CARROLL COUNTY CIRCUIT AND SUPERIOR COURTS
LOCAL COURT RULES

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LR08-TR81-01 SCOPE OF RULES

Pursuant to Trial Rule 81 of the Indiana Rules of Court, and except as otherwise provided, these rules govern the procedure and practice of the Carroll Circuit Court and the Superior Court of Carroll County, including the general jurisdiction docket, the small claims, criminal, and probate, estate and guardianship dockets.

The rules with no special designation shall apply to all cases filed in the Circuit and Superior Courts of Carroll County, Indiana, but the rules shall not apply to criminal cases, traffic bureau cases, or cases on the Small Claims Docket unless otherwise indicated.

These local rules shall be read and applied in a manner not inconsistent with the Indiana Rules of Court.

These Rules shall be effective May 1, 2013, and shall supersede the rules currently applied in the Courts.

LR08-TR79-02 TRANSFER OF ACTION

It may, from time to time, be expedient for the Judges of the Carroll Circuit and Superior Courts to transfer cases between those courts. This shall be done with the consent of the two judges involved in the transfers, pursuant to I.C. 33-29-1-9. If such transfer is consummated, the time for taking a change of venue from the judge shall be extended for a period of 10 days from the service of notice of such transfer or until such period expires pursuant to T.R. 76 or other applicable law. Change of venue from the county shall not be affected.

LR08-TR00-03 JUDGES SITTING IN EITHER COURT

Pursuant to I.C. 33-29-1-10, the Judge of the Carroll Circuit Court authorizes the Judge of the Carroll Superior Court to sit as Judge of the Carroll Circuit Court, at any time, in any case.

Pursuant to I.C. 33-29-1-10, the Judge of the Carroll Superior Court authorizes the Judge of the Carroll Circuit Court to sit as Judge of the Carroll Superior Court, at any time, in any case.

This authority shall remain in force until further order.

LR08-TR00-04 PROPOSED ORDERS

Prior to entry by the Court of orders granting motions or application or setting hearing dates, the moving party or applicant shall, unless the Court directs otherwise, furnish the Court with proposed orders in the following matters:

(1) for enlargement of time

(2) for continuance

(3) for default judgment

(4) to compel discovery

(5) of dismissal

(6) for appointment of receiver

(7) for appointment of guardian

(8) for restraining order, temporary or permanent injunction

(9) for a protective order

(10) for immediate possession of real estate

(11) for immediate possession of personal property

(12) for findings of fact and conclusions of law

(13) for foreclosure of a mortgage or other lien

(14) setting hearing date

(15) and such other orders, judgments, or decrees as the Court may direct.

This rule does not apply to judgments on general verdicts of the jury or upon a decision announced by the Court.

All proposed orders left with the Clerk or Court Reporter when the Judge is not available shall be submitted in sufficient number so that distribution may be made to all affected parties.

LR08-TR73-05 MOTIONS

BRIEFS AND MEMORANDA REGARDING MOTIONS. If a party desires to file a brief or memorandum in support of any motion, such brief or memoranda shall accompany or be filed simultaneously with motion, and a copy served on the adverse party unless additional time is granted by the Court. If the adverse party desires to file a brief or memorandum, the adverse party shall file it within 10 days of service of the movant's brief or memorandum.

LR08-TR47-06 VOIR DIRE

A. EXAMINATION OF PANEL AS A WHOLE BY COURT. Unless otherwise directed, the entire panel of prospective jurors shall be sworn by the Court and shall remain in the courtroom throughout the entire voir dire examination. The Court will conduct its own voir dire examination of the entire panel, with a view primarily of establishing a basis for challenge for cause. Examination shall be conducted in a matter consistent with Trial Rule 47.

B. JURY QUESTIONNAIRES. Jury questionnaires shall be on file with the Bailiff and copies shall be made available to counsel, but it shall be the responsibility of counsel to obtain such copies from the Bailiff and to review the same before voir dire begins. Upon completion of the trial, the parties shall return all copies of the jury questionnaires.

C. CHALLENGES FOR CAUSE. Any challenge for cause must be made when the cause becomes known.

D. SUPPLEMENTAL EXAMINATION BY COUNSEL. Following examination by the Court, counsel shall be permitted to supplement the Court's examination on subjects not expressly covered by the Court or the jury questionnaires. Questions shall be, so far as possible, directed to the entire panel seated in the jury box. The side with the burden of proof shall proceed first with such examination, and the opposing side will then proceed.

