

Date: October 16, 2017

TO: THE MUNCIE BAR ASSOCIATION AND THE GENERAL PUBLIC

**Notice of Proposed Amended Local Rule Court Rules
October 16, 2017**

The Delaware County Board of Judges pursuant to Trial Rule 81 give notice to the bar and the public of their proposed amended Local Rules to be effective **January 1, 2018**. All new text is shown by underlining and deleted text is shown by ~~strike through~~. Supreme Court approval is required for Local Rules concerning assignment of cases and caseload allocation.

The time period for the bar and the public to comment shall begin on October 16, 2017, and shall close on November 16, 2017. The proposed amended rules will be adopted, modified or rejected before December 1, 2017, and changes made if required after the comment period has ended.

Comments by the bar and the public should be made in writing to:

The Honorable John M. Feick, Presiding Judge of the DELAWARE Circuit Court c/o Emily M. Anderson, Court Administrator, Attn: Public Comment on Local Rules, DELAWARE County Justice Center, 100 W. Washington Street, Muncie, Indiana. Or, e-mail to: eanderson@co.delaware.in.us

A paper copy of the proposed amended local rule will be made available for viewing in the office of the Clerk of Delaware County, Delaware County Courthouse, 100 W. Main Street, Muncie, Indiana and the Delaware County Clerk's Filing Office, Delaware County Justice Center, 100 W. Washington Street, Muncie, Indiana during normal business hours. Persons with Internet access may view the proposed amended Local Rules at the following websites:
www.co.delaware.in.us/clerk and www.courts.IN.gov/rules/local

DELAWARE COUNTY BOARD OF JUDGES

_____/s/
Marianne Vorhees, Judge
Delaware Circuit Court No. 1

_____/s/
Kimberly S. Dowling, Judge
Delaware Circuit Court No. 2

_____/s/
Linda Ralu Wolf, Judge
Delaware Circuit Court No. 3

_____/s/
John M. Feick, Presiding Judge
Delaware Circuit Court No. 4

_____/s/
Thomas A. Cannon Jr., Judge
Delaware Circuit Court No. 5

Discovery and Motions in Limine in Criminal Cases

I. Discovery

A. Duty of the State of Indiana

In all Murder, Class A, class B, class C, and class D felony cases, (filed prior to July 1, 2014); and in all F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); L5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal), and misdemeanors filed in Muncie City Court or Delaware County Circuit Courts in conjunction with Level 1, 2, 3, 4, 5 and 6 felonies (filed after July 1, 2014), unless relieved by court order, the Prosecuting Attorney shall, within thirty (30) days after the initial hearing furnish the attorney for the Defendant the following:

1. The names and addresses of persons whom the Prosecuting Attorney intends to call as witnesses at the trial, together with their relevant written or recorded statements.
2. Any written or recorded statements and any summaries of oral statements made by the accused herein or any statements of others which contain a declaration of the accused.
3. Those portions of the Grand Jury minutes which contain statements of witnesses whom the Prosecutor intends to call and directly examine at trial, which statements are probably within the control of the prosecution and which statements will relate to matters covered in the witness' testimony in this case, for the purpose of cross-examination and impeachment of such witness' credibility.
4. The relevant testimony which is reduced to writing of persons whom the Prosecutor intends to call as a witness at the trial, but who did not testify before the Grand Jury.
5. Any reports or statements of experts made in connection with this case, including results of physical or mental examination and of scientific tests, experiments, or comparisons.
6. Any books, papers, documents, photographs or tangible objects, which the Prosecuting Attorney intends to use in the trial or which were obtained from or belong to the accused or his family.
7. Any record or prior criminal convictions of persons whom the Prosecutor intends to call as witnesses at the trial.
8. Any declarations against interest made by the Defendant.
9. Any evidence the Prosecutor might have, favorable to the Defendant.
10. Copies of any photographs which the prosecution has in its possession which it intends to introduce as evidence.
11. Any description of the Defendant's conduct, if any, that the prosecution intends to introduce as an implied admission.
12. Any promises, rewards, or inducements provided to prosecution witnesses or defense witnesses.

13. Any victim's statement that was recorded or memorialized and that is under the State's control.
14. Any and all medical reports in appropriate cases.
15. That portion of police reports containing substantially verbatim statements of witnesses.
16. The criminal record of the Defendant, including arrests and convictions.
17. Evidence of other crimes, wrongs, or acts pursuant to Evidence Rule 404(b).

The State shall also allow counsel for the Defendant to examine any and all physical evidence, whether or not the prosecution intends to present the evidence at trial, within thirty (30) days after the initial hearing.

B. Duty of Counsel for the Defendant.

In all Murder, class A, class B, class C, and class D felony cases (filed prior to July 1, 2014); and in all F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); L5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal), and misdemeanors ~~filed in Muncie City Court or Delaware County Circuit Courts in conjunction with Level 1, 2, 3, 4, 5 and 6 felonies (filed after July 1, 2014)~~, unless relieved by court order, counsel for the Defendant shall, within thirty (30) days after receiving the discovery from the State of Indiana in any criminal action filed against the Defendant, furnish the attorney for the State of Indiana the following:

1. Any reports or results or testimony relative thereto, of physical or mental examination or of scientific tests, experiments or comparisons, or any other reports or statements of experts pertaining to this case.
2. A summary of any special or statutory defense(s), which Defendant intends to make at a hearing or trial in this cause.
3. Names and last known addresses of persons Defendant intends to call as witnesses, together with their relevant written or recorded statements, including memoranda reporting or summarizing their oral statements, and any record of prior criminal convictions known to the Defendant.
4. Any books, papers, documents, photographs, or tangible objects Defendant intends to use as evidence or for impeachment at a hearing or trial.

C. Duty When Defendant is Not Represented by Counsel.

If a Defendant is not represented by an attorney, the above duties do not apply. The parties must file written motions with the court to request discovery.

