

Montgomery County
Local Court Civil Rules
Updated February 1, 2022

LR54-AR00-1	Civil Case Assignments
LR54-AR00-2	Court Hours
LR54-AR00-3	Trials
LR54-AR10-4	Exhibits
LR54-AR00-5	Decorum
LR54-AR15-6	Court Reporters
LR54-FL00-7	Parenting Education Workshop
LR54-TR3.1-8	Withdrawal of Appearance
LR54-TR00-9	Proposed Orders
LR54-TR40-10	Trial Settings
LR54-TR53.5-11	Continuances
LR54-TR79-12	Special Judges
LR54-TR79-13	Transfer of Jurisdiction
LR54-TR26-14	Discovery
Appendix A	Jury Draw

LR54-AR00-1

Civil Case Assignments

Civil actions and proceedings in the Montgomery Circuit and Superior Courts shall be assigned among the courts as follows:

A. Montgomery Circuit Court: Any civil actions or proceedings; and all juvenile actions or proceedings except juvenile termination of parental rights (JT) cases.

B. Montgomery Superior Court 1: Any civil actions or proceedings; all civil domestic relations proceedings in which the Prosecuting Attorney has appeared pursuant to 42 USC Section 602(a)(26), as amended ("Title IV-D" proceedings); and all adoption actions or proceedings.

C. Montgomery Superior Court 2: Any civil actions or proceedings; all civil cases founded on contract or tort in which the claim does not exceed the statutory small claims jurisdictional amount; all possessory actions between landlord and tenant in which the claim does not exceed the statutory small claims jurisdictional amount; all actions for possession of property where the value of the property sought to be recovered does not exceed the statutory small claims jurisdictional amount; all infraction and ordinance violation cases; all probate actions or proceedings; and all juvenile termination of parental rights (JT) cases.

D. The judges of the Montgomery Circuit and Superior Courts by appropriate order entered in the Record of Judgment and Orders, may transfer and reassign any case to any other court in the county, subject to acceptance by the receiving court.

(Amended effective January 1, 2022)

LR54-AR00-2

Court Hours

The offices of the Montgomery County Courts shall be open from 8:00 a.m. until 4:30 p.m., Monday through Friday, legal holidays excluded, and at other such hours as each Court may from time to time order.

(Amended effective January 1, 2022)

LR54-AR00-3

Trials

A. Jury trials shall begin promptly at 9:00 a.m. unless otherwise directed by the Court. The prospective jurors, the attorneys and the litigants shall report at 8:30 a.m. on the first day of trial and thereafter as the Court shall direct.

B. Court trials and hearings shall begin promptly at the time assigned. The attorneys and the litigants should arrive substantially in advance of the scheduled time for the purpose of entering into any last-minute stipulations or agreements. Negotiations or settlement discussions should be concluded prior to the hearing or trial time.

LR54-AR10-4

Exhibits

A. After being marked for identification, models, diagrams, exhibits and material offered or admitted in evidence in any cause pending or tried before the Court shall be placed in custody of the Court Reporter unless otherwise ordered by Court.

B. All models, diagrams, exhibits, or materials placed in the custody of the Court Reporter shall be removed by the parties offering them in evidence, except as otherwise ordered by the Court, within sixty (60) days after the case is decided unless an appeal is taken. In all cases in which an appeal is taken, they shall be removed within thirty (30) days after the appeal is finally resolved. At the time of removal, a detailed receipt shall be given to the Court Reporter and filed in the cause. Items which are not claimed by parties shall be deemed abandoned, and the Court will dispose of the model or exhibit as the Court deems appropriate.

C. In all contested hearings and trials, the attorneys shall prepare and submit to the Court Reporter a schedule of exhibits. Attorneys shall pre-mark all exhibits. Plaintiffs and petitioners shall use numerals and defendants and respondents shall use letters.

LR54-AR00-5

Decorum

A. The attorneys shall be punctual, shall arrive at court early for hearings, and shall instruct clients and witnesses to be present before a hearing or trial is scheduled so that the Court's business may move with dispatch.

B. The attorneys, parties and witnesses shall dress in a manner which is appropriate to the dignity and the formality of the Court.

C. The attorneys, parties and witnesses shall conduct themselves in Court in a restrained and dignified manner. No person should lean on the bench nor sit on counsel tables.

D. No person while in the courtroom shall smoke, chew tobacco, eat, or drink. No person shall converse, read material or use a computer or other electronic devices in a manner which might be offensive or distracting to the Court or any other person present in the courtroom. Attorneys and parties who find it necessary to converse during the course of a hearing or a trial shall do so as quietly as possible and in tones calculated not to distract, disturb or influence the Court or any other person present in the courtroom.

