

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

**Notice of Proposed Local Rule Amendment and Finding Good Cause to
Deviate From Established Schedule
May 30, 2014**

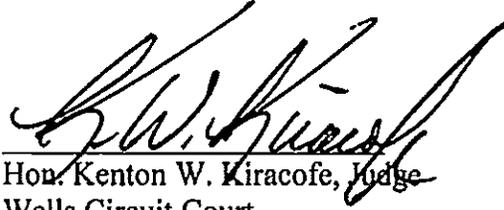
The judges of the Wells Circuit and Superior Courts, pursuant to Trial Rule 81(B), give notice of amendments to the local court rules and find good cause to deviate from the schedule for amending local rules under Trial Rule 81(D). All new text is shown by underlining and deleted text is shown by ~~strikethrough~~. Supreme Court approval is required for Local Rules concerning Reassignment of Criminal Case pursuant to Criminal Rule 2.2 (LR90-CR2.2-01) and Caseload Allocation Plan and may not take effect until approved by the Supreme Court.

Notice has been given to the public by posting in the Office of the Wells County Clerk and on the Indiana Judicial Website, and by furnishing a copy to the officers of the Wells County Bar Association. Comments may be made until July 1, 2014, to :

Hon. Kenton W. Kiracofe, Judge of the Wells Circuit Court, Attn: Public
Comment on Local Rules, Wells County Courthouse, 100 Main Street, Bluffton,
Indiana 46714; or emailed to 90c01j@wellscounty.org

These rule amendments will be effective on July 1, 2014, and after approval of the Indiana Supreme Court for those rules requiring approval.

DATED this 30 day of May, 2014 on behalf of the Judges of Wells County.


Hon. Kenton W. Kiracofe, Judge
Wells Circuit Court

(A) CASE ASSIGNMENT

For crimes committed on or before June 30, 2014:

Except as hereinafter provided, all criminal cases wherein the most serious charge is a Class ~~D~~ C Felony or greater shall be assigned to the Wells Circuit Court. All misdemeanor criminal cases not associated with a Felony charge required to be filed in the Wells Circuit Court shall be assigned to the Wells Superior Court. ~~Provided, however, that all Class D or Class C Felonies involving the operation of a vehicle while intoxicated shall be assigned to the Wells Superior Court.~~

For crimes allegedly committed on or after July 1, 2014:

Except as hereinafter provided, all criminal cases wherein the most serious charge is a Level 5 Felony or greater shall be assigned to the Wells Circuit Court. All criminal misdemeanor cases not associated with a Level 5 charge required to be filed in the Wells Circuit Court shall be assigned to the Wells Superior Court.

(B) REFILING AND SUBSEQUENT FILINGS

~~When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which the dismissal was taken.~~

When the State of Indiana dismisses a criminal cause and later chooses to refile the cause, or to refile another charge related to the incident which was the basis for the original charge, the case shall be assigned to the court from which the original dismissal was taken.

(C) REASSIGNMENT

~~Where a change of judge is granted pursuant to Ind. Crim. Rule 12(B) or an order of disqualification or recusal is entered, the case shall be reassigned in the court where pending in seriatim order to a senior judge assigned to the Court or to one of the following judge from a contiguous county:~~

- ~~—The presiding judge of Wells Circuit Court (for cases originating in Wells Superior Court)~~
- ~~—The presiding judge of Wells Superior Court (for cases originating in Wells Circuit Court)~~
- ~~—The presiding judge of Adams Circuit Court~~
- ~~—The presiding judge of Adams Superior Court~~
- ~~—The presiding judge of Jay Circuit Court~~
- ~~—The presiding judge of Jay Superior Court~~
- ~~—The Presiding judge of Blackford Circuit Court~~
- ~~—The presiding judge of Blackford Superior Court~~
- ~~—The presiding judge of Grant Circuit Court~~