E. PEREMPTORY CHALLENGES. After each side has completed its supplementary examination, peremptory challenges must be then made. Such challenges will be made in writing and submitted to the Court. After submission to the Court, the Court will then advise the prospective jurors so challenged.

F. ADDITIONAL SUPPLEMENTAL EXAMINATION. Whenever peremptory challenges are made, replacement jurors will then be seated, and each side shall have an opportunity for a supplemental examination as provided by subparagraph D, with peremptory challenges made at the conclusions of such inquiry in writing in the same manner as set forth in subparagraph E.

G. PASSING OF A JUROR ON A TWELVE PERSON JURY. No juror who has been passed twice may be re-examined or peremptorily challenged except upon good cause shown, and the passing of any juror twice shall be deemed a waiver of the right to peremptorily challenge the same unless good cause is shown.

H. PASSING OF A JUROR ON A SIX PERSON JURY. No juror who has been passed once may be re-examined or peremptorily challenged except upon good cause shown, and the passing of any juror once shall be deemed a waiver of the right to peremptorily challenge the same unless good cause is shown.

I. PEREMPTORY CHALLENGES OF SAME JUROR. A peremptory challenge of the same juror by both sides shall count against the number of challenges for each side.

J. LIMITATION ON VOIR DIRE BY COUNSEL. Counsel should limit voir dire examination and, unless otherwise directed by the Court, not question prospective jurors on hypothetical statements of fact which are substantially similar or related to the facts of the case being tried.

LR08-TR51-07 JURY INSTRUCTIONS

All requests for instructions tendered in accordance with Trial Rule 51 shall be in writing with citations to applicable authority. Proposed preliminary instructions shall be exchanged and filed not later than three business days prior to the beginning of the trial. The plaintiff shall prepare and exchange with opposing counsel a proposed preliminary instruction on issues not later than three days prior to trial. The court shall, in the interest of justice, permit the tender of additional instructions during the trial on matters which could not have been reasonably anticipated in advance of trial.

LR08-AR7-08 EVIDENCE HANDLING, RETENTION AND DESTRUCTION

In all cases, the Court shall proceed pursuant to these Rules unless the Court directs a longer retention period after motion by any party or on its own motion.

A. CIVIL CASES INCLUDING ADOPTION, PATERNITY, AND JUVENILE PROCEEDINGS. All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the Court, four (4) months after the case is decided unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for two (2) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later.

The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7.

B. RETENTION PERIODS FOR EVIDENCE INTRODUCED IN CRIMINAL CASES (Misdemeanors, Class C & D Felonies –including attempts). Misdemeanor, Class D and C Felonies and Attempts. All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence except as otherwise ordered by the Court, three (3) years after the case is dismissed, the defendant is found not guilty, or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for three (3) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending. The court reporter shall retain all mechanical/electronic records or tapes, shorthand, and stenographic notes as provided in Indiana Administrative Rule 7.

C. RETENTION PERIODS FOR EVIDENCE INTRODUCED IN CRIMINAL CASES (Class B & A Felonies, Murder –including attempts). Class B and A Felonies and Murder and Attempts. All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the court reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the Court, twenty (20) years after the case is dismissed, the defendant found not guilty, or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the court reporter for twenty (20) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending.

The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Indiana Administrative Rule 7.

Courts should be encouraged to photograph as much evidence as possible and courts and parties reminded of the requirements of Appellate Rule 29(B).

D. NON-DOCUMENTARY AND OVERSIZED EXHIBITS. Non-documentary and oversized exhibits shall not be sent to the Appellate level Court, but shall remain in the custody of the trial court or Administrative Agency during the appeal. Such exhibits shall be briefly identified in the Transcript where they were admitted into evidence. Photographs of any exhibit may be included in the volume of documentary exhibits. Under no circumstances should drugs, currency, or other dangerous or valuable items be included in appellate records.

E. NOTIFICATION AND DISPOSITION. In all cases other than small claims, the Court shall provide actual notice, by mail to all attorneys of record and to parties if unrepresented by counsel, that the evidence will be destroyed by a date certain if not retrieved before that date. Counsel and parties have the duty to keep the Court informed of their current addresses and notice to the last current address shall be sufficient. Court reporters should maintain a log of retained evidence and scheduled disposition date and evidence should be held in a secure area. At the time of removal, the party receiving and removing the evidence shall give a detailed receipt to the court reporter, and the receipt will be made part of the court file.

