

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

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**Notice of Proposed New Rules to Local Court Rules**

**March 11, 2024**

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In accordance with Trial Rule 81 of the Indiana Court Rules, the Steuben Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the local rules on LR76-AR to add rules for the Steuben County Court Alcohol and Drug Program User Fees and Rules for Evidence Handling, Retention, and Disposition for the courts of record of Steuben County, effective June 1, 2024.

All new text is shown by underlining and deleted text is shown by ~~striketrough~~— Supreme Court approval is required for Local Rules concerning user fees and evidence and will not take effect until approved by the Supreme Court.

Notice has been given to the public by posting on the website of the Steuben County Clerk 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 Steuben County Bar Association. A paper copy of the proposed amended local rules will be made available for viewing in the office of the Clerk of Steuben County, 55 S. Public Square, Angola, Indiana, during normal business hours.

The time period for the bar and the public to comment shall begin on March 11, 2024, and shall close on April 12, 2024. The proposed amendments to the rules will be adopted, modified, or rejected before April 15, 2024, and, if required, a final version of the rule will be submitted to the Indiana Supreme Court for Review and approval not later than April 15, 2024.

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

Honorable William C. Fee, Judge of the Steuben Superior Court, 55 S. Public Square, Angola, IN 46703, or by email to [asharp@co.steuben.in.us](mailto:asharp@co.steuben.in.us).

Dated this 11 day of March 2024, on behalf of the Judges of Steuben County.

/s/ William C. Fee  
William C. Fee, Judge  
Steuben Superior Court

**LR76-AR-9**

**Steuben County Court Alcohol and Drug Program  
User Fees**

A. The Steuben County Court Alcohol and Drug Program has set the following schedule of fees pursuant to the authority granted by IC 12-23-14-16.

B. Court Alcohol and Drug Program Schedule of Fees:

1. Assessment, Referral, and Monitoring fee: \$150

2. Assessment, Referral, and Monitoring for other jurisdictions: \$150

3. Transfer out fee: \$50.

C. Program fees are assessed within the mandatory cap.

D. All Court Alcohol and Drug Program Fees are payable to Clerk of the Court.

**LR76-AR-10**

**Rules for Evidence Handling, Retention and  
Disposition**

A. Retention Periods for Evidence Introduced in All Non-criminal 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 two (2) years 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.

3. Courts should be encouraged to photograph as much evidence as possible, and courts and parties are reminded of the requirements of Appellate Rule 29.

B. Retention Periods for Evidence Introduced in Criminal Misdemeanor, 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.

3. Courts should be encouraged to photograph as much evidence as possible, and courts and parties are reminded of the requirements of Appellate Rule 29.

C. Retention Periods for Evidence Introduced in 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.
3. Courts should be encouraged to photograph as much evidence as possible, and courts and parties are reminded of the requirements of Appellate Rule 29.

D. 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.
3. Courts should be encouraged to photograph as much evidence as possible, and courts and parties are reminded of the requirements of Appellate Rule 29.

E. Non-documentary and Oversized Exhibits

1. 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.
2. Under no circumstances should guns, drugs, currency, or other dangerous or valuable items be included in appellate records.

#### F. Biologically Contaminated Evidence

1. 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.

#### G. Notification and Disposition

1. In all cases, the court shall provide actual notice, by mail (including e-mail), to all attorneys of record and to parties only if unrepresented by counsel, 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, evidence which is not taken back after notice should be disposed of by the sheriff on the court's order. The sheriff should be ordered to destroy evidence if its possession is illegal or if it has negligible value. Evidence of some value should be auctioned by the sheriff with proceeds going to the county general fund.