

**PROPOSED CHANGES TO WAYNE COUNTY RULES OF
CRIMINAL PROCEDURE TO BE EFFECTIVE JULY 15, 2015**

WAYNE COUNTY RULES OF CRIMINAL PROCEDURE

Adopted By Wayne County Bar Association, Originally Effective October 30, 1997
Including All Amendments, Approved Effective July 15, 2015

Effective January 1, 2014

Revised, Effective July 1, 2014

LR89-CR00-001 SCOPE

These rules govern the procedure and practice of criminal cases in Wayne Circuit and Superior Courts unless otherwise provided by law or rules of the Supreme Court of Indiana or by other local rules, ~~and are effective as of January 1, 2008.~~

LR89-CR00-002 RELEASE FROM CUSTODY - PROMISE TO APPEAR

A. A person arrested and incarcerated without a warrant shall be released from custody within forty-eight (48) hours of arrest unless a judicial determination of probable cause for arrest has been obtained.

B. A person arrested and incarcerated shall be permitted to post bail consistent with the Court's bail schedule unless otherwise ordered or communicated to the Sheriff by a judge.

C. Prior to release of a person pursuant to the 48 hour rule or upon posting bail, the person must complete a verified promise to appear, on a form approved by the courts, indicating his or her full name, date of birth, address, place of employment, home and work telephone numbers, social security number and promise to appear in the Court and at the time designated by the Sheriff. A copy of the Promise to Appear shall be provided to the arrested person and to the Court upon designation. The Promise To Appear is Form 1 in the Appendix.

D. Failure to appear as promised upon release from custody is cause for issuance of an arrest warrant.

E. All persons arrested and incarcerated shall be brought before the Court in which charges are filed within a reasonable period of time.

LR89-CR00-003 APPOINTED COUNSEL

A. A defendant who is financially unable to obtain counsel is entitled to appointed counsel in accordance with this rule, except in misdemeanor cases where the prosecution is not seeking a sentence of incarceration. If the court appoints counsel, the defendant will be notified of the name, address and telephone number of appointed counsel.

B. If a defendant states that he or she is financially unable to obtain counsel, the Court will examine the defendant as to financial circumstances and may require financial statements and/or investigation of the defendant's financial circumstances. If the investigation reveals that the defendant is financially unable to obtain counsel, the Court will appoint counsel.

C. At the time of the initial hearing, a defendant, for whom counsel is not appointed or for whom counsel has not entered an appearance, will be scheduled for a hearing regarding counsel and will be ordered to appear for said hearing. The defendant shall be instructed to contact attorney(s) in order to determine the costs of privately retained counsel and to report back to the Court at the time of the hearing regarding his or her efforts and progress in retaining private counsel. A list of attorneys who have notified the Courts that they may consider representing criminal defendants and receive payment in installments shall be provided to a defendant upon request. Attorneys willing to consider providing representation under such an arrangement shall advise the Court Administrator in writing so as to be included on the list.

D. If the Court finds that the defendant is able to pay part of the cost of representation by appointed counsel, the Court may order the defendant to pay an appropriate sum to the Clerk of the courts to be deposited into the county's supplemental public defender services fund.

E. The Court may order a person for whom a public defender has been appointed to perform community service during pre-trial release to compensate the county for the value of Public Defender services.

F. Notwithstanding the provisions of this rule, the Court may appoint counsel for any person at any stage of the proceedings to prevent a failure of justice.

LR89-CR00-004 APPEARANCE OF COUNSEL

A. Any attorney representing a defendant shall appear for such defendant immediately upon being retained or appointed by signing and filing an appearance written Appearance form ~~in writing~~ containing counsel's name, attorney number, address, telephone number, and a statement indicating whether counsel will accept service by fax and email. A copy of this Appearance form shall be served on the ~~prosecution~~ lead counsel of record for the Prosecuting Attorney of Wayne County.