In all cases, the Court, or the sheriff on the Court's order, should dispose of evidence that is not retaken after notice. The sheriff should be ordered to destroy evidence if its possession is illegal or if it has negligible value. The sheriff should auction evidence of some value with proceeds going to the county general fund. These Rules and their retention periods will take precedence over inconsistent language in statutes. I.C. 35-33-5-5(c)(2).

F. BIOLOGICALLY CONTAMINATED EVIDENCE. A party who offers biologically contaminated evidence must file a pretrial notice with the trial court and serve all the parties so that the Court can consider the issue and rule appropriately before trial. A party can show contaminated evidence or pass photographs of it to jurors, but no such evidence, however contained, shall be handled or passed to jurors or sent to the Jury Room unless specifically ordered by the Court.

LR08-TR74-09 TRANSCRIPTS

Persons requesting transcripts shall make a deposit with the clerk of Carroll County sufficient to cover the cost of the transcript at the time of the request unless other arrangements are made with the Court Reporter who is preparing the transcript.

LR08-TR79-10: APPOINTMENT OF SPECIAL JUDGES

JUVENILE CASES. When the appointment of a special judge in a juvenile case is necessary pursuant to Trial Rule 79(H), then a special judge shall be appointed from Section (A). If no judge qualifies under Section (A), then a special judge shall be chosen from Section (B) on a rotating basis. If no judge qualifies under Section (B), then a special judge shall be chosen from Section (C).

A) 1. Judge of the Carroll Circuit Court

2. Judge of the Carroll Superior Court

B) To ensure the effective use of all judicial resources within this Administrative District, the Carroll Circuit and Carroll Superior Courts shall maintain lists of eligible judges including judges (1) regularly presiding over juvenile cases within this Administrative District and (2) from contiguous counties who have agreed to serve as special judge in juvenile court and shall assign a judge from said list on a rotating basis.

C) Upon certification to the Supreme Court of Indiana of cases in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court.

ALL OTHER CIVIL CASES. In all other civil cases, when the appointment of a special judge is necessary pursuant to Trial Rule 79(H), then a special judge shall be appointed from Section (A). If no judge qualifies under Section (A), then a special judge shall be chosen from Section (B) on a rotating basis. If no judge qualifies under Section (B), then a special judge shall be chosen from Section (C).

A) 1. Judge of the Carroll Circuit Court

2. Judge of the Carroll Superior Court

B) To ensure the effective use of all judicial resources within this Administrative District, the Carroll Circuit and Carroll Superior Courts shall maintain lists of eligible judges, as defined by T.R. 79(J), within this Administrative District and from contiguous counties who have agreed to serve as special judge in civil cases and, when required pursuant to Trial Rule 79 to assign a special judge, shall assign a judge from said list on a rotating basis.

C) Upon certification to the Supreme Court of Indiana of cases in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court.

(Amended effective January 1, 2018)

LR08-AR00-11: JURISDICTION

Caseload Plan

A. **CARROLL CIRCUIT COURT**. The Carroll Circuit Court shall have exclusive jurisdiction in the following matters, except in instances when Carroll Superior Court has juvenile court jurisdiction as provided by Ind. Code § 31-30-1-1.

(1) Probate and guardianships;

(2) Adoptions;

(3) Murder;

(4) Class C or greater felonies;

(5) Level 5-1 felonies;

(6) Dissolutions and child custody; and

(7) Paternity.

B. CARROLL SUPERIOR COURT. The Carroll Superior Court shall have exclusive jurisdiction when exercising juvenile court jurisdiction as provided by Ind. Code § 31-30-1-1, and in the following matters:

(1) Small Claims;

(2) Infractions;

(3) Juvenile matters other than adoption and paternity;

(4) Misdemeanors;

(5) Class D felonies; and

(6) Level 6 felonies.

C. CONCURRENT JURISDICTION. The courts shall have concurrent jurisdiction in all other matters.

(Amended effective January 1, 2018)

LR08-AR00-12 DOCUMENTS, FILES, AND DEPOSITIONS

REMOVAL OF ORIGINAL PLEADINGS, PAPERS, AND RECORDS. No person shall withdraw any original pleading, paper, or record from the custody of the clerk or other officer of this court except upon the order of the judge of the court after giving proper receipt.

LR08-AR15-13 COURT REPORTERS

SECTION ONE. DEFINITIONS. The following definitions shall apply under this local rule:

(1) A *Court Reporter* is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

(2) *Equipment* means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.

