

MARTIN CIRCUIT COURT LOCAL COURT RULES

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ADMINISTRATIVE RULES

LR51-AR00-1 FEES FOR THE MARTIN CIRCUIT COURT ALTERNATIVE DISPUTE RESOLUTION PROGRAM

The Clerk of Martin Circuit Court shall collect a Twenty Dollar (\$20.00) fee from each party who files a petition for legal separation, paternity, or dissolution of marriage under IC 31 as an alternative dispute resolution fee. The additional Twenty Dollar (\$20.00) fee shall be maintained in a separate "Alternative Dispute Resolution Fund" by the Auditor of Martin County, which does not revert, and it shall not be commingled with any other fund or monies.

LR51-AR00-2 POSSESSION OF DEADLY WEAPONS PROHIBITED IN THE MARTIN COUNTY COURTHOUSE

a. No person shall possess a deadly weapon in the Martin County Courthouse, in the Courtroom of the Martin Circuit Court, in or near the offices of the Martin Circuit Court, or in hallways or any other area near or adjacent to the Martin Circuit Court.

b. The Sheriff of Martin County may establish any and all necessary procedures needed to carry out this rule.

c. The Martin County Sheriff and/or law enforcement officers may detain persons which they have reason to believe possess such deadly weapons in violation of this rule long enough to obtain proper name, address, date of birth and social security number and/or to seize such deadly weapon.

d. Any person who possesses a deadly weapon in violation of this rule shall be immediately brought before the Court for a direct contempt hearing. A person in violation of this rule may be subject to a citation for contempt of court pursuant to IC 34-47.

e. This rule does not apply to a police officer as defined in IC 9-13-2-127 who is in the Courtroom of the Martin Circuit Court, in or near the offices of the Martin Circuit Court, or in hallways or any other area near or adjacent to the Martin Circuit Court on duty or assignment or testifying as a witness on a court related matter. However, this rule does apply to a police officer if he/she, or any member of his or her family, is a party to a proceeding in this court.

No other persons may possess a deadly weapon in the Courtroom without first obtaining written permission of the presiding Judge.

(Amended effective November 15, 2012)

LR51-AR15-3 COURT REPORTERS AND PROCEDURES

The following local rules for Court Reporters and their services shall be adopted pursuant to Administrative Rule 15.

a. Each Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the court during any regular work hours, gap hours, or overtime hours.

b. Regular working hours shall be 35 hours per week. Gap hours shall be hours worked in excess of 35 hours per week. Overtime hours shall be hours worked in excess of 40 hours.

c. That for any gap or overtime hours worked, the Court and the Court reporter shall enter into a written agreement whereby compensation for such work shall be as follows:

1. Compensatory time off from regular work hours shall be given in an amount equal to the number of gap hours worked.
2. Compensatory time off from regular work hours shall be given in the amount of one and one-half (1 ½) times the number of overtime hours worked.

d. The Court Reporter shall be compensated at the rate of \$4.75 per page for any county indigent, state indigent or private ordinary transcripts prepared. Index and Table of Contents pages shall be charged at the rate of \$4.00 per page. The Court Reporter shall submit directly to the county a claim for the preparation of the county indigent transcripts as other county claims are submitted. If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be \$6.00 where the transcript must be prepared within 3 working days or less; provided however that there shall be a minimum fee of \$50.00 for expedited transcripts.

e. A minimum fee of Forty Dollars (\$40.00) will be charged for ordinary transcripts less than seven (7) pages in length.

f. If a transcript is prepared for the purposes of appeal, the original paper transcript shall be forwarded to the Clerk upon completion. The Court Reporter is also directed to produce two copies of an electronically formatted transcript, one of which shall become an official record of the court proceedings and kept in the court where said proceeding was held, and the other of which shall be submitted to the Clerk along with the original paper transcript.

g. Any transcript prepared for reasons other than appeal shall be delivered to the requesting party.

j. Each Court Reporter who receives income from the preparation of transcripts shall report such amounts, at least annually, to the Indiana Supreme Court division of State Court Administration of forms prescribed by such Division.

k. If a Court Reporter elects to record and/or prepare a deposition transcript during working hours, and desires to utilize court equipment, work space and/or supplies, and the Court agrees to allow said utilization, the Court and Court Reporter shall enter into a written agreement designating the reasonable market rate for such utilization; the method of keeping records for the Reporter's use, and the method by which the Court Reporter shall reimburse the Court for said utilization.

l. Should any Court Reporter elect to engage in the private business of recording and/or transcribing depositions, they shall do so outside the employee's scheduled working hours, on the employee's time off, or the employee may elect to use compensatory time. The Court shall be responsible for setting the amount of reimbursement and fees for the use of the Court's equipment and work space. The Court Reporter shall furnish her own supplies for such purposes.