II. Motions in Limine.

In all Murder, class A, class B, class C, and class D felony cases, (filed prior to July 1, 2014); and in all F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); L5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal), and

misdemeanors in conjunction with Level 1, 2, 3, 4, 5 and 6 felonies (filed after July 1, 2014), unless relieved by court order, the following items are excluded from evidence, and the Court prohibits any reference at the fact-finding hearing to the following. In addition, counsel and all witnesses may not refer to, mention, or testify about the following:

1. The fact that the Defendant failed to make a statement either orally or in writing at the time of his arrest.
2. Any questioning of the Defendant, or any statements which Defendant may have made while he was in the custody of the police, absent proof beyond a reasonable doubt that the statements were made freely and voluntarily and after a knowing and intelligent waiver of rights by the Defendant.
3. Any previous arrest or detention of the Defendant which did not result in a conviction.
4. Any other alleged offenses, allegedly involving the Defendant, in which he or she was neither arrested nor charged.
5. Any prior conviction of the Defendant, except those which may be used for the purpose of impeachment.
6. The statutory penalty for the offense(s) charged, or any and all included offenses.

The rule regarding Motions in Limine applies in cases where Defendant is represented by counsel, and it also applies to cases where Defendant is not represented by counsel.

(Amended effective January 1, 2018)

LR18-CR00-DLR-0006
Criminal Practice and Procedure

A. Assignment of Cases.

The following case numbers shall be used for crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (class A felony), FB (class B felony), FC (class C felony), FD (class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C felonies or D felonies. The following case numbers shall be used for crimes committed on or after July 1, 2014: F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); L5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Level 1, 2, 3, 4, 5 and 6 felonies.

Except for Level 6 felonies, all cases charging Murder, Levels 1, 2, 3, 4, and 5 will be assigned to the appropriate court based upon the month in which the offense is alleged to have occurred.

The following monthly rotation is now established, effective August 1, 2016:

- Circuit Court No. 4 - the first month (August, 2016)
- Circuit Court No. 5 - the second month;
- Circuit Court No. 1 - the third month;
- Circuit Court No. 2 - the fourth month;
- Circuit Court No. 3 - the fifth month;

Thereafter, the monthly rotation among the courts will continue in this sequence until further order.

All cases charging Level 6 felonies (except for “Domestic Violence Felonies” set out below) will be assigned to the appropriate court based upon the month in which the offense is alleged to have occurred, with the following exceptions: Level 6 felonies occurring during the following months shall be assigned as follows:

March, 2017:	Circuit Court No. 2
August, 2017:	Circuit Court No. 3
June <u>January</u> , 2018:	Circuit Court No. 4
<u>June</u> , 2018:	<u>Circuit Court No. 2</u>
<u>November 2018:</u>	<u>Circuit Court No. 3</u>
<u>April 2019:</u>	<u>Circuit Court No. 4</u>
<u>September 2019:</u>	<u>Circuit Court No. 2</u>

A “Domestic Violence Felony” is defined as follows:

A charge against a defendant under Indiana Code section 35-42-2-1(g)(3) and (4) as a Level 6 or above felony (Battery Resulting in Bodily Injury to a Pregnant Woman; Battery with a previous conviction against the same victim).

A charge against a defendant under Indiana Code section 35-42-2-1.3 as a Level 6 or above felony (Domestic Battery);

A charge against a defendant under Indiana Code section 35-42-2-9 as a Level 6 felony (Strangulation).

All domestic violence felonies shall be filed in Circuit Court No. 1, regardless of the month in which the offense is alleged to have occurred, and even though the defendant might have a felony pending in another court.

After October 1, 2016, if the State files a Domestic Violence Felony and the defendant has a pending felony in another court, upon request by the State Deputy Prosecutor assigned to Domestic Violence cases and/or Circuit Court No. 1, the felony pending in another court shall be transferred to the Circuit Court No. 1.

B. Standalone Misdemeanors and Misdemeanors Transferred from Muncie City Court.

1. If a felony case is pending against a defendant, a misdemeanor shall be filed in or transferred into the Division of the Circuit Court that holds the highest pending felony charge, regardless of when the misdemeanor crime was allegedly committed.
2. If no felony cases are pending against the Defendant, the misdemeanor will be filed or transferred into in the Delaware Circuit Court No. 4 or No. 5 under the following rotation schedule:
 - Circuit Court No. 4: January, March, May, July, September and November;
 - Circuit Court No. 5: February, April, June, August, October, and December.
3. A “pending” case is a case not yet disposed of by guilty plea, jury trial, bench trial, bench disposition, or dismissal.

C. Transfer and Reassignment.

A judge may transfer and reassign to any of the other five Circuit Court Judges a pending case, by issuing a written order for transfer, and subject to the receiving court’s acceptance.

Lower classes of felonies shall transfer to the court where the case alleging the higher felony offense is pending. A “pending” case is a case not yet disposed by guilty plea, jury trial, bench trial, bench disposition, or dismissal.

Domestic Violence Felonies as defined in Section A shall not transfer to a court where a higher felony is pending unless by request of the State Deputy Prosecutor assigned to Domestic Violence cases and/or Circuit Court No. 1.

D. Filing and Reassignment of class Level 6 felony or D felony Cases.

Except for Domestic Violence Felonies as defined in Section A, any Level 6 felony or Class D felony case may be filed in the Division of the Circuit Court that holds another pending felony charge, regardless of when the Level 6 felony or class D felony offense was allegedly committed.

Except for Domestic Violence Felonies as defined in Section A, if a Defendant charged with a pending Level 6 felony or class D felony case is later charged with a higher felony, i.e., Murder, Level 1, Level 2, Level 3, Level 4 and level 5 felonies or class A, class B, or class C felony, the Court with the Level 6 felony or class D felony case shall transfer the Level 6 felony or class D felony case to the court with the higher pending felony case, either on its own motion or at a party’s request.

A “pending” case is a case not yet disposed of by guilty plea, jury trial, bench trial, bench disposition, or dismissal.

E. Re-filing by the State.

In the event the State of Indiana dismisses a case and later re-files that case, the State shall file the case in the court which dismissal was taken.

In the event the State of Indiana dismisses a case, any subsequent related cases filed against such defendant within ninety (90) days shall be assigned to the court from which dismissal was taken.

F. Additional Related Charges.

If the State files additional related charges against a Defendant, after the case is initially assigned, the State shall file all additional related charges in the court of initial assignment.

G. Additional Unrelated Charges.

If a Defendant has allegedly committed multiple offenses in different months, the date of the highest-level alleged offense shall control the assignment. If a Defendant has committed the same level of felony in different months, the date of the first alleged offense shall control the assignment.

