

# CASS COUNTY LOCAL COURT RULES

*(Effective September 1, 2022)*

## TABLE OF CONTENTS

|              |  |
|--------------|--|
| LR09-CR2.3-1 | Criminal Case and Infraction Transfer                                  |
| LR09-CR00-2  | Dismissal, Refiling, and Subsequent Filings of<br>Criminal Proceedings |
| LR09-CR2.2-3 | Reassignment of Criminal Cases   |
| LR09-CR2.2-4 | Appointment of Special Judge-Criminal                                  |
| LR09-TR79-5  | Appointment of Special Judge-Civil                                     |
| LR09-AR15-6  | Court Reporter Fees  |
| LR09-AR1-7   | Case Allocation Plan   |
| LR09-TR00-8  | Civil Case Transfer  |
| LR09-JR4-9   | Summoning Jurors   |
| LR09-CR00-10 | Bail Schedule  |
| LR09-AR00-11 | Local Judicial Jurisdiction  |
| LR09-AR00-12 | Alcohol/Drug Program Fees  |
| LR09-AR00-13 | Court Building Security Order  |

**LR09-CR2.3-1****Criminal Case and Infraction Transfer**

The Judge of the Circuit or Superior Courts in accordance with this local rule and/or LC. 33-29-1-9, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign to another court of record in Cass County, any pending felony, misdemeanor or infraction, provided the receiving court has jurisdiction to hear such case and accepts jurisdiction of the same.

**LR09-CR00-2****Dismissal, Refiling, and Subsequent Filings of Criminal Proceedings**

When the State dismisses a felony or misdemeanor case that has been assigned or reassigned under these local rules, all felony or misdemeanor charges filed against that same defendant within the next six months shall be assigned to the Judge from whom the dismissal was taken.

**LR09-CR2.2-3****Reassignment of Criminal Cases**

In the event of disqualification, recusal, or other reason for change of Judge, a pending felony, misdemeanor, or infraction shall be reassigned to another court in Cass County, provided the other court has jurisdiction to hear such matter. If this process does not result in the selection of a Special Judge, the Clerk shall select a Special Judge in rotating order from the Judges of the following Courts, comprising courts contiguous to, or within the same administrative district as Cass County:

- Miami Circuit
- Miami Superior 1
- Miami Superior 2
- Carroll Circuit
- Carroll Superior
- White Circuit
- White Superior
- Howard Circuit
- Howard Superior 1
- Howard Superior 2
- Howard Superior 3
- Howard Superior 4
- Magistrate of the Howard Circuit and Superior Courts
- Fulton Circuit
- Fulton Superior
- Pulaski Circuit Court
- Pulaski Superior Court

Judges previously assigned to the case are ineligible for reassignment under this rule.

## **LR09-CR2.2-4 Appointment of Special Judge-Criminal**

In the event these rules fail to assign a case or unique circumstance presented in a particular proceeding preclude local assignment, the Judge before whom the case is pending may request the Indiana Supreme Court to appoint a Special Judge for the case.

## **LR 09-TR79-5 Appointment of Special Judge- Civil**

### **Purpose of Rule**

This rule is adopted to comply with the requirements of Trial Rule 79(H) of the Indiana Rules of Trial Procedure. It is intended to provide a means of selection of Special Judges ensuring the effective use of all judicial resources within Administrative District 8 (which is comprised of Cass County, Fulton County, Howard County, and Miami County) and includes each person eligible for appointment under Section (J) of Trial Rule 79.

### **Central Office Established**

There is established a Central Office for the keeping of records of appointment and selection of Special Judges for this District. The Central Office of this District shall be the Howard Circuit Court.

The Courts of this County shall hereafter refer to the Central Office of this District whenever selection of a Special Judge is required under this rule. Each of the Courts of this County shall accept from the Central Administrator the name of the individual to then be appointed as Special Judge for a given case.

The person serving as the Central Administrator shall have the following responsibilities:

1. To maintain a list of persons qualified to serve as Special Judge under Section (J) of Trial Rule 79.
2. To take referrals from the several courts of this District, requesting appointment of a Special Judge.
3. To alternately and on a rotating basis appoint qualified Judges from the list maintained for that purpose.
4. To notify the referring court of the individual to be appointed under this rule.

## **Current Rotation Schedule**

The following shall be the rotation schedule used by the Central Administrator:

1. The Judge of the Cass Superior Court I
2. The Judge of the Howard Superior Court III
3. The Judge of the Fulton Superior Court
4. The Judge of the Howard Superior Court II
5. The Judge of the Fulton Circuit Court
6. The Judge of the Howard Circuit Court
7. The Judge of the Miami Superior Court I
8. The Judge of the Howard Superior Court I
9. The Magistrate of the Howard Circuit and Superior Courts
10. The Judge of the Cass Circuit Court
11. The Judge of the Miami Circuit Court
12. The Judge of the Cass Superior Court II
13. The Judge of the Howard Superior Court IV
14. The Judge of the Miami Superior Court II

## **Administrative Fee**

Each of the Courts participating under this rule shall pay each year the sum of Fifty Dollars (\$50.00) to the Central Administrator, payable directly to the Administrator by the 15th day of September of each year.

