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2012

**LR22-TR53.5-205
CONTINUANCES**

A. GENERALLY. A motion for continuance of a hearing or trial shall be accompanied by a proposed order which shall contain adequate space for insertion of a new time and date for re-scheduling purposes. The proposed order shall comply with Local Criminal Rule LR22-CR18-202.

B. CONTENT OF MOTION. A motion for continuance shall set forth the scheduled date, the reason for continuance, the specific length of time the moving party desires the cause to be delayed, and reference as to whether opposing counsel agrees or disagrees to a continuance of the scheduled hearing or trial.

C. TIMING OF MOTION. No continuance shall be granted at the request of a party unless a written motion for same is filed not less than fourteen [14] days prior to the scheduled hearing or trial, unless it is made to appear by affidavit that the facts which are the basis of the motion did not then exist or were not then known by the moving party.

**LR22-CR00-206
FINDINGS OF FACT**

A. PROPOSED FINDINGS. In all cases where findings of fact by the Court are requested or required, counsel of record shall submit to the Court proposed findings setting forth all facts claimed to have been established and the conclusions of law thereon. Such findings shall be submitted to the Court with a copy on computer disc within such time as directed by the Court.

**LR22-CR00-207
BONDS AND BOND SCHEDULES**

A. BOND SCHEDULE. During regular court hours the judge of each court, or magistrate on cases assigned to him in each court, shall determine the bond on all cases filed in that court. The judges of the various courts may, in their discretion, institute and adopt bond schedules. These bond schedules are for the convenience of the court's and sheriff's offices for use after regular court hours. The sheriff's office may assign bonds for any individual arrested based on the nature of the charge per the schedule.

B. EXCEPTIONS. The bond may be changed by the judge of the court providing the bond schedule, and the magistrate on cases assigned to him in such court, at any time for any specific case. Any of the other judges and the magistrate may change a bond on any individual after court hours regardless of which court the individual is charged in, if the bond has not already been reviewed by one of the other judges or magistrate.

C. OTHER CASES. The bond on any case that is not on a bond schedule due to the severity and nature of the offense, may be set by any of the judges and the magistrate after regular court hours. The judges of the courts wherein the case is appropriate to be sent should be contacted first. In the event said judge or judges are unavailable, then a judge of either of the other courts or the magistrate may set the bond. Nevertheless, any judge or the magistrate may assign a bond to any individual case regardless of the offense or where the case will be filed provided none of the other judges or the magistrate have previously reviewed said bond and taken action thereon.

D. TYPES OF BONDS. The following bonds are approved for the courts of Floyd County: Surety, Cash and Ten (10%) percent Bonds posted in the Clerk's Office (Court Cash Bonds).

**LR22-CR2.2-208
CASE ASSIGNMENT**

A. APPLICATION. In the event a case charges both a felony and a misdemeanor, the case shall be considered a felony for the application of this rule.

B. ASSIGNMENT. For specific case assignment, refer to LR22-TR00-117 'Assignment of Cases'.

**LR22-CR2.3-209
TRANSFER**

A. TRANSFER BETWEEN COURTS. Transfer between the Floyd Circuit Court and the Floyd Superior Courts shall be accomplished pursuant to I.C. 33-29-1-9 & 10, which allows the judges to transfer cases between courts with mutual consent and to sit on any case in either court with mutual consent.

**LR22-CR2.2-210
REASSIGNMENT**

A. CRIMINAL CASE REASSIGNMENT. In any criminal proceeding in the Floyd Circuit or Superior Courts when a change of judge is granted, or it becomes necessary to assign another judge, the case shall be reassigned on an alternate basis to the Judge of the Floyd Circuit or Superior Courts or a Senior Judge assigned to that court. If a conflict still exists then a Special Judge shall be sequentially selected from an alphabetized alternative list composed of Judges from contiguous counties.