**LR51-AR00-4 MARTIN CIRCUIT COURT ALCOHOL AND DRUG
PROGRAM FEES**

The Martin Circuit Court as the governing and supervising authority for the Martin Circuit Court Alcohol and Drug Program adopts the following local rule establishing a Schedule of fees for court alcohol and drug program services.

Assessment, education classes, and case management for court ordered client.	\$400.00
Assessment, education classes, and case management for Pretrial Diversion client; or, assessment and transfer out for education classes or treatment referral with case management for Pretrial Diversion client.	\$400.00
Education classes and case management for client transferred in.	\$300.00
Assessment, treatment referral, and case management for first time court ordered client.	\$400.00
Assessment and transfer out for education classes for court ordered client.	\$100.00
Drug testing:	
a. Teststick.	\$10.00
b. Urine analysis.	\$25.00
c. Hair follicle	\$150.00

(Effective February 1, 2012)

RULES OF CIVIL PROCEDURE

LR51-TR79-1 APPOINTMENT OF SPECIAL JUDGES

(a) APPOINTMENT OF SENIOR JUDGE IN CERTAIN CASES

In any case where the Judge of the Martin Circuit Court enters an order of recusal or disqualification based upon a conflict of interest arising from any case she was involved in as a private attorney prior to assuming the bench on January 1, 2011, the case shall be assigned to a senior judge assigned to the Court eligible and willing to serve as a special judge for all further proceedings. The Clerk, upon recusal by the Circuit Court Judge, shall enter an order transferring the case to the eligible Senior Judge with an appropriate entry in the record of Judgments and Orders and notify the Senior Judge. A party may file an objection within seven (7) days of appointment under this section, and if so, a special judge may be selected under the provisions of Trial Rule 79 (D) and (E).

A Senior Judge appointed without objection under this section shall accept jurisdiction under the provisions of this rule unless disqualified under the code of Judicial Conduct or excused from service by the Indiana Supreme Court. The reassignment of such case shall be entered in the Chronological Case Summary of the case. An oath or special order accepting jurisdiction shall not be required. After accepting jurisdiction, the Senior Judge shall retain jurisdiction for all future proceedings unless a specific statute or rule provides to the contrary, or the Senior Judge is unavailable by reason of death, sickness, absence, or unwillingness to serve. If further reassignment is required, it shall be in the manner described in section (b).

(b) APPOINTMENT OF SPECIAL JUDGE UNDER TRIAL RULE 79(H)

In the event that a special judge does not accept a case under sections (D), (E), or (F) of Trial Rule 79 of the Indiana Rules of Procedure, or the presiding judge is disqualified or recuses in cases other than those described in section (a), or the Senior Judge appointed above is unavailable to serve, the Clerk of the Court shall assign the case to the next available judge from the following list of potential special judges:

The regular and presiding Judge of the Daviess Circuit Court
The regular and presiding Judge of the Daviess Superior Court
The regular and presiding Judge of the Dubois Circuit Court
The regular and presiding Judge of the Dubois Superior Court
The regular and presiding Judge of the Knox Circuit Court
The regular and presiding Judge of the Knox Superior Court No. 1
The regular and presiding Judge of the Pike Circuit Court

CRIMINAL RULES

LR51-CR2.2-1 ASSIGNMENT OF CASES

a. The Martin Circuit Court shall have exclusive jurisdiction over all criminal cases filed in Martin County.

b. Pursuant to Criminal 13(C) of the Indiana Rules of Criminal Procedure, the Court now names the following alternate assignment list for use in the event that a change of judge is granted in a pending felony or misdemeanor case:

The regular and presiding Judge of the Daviess Circuit Court
The regular and presiding Judge of the Daviess Superior Court
The regular and presiding Judge of the Dubois Circuit Court
The regular and presiding Judge of the Dubois Superior Court
The regular and presiding Judge of the Lawrence Circuit Court
The regular and presiding Judge of the Lawrence Superior Court No. 1
The regular and presiding Judge of the Lawrence Superior Court No. 2
The regular and presiding Judge of the Orange Circuit Court
The regular and presiding Judge of the Orange Superior Court

c. Each court listed above is located in a county contiguous to Martin County as contemplated by Criminal Rule 13(C) of the Indiana Rules of Criminal Procedure. Each regular and presiding judge of the referenced court has agreed to serve as a special judge of and in the Martin Circuit Court if called or requested.

LR51-CR00-2 DISCOVERY IN CRIMINAL CASES

a. Within thirty (30) days following the initial hearing in a criminal case, the State shall disclose and furnish all relevant items and information required by the Indiana Rules of Trial and Criminal Procedure to the defendant or the defendant's attorney. The State shall file a Notice of Compliance indicating the State has complied with this Rule.

b. Within thirty (30) days after the State has disclosed and furnished all relevant items and information to the defendant, the defendant shall disclose and furnish all relevant items and information required by the Indiana Rules of Trial and Criminal Procedure to the State. The defendant, or counsel for defendant, shall file a Notice of Compliance with the Court indicating the defendant has complied with this Rule.

