

**STATE OF INDIANA – COUNTY OF GREENE
IN THE GREENE CIRCUIT AND SUPERIOR COURTS**

**Notice of Proposed New Rule or Amendment(s) to Local Court Rule(s)
February 6, 2024**

In accordance with Trial Rule 81 of the Indiana Court Rules, the Greene Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rules on the allocation of cases, appointment of special judges in criminal and civil cases, court reporter services, jury administrators and jury pool, bond schedule, and evidence handling, retention and disposition for the courts of record of Greene County.

All new text is shown by underlining and deleted text is shown by ~~strikethrough~~. Supreme Court approval is required for Local Rules concerning caseload allocation, court reporter services, and appointment of special judges in criminal and civil cases, and the amended rules will not take effect until approved by the Supreme Court.

Notice has been given to the public by posting on the website of the Greene County Clerk at clerk@co.greene.in.us and at the Indiana Judiciary webpage for Local Rules (<https://www.in.gov/courts/publications/local-rules/>), and by furnishing a copy to the officers of the Greene County Bar Association. A paper copy of the proposed amended local rule(s) will be made available for viewing in the Clerk of Greene County office, 1 E. Main Street, Bloomfield, Indiana 47424 between the hours of 8:00 am and 4:00 pm, Monday through Friday.

The time period for the bar and the public to comment shall begin on February 12, 2024, and close on March 15, 2024. The proposed amendments to the rule will be adopted, modified, or rejected before March 22, 2024. The jury administrators and jury pool, bond schedule, and evidence rules shall be effective on March 22, 2024. The final version of the remaining rules will be submitted to the Indiana Supreme Court for review and approval.

Comments by the bar and the public should be made in writing to:
Hon. Dena Martin, Judge of the Greene Superior Court, Attn: Public Comment on Local Rules,
Greene Superior Court, 1 E. Main Street, Bloomfield, Indiana 47424.

DATED this 6th day of February 2024 on behalf of the Judges of Greene County.

/s/ Erik Allen
Judge, Greene Circuit Court

/s/ Dena Martin
Judge, Greene Superior Court

GREENE COUNTY LOCAL COURT RULES

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LR28-AR01-01 CASELOAD ALLOCATION PLAN

A. ANNUAL REVIEW: The Judges of the Greene Circuit Court and the Greene Superior Court shall meet annually to review the weighted caseload statistics of each Court and to comply with Orders of the Indiana Supreme Court concerning case assignments.

B. GREENE CIRCUIT COURT: The following cases shall be filed exclusively with the Greene Circuit Court:

1. Juvenile.
2. Adoption.
3. Guardian.
4. Estates.

C. GREENE SUPERIOR COURT: The following cases shall be filed exclusively with the Greene Superior Court:

1. Small Claims.
- ~~1.2.~~ Evictions
- ~~2.3.~~ Infractions.
- ~~3.4.~~ Minor Offenses and Violations.
- ~~4.5.~~ Criminal, if each Count is a misdemeanor, a Class D Felony, a Level 6 Felony, or if a Count alleges either a felony or misdemeanor violation of I.C. 9-30-5 et seq.

D. CONCURRENT ASSIGNMENT: The Greene Circuit Court and Greene Superior Court shall receive assignments of all other matters, including:

1. Civil Commitments.
 2. Criminal offenses, except cases alleging all misdemeanors, Class D Felonies, Level 6 Felonies, or cases alleging either a felony or misdemeanor violation of I.C. 9-30-5 et seq.
 3. Civil, not otherwise specified.
 4. Civil and Criminal Cases Transferred from Other Counties.
 - ~~5.~~ Protective Orders.
 - ~~5-6.~~ Warrantless seizure of firearm from individual believed to be dangerous (for affidavits filed under I.C. 35-47-14-3 Indiana's "red flag" law) (RF).
- from the Clerk of the Greene Circuit Court as follows:

a. **Random Draw:** When a case is filed, the Clerk will file the case in the court randomly selected by the Odyssey Case Management system.