H. Reassignment.

If a judge grants a change of judge motion, or should a judge find it necessary to disqualify and assign a different judge to a case, the Clerk shall reassign the case as follows:

- Cases from the Delaware Circuit Court No. 1 shall be reassigned to the Delaware Circuit Court No. 2.
- Cases from the Delaware Circuit Court No. 2 shall be reassigned to the Delaware Circuit Court No. 3.
- Cases from the Delaware Circuit Court No. 3 shall be reassigned to the Delaware Circuit Court No. 4.
- Cases from the Delaware Circuit Court No. 4 shall be reassigned to the Delaware Circuit Court No. 5.
- Cases from the Delaware Circuit Court No. 5 shall be reassigned to the Delaware Circuit Court No. 1.

If the judge to whom the case is assigned cannot assume jurisdiction for any reason, the Clerk shall assign the case to the next judge in the consecutive order as set out above.

I. Special Judge Assignment – Outside Delaware County

If the Clerk is unable to assign a special judge under the provisions of paragraph H, then the regular sitting judge shall direct the Clerk of Delaware County to select (on a rotating basis) one of the judges from the following available panel of judges:

- a. Presiding Judge, Blackford Circuit Court;
- b. Presiding Judge, Blackford Superior Court;
- c. Presiding Judge, Henry Circuit Court No. 1
- d. Presiding Judge, Henry Circuit Court No. 2;
- e. Presiding Judge, Henry Circuit Court No. 3;

- f. Presiding Judge, Jay Circuit Court;
- g. Presiding Judge, Jay Superior Court;
- h. Presiding Judge, Randolph Circuit Court;
- i. Presiding Judge, Randolph Superior Court;

If a special judge selected from the rotating list is ineligible for, disqualified from, or excused from appointment, then the regular sitting judge shall direct the Delaware County Clerk to select (on a rotating basis) the next judge on the list.

If the Clerk is unable to assign a special judge from the judges listed above, then the Clerk shall select a judge from the contiguous counties of Madison or Grant.

In the event that no judicial officer within the above list is eligible to serve as special judge, or if the case's particular circumstances warrant selection of a special judge by the Indiana Supreme Court, the judge of the court in which the case is pending shall certify the matter to the Indiana Supreme Court to appoint a special judge.

(Amended effective February 1, 2017; further Amended effective January 1, 2018)

LR18-AR00-DLR-0007

Bail Schedule

This bail schedule shall apply as follows:

To all crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A felony), FB (Class B felony), FC (Class C felony), FD (Class D felony), MC (Miscellaneous Criminal), and Misdemeanors in conjunction with Murder and Class A, B, C, or D felonies.

To all crimes committed on or after July 1, 2014: Murder, F1 (Level 1 felony), F2 (Level 2 felony), F3 (Level 3 felony), F4 (Level 4 felony), F5 (Level 5 felony), F6 (Level 6 felony), MC (Miscellaneous Criminal) and misdemeanors in conjunction with Murder and Levels 1, 2, 3, 4, 5 and 6 felonies.

A. Felonies Alleged to Have Occurred Before July 1, 2014:

Except for Class D felonies and misdemeanors, the Clerk may not accept a Ten Percent (10%) cash deposit in lieu of bond, except upon written Order of a Judge.

1. Unless otherwise ordered by the Court, there shall be **NO BOND** for the charge of Murder, except by the Court after a hearing.
2. The presumptive bond amount for bail on a Class A felony offense (except those involving Dealing in Controlled Substances, including Cocaine and Methamphetamine) shall be Thirty Thousand Dollars (\$30,000.00).
3. The presumptive bond amount for bail on a Class A or B felony offense for Dealing in Cocaine, Dealing in Methamphetamine, or Dealing in a Controlled Substance shall be Fifty Thousand Dollars (\$50,000.00) total, regardless of the number of dealing offenses charged.
4. The presumptive bond amount for bail on a Class B felony offense shall be Twenty Thousand Dollars (\$20,000.00).
5. The presumptive bond amount for bail on a Class C felony offense shall be Ten Thousand Dollars (\$10,000.00).
6. The presumptive bond amount for bail on a Class D Felony offense shall be Five Thousand Dollars (\$5,000.00). Defendant may post a Ten Percent (10%) cash deposit in lieu of bond in defendant's name only.
7. If the defendant has a prior felony conviction within the last Five (5) Years, bail shall be twice the amount unless otherwise specified in this section.
8. For any person charged with a Murder or a class A, B, or C felony, *and* charged with being an Habitual Offender, bail is to be set at an additional Fifty Thousand Dollars (\$50,000.00).
9. For any person charged with a class D felony, *and* charged with being an Habitual Offender, bail is to be set at an additional Ten Thousand Dollars (\$10,000.00).

B. Felonies Allegedly Committed on and after July 1, 2014:

1. Unless otherwise ordered by the Court, there shall be **NO BOND** for the charge of Murder except by the Court after a hearing.
2. Except as otherwise provided, the presumptive bond amount for bail on Level 1 felony offense shall be Fifty Thousand Dollars (\$50,000.00).
3. Except as otherwise provided, the presumptive bond amount for bail on a Level 2 or 3 felony offense for Dealing in Cocaine, Dealing in Methamphetamine, or Dealing in a Controlled Substance shall be Fifty Thousand Dollars (\$50,000.00) total, regardless of the number of dealing offenses charged.
4. The presumptive bond amount for bail on a Level 2 felony offense shall be Thirty Thousand Dollars (\$30,000.00).
5. The presumptive bond amount for bail on a Level 3 felony offense shall be Twenty Thousand Dollars (\$20,000.00).
6. The presumptive bond amount for bail on a Level 4 felony offense shall be Ten Thousand Dollars (\$10,000.00).
7. The presumptive bond amount for bail on a Level 5 or 6 felony offense shall be Five Thousand Dollars (\$5,000.00). Defendant may post a ten percent (10%) cash deposit in lieu of bond in defendant's name only.
8. If the defendant has a prior felony conviction within the last Five (5) Years, bail shall be twice the amount unless otherwise specified in this section.
9. For any person charged with a Murder or a Level 1, 2, 3, or 4 felony offense, *and* charged with being an Habitual Offender, bail is to be set at an additional Fifty Thousand Dollars (\$50,000.00).
10. For any person charged with a Level 5 or 6 felony offense, *and* charged with being an Habitual Offender, bail is to be set at an additional Ten Thousand Dollars (\$10,000.00).

