

**STATE OF INDIANA
SWITZERLAND COUNTY**

**TABLE OF CONTENTS
SWITZERLAND CIRCUIT COURT
LOCAL RULES
UPDATED AUGUST 1, 2016**

L.R. 78-CR-1.1 Bond Schedule

L.R. 78-CR-1.2 Agreement Regarding Bond

L.R. 78-CR-1.3 Bail-Payment of Costs

L.R. 78-CR-1.4 Criminal Discovery

L.R. 78-CR-1.5 Special Judge in Criminal Cases

L.R. 78-DR-2.1 Domestic Cases

L.R. 78-DR-2.2 Parenting Seminar

L.R. 78-TR-3.1 Juries

L.R. 78-TR-3.2 Special Judge in Civil Cases

L.R. 78-AD-4.1 Court Reporter Rules

L.R. 78-AD-4.2 Firearms

L.R. 78-AD-4.3 Cell Phones, Recording Equipment

L.R. 78-AD-4.4 District 22 Southeastern Indiana Veterans Treatment Court

LR 78-CR-1.1 BOND SCHEDULE

The following bond schedule is ordered effective July 1, 2014 and continuing thereafter until further notice:

- (A) Class B and C Misdemeanors: \$300 cash only if Indiana resident, \$400 cash only if not Indiana resident.
- (B) Class A Misdemeanor: \$400 cash only UNLESS the charge is Operating While Intoxicated or Possession of Marijuana, in which case the bail is \$500 cash only.
- (C) Class D Felony: \$600 cash only.
- (D) Class C Felony: \$8,000 cash or surety bond.
- (E) Class B Felony: \$10,000 cash or surety bond.
- (F) Class A Felony: to be determined at initial hearing by the Court.
- (G) Level 5 or 6 Felony: \$600 cash only.
- (H) Level 3 or 4 Felony: \$2,000 cash or surety bond plus \$600 cash.
- (I) Level 1 or 2 Felony: to be determined at initial hearing by the Court.
- (J) NO BOND FOR THE FOLLOWING OFFENSES: Any person arrested for Resisting Law Enforcement; Intimidation; Invasion of Privacy; Class a Misdemeanor or higher Battery; Sexual Battery; Domestic Battery; Strangulation; Stalking; Child Molesting; or Child Solicitation shall be detained in custody without bail until initial hearing before the Court.
- (K) Bail may be posted by approved credit card; any service fee associated with the posting of bail by credit card shall be the responsibility of the person posting bail.

The Court reserves the right to deviate from this schedule as the Court deems fit.

LR 78-CR-1.2 AGREEMENT REGARDING BOND

Any person posting cash bail on their own behalf or on behalf of another person shall be required to sign the following agreement:

“I the undersigned defendant, or the person posting cash bail for the defendant, acknowledge the following:

1. Bail may be posted by cash or approved credit card.
2. Any service fee for the posting of bail by credit card shall be the responsibility of the cardholder.
3. I (We) understand that the Court may retain all or a part of the cash bail posted to pay publicly paid costs of representation and fines, costs, fees, and restitution that the Court may order the defendant to pay if the defendant is convicted.
4. I (We) further understand that the Clerk will retain 10% of the cash bail, or \$50, whichever is less, as an administrative fee.

Printed: _____

Dated: _____

Printed: _____

Other person posting bail (if not the Defendant)

Dated: _____

LR 78-CR-1.3 BAIL-PAYMENT OF COSTS

Pursuant to I.C. 35-33-8-3.2, in all cases where a criminal defendant has posted cash bail, or someone has posted bail on the defendant’s behalf, and the person posting bail signed the agreement pursuant to local rule, the Switzerland County Clerk is authorized and ordered to retain and apply said bail money to the defendant’s fines, costs, probation fees, restitution, publicly paid costs of representation, clerk’s administrative fee, and return any remaining funds to the defendant and/or the person who posted bail.

LR 78-CR-1.4 CRIMINAL DISCOVERY

The following general order of discovery is automatically entered in all Murder, Felony and Class A Misdemeanor cases¹:

- (A) The State of Indiana shall disclose to the defendant the following material and information on or before thirty (30) days following the initial hearing:
- (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 accused or by a co-defendant, and a list of witnesses to the making and acknowledgment of such statements;
 - (3) 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;
 - (4) any books, papers, documents, photographs or tangible objects which the prosecuting attorney intends to use in the hearing or trial or which were obtained from or belong to the accused;
 - (5) any record of prior criminal convictions which may be used for impeachment of the persons whom the State intends to call as a witness at the hearing or trial;
 - (6) any evidence which tends to negate the guilt of the accused as to the offense charged or would tend to mitigate his/her punishment.

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

¹In all other criminal cases, discovery orders will be entered upon motion of the Prosecuting Attorney, Defendant or Defense Counsel.

