

Starke

Starke 2012

LR75-CR00-17

TRIAL DE NOVO FOLLOWING JUDGMENT FROM KNOX CITY COURT

1.1 Requesting Trial De Novo. The proceedings for the Clerk of the Starke Circuit Court, Knox City Court and all parties requesting a trial de novo from the Knox City Court in regard to trial de novo requests following infraction or ordinance violations judgment, or following a misdemeanor conviction shall be governed by the appropriate statutes, Supreme Court Rules, including the Rules of Trial De Novo, and by these Local Rules.

1.2 Notification of Request for Trial De Novo. The Clerk of the Starke Circuit Court upon receiving a request for trial de novo following infraction or ordinance violations judgment, or misdemeanor trial or plea of guilty shall immediately notify the Judge of the Starke Circuit Court.

1.3 Compliance With Applicable Supreme Court Rules. The Clerk of the Starke Circuit Court shall not accept or file a Request for Trial De Novo without there being compliance with applicable Supreme Court Rules for Trial De Novo. If the Clerk has any questions concerning whether there is compliance with trial de novo requests, he or she shall promptly bring those questions to the attention of the Judge of the Starke Circuit Court.

1.4 Bond Schedule. The following bond schedule shall apply to all requests for trial de novo of a misdemeanor trial or plea of guilty whenever a stay of the Knox City Court judgment is sought:

- (1) Whenever requesting a stay, the Defendant shall supply the following information: (A suggested form for Request for Trial De Novo is attached in the Appendix).
 - (a) Full name, address (both mailing and home), date of birth, and telephone number.
 - (b) The Knox City Court case number or numbers.
 - (c) If available, a copy of the Knox City Court judgment and sentencing order.
 - (d) A statement or list of each misdemeanor conviction and the date of the offense.
 - (e) Whether a no contact order was entered as part of the sentencing order or the original bond.
 - (f) Whether there was an order restricting or suspending the Defendant's driver's license.

(2) A misdemeanor bond schedule is established as follows:

(a) Bond shall be set as follows depending on the class of offense:

	Starke Co. Resident	Out of County Resident
A Misdemeanor	\$500 cash or \$2,000 surety	\$2,500 surety only
B Misdemeanor	\$300 cash or \$1,500 surety	\$2,000 surety only
C Misdemeanor	\$200 cash or \$1,000 surety	\$1,500 surety only

The bond shall be set at the highest level of offense only. Do not add bonds together because of multiple charges.

The Court may depart from this bond schedule at any time.

(b) Cash bonds shall be accepted and receipted only in the name of the Defendant and no other person.

(c) If a charge from which the Defendant is seeking a trial de novo is any of the following:

Battery	I.C. 35-42-2-1
Stalking	I.C. 35-45-10-5
Intimidation	I.C. 35-45-2-1
Invasion of Privacy	I.C. 35-46-1-15.1

the bond as above set forth shall also be conditional upon the issuance of a No Contact Order with the victim or victims of the offense. Before any stay is effective the defendant shall fully complete a copy of the No Contact Order and sign the Statement of Defendant. A copy of the No Contact Order shall be given to the defendant by the Clerk of the Starke Circuit Court or the Starke County Sheriff as the case may be. A copy of the No Contact Order shall be placed with the bond and the original promptly returned to the Court. The Clerk of the Starke Circuit Court shall promptly send copies of the No Contact Order to the appropriate protective order depositories.

- (3) The filing of the bond pursuant to this bond schedule shall operate as a stay of the judgment of the Knox City Court and the Defendant, if incarcerated as a result of that judgment, shall be released from that sentencing order pursuant to these rules.
- (4) In lieu of the above bond schedule, any Defendant may timely apply directly to the Judge of the Starke Circuit Court to set an appropriate bond for trial de novo in the Defendant's case. The Court shall promptly rule on such direct request for a bond. In such case, no stay is effective until the bond is approved by the Court.