B. Lead counsel for ~~The the~~ Prosecuting Attorney of Wayne County shall appear and file an Appearance form, with the same particulars as set forth in subparagraph A above, in each pending criminal case ~~may have a standing appearance form filed with the Clerk of the Wayne Circuit, Superior 1, Superior 2, and Superior 3 Courts which shall be deemed of record and applicable in all pending criminal cases, save and except when an individual appearance form is filed by the State of Indiana in a given case.~~

LR89-CR00-005 WITHDRAWAL OF PRIVATELY RETAINED COUNSEL

A. All withdrawals of Appearance by privately retained counsel shall be in writing and by leave of court. Permission to withdraw shall be given only after the withdrawing attorney has given his or her client ten (10) days written notice of his or her intention to withdraw and has filed a copy of such written notice with the court or upon a simultaneous entering of Appearance by new counsel for said client. The letter of withdrawal shall explain to the client that failure to secure new counsel may ~~result in dismissal of the client's case or default judgment may be entered against him, whichever is appropriate,~~ have a material adverse effect on the client's constitutional rights and upcoming deadlines, and other pertinent information such as a pending trial ~~setting~~ date or any other hearing date. Such letter of withdrawal shall be sent to the client's last known address via both certified mail-return receipt requested and first class mail, postage pre-paid. The certificate of service attached to the required motion for leave to withdraw must indicate compliance with both forms of mail to the client and to all counsel of record or the request shall be denied. The court will not grant a request for withdrawal of appearance unless the same has been filed with the court at least ten (10) days prior to the trial date, except for good cause shown. The Court shall have discretion to grant a Motion To Withdraw if the Court finds that the ~~Defendant is~~ client was properly notified although by means that are not in strict compliance with this rule.

B. If the motion to withdraw is granted, the Court will determine whether the then existing financial circumstances of the defendant necessitate the appointment of counsel. If so, counsel shall be appointed forthwith so as to obviate delay in the proceedings. If the defendant is not qualified for appointed counsel, the defendant shall be ordered to pursue the retention of alternate counsel and to report back to the Court within not less than fourteen days the results of all efforts made to retain another attorney.

LR89-CR00-006 INITIAL HEARING CONFERENCE

A. Initial hearing shall be conducted in accordance with Indiana Statutes and Criminal Rules.

B. The Court may, upon written motion, grant a defendant's request for waiver of Initial Hearing. Such request for waiver shall be in writing and signed by the defendant's attorney and defendant, if possible, and shall include at a minimum the following:

1. Defendant's counsel has, or will, read and explain to defendant the Information;
2. Defendant's counsel has, or will, advise defendant that defendant has the following rights and will assure the Court that defendant understands such rights:
 - a. The right to a public and speedy trial;
 - b. The right to a trial by jury; and, that in order to preserve the right to trial by jury for a misdemeanor charge a written demand for trial by jury must be filed at least ten (10) days before the first trial date;
 - c. The right to the privilege against self-incrimination;
 - d. The right to confront the State's witnesses and to cross-examine those witnesses;
 - e. The right to present evidence on defendant's behalf and to subpoena witnesses to testify on defendant's behalf;
 - f. The right to require the State to prove defendant's guilt beyond a reasonable doubt;
 - g. The right to obtain counsel of defendant's choosing at defendant's expense; and
 - h. The right to assigned counsel at no expense to defendant if defendant cannot afford an attorney.
3. Defendant's counsel has, or will, also advise defendant regarding the possible penalties for each charge, including the advisory, maximum, and minimum sentences that may be imposed in this cause and sentencing options should defendant be found guilty of the crimes charged and counsel has or will assure the Court that defendant understands such penalties and options.
4. Defendant's counsel has, or will, advise defendant of the defendant's appeal rights and counsel has, or will, assure the Court that defendant understands such rights.

5. Defendant's counsel has advised or will advise defendant that if bail has not yet been set that the Court may require bail, which must be posted at the jail, or the Clerk's office as directed by the Court.
6. Defendant's counsel has advised or will advise defendant of any special conditions of bond as may be required by the Court.
7. For offenses under I.C. 9-30-5, defendant's counsel shall advise defendant of immediate restriction or suspension of driving privileges, and counsel will immediately surrender to the Court all of defendant's driving licenses, permits, and receipts. Counsel has, or will, also advise defendant that operating a motor vehicle in violation of restriction or suspension may result in bond forfeiture and contempt of court determination.
8. Defendant's full name and permanent address and, if different, mailing address. In addition, the defendant's social security number shall be provided on green paper pursuant to Administrative Rule 9.