b. **Probation Transfer, Subpoena Duces Tecum, and Search Warrant Cases:** Notwithstanding the above, any case that is a probation transfer from another county, or a case in which the State is filing a motion for subpoena duces tecum, or a case in which the State is seeking a search warrant, the Clerk will file the case randomly, consistent with the procedures set forth in the preceding paragraph.

c. **Companion Civil Filings:** In the event two or more civil cases are identified by the filing party as companion cases, arising from the same circumstances, with similar issues of fact and law, the Clerk will file the case in the court randomly

selected by the Odyssey Case Management system. All companion cases will then be filed in the selected Court.

d. **Subsequent Criminal Filings:** The Circuit Court and the Superior Court state that the policy of the Courts is to have all criminal felony cases, excluding Class D Felonies, Level 6 Felonies, or violations of I.C. 9-30-5 et seq., pending against an individual filed in the same Court. Therefore, when a criminal case is filed which charges an accused with a Level 5 Felony and above, excluding violations of I.C. 9-30-5 et seq., the Prosecuting Attorney and the Clerk shall determine if the accused has another felony charge pending in either Court. "Another felony charge pending" means both a felony case where judgment has not yet been entered and a felony case in which a Petition to Revoke has been filed. If there is another felony charge pending in either Court, the new charge shall be filed in the same Court where the previous felony charge is pending.

E. **TRANSFER:** The Judge of the Greene Circuit Court or the Greene Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign any case to the other Court, subject to acceptance by the receiving Court.

F. **REFILINGS:** When the State of Indiana dismisses a case and chooses to refile that case, the case shall be assigned to the Court from which the dismissal was taken.

G. **APPOINTMENT OF SPECIAL JUDGES IN CRIMINAL CASES:** When it is necessary to appoint a special judge pursuant to ~~Criminal Rule 13~~ Administrative Rule 21, it shall be done in accordance with District 20 Rule on appointment of special judge in criminal cases at **DR20-CR13AR21-000**.

(Amended effective March 14, 2011; further amended August 15, 2013; further amended July 6, 2015)

DR 20-~~CR13~~AR21-000 ____ APPOINTMENT OF SPECIAL JUDGE IN CRIMINAL CASES

Each county within the Administrative District shall amend its local rules, pursuant to ~~Criminal Rule 2.2~~ Administrative Rules 1(E)(6) and 1321, to allow for appointment of Special Judges utilizing the following elements.

A. Eligibility for Special Judge Service.

1. **Available to Serve.** Pursuant to ~~Criminal~~ Administrative Rule 13(C), 21 the full-time Judicial Officers of Administrative District 20 and contiguous counties shall be deemed in agreement to serve as a Special Judge ~~only for those case type(s) which compose that judicial officer's typical caseload, as determined by the local Caseload Allocation Plan.~~

2. **Prior Service Excluded.** The appointment of Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge

in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.

- B. Appointment within the Administrative District.** In order to improve the coordination within the Administrative District, and pursuant to ~~Criminal-Administrative Rule 13(C)21~~, appointments of a Special Judge in criminal cases shall be made among the Judicial Officers of the Administrative District.
- C. Appointment of a Special Judge.** In the event of the need for the regular, sitting Judicial Officer to recuse herself/himself from a normally assigned case, Special Judge appointment shall be made by the Administrative District 20 Facilitator.
- 1. Priority Given to Local County Appointments.** Pursuant to ~~Criminal-Administrative Rule 2-21(E)(6)~~, appointments of a Special Judge shall be made in the same manner as set forth within the Local Rules of the Local County, ~~so long as a Judicial Officer with criminal jurisdiction remains available within the Local County for appointment~~. Following the appointment of the Special Judge, the Special Judge may request that the case be forwarded to the court of the Special Judge.
 - 2. District (Outside County) Appointments.** In the event that no Local Judicial Officer is available, a Special Judge shall be appointed, on a rotating basis, from the available full-time Judicial Officers within the Administrative District and counties contiguous to Greene County.
- D. Acceptance of Appointment.**
- 1. Acceptance Mandatory.** Pursuant to ~~Criminal-Administrative Rule 13(C)21(A)~~, a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.
 - 2. Documentation.** An oath or additional evidence of acceptance of jurisdiction is not required.
- E. Supreme Court Certification.** In the event that no Judicial Officer in the Administrative District is eligible to serve as a Special Judge, or the regular, sitting Judicial Officer in the court in which the case is pending sets out particular circumstances why appointment under these rules should not be made, then the regular, sitting Judicial Officer shall certify the same to the Indiana Supreme Court for appointment of a Special Judge.
- F. Discontinuation of Special Judge Service.** The provisions of ~~CA.R. 1321(F)~~ if a Special Judge ceases to serve following assumption of jurisdiction.

