

Vigo

Vigo ~~2011~~ 2012

(4) In the event a change of judge is granted or it becomes necessary to assign another judge in any misdemeanor criminal proceeding in Superior Court Division 5, the case shall be reassigned first to the judge in Superior Court Division 4. In the event a change of judge is granted or it becomes necessary to assign another judge in any felony criminal proceeding in Superior Court Division 5, the case shall be reassigned first to Superior Court Division 6 then to Superior Court Division 1, then to Superior Court Division 3; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 1, Superior Court Division 3, or Superior Court Division 6 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.

(5) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 6, the case shall be reassigned to Superior Court Division 1, then to Superior Court Division 3, then to Superior Court Division 5; if the receiving judge cannot accept jurisdiction the case shall be reassigned to the alternative court in the order indicated. If the judges of Superior Court Division 1, Superior Court Division 3, or Superior Court Division 5 cannot accept jurisdiction, the case will be reassigned to Superior Court Division 4.

- (I) In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for appointment of a Special Judge. In the event the judge presiding in a felony or misdemeanor case concludes that special 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 make such appointment.
- (J) This rule does not prohibit the filing of appropriate criminal offenses in the Terre Haute City Court to the extent of its jurisdiction.

*(Amended effective January 1, 2012)*

**LR84-CR00-3**

**Bail**

(A) Persons arrested for a non-violent misdemeanor shall be released on their own recognizance unless they do not reside in the State of Indiana. Except in the case of judicial order otherwise, the Sheriff shall have the authority and discretion to detain a person under the influence of intoxicating beverages or drugs until such time as that person may be safely released.

(B) At the time each person is released on his own recognizance, he will be required to furnish data concerning his address, phone number, social security number, driver's license, employer's name and address, and, if under twenty-one (21) years of age, his parents: name, address and phone number.

(C) A person charged with a criminal offense (felony or misdemeanor) may post bond in the amount shown in the bail bond schedule, which schedule shall be posted in the jail and in the clerk's office, in one (1) of four (4) ways:

- (1) Surety bond
- (2) Real property bond
- (3) Full cash bond, or
- (4) By depositing with the Clerk of the Court, cash in the amount of ten percent (10%) of the bond set by the Court (unless the Court, in its discretion, prohibits such procedures).

(D) Except as provided in Paragraph (A), no bond may be posted without approval of a Judge of the Superior Court. If the defendant posts bail by depositing the full cash amount, the defendant and each person who makes the deposit on behalf of the defendant shall execute an agreement that allows the Court to retain all or a part of the cash to pay publicly paid costs of representation and fines, costs, fees, and restitution that the Court may order the defendant to pay if convicted.

(E) When the conditions of the bond, as provided in Paragraph (C), have been performed and an order is entered discharging the bond, if the bond has been posted under (C)(4), the Clerk shall retain ten percent (10%) of the amount deposited or fifty dollars (\$50), whichever is the lesser amount, as an administrative fee, which money shall be paid into the General Fund of the County. The amount retained by the Clerk as bond costs shall be not less than Ten Dollars (\$10.00). The Clerk shall also retain from the deposit such fines, costs, fees, and restitution as ordered by the court, publicly paid costs of representation as ordered by the court, and the five dollar (\$5) fee required by IC.35-33-8-3.2(d). The balance of the amount of the deposit shall be remitted to the person making the deposit.