

**LOCAL CRIMINAL RULES OF
THE ALLEN SUPERIOR & CIRCUIT COURT
hereinafter referred to as COURTS**

**Effective January 1, 1995
Including Amendments Received Through June 1, 2021**

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LR02-TR81-1. Scope of the Rules

These rules are adopted pursuant to the authority of Indiana Rules of Trial Procedure, T.R. 81, and are intended to supplement those rules as well as the Indiana Rules of Criminal Procedure. They shall govern the practice and procedure in all cases in the Courts, Criminal Division, and shall be construed to secure the just, speedy and efficient determination of every action.

Adopted as Superior Criminal Rule 1, effective January 1, 1995. Renumbered as Superior and Circuit Criminal Rule 81-1, and amended effective February 1, 2016

LR02-AR1(E)-1 Assignment of Criminal Cases

Pursuant to AR1(E) Effective January 1, 2005, Criminal cases filed in Allen County, Indiana shall be before the Court herein designated as follows:

A. Original Assignments-Charged by Information

1. All Criminal cases filed by information, charging an offense of: Operating a Motor Vehicle With Lifetime Suspension, a Level 5 Felony, I.C. 9-30-10-17; Operating While Intoxicated, a Level 6 felony, I.C. 9-30-5-3; Operating Vehicle as Habitual Traffic Violator, a Level 6 felony I.C. 9-30-10-16; Criminal Non-Support of Dependents, I.C. 35-46-1-5 through I.C. 35-46-1-7; shall be filed before the Allen Circuit Court.
2. All other criminal cases, filed by Information, other than those filed before the Allen Circuit Court pursuant to Paragraph 1 above, shall be filed in the Allen Superior Court, Criminal Division.
3. Unless pendent to a felony, all misdemeanors shall be filed in the Misdemeanor and Traffic Division of the Allen Superior Court, Criminal Division.
4. Within the Allen Superior Court, Criminal Division, felony offenses shall be filed as follows:
 - a) Two (2) Judges shall preside over all Murder, Level 1, 2, 3, and 4 felonies, excluding Drug cases.
 - b) One (1) Judge shall preside over all Level 5 and 6 Felonies, and over all Drug cases not assigned to the Drug Court Intervention Program.
5. Designation of Judges to the categories, referred to in Section 4(a) and (b), shall be by Order of the Judges of the Allen Superior Court, Criminal Division, to be made on or before May 1, 1995 and annually prior to January 1 each year thereafter.

B. Original Assignment-Indictment by Grand Jury. All criminal prosecutions, investigated and by True Bill returned as a Grand Jury indictment, shall be filed in the respective Criminal Courts of Allen County as provided in Paragraph A above.

C. Assignment By Transfer. Transfers of cases may be made between the Allen Circuit Court and the Allen Superior Court, Criminal Division, at the discretion of and with the consent of respective Judges of said Courts to accommodate the respective work load of said judges. Said transfers shall be made pursuant to I.C. 33-33-2-25 and I.C. 33-33-2-26

Transfers of individual cases may be made among Judges of the Allen Superior Court, Criminal Division, at the discretion of and with the consent of said Judges to accommodate the respective work loads of said Judges.

D. Special Judge Assignment. In the event of disqualification, recusal, or other change of Judge, the case shall be reassigned in random order in equal numbers to one of the Judges exercising Felony or Misdemeanor jurisdiction in Allen County. A Judge who previously served in the case is not eligible for reassignment.

If a judge is not available for reassignment from the judges in Allen County, then the Clerk of the Court shall select a special judge (on a rotating basis) from a list of judicial officers from contiguous counties.

In the event no Judge is available for reassignment of a Felony or Misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge. In the event the Judge presiding in a Felony or Misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, the presiding Judge may request the Indiana Supreme Court for such appointment.

E. Miscellaneous. Cases dismissed and re-filed shall be filed or assigned to the Judge presiding at the time of the dismissal, regardless of the foregoing rules of assignment.

This rule may be modified upon order and notice of a minimum of 30 days by the Allen Circuit Court or the majority of the Judges of the Allen Superior Court, Criminal Division. Following such an order of modification, should the Judges of the Allen Circuit and Allen Superior Court, Criminal Division fail to adopt a new plan pursuant to AR1(E) within 30 days, the Supreme Court of Indiana shall be notified.

