

CRIMINAL RULES OF THE VANDERBURGH SUPERIOR COURT

LR82-CR2.2-2.01

Assignment of Criminal Cases

(A) All cases in Vanderburgh County, Indiana in which the highest crime charged is a felony shall be randomly assigned (by the Clerk of Vanderburgh County) to the Circuit and Superior Courts of Vanderburgh County in the following ratio: Eight (8) cases are to be assigned to the Vanderburgh Circuit Court for each six (6) cases assigned to Vanderburgh Superior Court. Each felony cause number shall be deemed a case within the meaning of this rule, regardless of the number of counts or defendants charged in said case.

(B) All cases assigned to the Vanderburgh Circuit Court shall be tried by the Circuit Court Judge or the Magistrate of the Court as determined in the discretion of the Court.

(C) All felony cases assigned to the Vanderburgh Superior Court shall be tried in accordance with the rotation system established by the rules of that Court.

(D) All cases reassigned from the Circuit Court Judge of Vanderburgh County or the Magistrate of that Court, shall be reassigned to the Senior Judge of the Vanderburgh Circuit Court and/or any Judge of the Vanderburgh Superior Court.

(E) All cases reassigned within the Vanderburgh Superior Court shall be reassigned in accordance with the rotation system established by the rules of that Court.

(F) All criminal cases filed in the County in which the highest crime charged is a misdemeanor, shall be assigned to the Misdemeanor/Traffic Division of the Vanderburgh Superior Court.

(G) A dismissed criminal action may only be refiled in the same Court to which the case was originally assigned.

(H) The Circuit Court Judge and the Chief Judge of Superior Court may by agreement, order transfer of any felony case

pending in either Court to provide consolidated legal defense for those defendants facing multiple criminal charges. Such cases shall be consolidated unless efficient case disposition may be adversely affected by transfer.

LR82-CR00-2.02

Transfer of Cases Between Vanderburgh Circuit and Superior Courts

If a defendant has a pending case in the Vanderburgh Superior Court prior to the filing of a case in Circuit Court, the Circuit Court case will be transferred to Superior Court. Similarly, if a defendant has a prior pending case in Circuit Court, any newer case in Superior Court will be transferred to Circuit Court.

LR82-CR00-2.03

Bond Schedule

All persons charged by indictment or affidavit shall be held to bail in the amount set forth below:

(A) **Felonies:** No bonds shall be set in any felony matters except as determined by a Judicial Officer. The Court shall consider factors found in IC 35-33-8-4 in setting appropriate bond in all cases.

(B) **Class A Misdemeanors:** Unless otherwise specified, all Class A Misdemeanors shall have a bond of \$100.00 for Indiana residents and \$200.00 for non-residents.

Specific Exceptions for Class A Misdemeanors:

Domestic Violence Battery

First offense: \$500.00

Second offense: \$1000.00

Third offense: \$5000.00

Leaving the scene of an accident causing personal injury: \$500.00.

All OMVWI bonds shall be set in the amount of \$250.00 cash only except that in the case of a refusal or BAC of .15% or greater, bond shall be set in the amount of \$500.00 cash only.

(C) Class B Misdemeanors: Unless otherwise specified, all Class B Misdemeanors shall have a bond of \$50.00 for Indiana residents and \$100.00 for non-residents.

Specific Exceptions for Class B Misdemeanors:

Invasion of Privacy involving co-habiting or formerly co-habiting adults:

- First offense: \$500.00
- Second offense: \$1000.00
- Third offense \$5000.00

(D) Class C Misdemeanors: Unless otherwise specified, all Class C Misdemeanors shall have a bond of \$50.00 for Indiana residents and 100.00 for non-residents.

Specific Exceptions for Class C Misdemeanors:

Minor possession/consumption/transport: \$25.00 for Indiana resident and \$50.00 for non-residents.

**LR82-CR00-2.03.1
Drug and Alcohol Deferral Services
(DADS) - Schedule of Fees**

Operating a Motor Vehicle While Intoxicated (O.M.V.W.I.) Program

- \$250.00 - Full program fee.
- \$150.00 - For clients referred for transfer and/or monitoring services.
- \$75.00 - For clients referred from Misdemeanor Court for Possession of Marijuana u/30 grams.

Youth Alcohol Program (Y.A.P.) Violation of the Indiana State Liquor Law (V.L.L.)

- \$175.00 - Full program fee.
- \$75.00 - Transfer and/or monitoring services.

V.C.S.A. Program - Violation of Controlled Substance Act (V.C.S.A.)

\$400.00 - For clients referred for Felony offenses related to controlled substances.

The program fee for all programs covers maintenance and operating costs of the D.A.D.S. program, and is separate from the costs of referral services for education, counseling, or other treatment costs (including urine drug screens as required). The costs of referral services will be the client's responsibility.

For multiple eligible offenses, the standard fee may be levied for each additional offense.

A fee of \$15.00 may be charged for each missed D.A.D.S. appointment.

**LR82-CR00-2.03.2
Vanderburgh County Day Reporting
Drug Court/Forensic Diversion
Program
Schedule of Fees**

- \$500 - Full program fee
- \$100 - Public Defender fee
- \$ 75 - Evaluation fee

Drug Testing Fees
\$13 urinalysis on site
\$25 urinalysis by lab
\$25 oral test

There is also a statutory Drug and Alcohol Interdiction Fee of \$200 which is paid in the Clerk's Office.