- G. Method for Assignment and Related Records.** The District Facilitator has maintained a method for rotation for appointments and maintained records related thereto which will be continued. Any amendments to the method will be made by votes cast by the Judicial Officers of Administrative District 20.

(Adopted effective August 15, 2013)

LR28-TR70-02 APPOINTMENT OF SPECIAL JUDGES IN CIVIL CASES

When it is necessary to appoint a special judge pursuant to Trial Rule 79 (H), it shall be done in accordance with District 20 Rule on appointment of special judge in civil cases at **DR20-TR79-000**.

DR 20-TR79-000 ____APPOINTMENT OF SPECIAL JUDGE IN CIVIL CASES

A. Eligibility for Special Judge Service:

1. **Agreement to Serve.** Pursuant to Trial Rule 79(H), the full-time Judicial Officers of Administrative District 20 shall be deemed in agreement to serve as a Special Judge ~~only for those case type(s) which compose that Judicial Officer's typical caseload, as determined by the Local County Caseload Allocation Plan.~~
2. **Prior Service Excluded.** The appointment as Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.

B. Appointment of a Special Judge: In the event of the need for the regular, sitting Judicial Officer to recuse herself/himself from a normally assigned case, or should the appointment of a Special Judge through agreement by the Parties fail, the Special Judge appointment shall be made by the Administrative District 20 Facilitator:

1. **Priority Given to Local County Appointments.** Special Judge appointments shall be made within the Local County, ~~on a rotating basis so long as a Judicial Officer within the County who has jurisdiction for the type of case remains eligible for Special Judge service.~~ Following the appointment of the Special Judge, the Special Judge may request that the case be transferred to the court of the Special Judge.
2. **District (Outside County) Appointments.** In the event that no Local Judicial Officer is available, the case will be forwarded to the District 20 Facilitator who will appoint a Special Judge on a rotating basis, from the available Judicial Officers within the Administrative District ~~who have jurisdiction for the type of case.~~

C. Acceptance of Appointment:

1. **Acceptance Mandatory.** Pursuant to Trial Rule 79(H), a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of

Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.

2. **Documentation.** An oath or additional evidence of acceptance of jurisdiction is not required.

- D. **Supreme Court Certification.** If no Judicial Officer in the Administrative District is eligible to serve as a Special Judge, or the regular, sitting Judicial Officer in the court in which the case is pending sets out particular circumstances why appointment under these rules should not be made, then the regular, sitting Judicial Officer shall certify the same to the Indiana Supreme Court for appointment of a Special Judge.
- E. **Discontinuation of Special Judge Service.** The provisions of T.R. 79(I) apply if a Special Judge ceases to serve following assumption of jurisdiction.
- F. **Method of Assignment and Related Records.** The District Facilitator has maintained a method for rotation for appointments and maintained records related thereto which will be continued. Any amendments to the method will be made by votes cast by the Judicial Officers of Administrative District 20.

(Amended effective August 15, 2013)

LR28-TR8-03 PREPARATION OF PLEADINGS AND ORDERS

A. **FLAT FILING:** The files of the Clerk shall be kept under the "flat-filing" system. All papers presented for filing shall be flat and unfolded.

B. **PROPOSED ORDERS:** At the time of filing, each motion shall be accompanied by the original and one copy of a proposed order for the Court and sufficient copies of the proposed order for the parties. Proposed orders shall indicate the draft's preparer and shall include a full distribution list of attorneys or parties to whom the order should be sent.