- ~~-The presiding judge of Grant Superior Court No. 1~~
- ~~-The presiding judge of Grant Superior Court No. 2~~
- ~~-The presiding judge of Grant Superior Court No. 3~~
- ~~-The presiding judge of Huntington Circuit Court~~
- ~~-The presiding judge of Huntington Superior Court~~
- ~~-The presiding judge of Allen Circuit Court~~
- ~~-The presiding judge of Allen Superior Court No. 1~~
- ~~-The presiding judge of Allen Superior Court No. 2~~
- ~~-The presiding judge of Allen Superior Court No. 3~~
- ~~-The presiding judge of Allen Superior Court No. 4~~
- ~~-The presiding judge of Allen Superior Court No. 5~~
- ~~-The presiding judge of Allen Superior Court No. 6~~
- ~~-The presiding judge of Allen Superior Court No. 7~~
- ~~-The presiding judge of Allen Superior Court No. 8~~
- ~~-The presiding judge of Allen Superior Court No. 9~~

Where a change of judge is granted pursuant to Ind. Criminal Rule 12(B) or an order of disqualification or recusal is entered, the case shall be reassigned pursuant to the Ind. Criminal Rule 13(C) as follows:

- A. When the presiding judge of Wells Circuit Court grants a motion for change of judge or enters an order of disqualification or recusal, and the case shall be assigned to the judge of Wells Superior Court and given a Wells Superior Court case number.
- B. When the presiding judge of Wells Superior Court grants a motion for change of judge or enters an order of disqualification or recusal, then the case shall be assigned to the judge of Wells Circuit Court and given a Wells Circuit Court case number.
- C. In the event that a reassignment cannot be accomplished pursuant as set forth above, the Clerk shall appoint a Special Judge from the following list, comprising courts contiguous to, and within the same administrative district as, Wells County.

The Judge of the Adams Circuit Court

The Judge of the Adams Superior Court

The Judge of the Huntington Circuit Court

The Judge of the Huntington Superior Court

The Clerk shall select the first judge for the first case requiring assignment after adoption of these rules and selecting each judge thereafter on a rotational basis and in order of their placement on this list.

(D) SITTING OF THE JUDGES

The judge of the Wells Circuit Court may sit as judge of the Wells Superior Court in all criminal matters when the judge of the Wells Superior Court is unavailable, without further request or consent. The judge of the Wells Superior Court may sit as judge of the Wells Circuit Court in all criminal matters when the judge of the Wells Circuit Court is unavailable, without further request or consent.

LR90-AR01-1 Caseload Allocation Plan for Wells Circuit and Superior Courts

I Criminal, Infraction and Ordinance Violation Cases

Criminal Cases shall be filed pursuant to LR90-CR2.2-01(A). All infraction and ordinance violation cases not associated with a Felony charge required to be filed in the Wells Circuit Court shall be assigned to the Wells Superior Court.

II Probate and Related Cases

All Estate, Guardianship, Paternity, Adoption and Trust cases shall be assigned to the Wells Circuit Court.

III Juvenile Cases

All juvenile cases of every sort shall be assigned to the Wells Circuit Court.

IV Civil Cases

Except as otherwise specifically set out in this Rule, civil cases of all sorts, including domestic relations cases, shall be assigned to whichever court the attorney or the self-represented litigant filing the case designates to the Clerk. Provided, however, that petitions for dissolution of a marriage filed by a self-represented litigant where there are unemancipated children of the marriage, real property or unresolved property division issues, shall be filed in Wells Circuit Court.

V Small Claims and Protective Order Cases

All small claims and ~~Protective Order (including Workplace Violence Protective Order) cases, except Protective Orders associated with a case previously assigned to the Wells Circuit Court,~~ shall be assigned to the Wells Superior Court.

Protective order cases (including Workplace Violence Protective Orders), shall be assigned to whichever court the attorney or the self-represented litigant filing the case designates to the Clerk.

VI Mental Health

Mental Health cases shall be assigned to the Wells Circuit Court.

VII Refiled Cases

Except when a change of venue is necessary, whenever a case is dismissed by action of the originating party, the case, if re-filed, must be assigned to the same court that received the original case.

VIII Continuing Monitoring

Not later than ~~October~~ May 1 each year, all Judges of the courts of record in Wells County shall meet and shall evaluate each court's caseload data as reported to the Division of State Court Administration.

If, in a given year, the weighted caseload statistics from the Division of State Court Administration indicate that a caseload variance among these courts exceeds forty percent (40%), the courts of record in Wells County shall submit a revised Caseload Allocation Plan

pursuant to the Indiana Supreme Court Division of State Court Administration's "Schedule for Submission of Caseload Plans Pursuant to Administrative Rule 1(E)."