E. Entering and leaving the courtroom should be done as infrequently and unnoticeably as possible.

F. The offices of the Court, the Judge and the court staff are not to be considered by the attorneys, litigants, or other parties as their own private offices or as being readily available for the use of the attorneys, litigants or other parties. The Court and its staff will assist attorneys as it is convenient, but the attorneys should not expect the court staff to relinquish their telephones, computers, copiers, desks, or their time for the attorneys' use or benefit. The Court and its staff reasonably expect to perform their work without distraction or interference from attorneys, litigants or other parties.

G. Lawyers shall not talk to or in any way distract the Court Reporter during hearings in which the lawyers are not participating.

LR54-AR15-6

Court Reporters

A. 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 Judge during any regular work hours, gap hours or overtime hours. The supervising Judge shall enter into a written agreement with the court reporters which outlines the manner in which the court reporters are 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 \$4.00. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.

(3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be \$4.00.

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$4.00.

(5) The maximum per page fees set forth in subsections (2), (3) and (4) shall apply only to transcripts prepared in the ordinary course of business or to be prepared within the time permitted by the Indiana Rules of Appellate Procedure. The fee per page for expedited transcripts shall be \$6.00 if the transcript is to be prepared within two (2) weeks, and \$5.00 per page if the transcript is to be prepared within four (4) weeks.

(6) A minimum fee of up to \$40.00 may be charged by a court reporter for a small transcript.

(7) In addition to per page fees, a court reporter may charge the following:

(a) Index and Table of Contents pages may be charged at the per page rate being charged for the rest of the transcript;

(b) An additional labor charge approximating the hourly rate based upon the court reporter's annual court compensation may be charged for the time spent binding the transcript and the exhibit binders;

(c) A reasonable charge for the office supplies required and utilized for the binding and electronic transmission of the transcript, pursuant to Indiana Rules of Appellate Procedure 28, 29 and 30 is permissible.

(8) Each court reporter shall report, at least annually, all transcript fees received for the preparation of county indigent, state indigent and/or private transcripts to the Indiana Office of Judicial Administration.

B. 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 agrees to the use of the Court equipment for such purpose, the Court and the court reporter shall enter into 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 the 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 and supplies.

(2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

LR54-FL00-7

Parenting Education Workshop

A. In any proceeding for dissolution of marriage in which there are minor children and in any paternity proceeding in Juvenile Court, both parents shall attend the Parenting Education Workshop. Attendance is mandatory for all parties in any dissolution of marriage proceeding and any paternity action if there are unemancipated children under 18 years of age. The course must be completed before the Final Hearing. The parties shall be responsible for payment of the cost of the workshop, with an allowance for waiver of the fee for indigence.

B. Failure to complete the workshop within sixty (60) days of the filing the initial petition

for dissolution of marriage or determination of paternity could result in a party being required to appear before the Court to show cause why he/she should not be punished for contempt of Court.

C. A copy of this rule shall be served upon the respondent when the petition for dissolution or petition to establish paternity is served, and a copy shall be given to each petitioner by counsel, or by the Clerk if petitioner is filing pro se.

LR54-TR3.1-8

Withdrawal of Appearance

A. An attorney's appearance and representation in a case may only be withdrawn upon the filing of a written motion and an order of the Court granting such motion, except in the following instances:

- (1) The party authorized the withdrawal in open court;
- (2) The party authorized the withdrawal in writing, such authorization being verified; or
- (3) There is an appearance simultaneously filed by successor counsel.

B. The written motion shall state the reasons for withdrawal with specificity and must demonstrate written notice to the client of the intent to make application to withdraw the appearance and representation. The notice must have been given at least ten (10) days prior to filing the motion to withdraw, shall advise the client that failure to secure new counsel may result in dismissal of the client's case or in the rendering of a default judgment, shall advise of the date and time the motion will be considered, and shall advise of the status of the case and of the existence and significance of any hearing dates or deadlines established by the Court in that case. The attorney shall in all other respects comply with Rule 1.16 of the Rules of Professional Conduct.

C. Withdrawal may not be permitted if less than 40 days remain until a trial or hearing date.

D. No withdrawal shall be permitted if such withdrawal would deprive the Court of jurisdiction over a party.

E. In the motion for withdrawal, the attorney shall certify the last known address

and telephone number of the party if upon withdrawal no appearance is entered by successor counsel.