LR28-TR33-04 INTERROGATORIES

A. **NUMBER OF INTERROGATORIES:** The number of interrogatories served pursuant to Rule 33 shall be limited to require the answering party to make no more than fifty (50) answers. This limitation may be waived by the Court upon a showing that such limitation would work a manifest injustice or would be impractical because of the complexity of the issues of the case.

B. **USE OF FORMS:** No duplicated forms containing interrogatories shall be filed or served upon a party unless all interrogatories on such forms are consecutively numbered and applicable to the case in which the same are filed and served. The intent and purpose of this rule is to prohibit the filing of duplicated forms of interrogatories except where the nature of the case or number of the parties makes the use of such forms necessary and feasible.

C. FORM OF ANSWERS OR OBJECTIONS: Answers or objections to interrogatories shall set forth in full the interrogatory being answered or objected to immediately preceding the answer or objection.

LR28-TR53.5-05 CONTINUANCES

A. CONTINUANCES DISCOURAGED: Motions for continuances are discouraged, and even if there is an agreement of the parties to continue a case the agreement may not be approved.

B. WRITTEN MOTION: Unless made during the hearing of the case, a motion for continuance shall be in writing and signed. Such motion shall comply in all respects with Trial Rule 53.5 of the Indiana Rules of Trial Procedure.

C. SCHEDULING CONFLICTS: A motion for continuance based upon a scheduling conflict with another case shall specify the Court, the case name, the case number, the date the hearing or trial was set, and the type of hearing or trial.

D. DUTY TO CONFER: Before requesting a continuance, the attorney for the moving party shall confer with the other parties to determine any objections and to ascertain dates for rescheduling when all parties are available. Such objections and alternative dates shall be reported in the motion for continuance.

RULE LR28-FL00-06 FINANCIAL DECLARATIONS

A. FINANCIAL DECLARATIONS: In any dissolution of marriage or legal separation proceeding, each party shall complete in full, date, sign and verify a Financial Declarations form as set out herein as Appendix A. The Financial Declarations shall be filed no less than four (4) working days before the contested hearing. Failure to do so may subject the party and/or the attorney to sanctions.

B. FINANCIAL DECLARATIONS - ADMISSIBILITY: Absent an objection, the Financial Declarations shall be considered as received in evidence, subject to cross-examination. Direct examination on matters in the Financial Declaration should be limited to corrections or unusual factors needing further explanation.

RULE LR28-FL00-07 PARENTING TIME GUIDELINES

The Parenting Time Guidelines adopted by the Indiana Supreme Court on December 22, 2000, became effective by order of the Indiana Supreme Court on March 31, 2001. As of March 31, 2001, any Orders thereafter entered that establish or modify parenting time (or visitation) and that refer to the Visitation Guidelines of the Greene Circuit and Greene Superior Courts, shall mean the Parenting Time Guidelines of the Indiana Supreme Court. Orders establishing or modifying visitation entered prior to March 31, 2001, that refer to the Visitation

Guidelines of the Greene Circuit and Greene Superior Courts shall continue to mean the Visitation Guidelines previously in effect and previously included in these Local Rules.

RULE LR28-DR00-08 WRITS OF ATTACHMENT

Unless otherwise ordered by the Court, Writs of Attachment in civil cases and small claims shall expire six months from the date of issuance.

LR28-AR00-09 COURT SECURITY AND DECORUM

A. Each person entering the Circuit Court or the Superior Court may be searched before entering either Courtroom. Entrance to the Courts may be denied if a person refuses to consent to a search.

B. A Security Officer or Deputy Sheriff may search a person with a magnetometer to detect weapons before such person may enter a Courtroom.

C. Purses, briefcases, or other containers may be searched prior to being taken inside either Courtroom.

D. Metal Detectors may be used by Security Officers to search all individuals traveling near any Court office or rooms, including the Jury Rooms and Library.

E. Each person leaving the protected area is again subject to search upon re-entering the Courtroom or other protected area.

