



JUDICIAL DISTRICT OF COLORADO

ADMINISTRATIVE ORDER 11-102

SUBJECT: Exhibits

To: All Judicial Officers, District Administrator, Clerk of Court, Court Staff, District Attorney, Public Defender, Boulder County Bar Association, Chief Probation Officer, Probation Staff

From: Roxanne Bailin **DATE:** October 17, 2011
Chief Judge

All exhibits submitted in the Twentieth Judicial District will be marked by counsel or parties prior to trial as follows:

Each exhibit shall be labeled on the front of the first page to indicate if it is a plaintiff/petitioner's exhibit or a defendant/respondent's exhibit. Exhibits for each case shall be ordered sequentially. The label shall include the case number and the date of the hearing.

Plaintiff and Petitioners will use Arabic numerals (1, 2, 3, etc.)

Defendants and Respondents will use letters (A, B, C, etc.)

The court does not maintain oversized exhibits including non-documentary exhibits, e.g. clothing. Counsel shall submit a copy of all oversized exhibits on 8 1/2x11 paper at the start of the trial. After the verdict, counsel shall pick-up all oversized exhibits from a division representative within two business days. If counsel fails to pick up the oversized exhibits within seven business days, the court judicial assistant(s) will be responsible for destroying these exhibits. Counsel shall maintain all oversized exhibits during the appeal period.

Jury questionnaires, Jury instructions, Verdict forms, Juror questions, Bailiff reports and Challenge lists are not exhibits and shall remain in the file and not placed in the exhibit envelope. Only one copy of the exhibits is required. Any additional witness or judge copies will be destroyed by the division staff.

CIVIL EXHIBITS

(includes County Court Civil Money and FED cases, District Civil, and Domestic Relations)

Exhibits in all electronically filed cases shall be submitted per Colorado Supreme Court Chief Justice Directive 11-01. The trial court will not maintain any physical exhibits on electronically filed cases.

Counsel shall electronically file exhibits either prior to the trial or hearing but no later than seven business days after the trial or hearing.

After the hearing or trial verdict, any paper filed exhibits shall be returned to counsel. If these exhibits have not been previously electronically filed, counsel must scan and upload them into the e-filing system within seven business days. Exhibits filed by pro se litigants will be scanned and uploaded by court staff and then mailed to the pro se litigant.

SMALL CLAIMS EXHIBITS

Small claims exhibits shall be held in the court file for the 15 day appeal period. A notice at the end of the trial will be given to the parties indicating that they must pick up exhibits within 20 days of the date of judgment and if the exhibits are not picked up they will be destroyed.

CRIMINAL EXHIBITS

(includes Felony, Juvenile, Misdemeanor and Traffic cases)

Contraband, including weapons and drugs as well as articles of clothing and other non-documentary exhibits shall be kept by the arresting agency or Sheriff.

During the trial, the law clerk, court judicial assistant or other designated court staff shall prepare a written inventory including exhibit numbers of all exhibits entered into evidence in Felony and Juvenile cases. (Misdemeanor and traffic cases are excluded from the requirement of an inventory list). The original inventory list shall be kept in the court file and a copy shall be attached to the exhibits. The court reporter will store the exhibits in his or her office during the trial. If there is no law clerk, court judicial assistant, court reporter or other court staff in the courtroom, the judicial officer is responsible for keeping the exhibits with the court file. The law clerk or court judicial assistant will make sure that an inventory list is created and attached to the exhibits when the hearing is completed. A sample inventory form is attached to this order.

Prior to trial, the District Attorney, Public Defender or private counsel shall take photographs of any oversized and/or physical exhibits. The photographs will be provided to the court at the beginning of trial. Immediately after the verdict, the oversized and physical exhibits will be returned to the party who submitted the exhibits.

Criminal exhibits in county court cases that are not appealed within the 15 day appeal period or picked up by the parties shall be destroyed by the court judicial assistant.

STORAGE OF DISTRICT COURT CRIMINAL EXHIBITS

After the trial or hearing is completed and the exhibits are not needed by the court reporter or transcription service to prepare a transcript, the exhibits shall be placed in an exhibit envelope and the inventory list attached to the envelope. If there are a large number of exhibits, the exhibits should be attached together by rubber band or other means or placed in a box on the Clerk's Office exhibit table to be logged in and stored in the exhibit room.

NOTICING OUT OF EXHIBITS

The designated judicial assistant shall send a notice to each counsel of record or party advising that the exhibits and any depositions entered into evidence for a particular case will be destroyed unless claimed within 30 days. The first counsel picking up the exhibits will take all exhibits and is responsible for distributing the exhibits to the other parties.

Criminal exhibits in district court cases shall be noticed out by the designated judicial assistant per the criteria listed below:

Criminal exhibits shall be noticed out to the District Attorney's office 30 days after one of the following has occurred:

- 1) Completion of a deferred prosecution, or
- 2) Death of the defendant or as otherwise ordered in cases in which the defendant is found or pleads guilty, or
- 3) Completion of the entire sentence including incarceration.

DESTRUCTION OF EXHIBITS

Exhibits including any depositions that are noticed out but not claimed within 30 days shall be destroyed. In general, exhibits shall be destroyed by placing paper exhibits in a confidential recycle bin and all other types of exhibits by placing them in the trash. Exhibits of archival value over \$100 shall be disposed of according to the Colorado Judicial Department Records Management Manual. Contraband exhibits shall be disposed of by the Sheriff or law enforcement agency.



Hon. Roxanne Bailin
Chief Judge
Twentieth Judicial District

EXHIBIT INVENTORY LIST

[illegible]