F. Until a withdrawal is granted the attorney continues to be responsible for all aspects of the case, including attending all trials and hearings.

G. Withdrawal of appearance in criminal cases will only be allowed pursuant to I.C. 35-36-8-2. A hearing shall be held, with the defendant present, on all motions to withdraw based upon the grounds set forth in I.C. 35-36-8-2(b)(3-5).

LR54-TR00-9

Proposed Orders

A. The Court shall not be required to act on any motion, petition or other request for relief unless a proposed order is tendered.

B. All proposed orders submitted by counsel shall meet the following requirements:

- (1) Contain a complete distribution list of all attorneys and/or pro se litigants with complete addresses.
- (2) Include a sufficient number of copies of such proposed order as follows:
Original for Court, copy for Court file, one copy for each attorney and/or pro se litigant, and sufficient copies for service by Clerk or Sheriff.
- (3) Include envelopes appropriately addressed, postage prepaid, for each attorney and/or pro se litigant on the distribution list. Envelopes are not necessary for any attorney or litigant who has an email address in the database for electronic service or for any attorney who has a mailbox in the Clerk's office.

LR54-TR40-10

Trial Settings

A. All requests for trial settings or other evidentiary hearings shall include the following information:

- (1) Type of trial or hearing (jury trial, court trial, final hearing in dissolution, etc.).

(2) An honest, good-faith estimate of the court time needed for the trial or hearing.

B. A proposed order shall be tendered with appropriate blanks for date and time.

C. Every opposing attorney or pro se litigant who receives such an order and either has a conflict with the setting or disputes the estimate of court time needed for the trial or hearing, or both, shall first contact the attorney or pro se litigant who obtained the setting and attempt to resolve the scheduling problem and agree on the date and amount of time for the trial or hearing. If unable to resolve the problem, the opposing party or pro se litigant shall then notify the Court in writing within ten (10) days of the receipt of the original order and give their honest, good-faith estimate of the court time needed.

LR54-TR53.5-11

Continuances

A. All motions for continuance shall be in writing, and shall be verified if filed by a pro se litigant.

B. The motion must be filed promptly upon the discovery of the cause therefor. Motions for continuance, including agreed motions, must be filed at least five (5) days, excluding Saturday, Sunday and holidays, before a court trial or hearing, and at least ten (10) days before a jury trial, unless good cause is shown.

C. Withdrawal or change of attorneys, in and of itself, shall not be sufficient basis for continuing a trial or hearing.

D. Motions for continuance shall include the following information:

(1) The specific reason the continuance is necessary (general assertions, e.g., "unavailability of counsel", "unavailability of witness", "other commitments", etc., shall be subject to summary denial).

(2) Whether opposing counsel has been advised that a continuance will be requested.

(3) Whether opposing counsel agrees to the continuance.

(4) The date and time of the hearing or trial for which a continuance is sought.

(5) The approximate amount of time needed for such hearing or trial upon rescheduling.

E. All motions for continuance must be signed by the party who is requesting it or whose attorney is requesting it. If the party does not sign the motion, signature by the attorney is certification that the party has been notified of the request, agrees to the continuance, and understands the reason for which the continuance is sought.

F. Such motion and any accompanying affidavits or documents shall be served upon opposing counsel or the opposing party in person unless there is a showing that opposing counsel or the party has acquiesced or agreed to the motion to continue. The motion to continue will not be granted as a matter of course or as a matter of right. Unless the opposing party or attorney agrees or acquiesces in the motion, the motion will not be granted ex parte and the Court will not rule on the motion until three (3) days after filing, or six (6) days if served by mail.

G. The motion to continue, if granted, may be granted subject to the payment of costs or expenses connected with the continuance or for the delay of the trial or hearing which are necessarily incurred by the parties or by the Court.

H. Under no circumstances and in no case will any matter be continued or removed from the Court's hearing or trial calendar without order of the Court granting such continuance or removal from the calendar.

LR54-TR79-12

Special Judges

A. Pursuant to Trial Rule 79(H), after consulting with the other judges within the 11th Administrative District established in Administrative Rule 3(A); having considered the effective use of all judicial resources within such Administrative District; and having considered the accessibility of those judges who are eligible for appointment by a trial court as a special judge pursuant to Trial Rule 79(J); the following judges shall be appointed pursuant to a local rule pursuant to Trial Rule 79(H), and shall comprise the list for such appointments, and be selected alphabetically by county on a rotating basis, as follows: The judge of the Fountain Circuit Court, the judge of the Montgomery Circuit Court, the judge of the Montgomery Superior Court 1, the

judge of the Montgomery Superior Court 2, the judge of the Parke Circuit Court, the judge of the Vermillion Circuit Court, and the judge of the Warren Circuit Court.