C. Misdemeanors

1. For class A misdemeanors, bail shall be Two Thousand Five Hundred Dollars (\$2,500.00). Defendant may post a Ten Percent (10%) cash deposit in lieu of bond in his or her name only.
2. For class B misdemeanors, bail shall be One Thousand Dollars (\$1,000.00). Defendant may post a Ten Percent (10%) cash deposit in lieu of bond in his or her name only.
3. For class C misdemeanors, bail shall be Five Hundred Dollars (\$500.00). Defendant may post a Ten Percent (10%) cash deposit in lieu of bond in his or her name only.
4. Trial De Novo: Any person ~~applying~~ filing a written request for a Trial De Novo resulting from a misdemeanor conviction from the Muncie City Court ~~or the Yorktown Town Court~~ may file with the Delaware County Clerk a cash or surety bond in the defendant's name only fixed at Five Hundred Dollars (\$500.00). Filing of the bond stays the judgment of the ~~city~~

~~or town court~~ Muncie City Court. During the period of the stay, the defendant shall not be subject to incarceration or probation orders of the ~~city or town court~~ Muncie City Court. The defendant, if incarcerated pursuant to the judgment of the ~~city or town court~~ Muncie City Court, shall be released from incarceration after posting bond. If the defendant requesting the Trial De Novo does not file the bond, the judgment of the Muncie City Court is not stayed and the defendant shall remain incarcerated or subject to probation orders of the Muncie City Court.

D. Provisions Applicable to All Offenses:

1. Persons shall be held without bond until the Pre-Charge Initial Hearing who are arrested and in which:

- a. the true identity of a defendant is unknown; or
- b. there is good cause to believe the defendant is on probation, home detention/house arrest, parole, on bond, on pre-trial release to probation, or participating in the Forensic Diversion Drug Court Program or the Veteran's Court.

2. Delaware County Jail shall place a Fifteen (15) Day hold on any offender upon request by a Delaware County Probation Officer or a Parole Officer employed by the State of Indiana. If the officer fails to initiate probation or parole revocation proceedings within the Fifteen (15) Day period, the hold shall expire.

3. **Intoxication:** The Sheriff of Delaware County shall not release any person unless such person clearly manifests that they are in a state of sobriety at the time the provisions of this Order would otherwise permit release.

The Sheriff shall hold in custody any person who is under the influence of alcohol or controlled substances until such time it is determined, at the Sheriff's discretion, that the individual may be safely released without danger to self or others.

4. **Domestic Violence:** The Sheriff shall not release a person arrested on a charge involving domestic violence until Twelve (12) Hours has elapsed or until appearance in court, whichever is earlier. After Twelve (12) Hours, the person may post bail (1) pursuant to other provisions in this Bail Order, and (2) after signing a No Contact Agreement protecting the victim. If the person refuses to sign a No Contact Agreement, the Sheriff shall hold the person until brought to court.

5. **Overweight Trucking Violations:** The bail schedule as set out in this Order shall not apply to overweight trucking violations. Bail for such offenses shall be convened by I.C. 9-20-1, et seq.

6. **Full Cash Bond:** When any person proposes to post a full bond in cash or by certified check and the Clerk's Office is not open for business, the Sheriff shall accept the money or certified check and issue a release to the person making the payment. The bond must be placed in the name of the arrested person. The Sheriff shall deposit the money or certified check with the Clerk as soon as possible.

7. **10% Cash Bonds:** Except as otherwise permitted above, the Clerk may not accept a Ten Percent (10%) cash deposit in lieu of bond without a written Order of a judge. If the Court approves such a bond, the Clerk shall retain from the deposit an administrative fee of Ten Percent (10%) of the deposit, or Fifty Dollars (\$50.00), whichever is less, and a fee of Five Dollars (\$5.00) pursuant to I.C. 35-33-8-3.2(d) to remit to the Board of Trustees of the Public Employees' Retirement Fund for deposit in the Special Death Benefit Fund. In addition, the Court may direct the Clerk to apply the balance of the deposit to pay any fine, court costs, public defender fees, probation user's fees, or restitution.

8. **Amount of Bail on Warrant:** If the bail is set at a probable cause hearing, the amount of bail set by the judge shall be endorsed upon the arrest warrant.

9. **Release of Bond:** The Clerk shall not release a cash bond, except upon a judge's written Order after judgment has been entered and any fines and costs imposed by the Court have been paid and satisfied.

10. This Order shall not be interpreted to limit judicial discretion.

11. If the Delaware County Prosecuting Attorney believes a higher bond is necessary for the safety of witnesses and/or protection of the community, the Prosecutor may request a deviation from the scheduled bond amount.

12. A judge may impose any or all of the following **Conditions of Release:**

- a. Report to the Probation Officer Supervising the Pre-Trial Release Program;
- b. Remain in the supervisory custody of a named responsible person;
- c. Live and stay at a specified address;
- d. Remain in the State of Indiana;
- e. Have no contact with the victim/complaining witness;
- f. Not use or possess alcohol;
- g. Not use or possess any controlled substances unless on order of a physician;
- h. Submit to drug/alcohol testing at your expense;
- i. Remain at residence other than at specified hours for specified purposes;
- j. Not possess a firearm or other dangerous weapon;
- k. Seek and maintain full time employment/student status;
- l. Undergo necessary medical or psychiatric treatment, including drug or alcohol abuse treatment;
- m. Commit no criminal offense.
- n. Comply with any other condition reasonably calculated to assure appearance in court as required or to assure the safety of any other person and the community.
- o. Defendant specifically agrees to waive extradition from any jurisdiction inside or outside the United States, wherever he/she may be found, and also agrees not to contest any effort to return him/her to the State of Indiana.

E. Adjustment of Bonds.

A court may adjust bond after a hearing pursuant to statute and upon motion by the State of Indiana or by the Defendant. The Probable Cause Order shall control the bail amount. If a defendant posts a bond prior to the court's entering a Probable Cause Order, overpayment may not result in a refund to the defendant.

If a defendant is arrested for a separate criminal offense while released on a prior posted bond, the Court may revoke the prior posted bond.

This Bail Schedule supersedes all prior Bail Schedules previously established by the Board of Judges of the Delaware Circuit Court.

(Amended effective January 1, 2018)

LR18-AR00-DLR-0032
Caseload Allocation

A. Purpose.

First and foremost, the judicial officers of Delaware Circuit Court shall make thoughtful, timely, reasoned and just decisions. The allocation of caseload must reflect this purpose.

