

# **MARTIN CIRCUIT COURT LOCAL COURT RULES**

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## **ADMINISTRATIVE RULES**

### **LR51-AR00-1            FEES FOR THE MARTIN CIRCUIT COURT ALTERNATIVE DISPUTE RESOLUTION PROGRAM**

The Clerk of Martin Circuit Court shall collect a Twenty Dollar (\$20.00) fee from each party who files a petition for legal separation, paternity, or dissolution of marriage under IC 31 as an alternative dispute resolution fee. The additional Twenty Dollar (\$20.00) fee shall be maintained in a separate “Alternative Dispute Resolution Fund” by the Auditor of Martin County, which does not revert, and it shall not be commingled with any other fund or monies.

### **LR51-AR00-2            POSSESSION OF DEADLY WEAPONS PROHIBITED IN THE MARTIN COUNTY COURTHOUSE**

a.        No person shall possess a deadly weapon in the Martin County Courthouse, in the Courtroom of the Martin Circuit Court, in or near the offices of the Martin Circuit Court, or in hallways or any other area near or adjacent to the Martin Circuit Court.

b.        The Sheriff of Martin County may establish any and all necessary procedures needed to carry out this rule.

c.        The Martin County Sheriff and/or law enforcement officers may detain persons which they have reason to believe possess such deadly weapons in violation of this rule long enough to obtain proper name, address, date of birth and social security number and/or to seize such deadly weapon.

d.        Any person who possesses a deadly weapon in violation of this rule shall be immediately brought before the Court for a direct contempt hearing. A person in violation of this rule may be subject to a citation for contempt of court pursuant to IC 34-47.

e.        This rule does not apply to a police officer as defined in IC 9-13-2-127 who is in the Courtroom of the Martin Circuit Court, in or near the offices of the Martin Circuit Court, or in hallways or any other area near or adjacent to the Martin Circuit Court on duty or assignment or testifying as a witness on a court related matter. However, this rule does apply to a police officer if he/she, or any member of his or her family, is a party to a proceeding in this court.

No other persons may possess a deadly weapon in the Courtroom without first obtaining written permission of the presiding Judge.

**LR51-AR15-3            COURT REPORTERS AND PROCEDURES**

The following local rules for Court Reporters and their services shall be adopted pursuant to Administrative Rule 15.

a.        Each Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the court during any regular work hours, gap hours, or overtime hours.

b.        Regular working hours shall be 35 hours per week. Gap hours shall be hours worked in excess of 35 hours per week. Overtime hours shall be hours worked in excess of 40 hours.

c.        That for any gap or overtime hours worked, the Court and the Court reporter shall enter into a written agreement whereby compensation for such work shall be as follows:

1.        Compensatory time off from regular work hours shall be given in an amount equal to the number of gap hours worked.
2.        Compensatory time off from regular work hours shall be given in the amount of one and one-half (1 ½) times the number of overtime hours worked.

d.        The Court Reporter shall be compensated at the rate of \$4.75 per page for any county indigent, state indigent or private ordinary transcripts prepared. Index and Table of Contents pages shall be charged at the rate of \$4.00 per page. The Court Reporter shall submit directly to the county a claim for the preparation of the county indigent transcripts as other county claims are submitted. If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be \$6.00 where the transcript must be prepared within 3 working days or less; provided however that there shall be a minimum fee of \$50.00 for expedited transcripts.

e.        A minimum fee of Forty Dollars (\$40.00) will be charged for ordinary transcripts less than seven (7) pages in length.

f.        If a transcript is prepared for the purposes of appeal, the original paper transcript shall be forwarded to the Clerk upon completion. The Court Reporter is also directed to produce two copies of an electronically formatted transcript, one of which shall become an official record of the court proceedings and kept in the court where said proceeding was held, and the other of which shall be submitted to the Clerk along with the original paper transcript.

g. Any transcript prepared for reasons other than appeal shall be delivered to the requesting party.

j. Each Court Reporter who receives income from the preparation of transcripts shall report such amounts, at least annually, to the Indiana Supreme Court division of State Court Administration of forms prescribed by such Division.

k. If a Court Reporter elects to record and/or prepare a deposition transcript during working hours, and desires to utilize court equipment, work space and/or supplies, and the Court agrees to allow said utilization, the Court and Court Reporter shall enter into a written agreement designating the reasonable market rate for such utilization; the method of keeping records for the Reporter's use, and the method by which the Court Reporter shall reimburse the Court for said utilization.

l. Should any Court Reporter elect to engage in the private business of recording and/or transcribing depositions, they shall do so outside the employee's scheduled working hours, on the employee's time off, or the employee may elect to use compensatory time. The Court shall be responsible for setting the amount of reimbursement and fees for the use of the Court's equipment and work space. The Court Reporter shall furnish her own supplies for such purposes.

