

ERIE COUNTY LOCAL RULES OF JUDICIAL ADMINISTRATION

Custody of Exhibits in Court Proceedings

Local Rule 5102. Custody of Exhibits. General Provisions

- (a) During and After Court Proceedings. The proponent of an exhibit is designated as its “custodian” during and after court proceeding, including during breaks and recesses, and for all applicable records retention periods.
- (b) Each custodian shall file their documentary exhibits, photographs, and photographs of non-documentary exhibits, with the appropriate records office within 5 business days of conclusion of a court proceeding.
 - (1) The “Index of Exhibits” accompanying the filed exhibits pursuant to Pa.R.J.A. 5102(b)(2) and this Rule shall be in the form appended to these Rules, or a substantially similar form.
 - (2) A copy of the “Index of Exhibits” (without attached exhibits unless ordered otherwise) shall be served on the trial court and parties within 5 business days of conclusion of a court proceeding.

Note: “Proponent”, “Exhibit”, “Custodian”, “Court Proceeding”, and “Records Office” are defined at Pa.R.J.A. 5101. Further, as stated in the Comment to Pa.R.J.A. 5101, “Exhibit” includes “items admitted or rejected by the court after being offered into evidence by a proponent”.

Local Rule 5103. Custody of Exhibits. Special Provisions

- (a) Oversized Documentary Exhibits and Photographs. The proponent of any oversized documentary exhibit or photograph exhibit shall ensure that a copy of the exhibit reduced to no larger than 8-1/2 x 11 inches is entered into the official case record in conformity with Erie R.J.A. 5102(b). All copies shall be clear and capable of further reproduction or transfer to digital media.

- (b) Non-documentary Exhibits. The custodian shall retain custody of non-documentary exhibits (including, but not limited to, weapons, cash, other items of value, drugs, and other dangerous contraband or materials) and bulky, oversized, or otherwise physically impractical exhibits at all times during and after a court proceeding, including during breaks and recesses, and for all applicable records retention periods.
- (1) Non-documentary Exhibits shall be photographed by the proponent, converted to a letter sized document (8-1/2 x 11 inches), and appropriately marked and produced during the court proceeding for inclusion in the official case record. Said document shall be clear and capable of further reproduction or transfer to digital media.
 - (2) Unless otherwise ordered by the court, at the conclusion of the court proceeding, non-documentary exhibits shall remain in the custody of the custodian-proponent for safekeeping as required by any applicable records retention periods, or until further order of court.
 - (3) Unless required otherwise by law, regulation, administrative agency retention schedule, or order of court, the custodian-proponent shall maintain non-documentary exhibits for a minimum of following time periods:
 - (i) Non-criminal matters. Retain exhibits until the later of the expiration of the appeal period or final disposition of the appeal if one is taken.
 - (ii) Criminal matters:
 - (1) Homicides: Retain Exhibits 75 years.
 - (2) Summary cases: Retain Exhibits 5 years.
 - (3) Other cases: Retain Exhibits 20 years.
- (c) Any digital exhibit that cannot be printed (i.e., audio or video recording) shall be entered into the official case record on a universal serial bus (USB) flash drive (or other format if expressly approved by the court). If one proponent has multiple digital exhibits, they may be submitted as separate files on one USB flash drive.

- (d) Any exhibit containing confidential information meeting the categories enumerated in Pa. Access Policy §8.0 shall include an Administrative Office of Pennsylvania Courts approved confidential document cover sheet so that the document can be properly sealed by the records office.

[“INDEX OF EXHIBITS” FORM APPENDED NEXT PAGE]

	:	IN THE COURT OF COMMON PLEAS
Plaintiff(s)	:	OF ERIE COUNTY, PENNSYLVANIA
vs.	:	_____ DIVISION
	:	NO.
Defendant(s)	:	

INDEX OF EXHIBITS
PURSUANT TO PA.R.J.A. 5102(b)(2)

FILED ON BEHALF OF: _____
 (Name of Party(ies))

DATE OF PROCEEDING: _____

TYPE OF PROCEEDING: _____

PRESIDING JUDGE: _____

NOTE: For any exhibit that is a photograph of an oversized documentary exhibit or non-documentary exhibit, indicate in the “Description” how the physical exhibit will be secured and maintained in conformity with Pa.R.J.A. 5102(b)(iii) and Erie R.J.A. 5103(a) – (b). For any digital exhibit, indicate the storage type (USB flash drive; CD ROM, etc.).

Exhibit:	Party:	Description:	Admitted?

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[Attach Additional Pages as Needed]