Adopted effective April 11, 1995 Amended September 29, 2004, effective January 1, 2005; amended September 28, 2010, effective January 1, 2011; amended effective February 1, 2016; amended effective January 1, 2018.

LR02-CR2.1-1. Court Appearances

(A) If an arrested person is released from custody or admitted to bail prior to his first court appearance, he shall personally appear in court forthwith or at such other time as competent authority may direct.

(B) Upon the first appearance of the defendant, the court shall inform the defendant of the charge pending against him and of his rights as required by IC35-33-7-5.

(C) The court may allow the defendant reasonable time and opportunity to consult counsel.

(D) The court may admit the defendant to bail as provided by law, or by court rule or order.

(E) The court shall fix a time for the defendant's next court appearance which shall be the omnibus hearing unless otherwise ordered.

(F) In all felony cases, the defendant is required to appear personally for appointment of counsel, waivers of right, initial hearing, omnibus hearing, plea, trial setting, trial, and such other times as the court may direct.

(G) In all misdemeanor cases, the defendant is required to appear personally at the initial hearing, guilty plea, waivers of right, unless a written waiver is provided, and jury verification.

Adopted as Superior Criminal Rule 2, effective January 1, 1995. Renumbered as Superior and Circuit Criminal Rule 2.1-1 and amended effective December 7, 2006.

LR02-CR00-1. Appointed Counsel

- (A) A defendant, who is financially unable to obtain counsel, and who is not charged with an infraction or ordinance violation, is entitled to appointed counsel in accordance with this rule.
- (B) If a defendant states that he is financially unable to obtain counsel, the court shall cause the defendant's financial circumstances to be investigated.
- (C) If the court's investigation reveals that the defendant is indigent, the court shall appoint the Allen County Public Defender to represent the defendant.
- (D) Notwithstanding the provisions of this rule, the court may, in the interest of justice, appoint counsel for any person at any stage of any proceedings.

Adopted as Superior Criminal Rule 3, effective January 1, 1995. Renumbered as Superior and Circuit Criminal Rule 00-1, and amended effective December 7, 2006.

LR02-CR2.1-2. Appearance of Counsel

- (A) Any attorney representing a defendant shall appear for such defendant immediately upon being retained or appointed, by signing and filing an appearance in writing with the court containing his name, attorney number, address and telephone number and shall serve a copy of said appearance on the Deputy Prosecuting Attorney assigned to the cause or to the office of the Prosecuting Attorney.
- (B) At such time as the Office of the Prosecuting Attorney assigns a case to a Deputy Prosecuting Attorney, that Deputy Prosecuting Attorney shall file a written appearance in the same form as set out above, and shall serve a copy of the appearance on counsel for the defendant.

Adopted as Superior Criminal Rule 4, effective January 1, 1995, Renumbered as Superior and Circuit Criminal Rule 2.1-2, and amended effective December 7, 2006.

LR02-TR3.1-3. Withdrawal of Counsel

- (A) Permission of the court is required to withdraw the appearance of counsel for a defendant. IC 35-36-8-2 shall govern the granting of such permission.
- (B) Counsel desiring to withdraw their appearance shall notify the defendant of such intention, in writing, not less than ten (10) days prior to the counsel's filing of such motion. Counsel shall further send notice of the filing of said motion to the defendant, which notice shall indicate the date, time and place of said hearing. It shall be sent by first class mail and shall inform the defendant of the necessity to be present. A copy of said notice shall be attached to counsel's Motion to Withdraw. No withdrawal of appearance shall be granted unless said procedure is followed.

Adopted as Superior Criminal Rule 5, effective January 1, 1995. Renumbered as Superior and Circuit Criminal Rule 3.1-3, and amended effective December 7, 2006.

LR02-CR10-1. Initial Hearing and Plea

- (A) Initial hearings shall be conducted pursuant to and in accordance with IC 35-33-7-5 et seq.
- (B) Guilty pleas shall be conducted pursuant to and in accordance with IC 35-35-1-1 et seq.
- (C) All guilty pleas with a plea agreement must be finalized and a plea entered not later than 1:30 p.m. of the last business day prior to the jury trial date. No plea agreement will be considered by the court after that date. The court will deny all requests for a continuance based on the need for further plea negotiations.