LR90-CR00-02

Bail Bond Schedule for Wells Superior Court

(A) In all criminal cases filed in Wells Superior Court except Domestic Violence Offenses as defined in LR90-CR00-01, a defendant who has not failed to appear in the past may execute a bail bond by depositing cash in an amount equal to ten percent (10%) of the aggregate bond. In such case, the following conditions shall apply to said bond:

1. An administrative fee of ten percent (10%) or fifty dollars (\$50), whichever is less, shall be retained by the Clerk and deposited in the general fund of Wells County, Indiana;
2. The bond must be posted in the name of the defendant;
3. The bond is considered a personal asset of the defendant; and
4. Upon conviction, the bond shall be available for payment of court costs, restitution, fine, court-ordered fees, and reimbursement of public defender fees to the county, in the above order of priority. Any balance remaining shall be refunded to the defendant.

(B) Except as provided in LR 90-CR00-02, in all criminal cases filed in Wells Superior Court in which the crime is alleged to have been committed on or prior to June 30, 2014 bail is now fixed as follows:

Murder	only by leave of Court
Habitual Offender	\$50,000.00
Class A Felony	\$30,000.00
Class B Felony	\$20,000.00
Habitual D Felony Offender	\$15,000.00
Class C Felony	\$10,000.00
Class D Felony	\$5000.00
Class A Misdemeanor	\$1500.00
Class B Misdemeanor	\$1000.00
Class C Misdemeanor	\$500.00

In all criminal cases filed in Wells Superior Court in which the crime is alleged to have been committed on or after July 1, 2014 bail is now fixed as follows:

<u>Murder</u>	<u>only by leave of Court</u>
<u>Class 1 Felony</u>	<u>\$30,000.00</u>
<u>Class 2 or 3 Felony</u>	<u>\$20,000.00</u>
<u>Class 4 or 5 Felony</u>	<u>\$10,000.00</u>
<u>Class 6 Felony</u>	<u>\$5,000.00</u>
<u>Class A Misdemeanor</u>	<u>\$1,500.00</u>
<u>Class B Misdemeanor</u>	<u>\$1,000.00</u>
<u>Class C Misdemeanor</u>	<u>\$500.00</u>

(C) Anyone who is intoxicated at the time of incarceration should not be released until sober.

(D) In any case where cash bond is deposited, the receiving officer shall advise the person posting such bond of the above-stated conditions; however, failure to advise any such person of

these conditions shall not constitute a waiver of said conditions.

(E) Upon issuance of a criminal bench warrant, the amount of bail specified in this rule shall be endorsed on the warrant.

(F) The Court may increase or diminish the amount of bond specified under this rule or permit the posting of a cash bond in lieu of accepting any property or surety bond as required by this rule in any justifiable case.

(G) Any person charged with a violent crime resulting in bodily injury shall be prohibited from any direct or indirect contact with the alleged victim for ten (10) days from the date bail is posted or until the initial hearing, whichever occurs first. (I.C. 35-33-8-3.6).

This bond schedule applies to all cases filed in the Circuit Court of Wells County, Indiana to the setting of bond on warrants issued on all criminal informations or indictments, unless otherwise specified by court order or on the warrant. On all warrantless arrests, bail will be determined at the initial hearing or upon a determination of probable cause.

<u>OFFENSE CLASS</u>	<u>BAIL AMOUNT</u>	<u>BOND AMOUNT & METHOD</u>
<u>Murder</u>	<u>No Bond</u>	<u>No Bond</u>
<u>Habitual Offender & Habitual Substance Offender</u>	<u>\$50,000</u>	<u>\$50,000 Cash or Surety</u>
<u>Class A or Level 1 Felony</u>	<u>\$30,000</u>	<u>\$10,000 Cash Bond & \$20,000 Surety</u>
<u>Class B or Level 2 or 3 Felony</u>	<u>\$20,000</u>	<u>\$10,000 Cash Bond & \$10,000 Surety</u>
<u>Class C or Level 4 or 5 Felony</u>	<u>\$10,000</u>	<u>\$5,000 Cash Bond & \$5000 Surety</u>
<u>Class D or Level 6 Felony</u>	<u>\$5,000</u>	<u>\$5,000 Cash Bond</u>
<u>Sex Offenses: IC 35-42-4 et seq.</u>	<u>No Bond until hearing within 48 of arrest.</u>	<u>No Bond until hearing within 48 hours of arrest.</u>
<u>Crime of Domestic Violence See exceptions below</u>	<u>No Bond until hearing within 48 of arrest.</u>	<u>No Bond until hearing within 48 of arrest.</u>
<u>Class A Misdemeanor</u>	<u>\$1,500</u>	<u>\$1,500 Cash Bond</u>
<u>Class B Misdemeanor</u>	<u>\$1,000</u>	<u>\$1,000 Cash Bond</u>
<u>Class C Misdemeanor</u>	<u>\$500</u>	<u>\$500 Cash Bond</u>