B. Procedure.

The Board of Judges annually shall:

- ~~1. Review and assess literature from the Indiana State Bar Association, the American Bar Association and the National Center for State Courts.~~
- ~~2. Review and consider suggestions made by the Delaware County Bar, the prosecuting attorney, the public defender, and the clerk of courts.~~
31. Review and analyze the statistics on current workload and case flow within the Delaware Circuit Court.
42. Give due weight to the expertise of each judge, the stress associated with certain caseloads, and the goal of keeping each judge competent in all areas of the law.
53. Analyze whether the current allocation is providing excellent public service. There shall be a presumption in favor of the current allocation in order to preserve public confidence in the system, promote stability for the employees of the court system, and avoid inefficient use of personnel, time and resources to effectuate change.

~~C. Implementation.~~

~~The Clerk of Delaware County shall maintain a filing system, by computer or otherwise, implementing the caseload allocation approved by the Board of Judges. The current allocation is contained in the Reallocation and Reassignment of Cases under Local Rule LR18-AR00-DLR-0602. If the caseload allocation is changed by order of the Board of Judges, the presiding judge shall forward the amended allocation to the Clerk of the Supreme Court and Court of Appeals, the State Court Administrator, the Clerk of Delaware Circuit Court, and the President of the Delaware County Bar Association for approval by the Supreme Court.~~

~~DC. Individual Case Transfer.~~

Nothing in this Rule shall preclude the transfer of an individual case from one division of the Circuit Court to another division to promote efficiency and provide for timely resolution of cases. The transferring judge shall direct the Clerk to resubmit the case for transfer to a specific division as designated in the Local Rules of Criminal, Civil, and Small Claims Procedures. In all Orders of Transfer, provisions shall be made to ensure all applicable costs and fees be allocated to the proper cause of action.

(Amended effective January 1, 2018)

LR18-AR00-DLR-0033
Rules of Practice

A. Purpose.

Local rules of practice and procedure now in existence and not inconsistent with Administrative Rules will continue to be in existence. Any new local rule will be promulgated pursuant to Trial Rule 81.

B. Procedure.

Each year the Board of Judges shall review the local rules and shall consider changes and additions suggested by the Delaware County Bar, the prosecuting attorney, the public defender, and the clerk of courts. ~~Further, the Board of Judges shall review and assess local rules adopted by other counties and jurisdictions.~~

C. Adoption.

On July 1, 2000, and thereafter as amended, the Local Rules of Practice and Procedure for the Delaware Circuit Court are adopted and effective in all divisions of the Delaware Circuit Court. A copy of the Local Rules shall be forwarded to the ~~Clerk of the Supreme Court and the Court of Appeals, the State Court Administrator, the Prosecuting Attorney~~ Office of Court Services, the Clerk, ~~the Public Defender~~, and the President of the Delaware County Bar Association.

(Amended effective January 1, 2018)

LR18-AR00-DLR-0034
Budgetary Matters

A. Budgets.

The Board of Judges shall direct the preparation of one unified budget for all divisions of the Court, the Probation Department and the Office of Court Services to be funded from the county general fund upon approval of the County Council, and a separate budget for Title IV-D Court. The Title IV-D Court shall remain separate and apart from the unified budget. The Board of Judges shall further direct the preparation of additional budgets for programs funded by User Fee income upon approval by the County Council.

B. Annual Procedure.

Each year the Board of Judges shall establish a schedule of budget preparation, review and submission with the goal of providing for the effective functioning of the Court, as follows:

1. Each judge, CASA Director, and the chief probation ~~officers~~ officer shall submit written budget requests to the court administrator. These requests shall be specific and well justified in light of the past year's expenditures and the future needs of the offices. Any request shall be submitted by May 15.
2. The Board of Judges shall meet to review the budget requests from the chief probation ~~officers~~ officer, the court administrator, and CASA Director to establish budget priorities, and to adopt the annual budgets for submission to the County Council.
3. The budget proposals as adopted by the Board of Judges shall be prepared by the court administrator and signed by the presiding judge for submission to the County Council.

C. Allocation of Resources.

The Board of Judges shall establish guidelines for allocation of individual line items in the yearly budget approved by the County Council.

D. Claims.

Claims shall be submitted to the Office of Court Services for approval by the court administrator and subsequent submission to the Auditor's Office. The court administrator may approve all proper payroll claims and may approve all purchase, travel and training claims not exceeding maximum amounts set by the Board of Judges from time to time. Any claim exceeding these guidelines must be submitted to the Board of Judges for approval.

E. Transfers Within Budget Categories.

If the court administrator determines that a transfer is necessary within budget categories, the court administrator shall direct the Auditor's Office to perfect said transfer, following consultation with the presiding judge.

F. Transfers Between Budget Categories.

If the court administrator determines that a transfer between budget categories is necessary, a written proposal shall be submitted to the presiding judge for approval prior to submission to the County Council.

G. Additional Appropriation.

If the court administrator determines that an additional appropriation is necessary, a written proposal shall be submitted to the Board of Judges.

H. Mandate.

No individual judge shall exercise mandates for the adequate provision of court services, personnel, or other expenditures without consultation with the entire Board of Judges. The Board of Judges may exercise mandate authority upon vote of a majority.

(Amended effective January 1, 2018)

LR18-AR00-DLR-0035
Personnel

A. General Organization. The Delaware Circuit Court employs personnel, as follows:

1. **Court Divisions**
Official Court Reporter
Assistant Court Reporter
Court Secretary
Court Bailiff
~~*Civil Process Server*~~
Master Commissioner
Juvenile Magistrate
2. **Adult Probation Department**
~~*1 Chief Adult Probation Officer*~~
~~*1 Assistant Chief Adult Probation Officer*~~
Adult Probation Officers
Secretaries to assist probation officers
User Fee Clerk/Secretary
3. **Juvenile Probation Department**
~~*1 Chief Juvenile Probation Officer*~~
Juvenile Probation Officers
~~*1 Secretary for Juvenile Probation*~~
~~*1 User Fee Clerk/Secretary for Juvenile Probation*~~
4. **Office of Court Services**
Court Administrator
Administrative Assistant
Jury Administrative Assistant (full time or part-time)
5. **CASA Office**
Director
Volunteer Coordinator
Support Staff (full-time or part-time)

B-1. Court Division.