## **Certification to the Supreme Court**

In cases in which no Judge is eligible to serve as Special Judge in a particular case or where the circumstances of a case require it, the Court shall certify those circumstances to the Supreme Court and that Court shall make the appointment.

## **Credit for Voluntary Acceptance of Certain Special Judge Cases**

If, outside the normal rotation schedule, a Judge voluntarily accepts a Cass County, Fulton County, Howard County, or Miami County civil case at the request of the parties to the case or at the request of the Court in which the case is pending, that Judge may then receive credit for taking that case, with the Central Administrator skipping over that Judge the next time that Judge's name comes up for appointment for a case under the above-described rotation schedule. In order to receive such credit, the Judge shall notify the Central Administrator of his or her voluntary acceptance of such a civil case no later than seven (7) days after his or her formal qualification and assumption of jurisdiction in that case. At the time that such notification is provided to the Central Administrator, the notifying Judge shall also provide the Central Administrator the cause number of the civil case that he or she has voluntarily accepted.

The undersigned courts comprise all the courts of record of Cass County, Indiana, and hereby adopt the following local rule by which court reporter services shall be governed:

**Section One. Definitions** The following definitions shall apply under this local rule:

- (1) A *Court Reporter* is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.
- (2) *Equipment* means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording and storing, and transcribing electronic data.
- (3) *Work space* means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
- (4) *Page* means the page unit of transcript which results when a recording is transcribed **in** the form required by Indiana Rule of Appellate Procedure 7.2.
- (5) *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
- (6) *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for the work week.
- (7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
- (8) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.
- (9) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
- (10) *Court* means the particular court for which the court reporter performs services. Court may also mean all of the courts in Cass County.
- (11) *County indigent transcript* means a transcript that is paid for from County funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (12) *State indigent transcript* means a transcript that is paid for from State funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (13) *Private transcript* means a transcript, including but not limited to, a deposition transcript that is paid by a private party.

## **Section Two. Salaries and per Page Fees**

- (1) *Court Reporters* shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during and regular work hours, gap hours or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours, i.e. monetary compensation or compensatory time off regular work hours.
- (2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$5.00; the court reporter shall submit a claim to the county for the preparation of any indigent transcripts.
- (3) The maximum per page fee a court reporter may charge for the preparation of state indigent transcript shall be \$5.00.
- (4) The maximum per page fees a court reporter may charge for the preparation of a private transcript shall be \$5.00.
- (5) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Office of Court Services. The reporting shall be made on forms prescribed by the Office of Court Services.

## **Section Three. Private Practice**

- (1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court reporter agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter a written agreement which must, at a minimum, designate the following:
  - (a) The reasonable market rate for the use of equipment, work space and supplies,
  - (b) The method by which records are to be kept for court use of equipment, work space and supplies, and
  - (c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space a supply,
- (2) If a court reporter elects to engage practice in private through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted courtside of regular working hours.

**LR09-AR1-7**

**Case Allocation Plan**

Except as hereafter provided, Level 6 felony cases shall be filed in Superior Court 1. All misdemeanors and infractions shall be filed in Superior Court 2. All criminal and civil support actions shall be filed in Cass Circuit Court. All other felonies shall be assigned randomly to Cass Circuit Court and Cass Superior Court 2. A defendant having multiple independent criminal actions pending against him may have all criminal actions consolidated in one court per the discretion of the judiciary in this jurisdiction. Where multiple offenses are alleged, the highest class of criminal offense filed against an individual defendant shall control case assignment in accordance with this rule. Cases involving multiple defendants may be filed per the discretion of the judiciary in the same court pursuant to this rule for judicial economy.

Cases involving juvenile delinquencies, children in need of services, paternity, guardianships, and adoptions shall be filed in Circuit Court.

Small claims, independent protective order proceedings, EV Civil, EV Small Claims and mental health cases shall be filed in Superior Court 1.

All other civil matters not specifically set out above shall be filed in the court requested by initiating counsel.

**LR09-TR00-8**

**Civil Case Transfer**

The Judge of the Circuit or Superior Court in accordance with this local rule and/or J.C. 33-29-6, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign to another court of record in Cass County, any pending civil action, provided the receiving court has jurisdiction to hear such case and accepts jurisdiction of the same.

**LR09-JR4-9**

**Summoning Jurors**

Pursuant to Indiana Jury Rule 4, the Judges of the courts of record in Cass County select the two-tier notice and summons procedure.