Adopted as Superior Criminal Rule 6, effective January 1, 1995. Renumbered as Superior and Circuit Criminal Rule 10-1, and amended effective December 7, 2006.

LR02-TR00-4. Trial Setting

Setting of trials on the same date with different Judges is prohibited. Multiple settings for the same trial date with the same Judge is allowed.

Adopted as Superior Criminal Rule 7, effective January 1, 1995. Renumbered as Superior and Circuit Criminal Rule 4, and amended effective December 7, 2006.

LR02-CR10-2. Trial

- (A) If the defendant pleads not guilty, the court shall determine whether a jury trial is waived and shall fix a time for the trial. The date of trial shall be fixed at such time as will afford the defendant a reasonable opportunity for preparation and for representation by counsel if desired.
- (B) A verbatim record shall be taken in all trials.

Adopted as Superior Criminal Rule 8, effective January 1, 1995. Renumbered as Superior and Circuit Criminal Rule 10-2, and amended effective December 7, 2006.

LR02-TR51-1. Jury Instructions

- (A) All requests for jury instructions tendered in accordance with Criminal Rule 8 and Trial Rule 51 of the Indiana Rules of Trial Procedure must be submitted to the court, with citations of authority, not later than the day prior to the trial. Parties are encouraged to utilize the Indiana Pattern Jury Instructions wherever possible.
- (B) Exceptions to this requirement will be made only when the matters on which the instruction is sought could not have been reasonably anticipated in advance of the trial. Proposed instructions need not be exchanged by counsel until after the evidence has been submitted.

Adopted as Superior Criminal Rule 9, effective January 1, 1995. Renumbered as Superior and Circuit Criminal Rule 51-1, and amended effective December 7, 2006.

LR02-TR7-2. Motions for Criminal Court

- (A) The Court encourages the early filing of motions so that they can be ruled upon prior to the day of trial.

(B) An application to the court for an order shall be by motion. A motion other than one made during the trial or hearing shall be in writing. Unless otherwise provided by law or rule, only the original copy of a motion need be filed. It shall state the grounds upon which it is made and set forth the relief or order sought. It may be supported by affidavit. It shall be accompanied by a memorandum of law in support thereof. It shall be signed by an attorney of record or the defendant personally and shall clearly identify the name, attorney number and address of any attorney filing the same. A rubber stamp or facsimile signature on the original copy shall not be acceptable.

(C) All motions requiring a hearing before the court shall be set on the court calendar by the moving party after first consulting with opposing counsel. Any motion requiring a hearing before the court which is not set for hearing on the court calendar by the moving party shall be summarily denied.

(D) A proposed form of order shall accompany all motions.

Adopted as Superior Criminal Rule 10, effective January 1, 1995. Renumbered as Superior and Circuit Criminal Rule 7-2, and amended effective December 7, 2006.

LR02-TR53.5-2. Continuances Criminal

Upon motion of any party, the court may grant a continuance only upon a showing of good cause and only for so long as necessary, taking into account not only the request or consent of the prosecution or defendant, but also the public interest in the prompt disposition of the case. All motions seeking a continuance shall be heard by the court and shall therefore be set for hearing in accordance with Rule 7-2(C) above.

Adopted as Superior Criminal Rule 11, effective January 1, 1995. Renumbered as Superior and Circuit Criminal Rule 53.5-2, and amended effective December 7, 2006.

LR02-CR00-2. Failure to Appear

If a defendant fails to appear before the court when summoned or otherwise ordered by the court to appear, the court may summarily issue a warrant for his immediate arrest and appearance before the court.

Adopted as Superior Criminal Rule 12, effective January 1, 1995. Renumbered as Superior and Circuit Criminal Rule 00-2, and amended effective December 7, 2006.

LR02-TR26-1. Pre-Trial Discovery

In all felony cases, the court has entered the following General Order concerning pre-trial discovery:

(A) The State shall disclose to the defendant the following material and information on or before thirty (30) days following the Initial Hearing.

