

# **PRE-TRIAL PROCEDURE**

## THE TELEPHONE CALL

Caller: My kid just got arrested. Can you get him out of jail?

Attorney: Let me call the jail and find out what happened.

Attorney to Caller:

Yeah your right, he /she got arrested for \_\_\_\_\_. The bond is \_\_\_\_\_ or there is no bond until the prosecutor reviews re the reports and decides what to charge,.

Caller: Is there anything you can do?

Attorney: Well let me call the judge and find out.

Attorney: Judge, sorry for bothering you at home, but I have this client and his son/daughter just got arrested for \_\_\_\_\_. The bond schedule is \_\_\_\_\_ or no bond is set, but he/she really is a good kid...so...can you authorize a lower bond at \_\_\_\_\_, or he/she won't be bondable until \_\_\_\_\_, can you set a bond so that his/her parents can post the bond?

Judge: Well let me call the jail and find out what the situation is.

Judge to Attorney:

Well, I just called the jail and he/she is in custody for \_\_\_\_\_ and I've ordered him/her released ROR with a promise to appear in court or I've set bond at \_\_\_\_\_.

**QUESTION: CAN A JUDGE DO THIS?**

**ANSWER: YES, BUT....**

# REQUEST FOR INVESTIGATION

*Return to:*

\_\_\_\_\_  
Your Name (Please type or print in ink)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
( )  
Telephone



Indiana Supreme Court Disciplinary Commission  
30 South Meridian Street, Suite 850  
Indianapolis, IN 46204-3520  
Phone (317) 232-1807  
TDD for Deaf (317) 233-6111

I wish to submit the following Request for Investigation and information concerning the following attorney:

Attorney's Name \_\_\_\_\_

Attorney's Address \_\_\_\_\_

Date Employed \_\_\_\_\_ Purpose for Employing \_\_\_\_\_

Cause Number of Case \_\_\_\_\_ Court \_\_\_\_\_

Agreed Attorney's Fee \_\_\_\_\_ Total Fees Paid \_\_\_\_\_

Nature of complaint against the attorney (use additional pages if necessary; do not write on the back). Please be specific as to dates, names, and events. Include copies (not originals) of documents that support your complaint:

In filing this Request for Investigation, I understand that the attorney will receive a copy; that I am immune from civil suit for statements I make to the Commission; and that nothing herein limits me from consulting with an attorney about my legal rights. I agree to cooperate with the Commission and to testify at any hearing that may be held.

**VERIFICATION**

I swear or affirm, under the penalties for perjury, that the foregoing statements are true.

\_\_\_\_\_  
Signature (only original signatures accepted)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date Filed (Office use only)

**INDIANA COMMISSION ON JUDICIAL QUALIFICATIONS**

**30 South Meridian, Suite 500  
Indianapolis, Indiana 46204  
(317) 232-4706**

**COMPLAINT AGAINST JUDGE**

**FROM:** Complainant's Name \_\_\_\_\_ (please print)

Complainant's Address \_\_\_\_\_ street

\_\_\_\_\_ city \_\_\_\_\_ state \_\_\_\_\_ zip

Complainant's Telephone \_\_\_\_\_ (home) \_\_\_\_\_ (work)

Judge's Name: \_\_\_\_\_

Name of Court: \_\_\_\_\_

Cause Number of Case (if applicable): \_\_\_\_\_

Names and telephone numbers of all attorneys who represented you at any time in this case:

\_\_\_\_\_  
\_\_\_\_\_

**Nature of Complaint** (Please state in full detail the basis of your complaint against the judge. You may use the reverse side of this form, if necessary, additional paper, or any other form as long as the information is complete and the complaint is sworn to be true.)

I affirm, under penalties of perjury that the foregoing representations are true.

I understand that the Indiana Commission on Judicial Qualifications does not have authority to intervene on my behalf in any proceeding or to change any decision reached by a court. In filing this complaint, I agree to cooperate with the Commission and its agents and to testify, if asked, concerning the matters raised in my complaint. I understand that the judge will receive a copy of my complaint and that Indiana Supreme Court Admission and Discipline Rule 25 VIII C provides that I am immune from civil suit against me based on the content of my allegations of judicial misconduct, if made without malice, only to the extent those allegations are made to the Commission. Therefore, I am not immune from civil suit for any allegations I make public or which I communicate to any entity other than the Commission.