B. In the event that no judge is eligible to serve as a special judge or the particular circumstances of the case warrant selection of a special judge by the Indiana Supreme Court, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge.

C. After a special judge is selected, the caption of all pleadings filed thereafter shall designate “Before Special Judge _____” immediately below the cause number.

D. A copy of each pleading or each paper filed with the Court after a special judge has qualified shall be mailed or delivered to the office of that special judge by the counsel or litigant with service indicated on the certificate of service.

(Amended effective July 1, 2011)

LR54-TR79-13

Transfer of Jurisdiction

A. It may, from time to time, be expedient for the Judges of the Montgomery Circuit and Superior Courts to transfer cases between the courts. This shall be done with the consent of the two judges involved in the transfers.

B. When a Petition for Protective Order is filed and a Dissolution of Marriage action is filed involving the same parties, the Protective Order proceeding shall be transferred to the Court where the Dissolution is pending. The two cases shall be cross-referenced in the electronic database system and scheduled together, in the interest of judicial economy, when appropriate.

C. If a case is transferred, any request for a change of judge or county may be made by a party entitled thereto, in accordance with the provisions of Trial Rule 76.

D. It may, from time to time, be expedient for the Judges of the Montgomery Circuit and Superior Courts to hear cases pending in the other court. If the matter proposed to be heard by one of the judges in the other court is not an emergency, and if it is actively contested, any party or counsel of record may make timely objection to the hearing of such matter by the other judge, and the objection shall be sustained.

E. The Judge of the Montgomery Circuit Court authorizes the Judge of either

Montgomery Superior Court to sit as Judge of the Montgomery Circuit Court, at any time, in any case.

F. The Judges of the Montgomery Superior Courts authorize the Judge of the Montgomery Circuit Court and authorize the Judge of the other Superior Court to sit as Judge of either or the other Montgomery Superior Court, at any time, in any case.

G. A Judge of any of the three courts may sit in any of the other courts as judge pro tempore or as special judge.

H. In the event the regular judge of a court must recuse because the judge's spouse is acting as a lawyer in a proceeding, a Special Judge shall be selected pursuant to Trial Rule 79(H) and LR54-TR79-22(A).

LR54-TR26-14

Discovery

A. Objections to interrogatories or requests for admission shall be stated with specificity and certainty and the reasons therefor shall be accompanied by citation of legal authority.

B. Duplicated forms are discouraged and shall not be filed or served upon a party unless each interrogatory, request for admission or request for production of documents on such form is consecutively numbered and applicable to the case in which the same is filed and served. The intent and purpose of this Rule is to prohibit the filing of duplicated forms of stock interrogatories and requests for admission except where the nature of the case or the number of parties make the use of such forms necessary.

C. No party shall serve on any other party more than twenty-five (25) interrogatories, requests for production or requests for admission other than requests relating to the authenticity or genuineness of documents without leave of Court. Subparagraphs shall relate directly to the subject matter of the interrogatory or request for admission. Any party desiring to serve additional interrogatories or requests for admission shall file a written motion setting forth the proposed additional interrogatories or requests for admission and the reasons establishing good cause for their use.

Appendix A

Jury Draw

The Judges of the three courts shall appoint a Jury Administrator or Administrators pursuant to Indiana Jury Rule 2. The Montgomery County Clerk shall compile and maintain the jury pool annually by selecting names from lists approved by the Indiana Supreme Court.

Before November 15th of each year, the Clerk at the direction of the Jury Administrator(s) shall randomly draw 2000 names from the jury pool. Those persons shall make up the prospective jurors for the three courts for the ensuing calendar year. Not later than seven days after the draw, the Clerk shall, pursuant to Indiana Jury Rule 4, mail each person whose name was drawn a notice of selection for the jury pool, a juror qualification form and a jury questionnaire.

Not less than ten days prior to a jury trial a judge shall request the Court's Jury Administrator(s) to summon a jury. The judge will advise the Jury Administrator the number of prospective jurors required and when they should appear. The Jury Administrator will then select a panel of prospective jurors to be called and cause summons, including pertinent information for prospective jurors required by the jury rules, to be issued for members of the panel at least one week prior to the trial date.