(1) The names and last known addresses of persons whom the State may call as witnesses, together with

(a) their relevant written or recorded statements;

(b) memoranda containing substantially verbatim reports of their oral statements (if any memoranda exist);

- (c) memoranda reporting or summarizing oral statements (if such memoranda exist);
 - (d) a brief statement indicating the nature of each witness' involvement in the case; such statements may be no more than a reference to statements described in paragraphs (A)(1), (a), (b), or (c) above.
 - (2) Any written or recorded statements and the substance of any oral statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgement of such statements.
 - (3) A transcript of the recorded grand jury testimony of persons whom the prosecuting attorney may call as witnesses at a hearing or trial. A typed transcript of said testimony shall be provided if it is available.
 - (4) Any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons.
 - (5) Any books, papers, documents, photographs, or tangible objects which the prosecuting attorney intends to use in the hearing or trial or which were obtained from or belong to the accused, together with the location of such items and an indication of appropriate means for defense counsel's examination of same. Under circumstances where chain of custody issues are readily apparent, such as drug cases, such chain shall be provided to the extent available on the disclosure date provided above and shall be supplemented:
 - (a) upon defendant's written request;
 - (b) by pre-trial conference; and
 - (c) thereafter as ordered to complete such chain.
 - (6) Any record of prior criminal convictions which may be used for impeachment of the persons whom the State intends to call as witnesses at the hearing or trial.
 - (7) A copy of any written agreement and the complete substance of any oral agreement made by the State with
 - (a) any witnesses to secure their testimony or
 - (b) any co-defendant or other person charged arising out of the same incident.
 - (8) Any evidence which tends to negate the guilt of the accused as to the crime charged or tends to reduce the class of the act alleged or which would tend to mitigate his punishment.
 - (9) Evidence of other crimes which the State intends to use at trial, pursuant to Rule 404, Indiana Rules of Evidence.
 - (10) Newly discovered material within the above categories shall be provided to opposing counsel as soon as reasonably possible following discovery of same.
- (B)
- (1) The State shall perform these obligations in any manner mutually agreeable to the Prosecutor's Office and to defense counsel. The State shall provide legible copies of existing written statements described in paragraphs (A)(1), (2), (3), and (7). Other items shall be provided for examination, testing, copying, photographing, or other proper use either by agreement or at specified reasonable times and places. Defense counsel shall provide reasonable notice of such examination and shall schedule these examinations in cooperation with the State. An application to the court shall be made to obtain copies of audio or videotape. Said application shall state in specific terms the necessity for such copies.
 - (2) The State shall make a record of compliance with this order not more than five (5) days after the date set out in paragraph (A) above by filing with the court:
 - (a) its witness list together with the statement described in (A)(1)(d);
 - (b) a suitable description of memoranda and items provided, but not necessarily by providing copies of all such items to the court; and
 - (c) an indication of arrangements made for inspection, if any.

(C) Subject to constitutional limitations, and not later than thirty (30) days following the date that the State has provided to the defense the information required under this rule, defense counsel shall inform the State of any defense which counsel intends to present at a hearing or trial and shall furnish the State with the following information within counsel's possession and control:

(1) The names, last known addresses, dates of birth and social security numbers of persons defense counsel intends to call as witnesses.

(2) Any books, papers, documents, photographs, or tangible objects which are intended to be used at a hearing or trial.

(D)

(1) The defense shall perform these obligations in any manner mutually agreeable to the Prosecutor's Office and to defense counsel. Defense shall provide the same documents in a fashion similar to the State's obligations described in (B)(1).

(2) The defense shall make a record of compliance with this order not more than five (5) days after the date set out in paragraph (C) above by filing with the court:

(a) its witness list together with the statement described in (C)(1)(a);

(b) a suitable description of items provided for examination, etc.; and

(c) the statement of defense described in (C).

(E) The court anticipates that compliance will be deemed satisfactory unless failure to comply is brought to the court's attention by Motion to Compel. Sanctions for failure of compliance or violations of orders on Motion to Compel shall be pursuant to Trial Rule 37. Prior to the filing of a Motion to Compel counsel shall comply with the provisions of Trial Rule 26(F).