(signed) \_\_\_\_\_

**ST. JOSEPH SUPERIOR COURT**  
**PRESUMPTIVE BOND SCHEDULE**

<u>Offense</u>	<u>Bond Amount</u>
Murder	None
Attempted Murder	100,000/10,000
A felony - crimes of violence, including sex offenses	100,000/10,000
A felony	50,000/5,000
B felony - crimes of violence	50,000/5,000
B felony - dealing drugs (except "possession with intent")	50,000/5,000
B felony	30,000/3,000
C felony - crimes of violence	30,000/3,000
C felony - dealing drugs (except "possession with intent")	30,000/3,000
C felony	10,000/1,000
D felony - crimes of violence & stalking, intimidation, & invasion of privacy	10,000/1,000
D felony - DUI & Drug cases	7,500/750
D felony	5,000/500
A misdemeanor - DV battery, invasion of privacy intimidation & DUI (A & C misdemeanor)	5,000/500
A misdemeanor	250 cash
B misdemeanor	150 cash
C misdemeanor	150 cash

**ST. JOSEPH SUPERIOR COURT PRESUMPTIVE BOND SCHEDULE**  
**(effective 07/01/2014)**

<b><u>OFFENSE</u></b>	<b><u>BOND AMOUNT</u></b>
<b>Murder</b>	No bond if guilt is evident or presumption of guilt is strong
<b><u>Level 1</u></b>	
Level 1 Felony	\$50,000/\$5,000
Level 1 Felony—crime of violence*	\$100,000/\$10,000
<b><u>Level 2</u></b>	
Level 2 Felony	\$50,000/\$5,000
Level 2 Felony—crime of violence*	\$100,000/\$10,000
<b><u>Level 3</u></b>	
Level 3 Felony	\$30,000/\$3,000
Level 3 Felony—crime of violence*	\$50,000/\$5,000
<b><u>Level 4</u></b>	
Level 4 Felony	\$20,000/\$2,000
Level 4 Felony—crime of violence*	\$40,000/\$4,000
<b><u>Level 5</u></b>	
Level 5 Felony	\$10,000/\$1,000
Level 5 Felony—crime of violence*	\$30,000/\$3,000
<b><u>Level 6</u></b>	
Level 6 Felony	\$5,000/\$500
Level 6 Felony—crime of violence*	\$10,000/\$1,000
Level 6 Felony—DUI or drug offense	\$7,500/\$750
<b><u>Misdemeanors</u></b>	\$500 cash
A Misdemeanor: Domestic Battery, Battery, Intimidation, Invasion of Privacy and DUI (Class A or C)	
A Misdemeanor	\$250 cash
B Misdemeanor	\$150 cash
C Misdemeanor	\$150 cash

\* "**Crime of violence**" (as defined by I.C.35-50-1-2(a)) includes: murder, attempted murder, voluntary manslaughter, involuntary manslaughter, reckless homicide, aggravated battery, kidnapping, rape, criminal deviate conduct, child molesting, sexual misconduct with a minor (Level 1 or 2/Class A or B), robbery (Level 2 or 3/Class A or B), burglary (Level 2,3 or 4/Class A or B), OWI causing death or serious bodily injury, and resisting law enforcement.

### **35-33-8-6.5 Domestic violence arrests; release on bail requirements**

The court may not release a person arrested for a crime of domestic violence (as described in IC 35-31.5-2-78) on bail until at least eight (8) hours from the time of the person's arrest.

\*\*\* NO St. Joseph County automatic bond for domestic violence cases; each case is reviewed by a judge and a bond is set after probable cause is found. Usually a NCO is entered as a condition of bond.

## WHAT HAPPENS AFTER A FELONY ARREST

1. P.C. IS FOUND, FORMAL ARREST WARRANT IS ISSUED, AND A BOND IS SET.
2. DEFENDANT MAKES HIS/HER INITIAL APPEARANCE BEFORE A MAGISTRATE, IS ADVISED OF RIGHTS, INQUIRY AS TO REPRESENTATION IS MADE, OMNIBUS DATE (UNIVERSALLY IGNORED) IS SET, NEXT DATE BEFORE THE ASSIGNED JUDGE IS SET.
3. APPROXIMATELY 1 WEEK LATER, DEFENDANT APPEARS BEFORE THE ASSIGNED JUDGE.
4. HOPEFULLY AN ATTORNEY APPEARS AND DATES ARE SET.
5. RECORD AND TRIAL DATES ARE SET. JUDGES HURLEY, MARNOCHA, AND MILLER NO LONGER SET A PLEA BARGAIN DEADLINE DATE.
6. JUDGE MARNOCHA'S DATES (EXCEPT MURDER AND UNLESS EARLY TRIAL IS REQUESTED):

RECORD DATE IN APPROXIMATELY 90 DAYS  
TRIAL APPROXIMATELY 2 WEEKS AFTER RECORD DATE