LR89-CR00-007 PRE-TRIAL CONFERENCE

A pre-trial conference will be scheduled at the initial hearing which shall require personal attendance by the Prosecutor's Office, defense counsel and the defendant. Failure of the defendant to appear may result in revocation of a bond, an increase in bail, and/or the issuance of a warrant.

LR89-CR00-008 WAIVER OF JURY TRIAL

Jury trials shall only be waived by the defendant in open Court and/or by written Waiver signed by Defendant and by defense counsel.

LR89-CR00-009 CRIMINAL DISCOVERY

The Wayne County Courts shall have Discovery consistent with applicable law. Neither the State nor the defense shall be required to file any Discovery documents or pleadings with the Court, but the parties are permitted to do so.

Neither the counsel for the parties nor other prosecution or defense personnel shall advise persons having properly discoverable information (except the accused) to refrain from discussing the case with opposing counsel, nor shall they otherwise impede opposing counsel's investigation of the case.

LR89-CR00-010 STIPULATIONS

All stipulations shall be reduced to writing, signed by counsel and by the defendant personally, unless made during the course of a hearing or trial in open Court.

LR89-CR00-011 SELECTION OF JURY PANEL

A list of the petit jurors called for the trial of a particular case shall be available not less than four business days prior to the trial date.

When jury panels have been drawn, the bailiff shall cause the Court's questionnaire to be sent to each member of such panels to be answered and returned by such persons at least one business day prior to the commencement of jury selection. Such completed jury questionnaires are confidential and may only be obtained or examined by attorneys of record. Requests to supplement the Court's jury questionnaire shall be made in writing, prior to the final pretrial conference and shall include a verbatim proposed questionnaire.

LR89-CR00-012 VOIR DIRE

The prosecutor and defense shall have an opportunity to question each prospective juror and observe questioning of the prospective juror by opposing counsel prior to passing or striking a prospective juror. Peremptory challenges shall be made in writing at the bench. If a prospective juror is stricken by both sides, each side is chargeable for the strike. A juror not stricken may become a member of the trial jury. A challenge for cause can be raised at any time. The Court may put time limitations on jury questioning.

LR89-CR00-013 FILING PROCEDURE FOR CRIMINAL CASES

A. Misdemeanors are filed in Wayne Superior Court 3 unless the misdemeanor accompanies a felony charge filed in Wayne Circuit Court, Wayne Superior Court 1, or Wayne Superior Court 2.

B. The following felonies shall be filed in Wayne Superior Court 3, unless at least one Level 6, 5, 4, 3, 2 or 1 felony (other than those filed under I.C. 9-30-5 or 9-30-6) or Murder, is also filed against the same defendant in the same Information or Indictment:

1. Battery, a Level 6 Felony, filed under I.C. 35-42-2-1.
2. Domestic Battery, a Level 6 Felony, filed under I.C. 35-42-2- 1.3.
3. Strangulation, a Level 6 Felony, filed under I.C. 35-42-2-9.
4. Possession of Marijuana, Hash Oil, Hashish, salvia, a synthetic cannabinoid or other substance listed at I.C. 35-48-4-11, a Level 6 Felony.
5. All offenses filed under I.C. 9-30-5.
6. All offenses involving the operation of a motor vehicle while driving privileges are suspended, restricted, or forfeited.