(F) Nothing herein shall limit any party's right to seek protective orders to avoid destruction or other loss of evidence, or to seek deposition at such times as they may desire.

(G) The court may deny disclosure upon showing that:

(1) There is a substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment resulting from such disclosure which outweighs any usefulness of the disclosure to counsel.

(2) There is a paramount interest in non-disclosure of an informant's identity and a failure to disclose will not infringe the constitutional rights of the accused. Disclosure of the identity of witnesses to be produced at a hearing or trial will be required.

(3) Such determination of non-disclosure shall be by the court and shall not be within the discretion of the State or defense. Such non-disclosure shall be sought by motion for protective order.

(H) Disclosure shall not be required of:

(1) Any matter otherwise protected by law (however disclosing the identity of juvenile co-defendants or witnesses shall not be barred because of delinquency non-disclosure statutes).

(2) Work product of counsel including memoranda of opinions, theories, or research for themselves or from their legal or in-house investigative staff.

(I) This discovery order is a continuing order through the trial of this cause and no written motion shall normally be required except to compel discovery, for a protective order, or for an extension of time.

(J) Failure of either party to engage in and comply with discovery shall not be excused by the parties' unsuccessful or incomplete efforts to enter into a plea agreement or other resolution of the case unless both parties waive in writing

(1) compliance with this order for a specified period of time and

(2) any speedy trial requirements.

(K) Any cost for reproduction or transcripts under this order shall be borne by the party to whom the information is provided except that as to pauper counsel defendants the costs shall be borne by the State or County.

(L) The time limits for providing discovery materials to opposing counsel set out at (A) and (B) herein shall be reduced to fifteen (15) days in the event that the defendant requests a speedy trial.

(M) Depositions should be scheduled for, and taken at, the Office of the Allen Prosecuting Attorney.

(N) Nothing in this Order shall be in contravention of case law or statute.

Adopted as Superior Criminal Rule 13, effective January 1, 1995. Amended effective March 1, 1996; February 22, 1999, effective July 1, 1999; renumbered as Superior and Circuit Criminal Rule 81-1, and amended effective December 7, 2006.

LR02-CR00-2. Motion to Sequester

All motions to sequester a jury shall be filed no later than the 30th day preceding the time fixed for trial or within five (5) days after setting the case for trial, whichever is later.

Adopted as Superior Criminal Rule 14, effective January 1, 1995. Renumbered as Superior and Circuit Criminal Rule 00-2, and amended effective December 7, 2006.

LR02-TR00-5. Stipulations

All stipulations must be in writing, signed by all parties or their counsel, signed by the defendant personally, and approved by the court.

Adopted as Superior Criminal Rule 15, effective January 1, 1995. Renumbered as Superior and Circuit Criminal Rule 5, and amended effective December 7, 2006.

LR02-TR16-1. Pretrial Conference

At any time after the filing of the indictment or information, the court upon motion of any party or upon its own motion, may order one or more conferences to consider such matters as will promote a fair and expeditious trial. At the conclusion of a conference the court shall prepare and file a memorandum of the matters agreed upon. No admission made by the defendant or his attorney at the conference shall be used against the defendant unless the admissions are reduced to writing and signed by the defendant and his attorney.

Adopted as Superior Criminal Rule 16, effective January 1, 1995. Renumbered as Superior and Circuit Criminal Rule 16-1, and amended effective December 7, 2006.

LR02-TR47-1. Selection of a Jury Panel

When jury panels have been drawn, the clerk shall cause a questionnaire to be sent to each member of such panels to be answered and returned by such persons. Such completed jury questionnaires are confidential and may only be removed from the files of the clerk or court by an attorney of record giving a proper receipt for a period of twenty-four (24) hours for inspection and copying the same.

Adopted as Superior Criminal Rule 17, effective January 1, 1995. Renumbered as Superior and Circuit Criminal Rule 47-1, and amended effective December 7, 2006.

LR02-CR00-3. Special Procedures for Misdemeanor and Traffic Division

(A) An attorney may enter his appearance on behalf of a defendant prior to the defendant's next court appearance and secure a one (1) week continuance without appearing before the court.

