

- 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.*

Murder		No bail
Level 1 Felony		To \$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

	I.C. 35-48-4		
Offenses Relating to Controlled Substances:	\$15,000.00 <i>et seq.</i>		\$40,000.00
Level 1 Felony		to	
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	Above	\$ 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.*

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

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

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

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

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

Other Offenses Not Categorized Above

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

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.