for the birds to glean during the winter. Trim the herbs in the kitchen herb garden—especially sage which had grown into a large bush. Transplant. Weed. So much to do!

The dogs were clambering to be put outside during this musing. When I opened the back door to release them into the yard, an overwhelmingly unpleasant odor assaulted my olfactory glands. I pulled my head back inside the door with the prompt decision to delay garden duties. Still I was concerned

about leaving my animals outside breathing this odoriferous soup. Since the few breaths I took left a chemical taste in my mouth, I knew that the air was densely polluted with minute particulate matter.

It wasn’t the first time I noticed the poor air quality in our community. My friends and relatives have told me stories about it. A relative mentioned that she left her bedroom window open one balmy night. When she awakened, the taste in her mouth was terrible and the air flowing in through the window stank of chemicals. Another friend states that each time he enters Mt. Vernon he wonders if his car is malfunctioning due to the smell.

Particulate matter (PM), 10 micrometers or less, can reach deep into your lungs and consequently, into your blood stream. Inhaling PM can cause a multitude of serous health problems. Asthma, irregular heart beat, heart attacks, cancer, pre-mature deaths and other ailments are a result of breathing PM.

I do not know from whence cometh the stench. There are five large industries in our community and another being built soon. It is a wonder that industries do not understand that keeping the air clean supports their employees, helping to keep health insurance costs down. Many employers pay for health insurance. Perhaps installing filters to capture this chemical stew is not done due to financial costs. But it is corporate malfeasance. The EPA, in the Clean Air Act, requires “the maximum degree of reduction in emissions of hazardous air pollutants.”

It is not only Mt. Vernon but other communities as well. Indiana is the sixth leading air polluter in the United States. In a USA Today article, Sept. 26, 2016, Evansville was called a Super Polluter due to the proximity of four coal-fired power plants. All towns within 30 miles of these power plants were listed as air quality endangered. However, most of the time the wind blows from the west and south keeping Mt. Vernon free from unneeded additional amounts of sulfur and nitrogen dioxides which is also

emitted by vehicles.

I have noticed that the industrial chemicals locally are often released at night or early morning. If you enjoy viewing the major constellations which one can see even with all the street and outdoor residential lights, breathing PM dampens your love of star gazing; as well as dampening your desire to ride a bike in the early dawn when traffic is not heavy and carbon dioxide is light. The hazardous polluted industrial atmosphere is just waiting for that deep breathing you do when exercising, instead!

It has been many years since EPA has monitored the quality of Mt. Vernon's air. To notify them of any concerns you have, send a comment via: www.epa.gov/tips

Also, Indiana Department of Environmental Management does not even list Mt. Vernon on their charts. You can send a comment about our air quality via email to: JPARKS@idem.in.gov Some of you have stories to tell about the health of your child or another family member. Please tell them.

I believe it is a human right to have clean air to breathe. An endangered atmosphere will remain and become worse as long as there is placid indifference. Sending a note of concern or telling your story to IDEM and EPA is a beginning. Martin Luther King, Jr. said, "The arc of the moral universe is long, but it bends towards justice." If we do not support the arc, how will it bend towards justice in our own time?

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**CORRECTION TO THE APRIL
EDITION OF THE NEW
HARMONY GAZETTE!**

by: Dan Barton, Publisher

Just shortly after releasing the April edition of the Gazette a couple of errors were found in the article titled, "New Harmony Town Council - School Property Center Stage!"

The piece misstated that Architect Kennedy Hutson received \$55,000 in compensation from the Town of New Harmony for preparing an architectural rendering of three development schemes for the former New Harmony School property.

The amount reported was incorrect. After a review of the data used to prepare the article it was found the \$55,000 was actually a bid rejection by the Town on another contractor who was interested in the job. A few days after our paper was released, former Councilman Andrew Wilson also found the error and notified the New Harmony Gazette by email. Mr. Wilson also stated that Hutson's compensation was barely \$10,000. I can't confirm that number but Wilson could have first hand knowledge of the payment since he had shared a partnership with Hutson in a New Harmony Real Estate Development LLC. Wilson was also a New Harmony Town Councilman.

The second clarification to the story is that the payment to Mr. Hutson was made in 2013 and not by the current Town Council. The April story inadvertently made it sound like the payment was paid by the Council we now have in office. Thanks Andrew for notifying the Gazette of your concerns



and apologies to the current Council for the confusion.

FRENCH LEMON TART

by: Denise Rapp

I went to a friends house for a dinner party and she had made this incredible Lemon Tart for dessert. Oh my... I'm telling ya, I was in love. It has this crisp walnut Shortbread crust, zippy Lemon filling and a kaleidoscope of fresh fruit on top. Absolutely Delis!

This gorgeous dessert just screams Summer Time!

French Lemon Tart - Serves 12

Crust:

1 c. Flour
1/2 c. Butter
1/4c. Brown Sugar
1/4 c. Rolled Oats
1/4 c. Walnuts (crushed)

Filling:

14oz. Can Condensed milk
1/4 c. Lemon juice
1 tsp. Vanilla
1/2 c. Sour cream
Fresh fruit - like (berries, kiwi, mandarin oranges)

Combine the flour, butter & walnuts Press down tightly in a removable bottom Tart pan Prick w/ a fork Bake 10-15 minutes until it's browned 375

Let crust cool Mix condensed milk, lemon juice, sour cream & vanilla Pour into the shell Slice berries and fruit and arrange theme in a pretty pattern on top Refrigerate for several hours Enjoy!