**LR82-CR00-2.04
Discovery**

In each criminal case in the Vanderburgh Circuit and Superior Courts, the Vanderburgh County Prosecutor's Office and the law enforcement agencies which are involved in the case shall produce to the defense attorney the entire case file, including a list of all evidence held, within thirty (30) days of the defense attorney's first appearance in court. This is a continuing rule, and all

additions to the case file shall be produced immediately upon their creation.

Except by order of court, a defense attorney receiving such a case file shall not reveal any victim's or witnesses' confidential identifying information, including Social Security number, driver's license number and date of birth to anyone other than an associate or employee of the attorney. In the event the defense attorney wishes to show the case file to any other person, including the defendant, the attorney shall first redact such information from the file.

LR82-CR00-S2.05

Assignment of Criminal Matters

All Felony criminal matters and Misdemeanor Jury Trials are assigned to Divisions II and VI on a consolidated calendar. matter, then court sessions are held in Room 202.

LR82-CR00-S2.06

Initial Appearance of the Accused

All defendants in the custody of the Sheriff at the time of the filing of a request for determination of Probable Cause or an Information or Indictment, shall appear before the Court not later than the next judicial day. All defendants arrested on warrants shall appear in open court for initial hearing not later than the next judicial day following the defendant's apprehension, or upon the date the defendant is summoned to appear, if any.

LR82-CR00-S2.07

Continuance of Initial Hearing

The initial hearing may be continued for a period of time not to exceed twenty days to allow the defendant to obtain private counsel.

LR82-CR00-S2.08

Trial Scheduling

Trial shall be set not more than ten weeks from the week in which Counsel first appears, or the defendant is granted leave to proceed Pro Se.

LR82-CR00-S2.09

Holding Dates

The Court shall set a Holding Date at 8:30 am on the Wednesday five weeks prior to the trial. The State shall provide the Defense with a copy of the Police file and an offer of settlement (if the State intends to make such an offer on the case) not less than one week prior to the Holding Date. On the Holding Date, the Parties shall appear and report to the Court whether or not the State has provided the Police file to the Defense and whether or not the defendant has received and will accept or reject an offer by the State. If the defendant rejects the State's offer, the defense shall inform the Court and the State whether there is a counter-offer forthcoming. If the defendant fails to appear on the Holding Date without lawful justification or excuse, the Court shall modify the defendant's bond in accordance with Indiana Code 35-33-8-7 and 8, and issue a Bench Warrant for the defendant's arrest. The Judge presiding over Division II on the morning of the Holding Date or his or her designee shall take intents to plead guilty and guilty pleas, if any. That Judge shall do the sentencing on any defendant entering an intent to plead guilty or a guilty plea before him or her.

LR82-CR00-S2.10

Trial Date Selection

Cases in which the highest crime charged is a C felony or above shall be set on Mondays or on the first business day of the week on which the Court is open following a Monday holiday. Cases in which the highest grade of offense charged is a D felony or

Misdemeanor, shall be set for trial on Thursdays. Private Counsel may not set more than two trials for the same trial date in any court.

LR82-CR00-S2.11

Pre-Trial Conference

A Pre-Trial Conference shall be set at 1:30 p.m. on the Wednesday of the week immediately after the week in which the Holding Date is set. The Judge who will preside at trial will conduct the Pre-trial conference if available, the back-up Magistrate shall attend all Pre-trial conferences. If the Judge is unavailable the back-up Magistrate shall conduct the Pre-trial. The representative or representatives of the State appearing at the Pre-trial conference on a case shall have full authority to make and accept offers and counter-offers on said case.

LR82-CR00-S2.12

Progress Date

The defendant shall be ordered to appear after the Pre-trial conference to indicate an intent to plead guilty or to make other progress on the case.

LR82-CR00-S2.13

Assignment of Trial Weeks

Unless otherwise agreed by the Division II and Division VI Judges, the Division II Judge shall be the lead trial Judge for trial weeks containing an odd numbered Monday. The Division VI Judge shall be the back-up Judge for said weeks. The Division VI Judge shall be the lead trial Judge for trial weeks containing an even numbered Monday. The Division II Judge shall be the back-up Judge for said weeks.

LR82-CR00-S2.14

Trial Prioritization

Cases in which a defendant is in custody may have priority over other cases on the docket. Otherwise, the oldest cases on the

docket are to be tried first, regardless of custodial status of the accused, provided however prioritization by age may be superseded by expedited trial pursuant to Criminal Rule 4(g), or for other showing of extreme necessity. For purposes of trial priority, the age of the case will be determined from the date of filing.

LR82-CR00-S2.15

Add On Matters

Pre-trial appearance dates and hearings shall be scheduled not less than twenty four hours prior to said appearance or hearing, except for good cause shown.

LR82-CR00-S2.16

Filing Pleadings and Motions

All pleadings and motions in felony cases and misdemeanor cases transferred to the felony divisions of the Court other than Petitions to Revoke shall be filed in open court. For purposes of this rule a filing made at the Holding Date Conference or at the Pre-trial Conference shall be considered a filing in open court.