- (B) The Defendant shall disclose to the State the following material and information on or before thirty (30) days following the date of receipt fo the State's Offer of Discovery:
- (1) the names and last known addresses of persons whom the Defendant may call as witnesses, together with their relevant written statements or a summary of their oral statements and a record of their prior criminal convictions;
 - (2) any books, papers, documents, photographs or tangible objects which the Defendant intends to introduce at the hearing or trial;
 - (3) any medical or scientific reports relating to defendant or defendant's evidence which may be used at a hearing or trial;
 - (4) any defenses, procedural or substantive, which the defendant intends to make at a hearing or trial.
- (C)
- (1) Discovery is a continuing obligation throughout the case.
 - (2) No written motion is required except to compel discovery for a protective order, or for an extension of time.
 - (3) Failure of either side to comply with this order within fourteen (14) days before trial may result in exclusion of evidence at trial or other appropriate sanctions.

LR 78-CR-1.5 SPECIAL JUDGE IN CRIMINAL CASES*

Whenever a motion for change of venue from the judge has been granted pursuant to Criminal Rule 12(B), the presiding judge disqualifies himself, or it becomes necessary to assign another judge in any criminal or juvenile delinquency case in the Switzerland Circuit Court, the Clerk shall reassign said cases to the following judges in consecutive order:

Judge of the Jefferson Circuit Court;
Judge of the Ripley Circuit Court;
Judge of the Ripley Superior Court;
Judge of the Jefferson Superior Court; and
Judge of the Ohio Superior Court I.

In the event no judge listed above is eligible to serve as special judge or the particular circumstance of a case warrants the selection of a special judge by the Indiana Supreme Court, that situation shall be certified to the Indiana Supreme Court for selection of a special judge.

In the event a case is dismissed and refiled, the judge last having jurisdiction in the dismissed case shall be the judge in the new case.

** Approved and effective April 1, 2009.*

LR 78-DR-2.1 DOMESTIC CASES

In all actions for dissolution of marriage, child custody, support, or visitation or modifications of same, the parties shall comply with the following:

Within forty-five (45) days of the filing of a petition for Dissolution of Marriage, the parties shall exchange copies of Federal Income Tax Returns for the previous year, most recent pay stubs, and all of the most current information available regarding pensions, 401-K's and any other retirement plans.

Within sixty (90) days of the date of filing, conduct and verify to the Court any stipulations or agreements which have arisen from the settlement conference.

Exchange of the above stated information is mandatory discovery. Deadlines may be extended or shortened by the Court for good cause shown. No contested action will be scheduled for final hearing unless Counsel for either or both parties certify to the Court that the required disclosure and settlement conference has been completed by both parties.

The settlement conference process of this rule shall not apply in cases in which one of the parties is not represented by counsel.

LR 78-DR-2.2 PARENTING SEMINAR

In any dissolution, paternity, or separation proceeding involving children under the age of eighteen (18), where custody or visitation is at issue, both parties shall attend and complete the *Transparenting* seminar. In any post-dissolution proceeding where custody is at issue, both parties shall attend and complete the seminary unless a party has attended the seminary within the past two years. The parties are responsible for the payment of all fees required for attendance.

Failure to attend and complete the seminar may constitute cause for the denial of the granting of the dissolution or the custodial or visitation relief requested. Action may also be continued until attendance is accomplished. A party, with leave of Court, may attend a similar seminar or program. A party, with leave of court, upon motion and for cause shown, may be excused from attending such seminar.

At the time of the filing of a dissolution, paternity, or separation proceeding or a post-dissolution proceeding where custody is an issue, the moving party shall serve a notice upon the opposing party of this requirement.

LR 78-TR-3.1 JURIES

In accordance with Jury Rule 4, the Switzerland Circuit Court will use a two tier procedure for summoning jurors and obtaining juror qualification forms as set forth in Jury Rule 4(b).

LR 78-TR-3.2 SPECIAL JUDGE IN CIVIL CASES*

In the event it becomes necessary to appoint a special judge pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure, a judge from the following list of judges shall be appointed:

Judge of the Jefferson Circuit Court;
Judge of the Dearborn Circuit Court;
Judge of the Ripley Circuit Court;
Judge of the Ripley Superior Court;
Judge of the Jefferson Superior Court; and
Judge of the Dearborn Superior Court I.

Special judges shall be appointed from this list on a rotating basis, except when such judge or judges are known to the Court of appointment to be ineligible or disqualified under Trial Rule 79.

In the event that no judge listed above is eligible to serve as a special judge or the particular circumstance of a case warrants, the matter shall be certified to the Indiana Supreme Court pursuant to Trial Rule 79(H)(3).