Montgomery County Local Court Criminal Rules

Updated January 1, 2022

LR54-CR2.2-1	Case Assignment
LR54-CR2.3-2	Transfer
LR54-CR13-3	Reassignment
LR54-CR00-4	Discovery
LR54-CR00-5	Bond Schedule
LR54-CR00-6	Schedule of Fees
Criminal Appendix A	Discovery Order
Criminal Appendix B	Bail Bond Schedule
Criminal Appendix C	Jury Draw
Criminal Appendix D	Detention Offenses

LR54-CR2.2-1

Criminal Case Assignments

A. All level 6 felony cases and all misdemeanor alcohol cases with habitual vehicular substance offender charges shall be assigned to the Montgomery Superior Court 1.

B. All misdemeanor cases not specified in paragraph A shall be assigned to Montgomery Superior 2.

C. All murder, level 1,2,3,4, & 5 felony cases shall be assigned to the Montgomery Circuit Court.

D. If there is a conflict as to which court a case should be assigned pursuant to the foregoing rules, the case shall be assigned according to the highest level of felony charged.

E. To promote judicial economy, the foregoing assignment of cases among the three courts shall be modified with respect to offenses charging the same defendant or arising out of the same or related incidents in which litigation is pending so that the new charge may be filed in the court in which the defendant has already been charged or related litigation is pending.

F. This Case Assignment rule notwithstanding, consistent with LR 54-CR2.3-2, cases may be transferred from one court to another as may be appropriate.

(Amended effective January 1, 2022)

LR54-CR2.3-2

Transfer

The judges of the Montgomery Circuit and Superior Courts, by appropriate order entered in the Record of Judgment and Orders, may transfer and reassign any case to any other court in the county, subject to acceptance by the receiving court.

LR54-CR13-3

Reassignment

A. The following judges shall serve in the event it becomes necessary to reassign a felony or misdemeanor case in the Montgomery Circuit Court, the Montgomery Superior Court 1 or the Montgomery Superior Court 2: The judge of the Fountain Circuit Court, the judge of the Montgomery Circuit Court, the judge of the Montgomery Superior Court 1, the judge of the Montgomery Superior Court 2, the judge of the Parke Circuit Court, the judge of the Vermillion Circuit Court, and the judge of the Warren Circuit Court. If the above list is exhausted, then the case will be reassigned to a full-time judicial officer from one of the following counties: Boone, Clinton, Hendricks, Putnam, or Tippecanoe. Assignments under this portion of the rule will also occur on a rotating basis.

B. By order of adoption of these rules, the Indiana Supreme Court, pursuant to I.C. 33-24-6- 10, temporarily transfers the above named judges to the Montgomery Circuit and Superior Courts for the purpose of reassignment of felony or misdemeanor cases. In the event it becomes necessary to reassign a felony or misdemeanor case, the cases will be reassigned on a rotating basis to the above named judges in the order in which they are listed.

(Amended effective July 1, 2011)

LR54-CR00-4

Discovery

The Circuit and Superior Courts have adopted a standard order for exchange of discovery materials between the State and the Defense. The order is incorporated in these rules as Criminal Appendix A.

LR54-CR00-5

Bond Schedule

The Circuit and Superior Courts have adopted a Bond Schedule governing the amount and conditions of bail in criminal cases. This schedule is incorporated in these rules as Criminal

Appendix B.

LR-54-CR00-6

Schedule of Fees

The Courts adopt the following schedule of fees for clients enrolled in the court administered alcohol and drug services program (Montgomery County Court Referral Program) and the Problem Solving Courts (Montgomery County Drug Court and Montgomery County Veterans Treatment Court), pursuant to IC 12-23-14-16 and IC 33-23-16-23.

Adult Court Referral Program Fee Includes Intake, Assessment, and Case Management	\$270
Juvenile Court Referral Assessment Fee Includes Intake and Assessment	\$100
Court Referral Case Management Only Fee No Assessment	\$50
Court Referral Re-Assessment Fee	\$100
Adult Court Referral Transfer Fee No Assessment and Intrastate Transfer Out	\$100
Prime for Life Advanced Substance Abuse Education Program Fee	\$150
Problem Solving Court Administration Fee Includes Screening	\$100
Problem Solving Court User Fee	\$30-per month
Problem Solving Court Transfer Fee	\$25
Truthought program	\$200

(Amended effective April 2, 2018)