Bonds are Cumulative: If multiple charges are filed, the bond applied shall be the total amount required for all charges.

Impaired Persons: No person shall be released with a breath alcohol level of .08% or higher or who appears to be under the influence of alcohol or drugs or a combination of both. The Sheriff's Department shall use the chart set forth at I.C. 35-33-1-6 to determine the minimum number of hours an impaired person should be detained prior to release.

Exceptions to bond schedule: The bond schedule shall not be used for, nor be applicable to the following charges:

- 1) Sex offenses

- a. An individual charged with a sex offense (IC 35-42-2) shall not be admitted to bail until the Court has conducted a bail hearing.
- 2) Domestic violence offenses:
 - a. An individual charged with a crime of domestic violence shall not be admitted to bail until the Court has conducted a bail hearing.
 - b. IC 35-33-1-1.7 defines a crime of domestic violence as:
 - i. Having as an element either the use of physical force or the threatened use of a deadly weapon, and
 - ii. Was committed against:
 - 1. Defendant's current or former spouse, parent or guardian;
 - 2. a person with whom the Defendant shared a child in common;
 - 3. a person who was cohabitating with or had cohabitated with as if a spouse, parent or guardian; or
 - 4. a person who was or had been similarly situated to a spouse, parent, or guardian of the Defendant.

Methods of posting bail: Depending on the type and level of the crime(s) charged, a defendant may post bail in one of the four following ways.

- 1. Cash Bond: The defendant may execute a bail bond by depositing with the Clerk of the Court (Through the Sheriff of Wells County) cash in an amount not less than ten percent (10%) of the cash bail.
 - a. Whenever a cash bond is deposited, the receiving officer or the Clerk of the Court shall advise the defendant and the person depositing the cash on the defendant's behalf of the following:
 - i. The deposit is considered to be a personal asset of the defendant
 - ii. Upon conviction, the bond shall be available for the payment of court costs, fines, restitution, public defender fees and may also be applied to attorney fees. Any remaining balance shall be returned to the defendant.
 - iii. An administrative fee of ten percent (10%) or fifty dollars (\$50.00), whichever is less, shall be retained by the Clerk and deposited in the general fund of Wells County, Indiana.
 - iv. That should the Defendant fail to appear the Court may enter a judgment for the full bail amount after notice and hearing.
- 2. Surety Bond: The defendant may execute a bail bond with sufficient solvent sureties in an amount equal to the surety bond amount.
- 3. Cash: The defendant may post with the Clerk the full bail amount.
- 4. Real Estate Bond: All Real Estate bonds shall be granted only after notice is sent to the prosecuting attorney by the defendant or his counsel and a hearing is conducted to determine whether the value of the real estate is of sufficient value to satisfy the full bail amount.

Adjustment of Bond: All bonds are subject to being adjusted by the Court at a hearing pursuant to statute and application by counsel of record.

PROPOSED AMENDED LOCAL RULE

LR90-CR2.2-01 Criminal Case Assignments

(A) CASE ASSIGNMENT

For crimes allegedly committed on or before June 30, 2014:

Except as hereinafter provided, all criminal cases wherein the most serious charge is a Class C Felony or greater shall be assigned to the Wells Circuit Court. All misdemeanor criminal cases not associated with a Felony charge required to be filed in the Wells Circuit Court shall be assigned to the Wells Superior Court.

For crimes allegedly committed on or after July 1, 2014:

Except as hereinafter provided, all criminal cases wherein the most serious charge is a Level 5 Felony or greater shall be assigned to the Wells Circuit Court. All criminal misdemeanor cases not associated with a Level 5 charge required to be filed in the Wells Circuit Court shall be assigned to the Wells Superior Court.