- C. If the defendant:
1. has at least one pending criminal case, or
 2. is on probation
- in Circuit Court, Superior Court 1 or Superior Court 2, then any felony charges brought against the same defendant, other than those felony charges listed at (B)(1-6), are to be filed in the court having jurisdiction over the matter referred to at (C)(1) OR (C)(2).
- D. If the defendant:
1. has at least one pending felony case, and/or
 2. is on formal felony probation
- in Superior Court 3, then any Level 6 Felony charge brought against the same defendant shall be filed in Wayne Superior Court 3.
- E. Except as otherwise dictated by paragraph (A), (B), (C) or (D), criminal cases shall be filed in a random and equal manner in Circuit Court, Superior Court 1 and Superior Court 2.
- F. If the Judge or personnel of a Court are required as witnesses in any case, the case shall not be filed in that Court, and the Clerk shall cause that case to be randomly filed in a different Court, unless otherwise excepted by this rule.
- G. When the State of Indiana chooses to re-file a dismissed case, the case shall be assigned to the Court from which the dismissal was taken. This rule applies to all charges arising out of the same offense report, arrest report, or set of operative facts.
- H. In order to provide for an appropriately balanced case load and appropriate use of court resources, the Judges of the Wayne County Courts may, from time to time, transfer cases to other courts within Wayne County. Transfer of cases shall be by written order of the forwarding court, and shall be subject to written consent by the Judge of the receiving Court.
- I. If unusual and unforeseen circumstances occur, deviation from the provisions of this rule may be obtained for a particular case with the approval of the Courts.

- J. The filing of any case in a manner contrary to the rules set out above shall not be considered as grounds to support a motion for transfer or for a change of venue from the court or Judge. The presiding Judge may transfer such a case, at his or her discretion.
- K. In the event that a criminal offense is added or significantly modified by statute, including any alternation in the level of misdemeanor or felony, the Judges of the Wayne Circuit and Superior Courts will issue a temporary local rule to address the proper filing of such offense. The temporary local rule will have effect until the local rule can be formally amended.

LR89-CR00-014 BAIL

- A. **Setting Bail.** The Court will set the amount of bail that the accused shall be required to post. Warrant arrests may include the amount of the bail on the face of the warrant or on the order directing the Clerk to issue the Warrant. Prosecution requests for arrest warrants shall include any prosecution's recommendation regarding bail amount and the reasons therefor. Where charges are filed subsequent to arrest, the probable cause affidavit or oral probable cause submission shall include any prosecution's recommendation as to the appropriate bail.
- B. Filed motions for re-determination of bail will be given scheduling priority by the Courts.
- C. **Automatic 10% Cash Bonds:** A 10% cash bond is authorized by the Wayne Circuit Court, Wayne Superior Court No. 1, and Wayne Superior Court No. 2 for individuals charged with a non-warrant arrest for Level 3, 4, 5, or 6 Felonies.

A defendant charged with a misdemeanor or a Level 3, 4, 5, or 6 Felony in Wayne Circuit Court, Wayne Superior Court No. 1, or Wayne Superior Court No. 2 for whom bail has been set, may satisfy the requirement of bail by depositing ten percent (10%) of the bail in cash with the clerk of the Court or the Sheriff of Wayne County as security for the full amount of the bail, if authorized by the Wayne Circuit Court, Wayne Superior Court No. 1, or Wayne Superior Court No. 2.

- D. **CRIMINAL BAIL SCHEDULE** (if bail is not otherwise set by Court):
The Bail schedule listed below is a presumptive Bail Schedule range that the Wayne Circuit, Wayne Superior Court No. 1 and Wayne Superior Court No. 2 shall use:

Offenses Against Persons: I.C. 35-42 *et seq.*

		No bail	To
Murder			
Level 1 Felony	\$25,000.00	\$75,000.00	
Level 2 Felony	\$15,000.00	To \$50,000.00	
Level 3 and 4 Felonies	\$ 7,500.00	To\$25,000.00	
Level 5 and 6 Felonies	\$ 5,000.00	To\$15,000.00	

Offenses Against Property: I.C. 35-43 *et seq.*

Level 1 Felony	\$15,000.00	to	\$50,000.00
Level 2 Felony	\$10,000.00	to	\$35,000.00
Level 3 and 4 Felonies	\$ 5,000.00	to	\$20,000.00
Level 5 and 6 Felonies	\$ 2,500.00	to	\$10,000.00