(3) *Work space* means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

(4) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
(5) *Recording* means the electronic, mechanical, and stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
(6) *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.
(7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
(8) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.
(9) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday and Thursday.
(10) *Court* means the particular court for which the court reporter performs services. Court may also mean all of the courts in Carroll County.
(11) *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
(12) *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(13) *Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.
(14) *Rush Transcript* means any transcript required within seven days from date of request.

SECTION TWO. SALARIES, PREPARATION OF TRANSCRIPTS, AND FEES.

(1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular hours, gap hours or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours, i.e. monetary compensation or compensatory time off regular work hours.
(2) The court reporter shall not prepare transcripts during regular work hours.

(3) The maximum per page fee a court reporter may charge for the preparation of a county or state 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.

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

(5) A minimum fee of $35.00 for total cost of a transcript may be charged for any transcript less than 10 pages.

(5) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

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

(7) The maximum per page fee a court reporter may charge for the preparation of a Rush Transcript is $6.00 per page.

LR08-AR00-14 LIBRARY BOOKS

The books in the law library shall be in the custody of the Judges of the Carroll Circuit Court and the Carroll Superior Court. No person shall remove any book from the courthouse without permission from the Courts.

LR08-FL-15 DOMESTIC RELATIONS

A. NOTICE TO PARENT IN DISSOLUTION. In all uncontested dissolution matters involving custody and support of children or the determination of real property interest or both, the petitioner's attorney or the petitioner, if appearing pro se, shall give notice of the time and place of the hearing by subpoena, notice of hearing, or letter served upon the respondent in accordance with Trial Rule 4 at least 7 days prior to the hearing date, and file a copy of the notice with the court on or before the trial date.

B. SUPPORT GUIDELINES. All support determinations shall be made in accordance with the Indiana Child Support Guidelines, any deviation or exception shall be with good cause

and only upon written findings entered by the Court.

C. WORKSHEET - CHILD SUPPORT OBLIGATION. A copy of the worksheet provided for in the Indiana Child Support Guidelines shall be submitted to the Court in each case in which the Court is asked to determine support, including cases in which agreed orders are submitted, and the worksheets shall be signed by both parties under penalties of perjury.

D. PARENTING CLASS REQUIREMENTS. All parties in dissolution cases involving minor children shall attend a parenting class prior to the final hearing on the case. Said parenting class shall be "Dissolution Education Workshop" or an equivalent thereto.

E. COURT COSTS. If court costs are initially waived, they will be addressed at the Provisional Hearing and/or the Final Hearing.

F. IN CAMERA INTERVIEWS. If the Court has an *in camera* interview with child(ren), the parties and attorneys are prohibited from discussing that interview with the child afterward.

LR08-CR2.1-16 MANDATORY WITHDRAWAL OF COURT-APPOINTED COUNSEL

Court-appointed counsel and public defenders shall be deemed "withdrawn" upon completion of sentencing or final disposition of cause.

LR08-CR00-17: BOND SCHEDULE

A. AMOUNTS. The following amounts shall be the amounts set for bail bonds unless otherwise ordered by the Judge of the Carroll Circuit Court or the Carroll Superior Court:

Class or Level of Offense	Bond Amount
Murder	none
Habitual Offender (A, B, and C felonies)	$50,000.00 additional
Habitual Offender (D felony)	$5,000.00 additional
Class A felony	$100,000.00 surety plus $500.00 cash
Class B felony	$50,000.00 surety plus $500.00 cash

Class C felony	$10,000.00 surety plus $500.00 cash
Class D felony	$5,000.00 surety or $500.00 cash
Class A misdemeanor	$3,000.00 surety or $300.00 cash
Class B misdemeanor	$1,500.00 surety or $150.00 cash
Class C misdemeanor	$1,000.00 surety or $100.00 cash
Level 1 Felony	$100,000 with ten (10%) cash allowed
Level 2 Felony	$75,000 with ten (10%) cash allowed
Level 3 Felony	$50,000 with ten (10%) cash allowed
Level 4 Felony	$25,000 with ten (10%) cash allowed
Level 5 Felony	$10,000 with ten (10%) cash allowed
Level 6 Felony	$5,000 with ten (10%) cash allowed
Class A Misdemeanor	$3,000 with ten (10%) cash allowed
Class B Misdemeanor	$1,500 with ten (10%) cash allowed
Class C Misdemeanor	$1,000 with ten (10%) cash allowed
Alleged Habitual Offender charged with	
Murder or Level 1-4 Felony	Additional $50,000 cash or corporate surety
Level 5 - 6 Felony	Additional $10,000 cash or corporate surety
Alleged Habitual Vehicular Substance Offender	Additional $10,000 cash or corporate surety

EXCEPTIONS TO SCHEDULE

A. **MULTIPLE CHARGES**. If an arrest is made on more than one charge and there has been no prior judicial determination of bail, bond shall be posted on the most serious charge only. If the listed bond amount is inappropriate under the circumstances, the Prosecuting Attorney shall bring such circumstances to the attention of the court by written or oral motion.