(B) REFILEING AND SUBSEQUENT FILINGS

When the State of Indiana dismisses a criminal cause and later chooses to refile the cause, or to refile another charge related to the incident which was the basis for the original charge, the case shall be assigned to the court from which the original dismissal was taken.

(C) REASSIGNMENT

Where a change of judge is granted pursuant to Ind. Criminal Rule 12(B) or an order of disqualification or recusal is entered, the case shall be reassigned pursuant to the Ind. Criminal Rule 13(C) as follows:

- A. When the presiding judge of Wells Circuit Court grants a motion for change of judge or enters an order of disqualification or recusal, and the case shall be assigned to the judge of Wells Superior Court and given a Wells Superior Court case number.
- B. When the presiding judge of Wells Superior Court grants a motion for change of judge or enters an order of disqualification or recusal, then the case shall be assigned to the judge of Wells Circuit Court and given a Wells Circuit Court case number.
- C. In the event that a reassignment cannot be accomplished pursuant as set forth above, the Clerk shall appoint a Special Judge from the following list, comprising courts contiguous to, and within the same administrative district as, Wells County.

The Judge of the Adams Circuit Court
The Judge of the Adams Superior Court
The Judge of the Huntington Circuit Court

The Judge of the Huntington Superior Court

The Clerk shall select the first judge for the first case requiring assignment after adoption of these rules and selecting each judge thereafter on a rotational basis and in order of their placement on this list.

(D) SITTING OF THE JUDGES

The judge of the Wells Circuit Court may sit as judge of the Wells Superior Court in all criminal matters when the judge of the Wells Superior Court is unavailable, without further request or consent. The judge of the Wells Superior Court may sit as judge of the Wells Circuit Court in all criminal matters when the judge of the Wells Circuit Court is unavailable, without further request or consent.

LR90-AR01-1 Caseload Allocation Plan for Wells Circuit and Superior Courts

I Criminal, Infraction and Ordinance Violation Cases

Criminal Cases shall be filed pursuant to LR90-CR2.2-01(A). All infraction and ordinance violation cases not associated with a Felony charge required to be filed in the Wells Circuit Court shall be assigned to the Wells Superior Court.

II Probate and Related Cases

All Estate, Guardianship, Paternity, Adoption and Trust cases shall be assigned to the Wells Circuit Court.

III Juvenile Cases

All juvenile cases of every sort shall be assigned to the Wells Circuit Court.

IV Civil Cases

Except as otherwise specifically set out in this Rule, civil cases of all sorts, including domestic relations cases, shall be assigned to whichever court the attorney or the self-represented litigant filing the case designates to the Clerk. Provided, however, that petitions for dissolution of a marriage filed by a self-represented litigant where there are unemancipated children of the marriage, real property or unresolved property division issues, shall be filed in Wells Circuit Court.

V Small Claims and Protective Order Cases

All small claims shall be assigned to the Wells Superior Court.

Protective order cases (including Workplace Violence Protective Orders), shall be assigned to whichever court the attorney or the self-represented litigant filing the case designates to the Clerk.

VI Mental Health

Mental Health cases shall be assigned to the Wells Circuit Court.

VII Refiled Cases

Except when a change of venue is necessary, whenever a case is dismissed by action of the originating party, the case, if re-filed, must be assigned to the same court that received the original case.

VIII Continuing Monitoring

Not later than May 1 of each year, all Judges of the courts of record in Wells County shall meet and shall evaluate each court's caseload data as reported to the Division of State Court Administration.

If, in a given year, the weighted caseload statistics from the Division of State Court Administration indicate that a caseload variance among these courts exceeds forty percent (40%), the courts of record in Wells County shall submit a revised Caseload Allocation Plan

pursuant to the Indiana Supreme Court Division of State Court Administration's "Schedule for Submission of Caseload Plans Pursuant to Administrative Rule 1(E)."

LR90-CR00-02

Bail Bond Schedule for Wells Superior Court

(A) In all criminal cases filed in Wells Superior Court except Domestic Violence Offenses as defined in LR90-CR00-01, a defendant who has not failed to appear in the past may execute a bail bond by depositing cash in an amount equal to ten percent (10%) of the aggregate bond. In such case, the following conditions shall apply to said bond:

1. An administrative fee of ten percent (10%) or fifty dollars (\$50), whichever is less, shall be retained by the Clerk and deposited in the general fund of Wells County, Indiana;
2. The bond must be posted in the name of the defendant;
3. The bond is considered a personal asset of the defendant; and
4. Upon conviction, the bond shall be available for payment of court costs, restitution, fine, court-ordered fees, and reimbursement of public defender fees to the county, in the above order of priority. Any balance remaining shall be refunded to the defendant.