Offenses Relating to Controlled Substances: I.C. 35-48-4

Level 1 Felony	\$15,000.00	to	\$40,000.00
Level 2 Felony	\$15,000.00	to	\$30,000.00
Level 3 and 4 Felonies	\$ 7,500.00	to	\$15,000.00
Level 5 and 6 Felonies	\$ 5,000.00	to	\$ 7,500.00

Other Offenses Not Categorized

Level 1 Felony	\$ 6,000.00	\$60,000.00
Level 2 Felony	\$ 4,500.00	\$45,000.00
Level 3 and 4 Felonies	\$ 3,000.00	\$30,000.00
Level 5 and 6 Felonies	\$ 1,500.00	\$25,000.00

The schedule above is established as a general guide for the Wayne County Courts (except Wayne Superior III) in setting bail for persons charged with bailable offenses.

The Sheriff of Wayne County shall use the maximum amount for non-warrant arrests until the initial hearing, whereupon the Court has discretion to revise the amount of the bail.

Nothing in this schedule shall prevent the Court from setting above or below the range provided in this schedule or from admitting an individual defendant to release upon recognizance.

The Bail Schedule in this paragraph shall apply to all cases filed in Wayne County courts other than Wayne Superior Court 3.

Bonds shall be increased 50% for persons admitted to bail on a separate Felony case or who is charged as a Habitual Offender or with a sentencing enhancement. The Prosecution shall include such fact in its Affidavit of Probable Cause or Charging Information.

E. The Wayne County Superior Court 3 shall post its current bond schedule in the courtroom of Wayne Superior Court 3, shall provide a copy of its current bond schedule to the Wayne County Sheriff, and such bond schedule shall be available for review in the Wayne Superior Court 3 offices.

The \$5.00 bonding fee (death benefit fee) for cases in Wayne Superior Court 3 is to be added to surety and cash bonds on all misdemeanor and truck violations. The fee is not to be added to felony charges.

The Clerk shall retain from the cash bond such administrative fees as are authorized by law.

F. For criminal cases with offense dates prior to July 1, 2014, the Bail Schedule below shall be the presumptive Bail Schedule range that the Wayne Circuit, Wayne Superior Court No. 1 and Wayne Superior Court No. 2 shall use:

Offenses Against Persons: I.C. 35-42 et seq.

<u>Murder</u>			<u>No bail authorized</u>
<u>Class A Felony</u>	<u>\$25,000.00</u>	<u>to</u>	<u>\$75,000.00</u>
<u>Class B Felony</u>	<u>\$15,000.00</u>	<u>to</u>	<u>\$50,000.00</u>
<u>Class C Felony</u>	<u>\$7,500.00</u>	<u>to</u>	<u>\$25,000.00</u>
<u>Class D Felony</u>	<u>\$5,000.00</u>	<u>to</u>	<u>\$15,000.00</u>

Offenses Against Property: I.C. 35-43 et seq.

<u>Class A Felony</u>	<u>\$15,000.00</u>	<u>to</u>	<u>\$50,000.00</u>
<u>Class B Felony</u>	<u>\$10,000.00</u>	<u>to</u>	<u>\$35,000.00</u>
<u>Class C Felony</u>	<u>\$5,000.00</u>	<u>to</u>	<u>\$20,000.00</u>
<u>Class D Felony</u>	<u>\$2,500.00</u>	<u>to</u>	<u>\$10,000.00</u>

Offenses Relating to Controlled Substances: I.C. 35-48-4 et seq.

<u>Class A Felony</u>	<u>\$15,000.00</u>	<u>to</u>	<u>\$40,000.00</u>
<u>Class B Felony</u>	<u>\$15,000.00</u>	<u>to</u>	<u>\$30,000.00</u>
<u>Class C Felony</u>	<u>\$ 7,500.00</u>	<u>to</u>	<u>\$15,000.00</u>
<u>Class D Felony</u>	<u>\$ 5,000.00</u>	<u>to</u>	<u>\$7,500.00</u>