B. **ARRESTING OFFICER AFFIDAVIT TO DISALLOW BOND**. In the event that the arresting officer believes that the above schedule is not appropriate for a specific arrest based upon facts known to the officer or surrounding circumstances, the officer may complete an

affidavit in a form substantially conforming to the form attached hereto (Form A) and provide it to the Sheriff's Department and the Sheriff is authorized to hold such arrestee until the sooner of forty-eight (48) hours (excluding weekends and holidays) or until further order of a Judge.

C. **RELEASE ON PROMISE TO APPEAR**. The bail schedule shall not apply to cases in which a person may be released upon written promise to appear or the posting of other appropriate security as provided by law.

D. **INTOXICATED PERSONS**. If any person is arrested or charged involving intoxication or use of drugs and in the opinion of the Sheriff or his department cannot safely be released because of such condition, the person shall be held until the Sheriff or his department determines that the person would not constitute a danger to himself or others. This provision is subject to the rule that all persons arrested who remain in jail shall be brought into court no later than as required by law.

E. **ARREST ON CIVIL PROCESS**. This bail schedule applies only to arrest on criminal charges. On civil arrests (body attachments), the person shall be held without bail pending court appearance unless a bail amount is stated on the body attachment. Such bail is to be accepted in cash only and must be posted by the person arrested. The Court will consider the cash bail posted to be the property of the person arrested and subject to attachment.

F. **CASH BONDS**. In all cases in which a cash bond is posted, the court approved bond form must be used. Cash bonds may be used to pay fines, court costs, administrative probation fees, and other financial obligations of the defendant in any Carroll County cause. In addition, the bond may be used to reimburse the county for the cost of court appointed counsel. Unless the Court orders otherwise, when cash bonds are released, they may be released to the person who posted the bond, not necessarily to the Defendant.

G. **PERSONS ON PROBATION, PAROLE, BOND OR RELEASE ON OWN RECOGNIZANCE**. This bond schedule shall not be applicable in the case of a person who has been arrested for a crime while on probation, parole, bond or released on own recognizance for

another offense. In such cases, the person shall be detained until the Court determines a proper amount of bond. In such cases, the Court shall conduct a hearing regarding the alleged violation or admit the person to bail within fifteen (15) calendar days of detention.

LR08-CR00-18: AUTOMATIC CRIMINAL DISCOVERY RULE

A. GENERAL PROVISIONS

(1) Upon the entry of an appearance by an attorney for a defendant or a defendant's pro se written appearance, the State shall disclose and furnish all relevant items and information under this Rule to the defendant within thirty (30) days from the date of the appearance, subject to Constitutional limitations and such other limitation as the court may specifically provide by separate order, and the defense shall disclose and furnish all relevant items and information under this rule to the State within thirty (30) days after the State's disclosure.

(2) No written motion is required, except:

a) To compel compliance under this Rule;

b) For additional discovery not covered under this Rule;

c) For a protective order seeking exemption from the provisions of this Rule; or

d) For an extension of time to comply with this Rule.

(3) Although each side has a right to full discovery under the terms of this Rule, each side has a corresponding duty to seek out the discovery. Failure to do so may result in the waiver of the right to full discovery under this Rule.

(4) All discovery shall be completed on or before the omnibus date unless otherwise extended for good cause shown.

(5) The party seeking disclosure or a protective order under this Rule shall include in the party's motion or request a statement showing that the attorney making the motion or request has made a reasonable effort to reach agreement with opposing counsel concerning the matter set forth in the motion or request. In addition, this statement shall recite the date, time and place of this effort to reach agreement, whether the effort was made in person or by telephone and the names of all parties and attorneys participating therein. The court may deny a discovery motion filed by a party who has failed to comply with the requirements of this subsection.