(B) Except as provided in LR 90-CR00-02, in all criminal cases filed in Wells Superior Court in which the crime is alleged to have been committed on or prior to June 30, 2014 bail is now fixed as follows:

Murder	only by leave of Court
Habitual Offender	\$50,000.00
Class A Felony	\$30,000.00
Class B Felony	\$20,000.00
Habitual D Felony Offender	\$15,000.00
Class C Felony	\$10,000.00
Class D Felony	\$5000.00
Class A Misdemeanor	\$1500.00
Class B Misdemeanor	\$1000.00
Class C Misdemeanor	\$500.00

In all criminal cases filed in Wells Superior Court in which the crime is alleged to have been committed on or after July 1, 2014 bail is now fixed as follows:

Murder	only by leave of Court
Class 1 Felony	\$30,000.00
Class 2 or 3 Felony	\$20,000.00
Class 4 or 5 Felony	\$10,000.00
Class 6 Felony	\$5,000.00
Class A Misdemeanor	\$1,500.00
Class B Misdemeanor	\$1,000.00
Class C Misdemeanor	\$500.00

(C) Anyone who is intoxicated at the time of incarceration should not be released until sober.

(D) In any case where cash bond is deposited, the receiving officer shall advise the person posting such bond of the above-stated conditions; however, failure to advise any such person of

these conditions shall not constitute a waiver of said conditions.

(E) Upon issuance of a criminal bench warrant, the amount of bail specified in this rule shall be endorsed on the warrant.

(F) The Court may increase or diminish the amount of bond specified under this rule or permit the posting of a cash bond in lieu of accepting any property or surety bond as required by this rule in any justifiable case.

(G) Any person charged with a violent crime resulting in bodily injury shall be prohibited from any direct or indirect contact with the alleged victim for ten (10) days from the date bail is posted or until the initial hearing, whichever occurs first. (I.C. 35-33-8-3.6).

LR90-CR00-03

Bail Bond Schedule for Wells Circuit Court

This bond schedule applies to all cases filed in the Circuit Court of Wells County, Indiana to the setting of bond on warrants issued on all criminal informations or indictments, unless otherwise specified by court order or on the warrant. On all warrantless arrests, bail will be determined at the initial hearing or upon a determination of probable cause.

OFFENSE CLASS	BAIL AMOUNT	BOND AMOUNT & METHOD
Murder	No Bond	No Bond
Habitual Offender & Habitual Substance Offender	\$50,000	\$50,000 Cash or Surety
Class A or Level 1 Felony	\$30,000	\$10,000 Cash Bond & \$20,000 Surety
Class B, Level 2 or 3 Felony	\$20,000	\$10,000 Cash Bond & \$10,000 Surety
Class C, Level 4 or 5 Felony	\$10,000	\$5,000 Cash Bond & \$5000 Surety
Class D or Level 6 Felony	\$5,000	\$5,000 Cash Bond
Sex Offenses: ·IC 35-42-4 et seq.	No Bond until hearing within 48 of arrest.	No Bond until hearing within 48 hours of arrest.
Crime of Domestic Violence · See exceptions below	No Bond until hearing within 48 of arrest.	No Bond until hearing within 48 of arrest.
Class A Misdemeanor	\$1,500	\$1,500 Cash Bond
Class B Misdemeanor	\$1,000	\$1,000 Cash Bond
Class C Misdemeanor	\$500	\$500 Cash Bond

Bonds are Cumulative: If multiple charges are filed, the bond applied shall be the total amount required for all charges.

Impaired Persons: No person shall be released with a breath alcohol level of .08% or higher or who appears to be under the influence of alcohol or drugs or a combination of both. The Sheriff's Department shall use the chart set forth at I.C. 35-33-1-6 to determine the minimum number of hours an impaired person should be detained prior to release.