The Delaware Circuit Court shall have five court divisions as follows: Delaware Circuit Court shall become Delaware Circuit Court No. 1; Delaware Superior Court No. 2 shall become Delaware Circuit Court No. 2; Delaware Superior Court No. 1 shall become Delaware Circuit Court No. 3; Delaware Superior Court No. 3 shall become Delaware Circuit Court No. 4; Delaware Superior Court No. 4 shall become Delaware Circuit Court No. 5. Pursuant to IC 33-33-18-7, the judge of each court division shall have the sole authority to employ an official court reporter, an assistant court reporter, court secretary or secretaries, and a court bailiff, ~~and civil process servers~~ to serve at the pleasure of the judge.

The Board of Judges shall appoint and employ master commissioners to full-time and/or part-time positions. The commissioner/s will not be entitled to practice law. The appointments will be for a two (2) year term. The duties of the master commissioner/s will be as set out in the Terms of Employment of a Master Commissioner. The juvenile magistrate will be responsible for all juvenile cases, ~~IV-D cases, protective order hearings as requested by sitting judge, civil domestic relation cases and guardianship cases related to CHINS cases,~~ and protective order hearings related to juveniles at the request of the sitting judge.

B-2. Court Divisions - Title IV-D Court.

The Board of Judges shall have the sole authority to employ Title IV-D Court personnel and the ~~presiding~~ judge with juvenile jurisdiction shall have the right to terminate their employment after consulting with the Board of Judges. All employees of the Title IV-D Court serve at the pleasure of the Board of Judges. As directed by the Board of Judges, the ~~presiding~~ judge with juvenile jurisdiction shall supervise employees of the Title IV-D Court, and may delegate certain supervisory responsibilities to the staff or designee as set out in the Delaware County Circuit Court Personnel Policy and Procedures.

C-1. Adult Probation Department.

The Board of Judges shall have the sole authority to employ Probation Department personnel and to terminate their employment. All employees of the Probation Department serve at the pleasure of the Board of Judges. The Board of Judges shall advertise the position of chief ~~adult~~ probation officer and assistant chief ~~adult~~ probation officer with the Delaware County ~~Adult~~ Probation Department, and interview and screen applicants for said position. The chief ~~adult~~ probation officer shall advertise any other available probation position and interview and screen applicants as directed by the Board of Judges. The chief probation officer shall provide to the Board of Judges a written summary of qualified applicants, with a recommendation of three applicants to be hired by the Board of Judges.

C-2. Juvenile Probation Department.

The Board of Judges shall have the sole authority to employ Juvenile Probation Department personnel and the supervising judge exercising juvenile jurisdiction shall have the authority to terminate their employment. All employees of the Juvenile Probation Department serve at the pleasure of the Board of Judges. The Board of Judges shall advertise the position of Chief ~~Juvenile~~ Probation Officer, and interview and screen applicants for said position. The Chief ~~Juvenile~~ Probation Officer shall advertise any other available probation position and interview and screen applicants as directed by the Board of Judges. The Chief ~~Juvenile~~ Probation Officer shall provide to the Board of Judges a written summary of qualified applicants, with a recommendation of three applicants to be hired by the Board of Judges. As directed by the supervising judge exercising juvenile jurisdiction, the Chief ~~Juvenile~~ Probation Officer shall supervise employees of the Juvenile Probation Department, and may delegate certain supervisory responsibilities to the staff and other employees as set out in the Delaware County Circuit Court Personnel Policy and Procedures.

D. Office of Court Services.

The Board of Judges shall have the sole authority to employ personnel in the Office of Court Services and to terminate their employment. The court administrator shall advertise an available position and interview and screen applicants as directed by the Board of Judges. The court administrator shall provide to the presiding judge a written summary of qualified applicants, with the court administrator's recommendation of three applicants to be hired by the Board of Judges. Employees of the Office of Court Services shall be supervised by the Director of Court Services/Court Administrator.

E. CASA.

The Board of Judges shall have the sole authority to employ personnel in the CASA Office. The Director of CASA shall advertise an available position and screen applicants as directed by the Board of Judges. The Director shall provide to the ~~presiding~~ judge with juvenile

jurisdiction a written summary of qualified applicants, with the Director's recommendation of three applicants to be hired by the Board of Judges. Employees of the CASA Program shall be supervised by the Director. All applicants ~~will~~ may be required to take a skills test.

F. Personnel Policy.

The Board of Judges shall maintain a written personnel policy setting forth policies and procedures regarding the recruitment, selection, management, and termination of employees and the conditions and expectations of their employment. Each employee shall be given a copy of the personnel policy when employment begins.

~~G. Termination.~~

~~If any employee of the Title IV D Court, secretarial staff of the Adult Probation Department, CASA Department, or the Juvenile Probation Department is not performing adequately, the designated supervising judge or presiding judge shall notify the Board of Judges in writing that termination of the employee is appropriate. The designated supervising judge or the presiding judge of the designated departments in this Paragraph G shall be authorized to terminate the employee.~~

(Amended effective January 1, 2018)

LR18-AR00-DLR-0036
Administrative Management

A. Management Team.

The court administrator, chief probation ~~officers~~ officer, and CASA director, and presiding judge shall constitute a management team for administrative issues. The team coordinates personnel policy issues and fiscal issues, identifies issues or procedures that may impact outside specific divisions, maintains consistency on administrative issues among the divisions, and addresses other issues and projects within the discretion of the presiding judge.

(Amended effective January 1, 2018)

LR18-AR00-DLR-0037
Office of Court Services

A. Establishment and Purpose.

The Board of Judges has established an Office of Court Services to coordinate jury management records, statistics compilation, court security, financial planning and budget management, case flow management, and public information and education for the Delaware Circuit Court.

B. Director of Court Services - Court Administrator.

As directed by the Board of Judges, the court administrator shall prepare and monitor the court's budgets; coordinate continuing education and training for court personnel; assist in researching, defining, developing and implementing new programs and procedures; attend and coordinate Board of Judges meetings, coordinate and implement court security plans and perform other duties as required.

C. Other Personnel.

The Board of Judges, through the court administrator, shall hire additional administrative aides, clerical staff and bailiffs as needed to provide services to the Court.