B. STATE DISCLOSURES

1. The State shall disclose the following materials and information within its possession or control:

a. The names and last known addresses of persons whom the State intends to call as witnesses along with copies of their relevant written and/or recorded statements. However, the State may refrain from providing a witness' address under this Rule if the State in good faith believes the disclosure of the witness' address may jeopardize the safety of the witness and the witness' immediate family. If the State does not disclose the witness' address for the reason stated under this Rule, then the State shall make the witness available for deposition or interview by defense counsel upon reasonable notice. Should there be a dispute among the parties concerning the disclosure of a witness' address, counsel shall meet and make a reasonable effort to resolve this dispute before seeking intervention from the court. If an attorney for any party advises the court in writing that an opposing attorney has refused or delayed meeting and discussing the issue of witness address disclosure, the court may take such action as is appropriate;

b. Any written, oral, or recorded statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgment of such statements;

c. If applicable, the State shall provide a copy of those portions of any transcript of grand jury minutes, within the State's possession, which contain the testimony of persons whom the State intends to call as a witness at hearing or at trial. If such transcripts do not exist, the defendant may apply to the court for an order requiring their preparation;

d. Any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons;

e. Any books, papers, documents, photographs, or tangible objects that the State

intends to use in the hearing or trial or which were obtained from or belong to the accused; and

f. Any record of prior criminal convictions that may be used for impeachment of the persons whom the State intends to call as witnesses at any hearing or trial.

2. The State shall disclose to the defense any material or information within its possession or control that tends to negate the guilt of the accused as to the offense(s) charged or would tend to reduce the punishment for such offense(s).

3. The State may perform these disclosure obligations in any manner mutually agreeable to the State and the defense. Compliance may include a notification to the defense that material and information being disclosed may be inspected, obtained, tested, copied, or photographed at a specified reasonable time and place.

C. DEFENDANT DISCLOSURES

1. Defendant's counsel (or defendant where the defendant is proceeding pro se) shall furnish the State with the following material and information within his or her possession or control:

a) The names and last known addresses of persons whom the defense intends to call as witnesses along with copies of their relevant written and/or recorded statements. However, the defense may refrain from providing a witness' address under this Rule if the defense in good faith believes the disclosure of the witness' address may jeopardize the safety of the witness and the witness' immediate family. If the defense does not disclose the witness' address for the reason stated under this Rule, then the defense shall make the witness available for deposition or interview by the State upon reasonable notice. Should there be a dispute among the parties concerning the disclosure of a witness' address, counsel shall

meet and make a reasonable effort to resolve this dispute before seeking intervention from the court. If an attorney for any party advises the court in writing that an opposing attorney has refused or delayed meeting and discussing the issue of witness address disclosure, the court may take such action as is appropriate.

b) Any books, papers, documents, photographs, or tangible objects the defense intends to use as evidence at any trial or hearing;

c) Any medical, scientific, or expert witness evaluations, statements, reports, or testimony which may be used at any trial or hearing;

d) Any defense, procedural or substantive, which the defendant intends to make at any hearing or trial; and

e) Any record of prior criminal convictions known to the defendant or defense counsel that may be used for impeachment of the persons whom the defense intends to call at any hearing or trial.

2. After the formal charge has been filed, upon written motion by the State, the court may require the accused, among other things, to:

a) Appear in a line-up;
b) Speak for identification by witnesses to an offense;
c) Be fingerprinted;
d) Pose for photographs not involving re-enactment of a scene;
e) Try on articles of clothing;
f) Allow the taking of specimens of material from under his/her fingernails;

g) Allow the taking of samples of his/her blood, hair and other materials of his/her body that involve no unreasonable intrusion;
h) Provide a sample of his/her handwriting; and
i) Submit to a reasonable physical or mental examination.

Whenever the personal appearance of the accused is required for the foregoing purposes, reasonable notice of the time and place of such appearance shall be given by the State to the accused and his/her counsel, who shall have the right to be present. Provision may be made for appearances for such purposes in an order admitting the accused to bail or providing for his/her release.

D. ADDITIONS, LIMITATIONS AND PROTECTIVE ORDERS

a) Discretionary Disclosures: Upon written request and a showing of materiality, the court, in its discretion, may require additional disclosure not otherwise covered by this Rule.

b) Denial of Disclosure: The court may deny disclosure required by this rule upon a finding that there is substantial risk to any person of physical harm, intimidation, bribery, economic reprisals or unnecessary annoyance or embarrassment resulting from such disclosure which outweighs any usefulness of the disclosure.

c) Matters not subject to Disclosure:

i) Work Product: Disclosure hereunder shall not be required of legal research or 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 staff, or of defense counsel or his/her staff;

ii) Informants: Disclosure of an informant's identity shall not be required where there is a paramount interest of non-disclosure and where a failure to disclose will not infringe upon the Constitutional rights of the accused. However, disclosure shall not be denied hereunder of the identity of witnesses to be produced at trial or hearing; and

iii) Any matters protected by law.

d) Protective Orders: Either the State or defense may apply for a protective order for non-disclosure of discovery required hereunder or any additional requested discovery.