F. The Security Officers will hold items not allowed in the Courtrooms for security purposes or the owner may remove them from the Courthouse.

G. No cameras, recorders, (video or audio), pagers, or any electronic devices, except laptop computers and cell phones, are allowed in any Courtroom. Each cell phone must be programmed so it will make no audible sound. No videotaping or other photography is permitted in any Court or in the area immediately adjacent to a Court.

H. No smoking, tobacco, eating, food or drinks are allowed in any Courtroom.

I. No sleeveless shirts, shorts, cutoffs, hats or bare feet will be permitted in either Courtroom. No clothing with obscene graphics or wording will be allowed inside any Courtroom.

J. When the Courts are in session, anyone entering the Courtrooms must be seated. The bailiff or Security Officers may restrict the number of spectators to ensure the public safety.

K. A spectator leaving a Courtroom during the testimony of a witness may not be allowed to re-enter the Courtroom until Court is in recess.

L. All persons on floors of the Courthouse where the Courts and related offices are located shall remain orderly at all times. Disorderly persons will be requested to leave.

M. Weapons, knives, guns or any illegal contraband will not be allowed in any Courtroom. Any weapons, knives, firearms, or illegal contraband that is seized will be returned or confiscated according to law.

RULE LR28-AR12-10 FILING PLEADINGS BY FAX MACHINES

A. FILING: Pleadings, motions, and other papers may be filed in either the Greene Circuit Court or the Greene Superior Court by electronic facsimile transmission, commonly known as "faxing." The telephone number authorized to receive such transmissions, pleadings, motions, and other papers is: **(812) 384-8458**. The fax machine receiving such transmissions is located in the Office of the Clerk.

B. ADMINISTRATIVE RULE 12: Any such transmission must comply with the requirements of the Administrative Rule 12 promulgated by the Indiana Supreme Court on November 21, 1991, as amended in 1994 and as hereafter may be amended, which requirements now include:

1. such matter does not exceed ten pages, including the cover sheet;
2. such matter does not require the payment of fees other than the electronic facsimile transcription fee set forth in paragraph E of this rule;
3. the sending party creates at the time of transmission a machine generated log for such transmission; and
4. the original document and the transmission log are maintained by the sending party for the duration of the litigation.

C. TIME OF FILING: Consistent with Administrative Rule 12, during normal, posted business hours, the time of filing shall be the time the faxed document is produced in the office of the Clerk of the Circuit Court. Duplicate documents received at all other times shall be filed as of the next normal business day. If the receiving FAX machine endorses its own time and date stamp upon the transmitted documents, and the receiving machine produces a delivery receipt which is electronically created and transmitted to the sending party, the time of filing shall be the date and time recorded on the transmitted document by the receiving FAX machine.

D. COVER SHEET: Any document sent to the Clerk by electronic facsimile transmission shall be accompanied by a cover sheet which states the title of the document, case number, number of pages, identity and voice telephone number of the sending party and instructions for filing. The cover sheet shall contain the signature of the lawyer or party, pro se, authorizing the filing.

E. FEE: The Clerk shall assess a fee of \$4.00 per transmission per case, which fee has been approved by the Courts as the appropriate fee, and which fee is subject to the approval of the Board of County Commissioners as provided by Indiana Supreme Court Administrative

Rule 12. The Clerk shall deposit the fee in a fund which shall not revert to the general fund at the end of the calendar year but shall accumulate. The funds, upon appropriation, shall be used to purchase facsimile paper, replace facsimile machines, and purchase additional facsimile machines for the Clerk, the Courts, and Court services.

F. **SIZE OF PAPER:** Pleadings and papers filed by fax shall be letter size.

LR28-AR15-11 COURT REPORTER SERVICES

A. **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 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. *Workspace* 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 that results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
5. *Recording* means the electronic, mechanical, 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 workweek. Depending on the particular Court, these hours may vary from Court to Court within the county, but remain the same for each workweek.
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 workweek.
9. *Workweek* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, e.g. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
10. *Court* means the particular Court for which the Court Reporter performs services. Court may also mean all of the Courts in Greene 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.