**LR09-CR00-10**

**Bail Schedule**

The Cass County Bail Schedule shall apply to all persons arrested with offenses in Cass County unless otherwise endorsed upon a warrant or ordered by a Judge of the Circuit or Superior Court. The standard minimum bail in criminal cases shall be set as follows:

| <b>FELONIES</b> | <b>Cash Bond</b> | <b>Surety Bond</b> |
|-----------------|------------------|--------------------|
| Murder          | No Bond          | No Bond            |
| Class A         | \$10,000.00      | \$50,000.00        |
| Class B         | \$5,000.00       | \$25,000.00        |
| Class C         | \$2,000.00       | \$10,000.00        |
| Class D         | \$1,000.00       | \$5,000.00         |

## **MISDEMEANORS**

|         |          |            |
|---------|----------|------------|
| Class A | \$250.00 | \$1,000.00 |
| Class B | \$200.00 | \$750.00   |
| Class C | \$150.00 | \$500.00   |

Any defendant on probation or parole is subject pursuant to statute to a hold up to fifteen days prior to being released on bail. Those defendants shall be held until their first court appearance to give the prosecutor the opportunity to request the probation hold.

In those situations where the defendant has been arrested for allegations of domestic violence or violation of a no contact order, said defendant will be held without bail until the appropriate bail is determined by a judicial officer at the defendant's first court appearance.

### **LR09-AR00-11**

#### **Local Judicial Jurisdiction**

To expedite the administration of justice in Cass County, the three sitting Judges of Cass County authorize the other Judges to sit as Judge in their court at any time, and in any case.

### **LR09-AR00-12**

#### **Alcohol/Drug Program Fees**

In accordance with LC. 12-23-14-16(b), the following fees are adopted for alcohol and/or drug program services:

Assessment and Case Management Fee... \$250.00

### **LR09-AR00-13**

#### **Court Building Security Order**

Indiana Administrative Rule 19 requires "(e)ach court shall develop and implement a court security plan to ensure security in court facilities". The authority to do so is derived from Indiana Constitution, Article 3 Section 1 and Indiana Constitution Article 7. Indiana Code 35-47-11.1-4(5) creates an exception to the general rule prohibiting a political subdivision from regulating the possession of firearms and weapons.

The Judges of the Cass Circuit and Superior Courts (courts); in order to comply with the requirements of Administrative Rule 19 and to provide for the orderly operation of the courts, the safety of the public, the litigants, the witnesses, and court staff; now promulgate this local court rule regarding weapon possession in the Cass County Government Building and Probation Annex:

1. Anyone entering the locations listed below (collectively "the courtroom buildings") must consent to a search of their person, including any package, briefcase, or purse:
  - (a) the Cass County Government Building;
  - (b) the Cass County Probation Annex containing the Adult Probation Department located at 520 High Street, Logansport Indiana; and
  - (c) the Cass/Pulaski County Community Corrections Department located at 520 High Street, Logansport Indiana;
2. If a courtroom building has more than one entrance/exit, the Courts may designate one or more of the entrances/exits to be used only for restricted purposes.



3. Unless exempt under Paragraph 6, below, anyone entering a courtroom building is prohibited from having any of the following in his or her possession while in the courtroom building:
  - (a) a loaded or unloaded firearm; or
  - (b) a weapon, device, taser (as defined in Ind. Code § 35-47-8-3) or electronic stun weapon (as defined by LC. § 35-47-8-1), equipment, chemical substance or other material, including a knife, razor, box-cutter, and switchblade that in the manner it is used, or could ordinarily be used, is readily capable of causing serious bodily injury.
4. Anyone refusing to comply with this Order is to be denied entrance to the courtroom buildings.
5. Anyone violating this Order may be found to be:
  - (a) in direct contempt of court under LC. § 34-47-2, if the violation occurs in the presence of a judicial officer; or
  - (b) in indirect contempt of court under LC. § 34-47-3, if the violation is willful and occurs out of the presence of a judicial officer.
6. The following individuals are exempt from this order:
  - (a) a law enforcement officer, as defined in J.C. § 35-31.5-2-185;
  - (b) a judicial officer, as defined in J.C. § 35-31.5-2-177 .7;
  - (c) a probation officer appointed pursuant to J.C. § 11-13-1-1;
  - (d) an employee of a locally or regionally operated Community Corrections Program, who is authorized to carry a firearm by his or her supervisory judge(s);
  - (e) an employee, who works in a courtroom building, who carries a chemical spray device for personal protection; and
  - (f) any other person authorized by at least one full-time judicial officer of the courts shall be exempt until at least one full-time judicial officer of the courts withdraws the exemption. The judicial officers are to promptly provide the Cass County Sheriff with a copy of the authorization or the withdrawal of the authorization.
7. Any person listed in Paragraph 6 SHALL NOT BE EXEMPT whenever they or any member of their family is a party to any proceeding taking place. This does not include appearing in the individual's official capacity.
8. The statutes cited above may change from time to time. This local court rule shall automatically refer to the relevant statutes in effect at any given time.