LR51-CR00-3 BAIL BOND SCHEDULE

Effective July 1, 2014, the following bail procedures shall be in effect for all persons whose appearance is required in the Martin Circuit Court:

1. **No Bail Requirement**

If the Court has not established bail in a particular case, **no bail shall be set** in the following cases until such time as the person arrested has been brought before the Court where the criminal charges are filed or are scheduled to be filed:

- (A) When a person has been arrested for Murder, a Level 1 Felony offense or a Level 2 Felony offense.
- (B) When a person has been returned to Indiana from another state to face a criminal charge or where a person has been arrested in Indiana as a fugitive from another state.
- (C) When a person has been arrested on a warrant for a failure to appear or for a violation of probation and no bond is provided for in the Court's Order.
- (D) When a person is on probation and has been arrested for the commission of a felony offense.
- (E) When a person is charged as a habitual offender, or is shown to have two (2) prior felony convictions.

2. **Standard Bail Requirement**

A standard bail is hereby set in the following amounts for the offenses described and such bail may be posted by cash or surety:

- (A) Level 3 Felony offenses - \$100,000/\$10,000.00 10%;
- (B) Level 4 Felony offenses - \$75,000.00/\$7,500.00 10%;
- (C) Level 5 Felony offenses - \$50,000.00/\$5,000.00 10%;
- (D) Level 6 Felony offenses - \$25,000.00/\$2,500.00 10%.
- (E) Class A Misdemeanor offenses - \$20,000.00/\$2,000.00 10%.
- (F) Class B & C Misdemeanor offenses - \$10,000.00/\$1,000.00 10%.

For persons charged with resisting law enforcement or battery to a police officer, the bail shall double.

For persons who reside out-of-state, no 10% cash deposit shall be authorized.

Persons may always post the entire amount of the bond in cash instead of a surety bond.

3. Computation of Bail Amount

In those cases where a specific Court ordered bond has not been set, the Sheriff shall compute the standard bond for Levels 3 through 6 Felonies and for Misdemeanor offenses by referring only to the **single most serious charge placed against the person**. When multiple charges of the same degree are placed against the person, the standard bond for a single offense of that degree shall apply.

4. Release on Recognizance

No person who is scheduled to appear in Court shall be released on his or her recognizance without the express authority of the Judge of the Circuit Court.

5. Notice Regarding Initial Hearing (Including Revocations)

A person who has posted bail to secure his/her appearance in Court shall be informed by the Sheriff that the person is scheduled to appear in Court for an Initial Hearing and advise the individual of the hearing date. All hearing dates and schedules shall be sent to the Court.

The person shall be further advised that a failure to appear will result in a revocation of bail and the issuance of an arrest warrant for failure to appear.

6. Domestic Violence Offenses – Holding Period

Domestic Violence offenses shall include the felony or misdemeanor offenses of battery, intimidation, confinement, invasion of privacy or for any violation of a Protective Order.

All persons arrested for domestic violence offenses shall not be released from custody until **18** hours have elapsed **from the time that they were booked in jail**.

Persons arrested for a second or subsequent Domestic Violence Offense shall be held without bail until the Initial Hearing.

7. Violent Crime – No Contact with Victim

If the defendant is charged with committing a violent crime (as defined in IC 5-2-6.1-8) that results in bodily injury to a person, then as a condition of bail, the Defendant shall refrain from any direct or indirect contact with the victim until further Order of the Court.

8. Procedure When No Bail Posted

Unless otherwise advised by a Court, any person arrested for a criminal offense who has not posted bail shall be brought by the Sheriff to Court within forty-eight (48) hours following the day of his or her arrest (excluding weekends and holidays) for the purpose of an Initial Hearing. If the prosecuting attorney advises the Court that more time is required to evaluate the case and determine whether charges should be filed, the Court may continue the Initial Hearing for up to seventy-two (72) hours.

9. Duty of Recording Bail Information

All original documentation regarding the posting of bail shall be submitted to the Clerk and the Clerk of the Court shall be responsible for entering the information on the Chronological Case Summary.

10. Disposition of Cash Deposits

The Court, for good cause shown may allow the Defendant to execute a bail bond by depositing cash or sureties with the Clerk of the Court in an amount not less than 10% of the bail required by the Court. The Clerk shall retain the 10% so deposited for the publicly-paid costs of representation as authorized by Indiana Code 35-33-8-3.2 as amended.

The Clerk shall also retain from the deposit the fines, costs, fees and restitution as provided for by order of Court or by law.

JURY RULES

LR51- JR04-1 SUMMONING JURORS

Jurors shall be summoned using a Two Tier Notice and Summons procedure.