B. SALARIES 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 work 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 maximum per page fee a Court Reporter may charge for the preparation of a county indigent transcript shall be ~~\$4.00~~\$4.50; the Court Reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.
3. The maximum per page fee a Court Reporter may charge for the preparation of a state indigent transcript shall be ~~\$4.00~~\$4.50.
4. The maximum per page fee a Court Reporter may charge for the preparation of a private transcript shall be ~~\$4.00~~\$4.50. Notwithstanding the above, if a private party requests a transcript to be prepared in less than 30 days, a Court Reporter may charge an additional \$1.50 per page as a surcharge if the surcharge is approved by the presiding Judge of the Court.
5. The maximum per page fee a Court Reporter may charge for a copy of a county indigent transcript, state indigent transcript, or private transcript shall be \$1.00.
6. The minimum fee per transcript shall be \$35.00.
7. The fee for the preparation of the Index and Table of Contents pages shall be at the same rate charged per page for the remainder of the transcript.
8. The Court Reporter may charge an additional labor charge for the time spent binding the transcript and the exhibit binders. The additional labor charge shall be the hourly rate paid to the Court Reporter (as computed by dividing the annual salary paid by Greene County to the Court Reporter by 35 hours). If the Reporter preparing the transcript is not a salaried employee, the charge shall be \$15.00 per hour for the time expended to bind the transcript and exhibits.
9. The Court Reporter may charge for the required office supplies purchased by the Court Reporter and used for the binding and the electronic transmission of the transcript pursuant to the Indiana Rules of Appellate procedure 28 and 29. The costs of these supplies shall be determined pursuant to a Schedule of Transcript Supplies that will be established and published annually by the Judges of the Greene Circuit and Superior Courts. If the Court Reporter desires to use the Court's equipment, work space and supplies, and if the Court agrees to the use of the court equipment for such purpose, the Court and the Court Reporter shall enter into a written agreement which must, at a minimum, designate the following:
 - a. The reasonable market rate for the use of equipment, workspace and supplies;
 - b. The method by which records are to be kept for the use of equipment, work space and supplies;
 - c. The method by which the Court Reporter is to reimburse the Court for the use of the equipment, workspace and supplies.Such agreement shall be attached to the Schedule of Transcript Supplies and published annually.
10. 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 Office of Judicial Administration. The reporting shall be made on forms prescribed by the Office of Judicial Administration.

C. PRIVATE PRACTICE

1. If a Court Reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours. In the alternative, if such work is conducted during regular working hours with the approval of the Court, the Court Reporter shall use vacation time or compensatory time to perform such work.

(Amended effective March 15, 2017)

LR28-CR00-12 LATE FEES

- A. This Rule 15 applies in each case in which a Defendant is found to have
1. committed a crime; violated a statute defining an infraction; violated an ordinance of a municipal corporation; or committed a delinquent act;
 2. is required to pay court costs, including fees; a fine; or a civil penalty;
 3. is not determined by the Court imposing the Court costs, fine, or civil penalty to be indigent; and
 4. fails to pay to the Clerk the costs, fine, or civil penalty in full before the later of the following:
 - a. the end of the business day on which the Court enters the conviction or judgment;
 - b. the end of the business day on which the Court has set the deadline in the sentencing order for the payment of costs, fines, and civil penalties.
- B. The Clerk shall collect a late payment fee of twenty-five dollars from a Defendant described in subsection A of this Rule 15.

LR28-JR4-13 JURY ADMINISTRATORS AND JURY POOL

- A. The Official Court Reporter of each Court or a designee shall serve as the jury administrator for that Court.
- B. A two-tier notice and summons, consistent with Jury Rule 4(b), shall be used by the jury administrators.

LR28-CR00-14 BOND SCHEDULE

Effective January 1, 2007, the Greene Circuit Court and the Greene Superior Court revoke any Bond Schedule heretofore ordered by these Courts. Effective January 1, 2007, the following bond schedule shall establish the amount of bail for those persons charged with the commission of criminal offenses by Information, Indictment, or warrantless arrest on probable cause. The amended bond schedule will be effective on July 1, 2014.