D. Financial Planning and Budget Management.

The Office of Court Services shall be responsible for the preparation, monitoring and coordination of all budgets of the Delaware Circuit Court. All required fiscal reports are prepared for review by the Board of Judges. This office serves as primary liaison with the Auditor's Office, and prepares and submits payroll, claims and employee status reports as required. This office oversees maintenance and service of equipment.

E. Jury Management.

The Office of Court Services is responsible for all functions pertaining to the provision of jury panels for the divisions of the Delaware Circuit Court.

F. Records Management.

The Office of Court Services is responsible for compiling and reporting all statistical information regarding caseloads and case movement in the divisions of the Delaware Circuit Court. A written report summarizing the activity operation of the court shall be delivered to the Board of Judges by March 31 of each year.

~~G. Court Security.~~

~~The office will assist in obtaining security from the Sheriff's Department for the judges, staff, public, in courtrooms and in court offices, only upon request of court personnel; otherwise, the court bailiff will be responsible for making arrangements for security with the Sheriff's Department.~~

HG. Case Flow Management.

The Office of Court Services is responsible for assessing case flow and workload distribution to the divisions of the Delaware Circuit Court, and provides supplemental staff when needed and/or available.

II. Public Information and Education.

The Office of Court Services serves as liaison officer between the Delaware County Clerk and the Board of Judges. ~~The Filing Office is the designated reception area of the Delaware County Justice Center. The daily court schedule is compiled and distributed by the Filing Office. All stamped and non-stamped mail is disseminated by the Filing Office.~~ File stamps are maintained in the Filing Office to facilitate receipt of pleadings and correspondence for local attorneys. File stamps are also maintained in the individual court divisions. Mail receptacles are provided in the Office of Court Services for local attorneys to collect daily distribution of court documents. All questions regarding new filings or other procedures regarding the court shall be brought to the attention of the court administrator by the designated representative of the Delaware County Clerk.

(Amended effective January 1, 2018)

LR18-TR79-DLR-0051
Civil Practice and Procedure

The following local rule regarding selection of special judges where a special judge does not accept a civil case under TR 79(D), is now adopted by the undersigned judges of the Delaware Circuit Court, in conjunction with the other Courts of Administrative District 15.

A. Conflicts by Circuit Court No. 2 Judge in DR (Domestic Relations) and JP (Juvenile Paternity) cases from Title IV-D Court.

In DR (Domestic Relations) and JP (Juvenile Paternity) cases from Title IV-D Court where the Circuit Court No. 2 Judge has a conflict and enters an order of disqualification or recusal, and parties do not agree to a particular special judge pursuant to TR 79(D), the Clerk of Delaware County shall assign the case to the regular sitting Judge in Circuit Court No. 3. If that Judge is unable to serve as set forth in Trial Rule 79 (H), then the Clerk shall select a special judge pursuant to paragraph B or C of this local rule.

B. Assignment - Civil.

In civil cases where the appointment of a special judge is required under TR 76, or the presiding judge has disqualified or recused under TR 79(C), and parties do not agree to a particular special judge pursuant to TR 79(D); the regular sitting judge shall direct the Clerk of Delaware County to select (on a rotating basis) one of the judges from the following available panel of judges (omitting the judge from whom the change of venue is being taken):

- a. Presiding Judge, Delaware Circuit Court No. 1;
- b. Presiding Judge, Delaware Circuit Court No. 2;
- c. Presiding Judge, Delaware Circuit Court No. 3;
- d. Presiding Judge, Delaware Circuit Court No. 4;
- e. Presiding Judge, Delaware Circuit Court No. 5;
- f. Presiding Judge, Blackford Circuit Court;
- g. Presiding Judge, Blackford Superior Court;
- h. Presiding Judge, Henry Circuit Court No. 1
- i. Presiding Judge, Henry Circuit Court No. 2;
- j. Presiding Judge, Henry Circuit Court No. 3;
- k. Presiding Judge, Jay Circuit Court;
- l. Presiding Judge, Jay Superior Court;
- m. Presiding Judge, Randolph Circuit Court; and
- n. Presiding Judge, Randolph Superior Court.

If a special judge selected from the rotating list is ineligible for, disqualified from, or excused from appointment, then the regular sitting judge shall direct the Delaware County Clerk to select (on a rotating basis) the next judge on the list.

In the event that no judicial officer within the above list is eligible to serve as special judge, or if the case's particular circumstances warrant selection of a special judge by the Indiana Supreme Court, the judge of the court in which the case is pending shall certify the matter to the Indiana Supreme Court to appoint a special judge.

C. Assignment – Juvenile.

In juvenile cases where the appointment of a special judge is required under TR 76, or the presiding judge has disqualified or recused under TR 79(C), and parties do not agree to a particular special judge pursuant to TR 79(D); the regular sitting judge shall direct the Clerk of Delaware County to select (on a rotating basis) one of the following available judges:

- a. Presiding Judge, Blackford Circuit Court;
- b. Presiding Judge, Henry Circuit Court No. 1
- ~~c. Presiding Judge, Henry Circuit Court No. 2;~~
- d. Presiding Judge, Jay Circuit Court; and
- e. Presiding Judge, Randolph Circuit Court;

If a special judge selected from the rotating list is ineligible for, disqualified from, or excused from appointment, then the regular sitting judge shall direct the Delaware County Clerk to select (on a rotating basis) the next judge on the list.

In the event that no judicial officer within the above list is eligible to serve as special judge, or if the case's particular circumstances warrant selection of a special judge by the Indiana Supreme Court, the judge of the court in which the case is pending shall certify the matter to the Indiana Supreme Court to appoint a special judge.

D. Maintaining Separate Lists.

The Delaware County Clerk shall maintain separate civil and juvenile lists, in the rotation order as set forth in this Rule, from which the clerk may determine the appropriate appointment in civil and juvenile cases.

E. Consent to Authority to Sit as Acting Judge

The Judges in the Delaware County Courts consent to the judge of the Jay County Circuit Court and the judge of the Blackford County Superior Court, upon request, to sit as acting judge in these courts in any matter as if the judicial officer were the elected or appointed judge of the court, as provided in Administrative Rule 1. The authority to sit as acting judge in a Delaware County Court is granted even when the sitting judge is present and available.