Other Offenses Not Categorized Above

<u>Class A Felony</u>	<u>\$6,000.00</u>	<u>to</u>	<u>\$60,000.00</u>
<u>Class B Felony</u>	<u>\$4,500.00</u>	<u>to</u>	<u>\$45,000.00</u>
<u>Class C Felony</u>	<u>\$3,000.00</u>	<u>to</u>	<u>\$30,000.00</u>
<u>Class D Felony</u>	<u>\$1,500.00</u>	<u>to</u>	<u>\$25,000.00</u>

LR89-CR2.2-015 Search Warrants

Criminal cases opened for the purpose of obtaining a Search Warrant shall be assigned a new Miscellaneous Criminal case number. Cases for Search Warrants shall be assigned randomly among the Wayne Circuit, Superior No. 1, Superior No. 2, and Superior No. 3 courts in the same manner as set forth in LR 89-CR00 Rule 013. In the event there is a pending action involving the same criminal defendant for whom, or against whom, a Search Warrant is now requested that is related to such pending proceeding, a Notice of Filing of Request for Search Warrant shall be filed in the underlying pending action within twenty-four (24) hours after execution of the Search Warrant. Such Notice shall advise the court, counsel, and defendant that a request for a Search Warrant has been filed in a miscellaneous criminal case setting forth the caption of the case and the case number. Failure to file such a Notice is grounds for appropriate sanctions. Requests for Search Warrants are *ex parte* proceedings.

LR 89-CR00-016 Motions

A. Preparation

All pleadings, motions, briefs, and other papers shall be prepared in accordance with the provisions of the Indiana Rules of Procedure.

B. Continuances and Enlargements of Time

All motions for continuance or enlargement of time (whether 1st, 2nd, 3rd, etc.) shall be made in writing, shall state whether or not opposing counsel objects to the motion, and shall state whether prior continuances or enlargements have been requested by either party and whether such prior request was granted. The Court may require any written motion for continuance or enlargement of time to be signed by the party requesting the continuance.

C. Title of Motion

All motions for continuance or enlargement of time shall denominate in the title of such motion whether it is the first, second, third, etc. motion for continuance or enlargement of time; e.g. Defendant's Second Motion For Enlargement Of Time To File Answer.

D. Proposed Orders to Accompany All Motions

All motions seeking an Order of the Court shall be accompanied by a sufficient number of proposed Orders to be executed by the Court in granting the motion. Proposed Orders continuing a matter or granting an enlargement of time shall not set forth the new date but shall leave the date blank for the Court to complete. Proposed Orders submitted to the Court shall include a list of the names and addresses of all parties and persons to whom the proposed Order shall be distributed. Such distribution shall include, at a minimum, the names and addresses of all parties to the action.

E. Certificate of Service

The Certificate of Service as required by Trial Rule 5 of the Indiana Rules of Trial Procedure shall specifically set forth the names and addresses of the attorney(s), party(ies), or representative(s) to whom the document has been sent.

LR 89-CR13-017 SPECIAL JUDGE SELECTION IN CRIMINAL CASES

When the appointment of a special judge is required under Criminal Rule 12 of the Indiana Rules of Criminal Procedure or an order of disqualification or recusal is entered in a case, or where a change of judge is granted pursuant to Indiana Post-Conviction Remedy Rule 1(4)(b), the provisions of this Rule constitute the exclusive manner for the selection of special judges in circuit and superior courts in all criminal proceedings in Wayne County. The Clerk of the Wayne Circuit and Superior Courts shall assign a successor judge from the remaining Wayne County judges by random selection until no Wayne County Circuit or Superior Court judge remains. If no Wayne County Circuit or Superior Court judge qualifies as special judge, the Clerk shall assign a special judge, in sequence, from the following list of judges, all of whom are within the administrative district within which Wayne County is a part, as set forth in Administrative Rule 3(A), or are from a contiguous county and have agreed to serve as special judge in the courts of Wayne County where the case is pending:

1. The presiding Judge of the ~~Henry Circuit Court~~ **1 Union Circuit Court;**
2. The presiding Judge of the Henry Circuit Court ~~2~~ **1;**
3. The presiding Judge of the Henry Circuit Court ~~3~~ **2;**
4. The presiding Judge of the ~~Fayette~~ **Henry** Circuit Court **3;**
5. The presiding Judge of the Fayette ~~Superior~~ **Circuit** Court;
6. The presiding Judge of the ~~Franklin Circuit~~ **Fayette Superior** Court ~~No. 1;~~
7. The presiding Judge of the Franklin Circuit Court ~~No. 2;~~
8. The presiding Judge of the ~~Randolph~~ **Franklin** Circuit Court **No. 2;**
9. The presiding Judge of the Randolph ~~Superior~~ **Circuit** Court;
10. The presiding Judge of the ~~Rush Circuit~~ **Randolph Superior** Court;
11. The presiding Judge of the Rush ~~Superior~~ **Circuit** Court; and,
12. The presiding Judge of the ~~Union Circuit~~ **Rush Superior** Court.

The Clerk shall maintain such records as necessary to assure that selections are rotated in the above sequence.

APPENDIX

Form 1: Promise To Appear

Form 2: Personal Appearance Bond with Percentage Cash Deposit

Form 1

Date & Time Booked In _____

Date & Time Released _____

WAYNE CIRCUIT AND SUPERIOR COURTS

APPEARANCE FORM

Full Name: _____

Present Address: _____
(Street) (Apartment No.)

(City) (State) (Zip)

Phone No.: _____ Social Security No.: _____

DOB: _____ Driver's License No.: _____

Employer's Name and Address: _____

Current Charge: _____

I (am) (am not) presently on bond on another charge (of _____
_____ pending in _____).

PROMISE TO APPEAR

The undersigned hereby certifies that the above information is true.

I promise to appear in the Wayne _____ Court (No. _____) on the _____

(A.M.)(P.M.). I understand that a bench warrant for my arrest will be issued if I fail to appear at said time and place.

I affirm under the pains and penalty for perjury that the foregoing information is true.

Dated: _____

Signature

WITNESSES:

STATE OF INDIANA
VS.

IN THE WAYNE _____ COURT

CAUSE NO.

**PERSONAL APPEARANCE BOND
WITH PERCENTAGE CASH DEPOSIT**

I, the undersigned Defendant, understand that the bail has been set to assure my appearance in the above Court when ordered; I accept the option to deposit ten per cent (10%) of the amount of bail in cash with the Clerk.

I understand that I am bound to the State of Indiana in the full amount of the bail set in the sum of _____ dollars; (\$_____). If I appear in Court as directed and comply with all conditions as ordered by the court until this case is finished, then this bond shall be released; if otherwise, the bond shall remain in full force.

If I do not appear at any time fixed by the Court, the Court may declare this bond forfeited, and notice shall be mailed to me and _____ at the addresses given below. Unless the Court finds there was justification for my failure to appear, the Court may immediately enter judgment against me for the full amount of the bail. The cash deposit, less an administrative fee, shall be applied to the judgment, and the balance of the judgment may be enforced and collected in the same manner as a civil judgment.

If I fail to appear as required, or violate any condition of my release from custody, the release may be revoked and a warrant for my arrest may be issued immediately. I agree that, as conditions for my release from custody, I will:

- (a) inform my attorney and the court of any change in address or employment within 72 hours of such change;
- (b) personally appear in this cause in any Court in Wayne County at which my appearance is required by the Court.

Notice by the court to my attorney of record shall constitute notice to me;

(c) comply with all other conditions of release as ordered by the Court.

When the conditions of the bond have been performed, unless the Court orders otherwise, the Clerk shall retain those fees required by the Court and return the balance of the cash deposit to the undersigned defendant. However, if judgment for fees, fines, costs, restitution or any other obligations is ordered by the court, the remaining cash bond shall be first applied by the Clerk to the payment of the above judgment, upon court order.

I affirm under the pains and penalties that the foregoing information is true and correct.

Defendant's Signature

Printed Name of Defendant

Defendant's Address

Dated: _____

I have read and understand this agreement. I acknowledge that any monies provided by me to the defendant belong to the defendant and shall be applied as set forth above.

Signature of Person Providing Cash Funds to Defendant

Printed Name of Person Providing Cash Funds to Defendant

Address Person Providing Cash Funds to Defendant

Dated: _____