OUT OF STATE RESIDENTS

Regardless of whether charged with a felony or misdemeanor, a person who resides outside the State of Indiana shall not be eligible to post bail except by posting a surety bond, unless the Court orders otherwise. A surety bond may be accepted for the offenses and in the amount(s) set forth herein below.

FELONIES

1. For murder or attempted murder, no bail is to be set except by the Court at a preliminary hearing;
2. For any Class A or Level 1 and 2 felony offense, bail shall be \$40,000.00.
3. For any Class B or Level 3 and 4 felony offense, bail shall be \$15,000.00.
4. For any Class C or Level 5 felony offense, bail shall be \$10,000.00.
5. For any Class D or Level 6 felony offense, bail shall be \$4,000.00.

MISDEMEANORS

1. For any Class A misdemeanor offense, bail shall be \$1,000.00.
2. For any Class B misdemeanor offense, bail shall be \$500.00.
3. For any Class C misdemeanor offense, bail shall be \$500.00, provided that if the individual has a permanent address within Greene County or has an established job within Greene County, the individual shall be released from jail on the individual's own recognizance to appear in Court. **If an individual is released on the individual's own recognizance, the form entitled "Recognizance Bond", which is attached as Exhibit A, shall be used.** If the individual refuses to provide the information necessary to complete the Recognizance Bond form, the individual shall be held on bail of \$500.00.

4. Notwithstanding the above, any individual arrested for ~~battery~~ the following charges, including the attempt to commit the offense (IC 35-41-5-1) or conspiracy to commit the offense (IC 35-41-5-2-); pursuant to Indiana Code 35-42-2-1, or for sexual battery, pursuant to Indiana Code 35-42-4-8,

- a. All battery offenses including Battery (IC 35-42-2-1), Domestic battery (IC 35-42-2-1.3),

- Aggravated battery (IC 35-42-2-1.5) and Sexual battery (IC 35-42-4-8)
- b. Strangulation (IC 35-42-2-9)
 - c. Kidnapping (IC 35-42-3-2)
 - d. Criminal Confinement (IC 35-42-3-3)
 - e. Rape (IC 35-42-4-1)
 - f. Child Molesting (IC 35-42-4-3)
 - g. Vicarious Sexual Gratification; Performing Sexual Conduct in the Presence of a Minor (IC 35-42-4-5)
 - h. Child Solicitation (IC 35-42-4-6)
 - i. Child Seduction (IC 35-42-4-7)
 - j. Sexual Misconduct with a Minor (IC 35-42-4-9)
 - k. Robbery (IC 35-42-5-1)
 - l. Child Sex Trafficking (IC 35-42-5-1.3)
 - m. Human Trafficking (IC 35-42-5-1.4)
 - n. Burglary (IC 35-43-2-1)
 - o. Residential entry (IC 35-43-2-1.5)
 - p. Intimidation (IC 35-45-2-1)
 - q. Criminal Stalking (IC 35-45-10-5)

shall be detained at the Greene County Jail for twelve-twenty-four (24) hours after ~~from the time of the individual's arrival at the Greene County Jail~~ arrest, and shall not be eligible to post bail until after such ~~twelve-twenty-four (24) hours~~ or until appearance in Court, whichever is earlier. After ~~12-24~~ hours the person may post bail pursuant to other sections of this bail order only if the person agrees in writing, using the form entitled "Agreement to Have No Contact with Alleged Victim, ~~which is attached as Exhibit B,~~ to initiate no contact with the victim. If the person charged refuses to sign the Agreement to Have No Contact with Alleged Victim, the person shall be held until brought to Court.

5. Notwithstanding the above, any individual arrested for invasion of privacy shall be detained and shall not be eligible to post bail until such individual is brought to Court. The judge shall then determine bail in open Court.