- (f) Any record of prior criminal convictions which may be used for impeachment of the persons whom the State intends to call as witnesses at the hearing or trial.
- (g) Any evidence which tends to negate the guilt of the accused as to the offense charged or which would tend to mitigate his punishment.
- (h) Transcript of probable cause hearing, if any.
- (i) A list of the dates and times that the accused appeared in any lineups including photographic lineups; the name and addresses of person who appeared or whose picture was used in each of said lineups with the accused; the names and addresses of any persons who viewed the lineups as witnesses or victims, and any written or recorded statements or any existing summaries or oral statements made by anyone regarding said identification after viewing the lineups.
- (j) Any evidence of other crimes, wrongs or acts that the State intends to admit pursuant to Rule of Evidence 404(b).
- (k) Any evidence of specific instances of conduct that the State intends to admit pursuant to Rule of Evidence 405(b)

The State may perform these obligations in any manner mutually agreeable to itself and the Defense counselor by notifying the Defense counsel that material and information, described in general terms, may be inspected, obtained, tested, copied, or photographed, at specified reasonable times and places.

2. Defense Disclosure:

The Defense shall disclose to the State the following material and information within its possession or control within 30 days.

- (a) The names, addresses and telephone numbers of person whom the Defense may call as witnesses along with a record of prior criminal convictions.
- (b) Any books, papers, documents, photographs, or tangible objects which are intended to be used at a hearing or trial.
- (c) Any medical or scientific reports relating to the accused or to any evidence which may be used at a hearing or trial.

- (d) Any defenses, procedural or substantive, which the Defense intends to make at a hearing or trial.

3. Limitations:

- (a) Discretionary Protective Order. The Court may deny disclosure if it finds that there is a substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment resulting from such disclosure which outweigh any usefulness of the disclosure to counsel.

- (b) Matters not subject to disclosure:

- (1) Work product. Disclosure is not required of legal research or of records, correspondence, reports or memoranda to the extent that they contain the opinions, theories, or conclusions of the State or members of its legal or investigative staffs, or of Defense counsel or his or her staff.
- (2) Informants. Disclosure of an informant identity will not be required where there is a paramount interest in non-disclosure and a failure to disclose will not infringe the constitutional rights of the accused. Disclosure of the identity of witnesses to be produced at a hearing or trial will be required.
- (3) Any matters protected by law.

4. Continuing Discovery and Sanctions:

- (a) Discovery is a continuing Order through trial.
- (b) No written motion is required except to compel discovery, for a protective order, or for an extension of time.
- (c) Failure of either side to comply with this Order within 10 days before trial may result in exclusion of evidence at trial or other appropriate sanction.

Date

Judge

CRIMINAL APPENDIX B

PRE-TRIAL RELEASE AND BOND SCHEDULE

A. CONDITIONS OF PRE-TRIAL RELEASE AND BOND:

All defendants released pre-trial with or without bond are subject to the following conditions:

1. Defendant shall appear in court at all times required by the Court.
2. Defendant shall not leave the State of Indiana without the prior written consent of the Court.
3. Defendant shall not commit or be arrested for another criminal offense.
4. Defendant shall notify their attorney and the Court, in writing, of any change of address of their residence within 24 hours of such change.
5. Defendant shall follow any other conditions of pre-trial release ordered by the Court.

Violation of any of these conditions may result in revocation of pre-trial release and issuance of an arrest warrant.

B. PRE-TRIAL RELEASE WITHOUT BOND:

Unless an offense is listed on the “Montgomery County Detention Offenses” list adopted and ordered by the Courts of Montgomery County, all defendants arrested and charged with a misdemeanor or level 6 felony shall be booked, given a court date to appear for initial hearing, and released.

C. DETENTION AND BOND:

All defendants arrested and charged with an offense that is listed on the “Montgomery County Detention Offenses” list adopted and ordered by the Courts of Montgomery County shall be detained unless either released by order of the Court or released on bond pursuant to the following bond schedule:

Offense Level	Cash Bond
Murder	No Bond
Level 1	\$10,000
Level 2	\$6,000
Level 3	\$4,000
Level 4	\$3,000
Level 5	\$2,000
*Level 6	\$1,000 (only if on the list of Detention Offenses)
*Misdemeanor	\$1,000 (only if on the list of Detention Offenses)
Habitual Offender	\$8,000

D. BOND DISCRETIONARY WITH THE COURT:

The Court in its discretion may fix bond in an amount different from the above schedule.

E. MONTGOMERY COUNTY DETENTION OFFENSES:

The Montgomery County Courts shall agree and by order entered in all three courts adopt a list of “Detention Offenses”. Defendants charged with an offense that is listed on the “Detention Offenses” list shall not be released unless the defendant pays a cash bond, or by order of the Court. The Montgomery County Courts may modify this list as the Courts deem necessary from time to time by order entered in all three courts.