* *Approved and effective April 1, 2009.*

LR 78-AD-4.1 COURT REPORTER RULES*

In accordance with Administrative Rule 15 (C), the Switzerland Circuit Court adopts Model Option One regarding fees which will be charged for the following transcripts:

1. County indigent transcripts:
 - a. Three Dollars and Fifty Cents (\$3.50) per page; one dollar and seventy five cents (\$1.75) per page for a copy;
 - b. a claim shall be submitted to the County Auditor for payment.

2. State indigent transcripts:
 - a. Three Dollars and Fifty Cents (\$3.50) per page; one dollar and seventy five cents (\$1.75) per page for a copy;
 - b. a claim shall be submitted to the County Auditor for payment.

3. Private transcripts:
 - a. Three Dollars and Fifty Cents (\$3.50) per page; one dollar and seventy five cents (\$1.75) per page for a copy;
 - b. the court reporter may request a retainer in advance;
 - c. a bill shall be submitted directly to the lawyer or party requesting the transcript; said transcript will not be released until payment in full is received.

4. Other transcripts:
 - a. in cases where a transcript is requested by a member of the public (not for trial or appeal purposes), the charge will be Three Dollars and Fifty Cents (\$3.50) per page; one dollar and seventy five cents (\$1.75) per page for a copy;
 - b. the request must be submitted in writing;
 - c. a retainer will always be requested in these instances for at least fifty percent (50%) of the estimated charge.

5. The Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the Court during any regular work hours, gap hours, or overtime hours.
6. The Court Reporter shall report during the first week of December of each year to the Indiana Supreme Court Division of State Court Administration, on forms prescribed by the Division, all transcript fees (County indigent, State indigent, or Private) received by the Court Reporter.
7. The Court hereby orders that the Court Reporter may not use Court equipment or the facilities for the purpose of taking private depositions; any private recording or preparing of private depositions shall be conducted outside regular Court hours; it is further ordered that the Court shall enter into a written agreement with the Court Reporter for gap and overtime hours on the basis of compensatory time off regarding work hours.

These fees are subject to change upon due notice and amendment of this Court rule.

** Approved and effective April 1, 2009.*

LR 78-AD-4.2 FIREARMS

Firearms are not allowed in the Courtroom at any time, whether carried openly or concealed. This rule does not apply to individuals who qualify under I.C. 35-41-1-17 as Law Enforcement Officers.

LR 78-AD-4.3 CELL PHONES, RECORDING EQUIPMENT

Cell phones, cameras, audio and video recording equipment of any kind are allowed in the Courtroom. However, all such devices must be turned off at all times while Court is in session. No recordation of any type of any Court proceeding is allowed other than the Court's own recording of proceedings.

LR78-AD-4.4 DISTRICT 22 SOUTHEASTERN INDIANA VETERANS TREATMENT COURT

The Dearborn Superior Court No. 1 Veterans Treatment Court, hereinafter named the Southeastern Indiana Veterans Treatment Court, shall be available for all other courts in District 22 to refer cases to. If any referring district court identifies a potential United States Veteran with a pending felony or misdemeanor criminal charge, and the referring judge, prosecuting attorney, and defense attorney agree to the referral for potential placement in Veterans Court, then the referring judge, prosecuting attorney, or defense attorney shall contact the Veterans Court Coordinator to arrange assessments to determine eligibility and appropriateness.

If a participant is accepted into the Veterans Treatment Court, the referring court shall maintain jurisdiction of the case, and hold the guilty plea and potential sentencing hearing. All court costs, fines, restitution, and probation fees shall be collected and received by the referring court. If a participant is accepted into the Southeastern Indiana Veterans Treatment Court, the Judge of the Dearborn Superior Court No. 1 shall oversee all of the participant's Veterans Treatment Court proceedings, hearings, incentives, sanctions, potential termination hearing and potential graduation hearing. The Judge of the Dearborn Superior Court No.1 shall have authority to issue arrest warrants when necessary for a sanction or termination. Sanctions involving incarceration shall be served inside the Dearborn County Law Enforcement Center. The schedule of fees set forth under Indiana Code 33-23-16-23 shall be applicable in the Southeastern Indiana Veterans Treatment Court and procedures of assessment and collection of fees pursuant to Problem Solving Court Rules Section 16 shall be followed and received by the Southeastern Indiana Veterans Treatment Court.

All guilty plea and sentencing hearings shall be held in the courtroom of the referring court. All other Veterans Treatment Court hearings shall be held in the Dearborn Superior Court No. 1 courtroom.

If the participant is terminated from Veterans Treatment Court, then the referring court shall maintain jurisdiction over the case and shall be responsible for sentencing. If the participant graduates from Veterans Treatment Court, then the referring court shall ensure that any appropriate dismissal of charges or imposition of the appropriate plea agreement terms of sentence are imposed.

(Adopted effective August 1, 2016)