(B) Defendants requesting counsel (private or public defender) will be granted a continuance of 2 weeks for the purpose of obtaining counsel.

(C) Upon initial appearance, counsel will be entitled, upon request, to a continuance of 2 to 3 weeks for the purpose of investigating the case, discussing potential settlement with the Prosecuting Attorney, etc.

(D) At second appearance, counsel and client **MUST** be prepared to enter a plea (guilty or not guilty) in the case.

(E) Clients **MUST** accompany attorneys at **ALL** court appearances including initial continuances for investigation, trial setting, jury verification, etc.

(F) The defendant must appear personally, or a written waiver signed by the defendant must be filed in order to waive trial by jury.

(G) When a jury trial is requested, a jury verification date shall be set not later than six (6) days prior to the date set for the jury trial. The defendant shall appear personally on that date. Failure of the defendant and his attorney to appear shall result in the jury trial being cancelled and reset for a later date, and defendant being remanded to the custody of the Allen County Sheriff pending trial.

Adopted as Superior Criminal Rule 18, effective January 1, 1995. Renumbered as Superior and Circuit Criminal Rule 00-3, and amended effective December 7, 2006.

LR02-TR00-6. Procedure Not Otherwise Specified

If no procedure is specially prescribed by these rules, the court may proceed in any lawful manner not inconsistent with these rules or with any applicable constitutional provision, statute, rule of the Supreme Court of Indiana, or local civil rules of the Courts.

Adopted as Superior Criminal Rule 19, effective January 1, 1995. Renumbered as Superior and Circuit Criminal Rule 6, and amended effective December 7, 2006.

LR02-TR00-7. Service of Notice of Appeal

In addition to filing the Notice of Appeal with the Clerk, the Notice of Appeal shall also be hand-delivered to the Court Reporter for the Judicial Officer from which the appeal is taken. The Court Reporter shall make a CCS entry acknowledging receipt of the Notice of Appeal.

Adopted as Superior Criminal Rule 20, effective January 1, 1995. Renumbered as Superior and Circuit Criminal Rule 7, and amended effective December 7, 2006.

LR02-TR00-49. The Assessment of Allen Superior Court Criminal Division Services Court-Administered Alcohol & Drug Program Fees and Problem-Solving Court Program Fees

The Criminal Division of ALLEN SUPERIOR COURT, having determined that assessment of fees for services provided by the Court's Criminal Division Services Court Alcohol and Drug Program (Alcohol Countermeasures Program), and Problem-Solving Court Programs (Drug Court Program / Veterans Court Program) for clients enrolled in these programs is appropriate; the Court now adopts a SCHEDULE OF FEES pursuant to the authority granted by statute in: I.C. 12-23-14-6, I.C. 12-23-14-16, I.C. 12-23-14-18, I.C. 33-23-16-20, I.C. 33-23-16-23, and I.C. 33-23-16-24.

(1) ALCOHOL COUNTERMEASURES PROGRAM:

- User Fee (per admission)..... \$400.00
- User Fee is payable to the Clerk of the Courts for deposit with the Auditor of Allen County into the designated Allen County User Fee Fund.
- In addition to the User Fee, chemical testing fees will be reasonably assessed pursuant to the Program's Chemical Testing Fee Schedule and are payable to Criminal Division Services for deposit with the Auditor of Allen County into the designated Allen County User Fee Fund.

(2) DRUG COURT PROGRAM and VETERANS COURT PROGRAM:

- Administration Fee (per admission) \$100.00
- Monthly Services Fee (beginning w/ second month)..... \$50.00
- Administration Fee and Monthly Services Fee is payable to the Clerk of the Courts for deposit with the Auditor of Allen County into the designated Allen County User Fee Fund.
- In addition to the Administration and Monthly Services Fee, chemical testing fees will be reasonably assessed pursuant to the Program's Chemical Testing Fee Schedule and are payable to Criminal Division Services for deposit with the Auditor of Allen County into the designated Allen County User Fee Fund.

Adopted effective January 1, 2012. Amended effective June 1, 2021.