F. MULTIPLE CHARGES:

The bond schedule shall apply to the highest charge pending against a person if multiple charges are or may be filed.

G. ARREST WHILE ON PROBATION, COMMUNITY CORRECTIONS OR PRE-TRIAL RELEASE:

Defendants charged with a probation or community corrections violation shall not be released without an order of the Court. Defendants who are charged with a separate criminal offense while on pre-trial release for an offense alleged to have been committed in Montgomery County shall not be released without an order of the Court.

H. FAILURE TO APPEAR FOR HEARING OR TRIAL OR WHEN ORDERED BY THE COURT:

Defendants who fail to appear for court hearings or trial or when ordered by the court (including probation appointments for presentence investigations) shall not be released without an order of the Court.

I. APPLICATION OF BOND TO FINANCIAL OBLIGATIONS:

A cash bond shall be applied to any financial obligation imposed by the Court in its disposition of the case in the following order unless otherwise ordered by the Court: Clerk's fees, Fines and Court Costs, Probation User Fees, Drug or Veteran Court fee, Public Defender fee, Court Referral Program fee, Restitution, Drug Interdiction Fee, Domestic Violence Fee, Child Support, any other statutory fee.

J. DETENTION FOR DOMESTIC VIOLENCE:

Defendants who are arrested for domestic violence shall be detained for eight (8) hours from the time of the person's arrest. Domestic violence means an offense or the attempt to commit an offense that involves the use of physical force or threatened use of a deadly weapon and is committed against a family or household member.

K. NO CONTACT ORDER:

As a condition of pre-trial release with or without bond, a Defendant who is arrested and/or charged with a crime of violence or sex offense shall have no contact with the victim of

their alleged offense while on pre-trial release. The Sheriff shall notify the Defendant to be released, in writing, of the no-contact condition prior to the Defendant's release. The Prosecuting Attorney shall petition the Court for a no-contact or protective order when a criminal information charging a crime of violence or sex offense is filed with the Court.

(Amended effective January 1, 2020)

Criminal Appendix C

Jury Draw

The Judges of the three courts shall appoint a Jury Administrator or Administrators pursuant to Indiana Jury Rule 2. The Montgomery County Clerk shall compile and maintain the jury pool annually by selecting names from lists approved by the Indiana Supreme Court.

Before November 15th of each year, the Clerk at the direction of the Jury Administrator(s) shall randomly draw 2000 names from the jury pool. Those persons shall make up the prospective jurors for the three courts for the ensuing calendar year. Not later than seven days after the draw, the Clerk shall, pursuant to Indiana Jury Rule 4, mail each person whose name was drawn a notice of selection for the jury pool, a juror qualification form and a jury questionnaire.

Not less than ten days prior to a jury trial a judge shall request the Court's Jury Administrator(s) to summon a jury. The judge will advise the Jury Administrator the number of prospective jurors required and when they should appear. The Jury Administrator will then select a panel of prospective jurors to be called and cause summons, including pertinent information for prospective jurors required by the jury rules, to be issued for members of the panel at least one week prior to the trial date.

Criminal Appendix D

Montgomery County Detention Offenses

Persons charged with the following offenses or aiding or conspiracy to commit the following offenses shall be detained with a cash bond pending detention hearing in court. If the offense is not listed, the arrested person shall be booked, given a court date to appear for initial hearing, and released. Persons charged with Domestic Violence shall be detained for eight (8) hours before release. Persons charged with an OWI offense shall be detained for the minimum number of hours per the state statutory chart. Persons charged with OWI refusal, OWI with controlled substances, and Public Intoxication shall be detained for nine (9) hours.

This procedure applies only to criminal defendants. It does not apply to persons arrested on a body attachment, any other civil arrest or person detained by court order.