(Amended effective June 4, 2013; further Amended effective January 1, 2018)

LR18-AR00-DLR-0052
Allocation and Assignment of Cases

1. ~~That the Clerk of Delaware County, upon direction of a transfer of any case holding a judgment, garnishment, bail bond, or otherwise, shall within said transfer, perfect the necessary changes to provide for the efficient and accurate accounting of all payments made toward any judgment rendered, including, but not limited to, garnishment payments made through a garnishee defendant, the release of judgments, bail bonds or other matters pertaining to said original cause and the transfer therein. In the perfection of the within Order, the Clerk shall notify interested parties to the action and the garnishee defendant.~~

Circuit Court No. 1

Criminal: The following case numbers shall be used for crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (class A felony), FB (class B felony), FC (class C felony), FD (class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C Felonies or D Felonies. The following case numbers shall be used for crimes committed on or after July 1, 2014: F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); F5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5 and 6 felonies.

Civil: PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR, DC, DN (Domestic Relations), MF (Mortgage Foreclosure), AD (Adoption), MI (Miscellaneous ~~excluding Specialized Driving Privilege Cases, Waiver of Reinstatement Fees Cases-tax sales~~), ES, EM, EU, GU, TR (Probate), PO (Protective Orders) .

Circuit Court No. 2

Criminal: The following case numbers shall be used for crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (class A felony), FB (class B felony), FC (class C felony), FD (class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C Felonies or D Felonies. The following case numbers shall be used for crimes committed on or after July 1, 2014: F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); F5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5 and 6 felonies.

Juvenile: JP (Juvenile Paternity), JD (Juvenile Delinquency), JS (Juvenile Status), JM (Juvenile Miscellaneous), JC (Juvenile CHINS), JT (Juvenile Termination)

Civil: PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR, DC, DN (Domestic Relations), MF (Mortgage Foreclosure), AD (Adoption), MI (Miscellaneous - excluding Specialized Driving Privilege Cases, Waiver of Reinstatement Fees Cases-tax sales), GU-with related juvenile cases RS (Reciprocal Support), PO (Protective Orders) .

Circuit Court No. 3

Criminal: The following case numbers shall be used for crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (class A felony), FB (class B felony), FC (class C felony), FD (class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C Felonies or D Felonies. The following case numbers shall be used for crimes committed on or after July 1, 2014: F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); F5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5 and 6 felonies.

Civil: PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR, DC, DN (Domestic Relations), MF (Mortgage Foreclosure), ~~AD (Adoption)~~, MI (Miscellaneous, Specialized Driving Privilege Cases, Waiver of Reinstatement Fees Cases-excluding tax sales), MH (Mental Health), PO (Protective Orders), XP (Expungement) .

Circuit Court No. 4

Criminal: The following case numbers shall be used for crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (class A felony), FB (class B felony), FC (class C felony), FD (class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C Felonies or D Felonies. The following case numbers shall be used for crimes committed on or after July 1, 2014: F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); F5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5 and 6 felonies.

City and Town Courts: Any criminal cases transferred from Muncie City Court or ~~Yorktown Town Court~~ may be filed in the Division of the Circuit Court that holds the highest pending felony charge, regardless of when the misdemeanor crime was allegedly committed.

If no felony cases are pending against the Defendant the misdemeanor will be filed in the Delaware Circuit Court No. 4 or No. 5 under the following rotation schedule:

- Circuit Court No. 4: January, March, May, July, September and November;
- Circuit Court No. 5: February, April, June, August, October, and December.

A “pending” case is a case not yet disposed of by guilty plea, jury trial, bench trial, bench disposition, or dismissal.

Juvenile: NONE

Civil: PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR, DC, DN (Domestic Relations), MF (Mortgage Foreclosure), AD (Adoption), MI (Miscellaneous - excluding Specialized Driving Privilege Cases, Waiver of Reinstatement Fees Cases-tax sales) PO (Protective Order), SC (Small Claims)

Circuit Court No. 5

Criminal: The following case numbers shall be used for crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (class A felony), FB (class B felony), FC (class C felony), FD (class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C Felonies or D Felonies. The following case numbers shall be used for crimes committed on or after July 1, 2014: F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); F5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5 and 6 felonies.

City and Town Courts: Any criminal cases transferred from Muncie City Court or ~~Yorktown Town Court~~ may be filed in the Division of the Circuit Court that holds the highest pending felony charge, regardless of when the misdemeanor crime was allegedly committed.

If no felony cases are pending against the Defendant the misdemeanor will be filed in the Delaware Circuit Court No. 4 or No. 5 under the following rotation schedule:

- Circuit Court No. 4: January, March, May, July, September and November;
- Circuit Court No. 5: February, April, June, August, October, and December.

A “pending” case is a case not yet disposed of by guilty plea, jury trial, bench trial, bench disposition, or dismissal.

Juvenile: NONE

PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR, DC, DN (Domestic Relations), MF (Mortgage Foreclosure), ~~AD (Adoption)~~, MI (Miscellaneous – excluding Specialized Driving Privilege Cases, Waiver of Reinstatement Fees Cases ~~INCLUDING tax sales~~), PO (Protective Order), SC (Small Claims), ES, EU, EM, GU, TR (Probate), TS (Tax Sale), TP (Tax Deed Petition)

~~21.~~ Assignment of cases as heretofore set out will continue to be subject to all Local Rules regarding non-discretionary assignment of felony and misdemeanor cases.

~~3.~~ Assignment of cases, effective January 1, 2007, the Clerk of Delaware County shall perfect the following limitation of filings:

~~_____ a. (MF) Mortgage Foreclosure: 100 each court, and then commence again (i.e. when each court has 100 foreclosures, then the limitation will begin again until reached with 200, and etc.)~~

~~_____ b. (CC) Civil Collections: 200 each court, and then commence again (i.e. when each court has 200 Civil Collections, then the limitation will begin again until reached with 400, and etc.)~~

~~_____ c. (DR) Domestic Relations: 100 each court, and then commence again (i.e. when each court has 100 Domestic relations, then the limitation will begin again until reached with 200 and etc.)~~

~~_____ d. (PO) Protective Orders: 100 each court, and then commence again (i.e. when each court has 100 Protective Orders, then the limitation will begin again until reached with 200, and etc.)~~

~~_____ e. (MI) Miscellaneous: 75 each court, and then commence again (i.e. when each court has 75 Miscellaneous, then the limitation will begin again until reached with 150, then, etc.)~~
Exception: Circuit Court No. 5 will receive all Tax Sale filings regardless of count.

(Amended effective January 1, 2018)