LR02-TR00-50

The Allen Circuit Court, having determined that assessment of fees for services provided by the Court's problem-solving courts for clients enrolled in these programs is appropriate; the Court now adopts a SCHEDULE OF FEES pursuant to the authority granted by statute in I.C. 33-23-16- 20, I.C. 33-23-16-23, and I.C. 33-23-16-24.

The Problem-Solving Court or the Clerk of the Court shall collect fees under this section. The fees must be transferred within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the designated Allen County User Fee Fund under I.C. 33-37-8.

Schedule of Program Fees

1. An Allen Circuit Court problem-solving court may require eligible individuals to pay:
 - a. A problem-solving court administration fee of not more than one hundred dollars (\$100) per admission to a problem-solving court for initial problem-solving court services regardless of the length of participation in the problem-solving court.
 - b. A problem-solving court services monthly fee and collect the fee in an amount not to exceed fifty dollars (\$50) beginning with the second month of participation and for each month thereafter for the duration of participation in the problem-solving court.

Adopted effective September 28, 2020

LR02-CR00-19. Search Warrant Procedures

(A) The law enforcement officer requesting the search warrant will present an Affidavit of Probable Cause and proposed Search Warrant to the Judge for consideration. The affidavit will be sworn before the Judge, or the law enforcement officer requesting the search warrant may give sworn testimony pursuant to the requirements of I.C. 35-33-5-2 (orally) and 35-33-5-8 (by fax).

(B) If the Judge determines that probable cause exists, the search warrant will be issued by the Judge and will include the date and time of the issuance of the warrant. Proceedings shall be closed, confidential and sealed.

(C) The Court shall retain the original and a copy of the affidavit and a copy of the warrant. They shall all be timestamped.

(D) The Search warrant proceeding shall be assigned an MC number and shall be placed in the Confidential Order Book and indexed by name and address.

(E) Within 72 hours of the execution of the search warrant the law enforcement officer shall file with the Court the duplicate original of the search warrant together with a completed Return, all of which shall be dated, time stamped and duly recorded on the Chronological Case Summary and in the Confidential Order Book of the assigned Miscellaneous Criminal proceedings.

The law enforcement officer shall file within 10 days any unexecuted search warrant in the same manner as set out above.

(F) The filing of the executed or unexecuted search warrant shall close the case for statistical purposes.

Adopted effective March 22, 2000

**JOINT LOCAL RULE #2
PURSUANT TO ADMINISTRATIVE RULE 15**

LR02-AR00-1. Rule for Court Reporter Services

Section One. 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 the 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) *Work space* 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 which 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 work week. 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 workweek.
- (8) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.
- (9) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. 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 Allen 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.

(14) *Expedited transcript* means a transcript which is requested to be prepared within five (5) working days or less.

Section Two. Salaries and Per Page 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, state indigent transcript and private practice transcript shall be \$5.75; and an expedited rate of \$8.00 per page for expedited transcripts. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.

(3) The maximum fee that a court reporter may charge for copies shall be \$1.00 per page.

(4) The minimum fee that a court reporter may charge for transcripts is \$35.00.

(5) An additional labor charge approximating the hourly rate based upon the court reporter's annual court compensation may be charged for the time spent binding the transcript and exhibits.

(6) 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 Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

Section Three. Private Practice.

If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, 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, work space and supplies;

(b) The method by which records are to be kept for the use of equipment, work space and supplies; and

(c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

Adopted as Rule 2, June 16, 1998, effective October 30, 1998. Amended March 15, 2002, effective January 1, 2002; renumbered as Rule 1, and amended effective December 7, 2006; amended and adopted effective March 1, 2014. Amended effective May 27, 2016 and adopted effective July 1, 2016; amended and adopted April 1, 2018; amended and adopted April 15, 2019.

(A) Domestic Relations (DC/DN) cases with self-represented litigants

New cases filed with the Clerk of the Allen Superior and Circuit Court on a Verified Petition for Dissolution of Marriage without legal representation shall be assigned on an alternating basis (every other case) to Superior Court 8 and Circuit Court respectively.

(B) Mortgage Foreclosures (MF)

- (1) 10% shall be filed in Circuit Court, and
- (2) 90% shall be filed in Superior Court 3.