**LR51-AR00-4                      MARTIN CIRCUIT COURT ALCOHOL AND DRUG  
PROGRAM FEES**

The Martin Circuit Court as the governing and supervising authority for the Martin Circuit Court Alcohol and Drug Program adopts the following local rule establishing a Schedule of fees for court alcohol and drug program services.

Assessment, education classes, and case management for court ordered client.....	\$400.00
Assessment, education classes, and case management for Pretrial Diversion client; or, assessment and transfer out for education classes or treatment referral with case management for Pretrial Diversion client. ....	\$400.00
Education classes and case management for client transferred in. ....	\$300.00
Assessment, treatment referral, and case management for first time court ordered client. ....	\$400.00
Assessment and transfer out for education classes for court ordered client. ....	\$100.00
Drug testing:	
a. Teststick. ....	\$10.00
b. Urine analysis.....	\$25.00
c. Hair follicle .....	\$150.00

# **RULES OF CIVIL PROCEDURE**

## **LR51-TR79-1 APPOINTMENT OF SPECIAL JUDGES**

### **(a) APPOINTMENT OF SENIOR JUDGE IN CERTAIN CASES**

In any case where the Judge of the Martin Circuit Court enters an order of recusal or disqualification based upon a conflict of interest arising from any case she was involved in as a private attorney prior to assuming the bench on January 1, 2023, the case shall be assigned to a senior judge assigned to the Court eligible and willing to serve as a special judge for all further proceedings. The Clerk, upon recusal by the Circuit Court Judge, shall enter an order transferring the case to the eligible Senior Judge with an appropriate entry in the record of Judgments and Orders and notify the Senior Judge. A party may file an objection within seven (7) days of appointment under this section, and if so, a special judge may be selected under the provisions of Trial Rule 79 (D).

A Senior Judge appointed without objection under this section shall accept jurisdiction under the provisions of this rule unless disqualified under the code of Judicial Conduct or excused from service by the Indiana Supreme Court. The reassignment of such case shall be entered in the Chronological Case Summary of the case. An oath or special order accepting jurisdiction shall not be required. After accepting jurisdiction, the Senior Judge shall retain jurisdiction for all future proceedings unless a specific statute or rule provides to the contrary, or the Senior Judge is unavailable by reason of death, sickness, absence, or unwillingness to serve. If further reassignment is required, it shall be in the manner described in section (b).

In all cases where Arianna D. Wright, or any associate or partner in a firm where she practices law, enters an appearance, the Daviess Circuit Court shall automatically qualify and serve as special judge therein unless disqualified under the Code of Judicial Conduct. In the event the Special Judge selected in this paragraph disqualifies for any reason, a successor Judge shall be chosen as set forth in paragraph (b) below.

### **(b) APPOINTMENT OF SPECIAL JUDGE UNDER TRIAL RULE 79(H)**

In the event that a special judge does not accept a case under sections (D) of Trial Rule 79 of the Indiana Rules of Procedure, or the presiding judge is disqualified or recuses in cases other than those described in section (a), or the Senior Judge appointed above is unavailable to serve, the Clerk of the Court shall assign the case to the next available judge from the following list of potential special judges:

The regular and presiding Judge of the Daviess Circuit Court  
The regular and presiding Judge of the Daviess Superior Court  
The regular and presiding Judge of the Dubois Circuit Court  
The regular and presiding Judge of the Dubois Superior Court  
(Revision April 3, 2023)

The regular and presiding Judge of the Knox Circuit Court  
The regular and presiding Judge of the Knox Superior Court No. 1  
The regular and presiding Judge of the Knox Superior Court No. 2  
The magistrate of Knox Circuit and Superior Courts  
The regular and presiding Judge of the Pike Circuit Court  
The regular and presiding Judge of the Perry Circuit Court  
The magistrate of Perry Circuit Court  
The regular and presiding Judge of the Spencer Circuit Court

## **CRIMINAL RULES**

### **LR51-CR2.2-1      ASSIGNMENT OF CASES**

a.      The Martin Circuit Court shall have exclusive jurisdiction over all criminal cases filed in Martin County.

b.      Pursuant to Criminal 13(C) of the Indiana Rules of Criminal Procedure, the Court now names the following alternate assignment list for use in the event that a change of judge is granted in a pending felony or misdemeanor case:

The regular and presiding Judge of the Daviess Circuit Court  
The regular and presiding Judge of the Daviess Superior Court  
The regular and presiding Judge of the Dubois Circuit Court  
The regular and presiding Judge of the Dubois Superior Court  
The regular and presiding Judge of the Knox Circuit Court  
The regular and presiding Judge of the Knox Superior Court No. 1  
The regular and presiding Judge of the Knox Superior Court No. 2  
The magistrate of the Knox Circuit and Superior Courts  
The regular and presiding Judge of the Pike Circuit Court  
The regular and presiding Judge of the Perry Circuit Court  
The magistrate of the Perry Circuit Court  
The regular and presiding Judge of the Spencer Circuit Court  
The regular and presiding Judge of the Lawrence Circuit Court  
The regular and presiding Judge of the Lawrence Superior Court No. 1  
The regular and presiding Judge of the Lawrence Superior Court No. 2  
The regular and presiding Judge of the Orange Circuit Court  
The regular and presiding Judge of the Orange Superior Court  
The regular and presiding Judge of the Greene Circuit Court  
The regular and presiding Judge of the Greene Superior Court  
The magistrate of the Greene Circuit and Superior Courts

c. Each court listed above is located in a county contiguous to Martin County as contemplated by Criminal Rule 13(C) of the Indiana Rules of Criminal Procedure.

### **LR51-CR00-2      DISCOVERY IN CRIMINAL CASES**

a.      Within thirty (30) days following the initial hearing in a criminal case, the State shall disclose and furnish all relevant items and information required by the Indiana Rules of Trial and Criminal Procedure to the defendant or the defendant's attorney. The State shall file a Notice of Compliance indicating the State has complied with this Rule.

b. Within thirty (30) days after the State has disclosed and furnished all relevant items and information to the defendant, the defendant shall disclose and furnish all relevant items and information required by the Indiana Rules of Trial and Criminal Procedure to the State. The defendant, or counsel for defendant, shall file a Notice of Compliance with the Court indicating the defendant has complied with this Rule.

### **LR51-CR00-3 BAIL BOND SCHEDULE**

Unless the bail bond amount has been endorsed in a warrant or ordered by the Martin Circuit Court, this bond schedule shall apply to all persons charged with offenses to be filed in the Martin Circuit Court. (Effective July 1, 2020)

CHARGE	BOND AMOUNT
MURDER and ATTEMPTED MURDER	To be determined by Judge
LEVEL 1 FELONY	To be determined by Judge
LEVEL 2 FELONY	To be determined by Judge
LEVEL 3 FELONY	\$60,000/10%
LEVEL 4 FELONY	\$45,000/10%
LEVEL 5 FELONY	\$30,000/10%
LEVEL 6 FELONY	\$15,000/10%
CLASS A MISDEMEANOR	\$10,000/10%
CLASS B MISDEMEANOR	\$5,000/10%
CLASS C MISDEMEANOR	\$3,000/10%

THE COURT, IN ITS DISCRETION MAY, ON ITS OWN MOTION, OR THE MOTION OF THE PROSECUTING ATTORNEY, FIX BOND IN AN AMOUNT DIFFERENT FROM THE ABOVE SCHEDULE.

1. **BOND NOT AVAILABLE:** For a person arrested for, or charged with, the commission of an offense that would classify him/her as a sex or violent offender under LC. 11-8-8-5, no bond shall be set until further Order of the Court.

2. **OUT OF STATE BOND:** The bond schedule shall be doubled for a person not residing in the State of Indiana.



3. **48 HOUR HOLD OR UNTIL FURTHER ORDER OF THE COURT:** A person charged with battery, domestic battery, stalking, invasion of privacy, strangulation, dealing a controlled substance, or attempting to commit any of the aforementioned crimes shall not be allowed to post bond under this schedule until 48 hours after book-in or until further Order of the Court. The person may then post bond according to this schedule on the condition he/she agrees, in writing, to have no contact with the alleged victim and/or co-defendant. Should he/she refuse, said Defendant shall be held without bond until further Order of the Court.
4. **LACK OF COOPERATION:** Should an individual refuse to identify himself/herself, provide current address, telephone number and date of birth and/or not cooperate with the book-in process, no bond shall be set until further Order of the Court.
5. **ARREST WHILE ON PROBATION, PAROLE OR BOND:** If it is determined that the person who has been arrested is on probation, parole or released on bond for another charge, that person shall be held without bond until further Order of the Court.
6. **MULTIPLE CHARGES:** Bond shall be set in amount according to the most serious charge filed against a person, and shall not be cumulative, should multiple charges be filed.
7. **TEN-PERCENT (10%) BOND RETAINED BY COURT:** Pursuant to LC. 35-33-8- 3.2, if the Defendant is convicted, the Court is allowed to retain all, or a part, of the 10% bond payment to reimburse the Martin County Supplemental Public Defender fund, and pay Court costs, fines, probation fees, community correction fees and restitution. The individual posting a bond shall sign the Court's Cash Bond Form acknowledging the bond may be used by the Court.

## **JURY RULES**

### **LR51- JR04-1          SUMMONING JURORS**

Jurors shall be summoned using a Two-Tier Notice and Summons procedure.

SO ORDERED this 3rd day of April, 2023.

/S/ Isha E. Wright-Ryan  
Hon. Isha E Wright-Ryan  
Judge, Martin Circuit Court