

LR57-TR-79(H)-5 Appointment of Special Judge in a Civil Case

In the event of a change of judge resulting from (1) the judge disqualifying or recusing under Trial Rule 79(C), or (2) the judge does not accept the special judge appointment under Trial Rule 79(D), or (3) a motion for change of judge is granted as provided for in Trial Rule 76, then unless the parties agree to the appointment of a special judge pursuant to Trial Rule 79(D) the case will be randomly assigned by the clerk to one of the two other courts in Noble County in which the regular sitting judge of that court is not otherwise disqualified. If neither of the other two judges in Noble County are eligible to hear the case, then the clerk shall appoint an eligible judge (including senior judges) from a contiguous county within the court’s administrative district as special judge for the case in which the change of judge is required. If the case is not transferred as provided for herein, or if a special judge is not appointed by the foregoing method, or if the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, the court shall certify the case to the Supreme Court of Indiana for the appointment of a special judge.

(Amended effective July 1, 2014)

LR57-CR 00-6 Bail Policy and Schedule

- (A) This rule supersedes all prior bail orders and schedules issued by the Noble Circuit Court, Noble Superior Court, Div. 1 and Noble Superior Court, Div. 2.
- (B) The following bail schedule determines the presumptively reasonable bail that shall be imposed schedule does not apply when bond is otherwise set by the court.

Murder	Presumptively notailable
Class A Felony, Level 1 Felony or Level 2 Felony.....	Set by the court at initial hearing (Guideline \$25,000.00)
Class B Felony, or Level 3 Felony	Set by the court at initial hearing (Guideline \$15,000.00)
Class C Felony, Level 4 Felony or Level 5 Felony	Set by the court at initial hearing (Guideline \$ 7,500.00)
Class D Felony or Level 6 Felony	\$4,500.00
Misdemeanor	\$3,500.00
Domestic Battery	\$50,000.00

- (C) Bail may be posted in any of the following ways:
1. Depositing cash or securities in an amount equal to the bail; or
 2. Executing a bail bond with sufficient solvent sureties as required by Indiana Code 35-33-8; or
 3. Executing a bond approved by the court secured by real estate located in Noble County, Indiana, where the true cash value as determined by the Noble County Assessor for tax purposes, less encumbrances, is at least equal to two (2) times the amount of the bail; or
 4. Providing any other bond or surety as may be approved by the court.

(D) Notwithstanding Subsection (C) above, if the defendant is:

1. Charged with a Class D Felony, Level 6 Felony, or a Misdemeanor
2. Arrested without a warrant
3. A resident of the State of Indiana; and is
4. Not charged with a crime of violence involving personal injury or the use of a firearm,

then bail for the Class D Felony, Level 6 Felony, or Misdemeanor may also be posted by depositing ten percent (10%) of the amount of the bail with the Noble County Clerk or the Noble County Sheriff. The court reserves the right in its discretion to approve the posting of ten percent (10%) cash bail in all cases.

(E) Bail for individuals arrested without a warrant shall be determined by the bail for the highest count charged. Bail shall not be required for additional counts of equal or lesser potential punishment.

(F) Any cash bail posted shall be posted in the defendant's name only and shall be considered the personal asset of the defendant. Cash bail may be applied toward Noble County Court Services fees, probation user's fees, restitution, public defender fees, jail reimbursement, fines, costs, extradition fees, and any other lawful amounts as determined by the court. The remainder shall be released to the defendant when the personal appearance bond is released. The Sheriff shall advise any individual seeking to post cash bail for a defendant of these conditions; however, failure to so advise shall not constitute a waiver of these conditions.

(G) In addition to any cash bail posted, all applicable statutory fees shall be added to the amount of bail and are not included in the amounts listed above.

(H) Individuals arrested without a warrant for a Class D felony, Level 6 Felony or a Misdemeanor may post bail according to this bail schedule.

(I) All individuals arrested without a warrant shall be brought before the court on the day of arrest if the court is in session and the person is booked into the Noble County Jail prior to 1 p.m. or on the next day the court is in session following the arrest.

- (J) No individual shall be released or brought before the court while intoxicated.
- (K) Juveniles (individuals under 18 years of age) shall not be held to bail and shall be released to the recognizance of a parent or guardian, unless the crime charged is one listed in I.C. 31-30-1-4.
- (L) The arresting officer or the prosecuting attorney may seek a deviation from the schedule in the event of extenuating circumstances.

LR57-CR 00-7 Criminal Discovery

In all criminal felony and misdemeanor cases, reciprocal pretrial discovery shall be available to both the State of Indiana and the Defendant upon the filing of a formal written request by either party, and such discovery shall be subject to the following:

(A) State's Required Disclosure

The State shall disclose to the Defendant the following material and information within its possession or control on or before thirty (30) days from the date of such request:

1. The names and last known addresses of persons whom the State may call as witnesses, together with their relevant written or recorded statements, memoranda containing substantially verbatim reports of their oral statements and a list of memoranda reporting or summarizing their oral statements.
2. Any written or recorded statements and the substance of any oral statements made by the Defendant or by a codefendants, and a list of witnesses to the making and acknowledgment of such statements.
3. A transcript of those portions of grand jury minutes containing testimony of persons whom the State may call as witnesses at the hearing or trial, as designated by the defense after listening to the recording of the testimony.
4. Any reports or statements of experts, made in connection with the particular case, including the results of physical or mental examinations, and of scientific tests, experiments or comparisons.
5. Any books, papers, documents, photographs or tangible objects which the State intends to use in the hearing or trial or which were obtained from or belong to the Defendant or which the State intends to use at the hearing or trial.
6. The record of prior criminal convictions of the Defendant and any persons whom the State intends to call as a witness at a hearing or trial, which criminal record(s) shall be provided to the Defendant or his counsel on or before the date of the final pre-trial conference (or at least 20 days prior to the hearing or trial if there is no final pre-trial conference).