E. DUTY TO SUPPLEMENT RESPONSES. The State and the defense are under a continuing duty to supplement the discovery disclosures required hereunder as required upon the acquisition of additional information or materials otherwise required to be disclosed hereunder. Supplementation of disclosures shall be made within a reasonable time after the obligation to supplement arises.

F. SANCTIONS UPON FAILURE TO COMPLY. Failure of a party to comply with either the disclosure requirements or the time limits required by this Rule may result in the imposition of sanctions against the noncompliant party or attorney. These sanctions may include, but are not limited to, the exclusion of evidence at a trial or hearing and attorney fees.

LR08-CR13-19: SELECTION OF SPECIAL JUDGES

Pursuant to Ind.Crim.R. 2.2 and Ind.Crim.R. 13(C), this rule shall apply to the reassignment of the case and the selection of special judges in felony and misdemeanor cases where a change of judge is granted pursuant to Ind.Crim.Rule 12(B) or an order of disqualification or recusal is entered in the case.

The reassignment procedure set forth in this rule also shall apply where a change of judge is granted pursuant to Ind.Post-Conviction Remedy Rule 1(4)(b) and in proceedings to enforce a statute defining an infraction and ordinance violation cases where a change of judge is granted for cause pursuant to Crim.R. 12(C).

A special judge shall be selected from Section (A). If no judge qualifies under Section (A), then a special judge shall be chosen from Section (B) on a rotating basis. If no judge qualifies under Section (B), then a special judge shall be chosen from Section (C).

A) 1. Judge of the Carroll Circuit Court

2. Judge of the Carroll Superior Court

B) To ensure the effective use of all judicial resources within this Administrative District, the Carroll Circuit and Carroll Superior Courts shall maintain lists of eligible judges including judges (1) regularly presiding over criminal cases within this Administrative District and (2) from contiguous counties who preside over criminal cases and shall assign a judge from said list on a rotating basis.

C) Upon certification to the Supreme Court of Indiana of cases in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court.

(Amended effective January 1, 2018)

LR08-SC00-20 LANDLORD AND TENANT

A. If the defendant has vacated the premises by the time of the hearing on possession, the plaintiff may present evidence of damage to the premises at that time. If the defendant has not vacated by the time of the hearing, the court will set another hearing date to consider the question of damages.

B. The Sheriff will assist a party prevailing on a claim for possession only to the extent of

obtaining possession of the premises, and the party will be fully responsible for moving and storage of personal property.

C. It shall be the duty of any party obtaining an order for possession to contact the Sheriff and make arrangements for assistance in obtaining possession of the involved property.

LR08-JR4-21 TWO TIER NOTICE AND SUMMONS

The judges of Carroll County have selected a two tier notice and summons procedure for sending summons to prospective jurors as provided by Indiana Jury Rule 4(b).

LR08-TR00-TR-22 PRO SE LITIGANT RESPONSIBILITIES

Litigants who represent themselves should present their case in the proper way. The Court cannot treat pro se litigants differently than if a lawyer represents litigant. The court and staff cannot assist litigants in a way that would put the other side at a disadvantage. The Court cannot talk to litigants about the case without the other party being present. In some cases, the Court cannot act upon letters from litigants. Any letter filed with the Court should have the parties' names, the name of the court where the case is filed and the case number on it. The Court cannot teach litigants the rules of evidence or trial procedure because that would put the other side at a disadvantage. Litigants must follow the rules of evidence and trial procedure when your case is presented. Likewise, it is the litigant's responsibility to be certain that the other party has notice about all court hearings and is served with all papers or documents you file with the court. It is also your responsibility to make certain that any witnesses you want to testify are notified of your hearing.