PERSONS CHARGED WITH THE FOLLOWING SHALL NOT BE RELEASED UNLESS CASH BOND IS PAID:

Aggravated Battery (I.C. 35-42-2-1.5)
Arson (I.C. 35-43-1-1)
Battery as Level 2,3,4,5,6 Felony (I.C. 35-42-2-1)
Burglary as Level 1,2,3,4 Felony (I.C. 35-43-2-1)
Carrying Handgun without License as Level 5 Felony (I.C. 35-47-2-1 (e)(1+2)).
Causing Death or Catastrophic Injury of Another Person When Operating Motor Vehicle (I.C. 9-30-5-5)
Causing Serious Bodily Injury When Operating Motor Vehicle (I.C. 9-30-5-4)
Causing Suicide (I.C. 35-42-1-2)
Child Exploitation (I.C. 35-42-4-4)
Child Molesting (I.C. 35-42-4-3)
Child Seduction (I.C. 35-42-4-7)
Child Sexual Trafficking (I.C. 35-42-3.5-1)
Child Solicitation (I.C. 35-42-4-6)
Consumer Product Tampering (I.C. 35-45-8-3)
Criminal Confinement (I.C. 35-42-3-3)
Criminal Gang Activity (I.C. 35-45-9-3)
Criminal Gang Intimidation (I.C. 35-45-9-4)
Criminal Gang Recruitment (I.C. 35-45-9-5)
Criminal Recklessness as Level 5 or 6 Felony (I.C.35-42-2-2)
Dealing in Cocaine or Narcotic Drug (I.C. 35-48-4-1)
Dealing in Controlled Substance Causing Death (I.C. 35-42-1-1.5)
Dealing in a Controlled Substance by Practitioner (I.C. 35-48-4-1.5)
Dealing in Methamphetamine (I.C. 35-48-4-1.2)
Dealing in Schedule I, II, III Controlled Substance (I.C.35-48-4-2)

Dealing in Schedule IV Controlled Substance (I.C. 35-48-4-3)
Domestic Battery as Level 2,3,4,5,6 Felony (I.C. 35-42-2-1.3)
Escape (I.C. 35-44.1-3-4)
Explosives (I.C. 35-47.5-5-1 through I.C. 35-47.5-5-11)
Failure to Appear (I.C. 35-44.1-2-9)
Feticide (I.C. 35-42-1-6)
Hand Gun Violation as Level 5 or above felony
Hazing as Level 5 or 6 Felony (I.C. 35-42-2-2.5)
Human Trafficking (I.C. 35-42-3.5-1.4)
Incarcerated Person, Bodily Injury (I.C. 35-44.1-3-7)
Incest (I.C. 35-46-1-3)
Intimidation (I.C. 35-45-2-1)
Interference with Custody as Level 4 or 5 Felony (I.C. 35-42-3-4)
Invasion of Privacy (I.C. 35-46-1-15.1)
Involuntary Manslaughter (I.C. 35-42-1-4)
Kidnapping (I.C. 35-42-3-2)
Lifetime Parole Violation (I.C. 35-44.1-3-9)
Manufacturing Methamphetamine (I.C. 35-48-4-1.2)
Murder (I.C. 35-42-1-1)
Neglect of a Dependent (I.C. 35-46-1-4)
Offenses Relating to Explosives (I.C. 35-47.5-5-1 through I.C. 35-47.5-5-11)
Operating Vehicle While Intoxicated—Prior Conviction as Level 5 or 6 felony (I.C. 9-30-5-3)
Overpass Mischief as Level 4 Felony (I.C. 35-42-2-5)
Pointing a Firearm (I.C. 35-47-4-3)
Possession of Cocaine or Narcotic Drug as Level 3 Felony (I.C. 35-48-4-6.1)
Possession of Firearm by Serious Violent Felon (I.C. 35-47-4-5)
Possession of Methamphetamine as Level 3 Felony (I.C. 35-48-4-6.1)
Prohibited Sale of Handgun (I.C. 35-47-2-7)
Promotion of Human Labor Trafficking (I.C. 35-42-3.5-1)
Promotion of Child Sexual Trafficking (I.C. 35-42-3.5-1.3)
Promotion of Human Sexual Trafficking (I.C. 35-42-3.5-1.2)
Rape (I.C. 35-42-4-1)
Reckless Homicide (I.C. 35-42-1-5)
Resisting Law Enforcement (I.C. 35-44.1-3-1)
Robbery (I.C. 35-42-5-1)
Sexual Battery (I.C. 35-42-4-8)
Sexual Misconduct with a Minor (I.C. 35-42-4-9)
Stalking (I.C. 35-45-10-5)
Strangulation (I.C. 35-42-2-9)
Tampering with Water Supply (I.C. 35-43-1-5)
Terrorism Deception (I.C. 35-43-5-3.6)
Trafficking with an Inmate (I.C. 35-44.1-3-5 and I.C. 35-44.1-3-6)
Vicarious Sexual Gratification (I.C. 35-42-4-5)
Voluntary Manslaughter (I.C. 35-42-1-3)

Effective January 1, 2020

Amended Effective January 1, 2022