6. Notwithstanding the above, any individual arrested for an alcohol-related offense shall be detained and shall not be eligible to post bail until such individual has reached a blood alcohol level of no more than .05%, by weight, which level shall be determined by using the chart displayed in Indiana Code 35-33-1-6.

7. Notwithstanding the above, any individual arrested for violating

- a. Dealing in cocaine or a narcotic drug (IC 35-48-4-1)
- b. Dealing in methamphetamine (IC 35-48-4-1.1),
- c. Manufacturing methamphetamine (IC 35-48-4-1.2)

- d. Dealing in a controlled substance by a practitioner (IC 35-38-4-1.5)
- e. Dealing in a Schedule I, II, or III controlled substance (IC 35-48-4-2),
- f. Dealing in a Schedule IV controlled substance (IC 35-48-4-3),
- g. Dealing in a Schedule V controlled substance (IC 35-48-4-4),
- h. Dealing or possession of a lookalike substance (IC 35-48-4-4.6)
- i. Dealing in a counterfeit substance (IC 35-48-4-5),
- j. Possession of cocaine or a narcotic drug (IC 35-48-4-6),
- k. Possession of methamphetamine (IC 35-48-4-6.1), and
- l. Possession of a controlled substance and (IC 35-48-4-7)

shall be detained and shall not be eligible to post bail until such individual is brought to Court. The judge will then determine bail in open Court.

8. Notwithstanding the above, any individual arrested for operating a vehicle while intoxicated, or operating a vehicle while intoxicated endangering a person, or operating a vehicle with a blood or breath test higher than permitted by law, or a combination of such misdemeanor crimes, regardless of the number of counts, bail shall be \$4,000.00. If an individual is arrested for such crimes with a prior conviction for operating a vehicle while intoxicated alleged, the bail shall be \$8,000.00.

(Amended effective July 1, 2014)

LR28-AR00-15 COURT ALCOHOL AND DRUG PROGRAM FEES

All individuals ordered to enroll in the Greene County Court Alcohol and Drug Program may be charged up to a maximum of \$400.00 for program services, pursuant to Indiana Code 12-23-14-16.

(Adopted effective July 1, 2013,)

LR28-AR00-16 RULES FOR EVIDENCE HANDLING, RETENTION, AND DISPOSITION

A. 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.

B. Civil Cases, including Adoption, Paternity, and Juvenile Proceedings:

1. 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 six (6) months from termination of the appeal, retrial, or subsequent appeal and termination, whichever is

later.

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

C. Retention Periods for Evidence Introduced in Post-Conviction Relief, Criminal Misdemeanors, Class D felonies, Class C felonies, Level 6 Felonies, and Attempts:

1. 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 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.
2. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

D. Retention Periods for Evidence Introduced in Class B felonies, Class A felonies, Level 1-5 Felonies and Attempts:

1. 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.
2. The court reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

E. Retention Periods for Evidence Introduced in Murder, Life without Parole, and Death Penalty Cases:

1. All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the court reporter should be retained for the lifetime of the defendant in cases where the defendant is found guilty. 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 or the defendant found not guilty, 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.

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

F. Non-documentary and Oversized Exhibits: Non-documentary and oversized exhibits shall not be sent to the appellate level courts, but shall remain in the custody of the trial court or trial court 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 guns, drugs, currency, or other dangerous or valuable items be included in appellate records.

G. 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 may consider the issue and rule appropriately before trial. A party may 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.

H. Notification and Disposition:

1. In all cases, the court shall provide notice, by mail (including e-mail), to all attorneys of record and to parties only if unrepresented by counsel (at the last known address), 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, a detailed receipt shall be given to the court reporter by the party receiving and removing the evidence. The receipt will be made part of the court file.

2. In all cases, if the parties or their attorneys do not remove the items within the applicable time periods set forth herein then the Court may direct disposition or destruction of the items. Evidence of significant value may be auctioned by the sheriff with proceeds going to the county general fund.

3. Nothing in this rule prevents the court reporter from immediately disposing of any documentary exhibits after they have been electronically imaged.

I. The Court Reporter will photograph as many non-documentary or oversized exhibits as practical.