It is the Court's job to consider the testimony and evidence presented during your hearing determine the facts of your case from that testimony and evidence and then apply the law to those facts. In all cases Courts may only consider testimony and evidence that is properly admitted according to the Indiana Rules of Evidence and the Indiana Rules of Trial Procedure. Further, the Court may only consider testimony and evidence that is relevant to the issues in the case

LR08-TR5-23 ALTERNATIVE SERVICE – COURT HOUSE BOX

A. Any Carroll County attorney or any Carroll County law firm may, without charge, maintain an assigned Courthouse box in the offices of the Carroll Circuit Court and the Carroll Superior Court for receipt of notices, pleadings, process, orders, or other communications from the Carroll County Courts and the Clerk, and other attorneys or law firms which use this service. If a Carroll County attorney or law firm declines to consent to receiving service by Courthouse boxes from other attorneys or Courts, then they may not use the boxes to serve other attorneys.

B. **How Assigned**. Such Courthouse boxes shall be assigned only after such attorney or law firm has filed with the Circuit Court a Consent to Alternate Service (Form A). The Carroll Circuit Court shall be responsible for maintaining a file of consents and of revocations of consents to alternate service. The Carroll Circuit Court and the Carroll Superior Court shall be responsible for assigning boxes in the respective court.

C. Effect of Consent. Deposits made in any assigned box of notices, pleadings, process, orders, or other communications made shall be deemed to constitute and be accepted as service equivalent to service by first class mail under Trial Rule 6(E).

D. **Limitations on Firm Use.** Members of law firms must all agree to Courthouse box service. If one member of the firm declines to accept service by Courthouse box method, then no other members of that firm may accept service utilizing the Courthouse box.

E. **Revocation of Consent.** Consent to Alternate Service under this rule shall remain valid until a written revocation has been filed with the Carroll Circuit Court.

LR08-AR1-24 ACTING JUDGE ELECTION

The judge of the Carroll Circuit Court and the judge of the Carroll Superior Court hereby elect to sit as acting judge in the Tippecanoe Superior Court No. 3, as provided in Administrative Rule 1, upon request from the Judge of the Tippecanoe Superior Court No. 3.

(Added effective June 8, 2017)

FORM A

CONSENT TO ALTERNATE SERVICE – COURTHOUSE BOXES

The undersigned, as an individual practitioner or for and on behalf of the law firm below, hereby consents to service of any notice, pleading, process, order or other communication by deposit of the same in an assigned Courthouse box by:

(a) Carroll County Courts;

(b) Carroll County Clerk;

(c) Other Attorneys and law firms which also consent to alternative service.

"Deposit" pursuant to this Consent shall constitute and be accepted as 1st class mail under Trial Rule 6(E).

The Consent shall remain valid until revoked in writing. The Consent or revocation will be effective seven days after filing with the Carroll Circuit Court. This Consent shall also apply to any attorneys who become associates with the undersigned law firm after the date of this consent. The undersigned agree(s) to notify the Carroll County Courts and Carroll County Bar Association promptly of any changes in the list of attorneys designated in the Consent.

DATED:

_____(Individual Practitioner) (Firm Name)

By:_____(Printed)

Managing or Senior Partner

List of Attorneys in Law Firm Hereby Consenting:

_____ _____

_____ _____

_____ _____

_____ _____

(File with the Carroll Circuit Court.)

FORM B

AFFIDAVIT FOR HOLD FOR PRELIMINARY CHARGE

The undersigned law enforcement officer makes this affidavit for the purpose of requesting that the sheriff hold the named arrestee, and that said arrestee shall not be allowed to post bond pursuant to the schedule set by the judges of this county and pursuant to the provisions of the CARROLL COUNTY COURTS BOND SCHEDULE that states as follows:

The bond schedule is not appropriate for:

Name _____

D.O.B. _____, Soc. Sec. No. XXX-XX-_____ in that said arrestee:

_____ is not a resident of this community and/or appears to have no significant ties to the community and appears to the undersigned to present a higher than normal risk to fail to return; or

_____ is believed to have committed an act which is in violation of a previous court order; or

_____ has made threats of violence to this officer or to another person which if carried out would warrant a substantially higher charge and bond, and it appears likely to the undersigned that the arrestee would carry out these threats if permitted to post the standard bond; or

_____ is suspected of additional or more serious charges which will require further investigation, and the bond for the offense for which the arrestee is now held is not likely to be sufficient to assure attendance at proceedings for the suspected offense; or

_____ other grounds not set forth above: _____

_____

_____

I affirm under penalties for perjury that the above is true to the best of my knowledge.

_____
Signature

_____
Print name

_____
Law Enforcement Agency

CONFIDENTIAL -- DO NOT RELEASE WITHOUT COURT ORDER