(C) Civil Collections (CC)

Civil Collection (CC) cases shall be assigned in the proportion of 100% in Superior Court, divided evenly among the four judges of the Civil Division (Superior 1, Superior 2, Superior 3, and Superior 9).

(D) Criminal Cases

- (1) All MR, F1, F2, F3, F4, F5, F6, PC, OV and IF cases except as provided in (D)(3) herein below, shall be divided evenly among Superior 4, Superior 5 and Superior 6.
- (2) All CM cases shall be divided as follows: 40% in Superior 4, 30% in Superior 5 and 30% in Superior 6.
- (3) All Criminal cases filed by information, charging an offense of:
 - (a) Operating a Motor Vehicle with Lifetime Suspension, a Level 5 Felony, I.C. 35-30-10-17.
 - (b) Operating While Intoxicated, a Level 6 Felony, I.C. 9-30-5-3.
 - (c) Operating Vehicle as Habitual Traffic Violator, a Level 6 Felony, I.C. 9-30-10-16.
 - (d) Criminal Non-support of Dependents, a Level 6 Felony, I.C. 35-46-1-5 through I.C. 35-46-1-6shall be filed in the Allen Circuit Court.
- (4) All MC cases shall be filed in Superior Court and shall be divided equally among Superior 4, Superior 5, and Superior 6.
- (5) All RF cases shall be filed in Superior Court 5.

(E) Other Civil Cases

- (1) All Small Claims (SC) cases shall be filed in Superior Court and shall be divided as follows: 33% assigned to Superior Court 9 with the remainder divided equally between Courts 1, 2 and 3.
- (2) Civil plenary (PL) cases may be filed in Circuit Court or Superior Court. All Superior Court PL cases shall be divided evenly among Superior 1, Superior 2, Superior 3, and Superior 9.
- (3) All mental health (MH) cases shall be filed in Superior Court 1.
- (4) All Protective Order (PO) cases shall be divided evenly among Superior 1, Superior 2, Superior 3 and Superior 9.
- (5) All Estate supervised/unsupervised (ES and EU) cases shall be filed in Superior Court 2.
- (6) All Estate miscellaneous (EM), Guardianship (GU), Guardianship Miscellaneous (GM) and Trust (TR) cases shall be filed in Superior Court 3.
- (7) All Eviction (EV) cases shall be filed in Superior Court and shall be divided evenly among Superior 1, Superior 2, Superior 3, and Superior 9.

(F) Civil Tort (CT)

100% of civil tort claims (CT) will be filed in the Superior Court, divided evenly among Superior 1, Superior 2, Superior 3, and Superior 9.

(G) Civil Miscellaneous (MI), Property Tax (TS/TP) and Expungement (XP)

Property tax cases, property forfeiture cases, expungement cases originating in Circuit Court and name

change cases shall be filed in Circuit Court. For civil miscellaneous (MI) cases, all Specialized Driving Privileges shall be filed in Superior Court 9, structured settlements shall be filed in Superior Court 2, and custody/visitation petitions filed by grandparents or other third parties shall be filed in Superior Court 8. All other civil miscellaneous (MI) cases shall be filed in Superior Court, Civil Division and divided among Superior 1, 2, 3, and 9. Expungement (XP) filings originating in Superior Court shall be divided equally among Superior 4, 5, and 6.

(H) Juvenile Cases

(1) All juvenile CHINS (JC), juvenile termination (JT), and adoptions (AD) shall be filed in Superior Court 8, and juvenile delinquency (JD) and juvenile status (JS) shall be filed in Superior Court 7. Juvenile miscellaneous (JM) cases shall be filed in Superior Court 7 or 8.

(2) Juvenile Paternity (JP) cases may be filed in Circuit Court or Superior Court. All JP cases filed in Superior Court shall be assigned to Superior Court 7.

(I) Other Family Cases

(1) Domestic relations (DC/DN) may be filed in Circuit Court or Superior Court.

(2) Of the DC/DN cases filed in Superior Court 100% shall be filed in Superior 8.

(3) All Reciprocal support (RS) cases shall be filed in Superior Court 7.

Amended effective January 1, 2015; amended effective January 1, 2018; amended effective April 30, 2020, amended effective July 15, 2022; amended effective January 1, 2025.