Exceptions to bond schedule: The bond schedule shall not be used for, nor be applicable to the following charges:

- 1) Sex offenses

- a. An individual charged with a sex offense (IC 35-42-2) shall not be admitted to bail until the Court has conducted a bail hearing.
- 2) Domestic violence offenses:
 - a. An individual charged with a crime of domestic violence shall not be admitted to bail until the Court has conducted a bail hearing.
 - b. IC 35-33-1-1.7 defines a crime of domestic violence as:
 - i. Having as an element either the use of physical force or the threatened use of a deadly weapon, and
 - ii. Was committed against:
 1. Defendant's current or former spouse, parent or guardian;
 2. a person with whom the Defendant shared a child in common;
 3. a person who was cohabitating with or had cohabitated with as if a spouse, parent or guardian; or
 4. a person who was or had been similarly situated to a spouse, parent, or guardian of the Defendant.

Methods of posting bail: Depending on the type and level of the crime(s) charged, a defendant may post bail in one of the four following ways.

1. Cash Bond: The defendant may execute a bail bond by depositing with the Clerk of the Court (Through the Sheriff of Wells County) cash in an amount not less than ten percent (10%) of the cash bail.
 - a. Whenever a cash bond is deposited, the receiving officer or the Clerk of the Court shall advise the defendant and the person depositing the cash on the defendant's behalf of the following:
 - i. The deposit is considered to be a personal asset of the defendant
 - ii. Upon conviction, the bond shall be available for the payment of court costs, fines, restitution, public defender fees and may also be applied to attorney fees. Any remaining balance shall be returned to the defendant.
 - iii. An administrative fee of ten percent (10%) or fifty dollars (\$50.00), whichever is less, shall be retained by the Clerk and deposited in the general fund of Wells County, Indiana.
 - iv. That should the Defendant fail to appear the Court may enter a judgment for the full bail amount after notice and hearing.
2. Surety Bond: The defendant may execute a bail bond with sufficient solvent sureties in an amount equal to the surety bond amount.
3. Cash: The defendant may post with the Clerk the full bail amount.
4. Real Estate Bond: All Real Estate bonds shall be granted only after notice is sent to the prosecuting attorney by the defendant or his counsel and a hearing is conducted to determine whether the value of the real estate is of sufficient value to satisfy the full bail amount.

Adjustment of Bond: All bonds are subject to being adjusted by the Court at a hearing pursuant to statute and application by counsel of record.

APPENDIX A
TO LOCAL RULES SCHEDULE UNDER
T.R. 81 AND ADMIN. R.1 (E)

In the
Indiana Supreme Court

IN THE MATTER OF)	
)	
REQUEST FOR APPROVAL)	
)	Case No.
OF LOCAL RULES)	
)	
FOR COURTS OF RECORD IN)	
)	
WELLS COUNTY)	

REQUEST FOR APPROVAL OF LOCAL RULES

The judges of the courts of record of Wells County have decided to adopt the local rules indicated below and request Supreme Court approval for the following local rules for which Supreme Court approval is required:

1. ___ Special judge selection rule pursuant to Trial Rule 79(H);
2. X Reassignment of criminal cases pursuant to Criminal Rule 2.2;
3. ___ Court reporter rule pursuant to Administrative Rule 15;
4. X Caseload allocation rule pursuant to Administrative Rule 1.

___ The local rule(s) indicated above have been published for comment pursuant to the schedule established by T.R. 81 (B) for not less than 45 days.

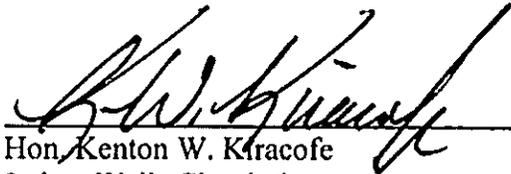
Or

 X The local rule(s) indicated above are proposed for adoption without first being published for comment because good cause exists for the court(s) to deviate from the schedule established pursuant to T.R. 81. Upon approval by the Supreme Court, these local rules shall be published as required by TR 81 (D) and shall not be effective until so published for comment.

Accordingly, the judges of record of Wells County request approval of the above noted Local Rules.

Submitted this 30 day of May, 2014.

For the Courts of Record of Wells County

A handwritten signature in black ink, appearing to read "K. W. Kracofe", written over a horizontal line.

Hon. Kenton W. Kracofe
Judge, Wells Circuit Court