

Rule 5102. Custody of Exhibits. General Provisions.

(a) During Court Proceedings.

Unless otherwise directed by the court at the time of the Court Proceeding, during any Court Proceeding before a presiding judge of the Carbon County Court of Common Pleas, including breaks and recesses, the Court Stenographer shall be the Custodian of all exhibits admitted into evidence. Those exhibits offered but not admitted into evidence shall be retained by the Proponent of the exhibit as Custodian thereof.

(b) After Court Proceedings.

(1) Documents: At the conclusion of a Court Proceeding, the Court Stenographer shall be the Custodian of all documentary exhibits, photographs and photographs of all non-documentary exhibits admitted into evidence during the proceeding. As Custodian of such documents, the Court Stenographer shall take and maintain custody of these exhibits and secure them at a location (Court Evidence Room) made available to the Stenographer for these purposes or as otherwise directed by the court. In accordance with Pa.R.J.A. No. 5103(a)(1), if a Proponent offers into evidence a document that is larger in size than 8 1/2 x 11 inches, the Proponent shall ensure that a copy of the document reduced to 8 1/2 x 11 inches (or smaller) is entered into the record.

(2) Non-Documents: With the exception of any weapons, ammunition, drugs, contraband or other dangerous or hazardous materials which are addressed in paragraph 3 below, and unless otherwise directed by the court, at the conclusion of a Court Proceeding, the Court Stenographer shall retain custody of all non-documentary exhibits admitted into evidence and secure and maintain them at a location (Court Evidence Room) made available to the Stenographer for these purposes. With respect to any non-documentary exhibit, the Proponent shall also ensure that a photograph (no larger in size than 8 1/2 x 11 inches) of the exhibit is entered into the record for inclusion in the documentary record.

At the conclusion of any post-trial proceedings, and after the exhaustion of any direct appeals or other pending direct challenges related to the proceedings, all such non-documentary exhibits, excluding cash, jewelry and other valuables as further addressed in paragraph 4 below, shall be returned by the Court Stenographer to the Proponent of the exhibit who will thereafter be responsible for maintaining and securing the exhibit as Custodian thereof until the latter of the expiration of any applicable retention schedule, law, rule, regulation or policy, or as otherwise directed by the court. To facilitate the transfer of non-documentary exhibits to the Proponent, upon receiving notice from the Stenographer of the intended transfer, the Proponent of the exhibits shall arrange with the Stenographer to have the exhibits picked up and upon receipt of such exhibits shall execute a receipt prepared by the Stenographer acknowledging the Proponent's receipt.

Any non-documentary exhibits not admitted into evidence shall be retained by the Proponent of the exhibit as Custodian thereof.

(3) At the conclusion of any Court Proceeding at which any weapons, ammunition, drugs, contraband or other dangerous or hazardous materials were admitted into evidence,

unless otherwise ordered by the court, such exhibits shall be maintained and secured by the Proponent of the exhibit as Custodian thereof, including during any post-trial proceedings and until the exhaustion of any direct appeals or other pending direct challenges related to the proceedings. With respect to the exhibits covered by this paragraph, the Proponent shall ensure that a photograph (no larger in size than 8 1/2 x 11 inches) of the exhibit is also entered into the record for inclusion in the documentary record. The Proponent of these exhibits shall further be responsible for maintaining and securing them until the latter of the expiration of any applicable retention schedule, law, rule, regulation or policy, or as otherwise directed by the court. With respect to any weapons, ammunition, drugs, contraband or other dangerous or hazardous materials which have been admitted into evidence, at the conclusion of the Court Proceedings, the Court Stenographer shall complete a transfer of custody document describing all such exhibits being transferred to the Proponent, said document to be signed by the Stenographer evidencing this transfer and acknowledged by the Proponent in writing acknowledging the Proponent's receipt of all such exhibits.

As to any weapons, ammunition, drugs, contraband or other dangerous or hazardous materials which have not been admitted into evidence, such exhibits shall be retained by the Proponent of the exhibit as Custodian thereof.

(4) At the conclusion of any Court Proceeding in which cash, jewelry or other valuables were admitted into evidence, such exhibits shall be maintained and secured by the Court Stenographer as Custodian thereof in a safe in the secured Court Evidence Room. Alternatively, with the Sheriff's consent, as to these exhibits, the Court Stenographer may designate the Sheriff as the Custodian's designee. If any of the exhibits covered by this paragraph are not admitted into evidence, the exhibits shall be retained by the Proponent of the exhibit as Custodian thereof.

(5) The court stenographer shall prepare an Index of Exhibits setting forth a numbered list of exhibits and for each exhibit identify the Proponent, whether the exhibit was admitted or rejected from evidence, and a textual description or identification of the exhibit. This Index shall be filed by the court stenographer in the appropriate Records Office within five business days of the conclusion of the court proceeding. The court stenographer shall retain a copy of the Index of Exhibits and provide a copy to counsel for each party, or to a party directly if unrepresented.