

Rule 5.04 | DISPOSITION OF EXHIBITS AND DISCOVERY MATERIALS

(a) Sensitive Exhibits and Exhibits Other Than Documents: Sensitive exhibits shall include, but are not necessarily limited to, drugs, weapons, currency, exhibits of a pornographic nature, and articles of high monetary value. When offering sensitive exhibits and exhibits other than documents into evidence, offering counsel shall also offer photographs of the exhibits. Counsel will be deemed by the Court to stipulate to substitution of the photographs for the exhibits in the record on appeal, unless otherwise ordered by the Court.

(b) Documentary Exhibits Larger than 8-1/2" x 11": When offering into evidence a documentary exhibit larger or smaller than 8-1/2" x 11", counsel shall also offer an 8-1/2" x 11" reduction or enlargement of the exhibit. Counsel will be deemed by the Court to stipulate to the substitution of the 8-1/2" x 11" reduction or enlargement for the exhibits in the record on appeal, unless otherwise ordered by the Court.

(c) Clerk's Disposition Schedule: The Clerk shall dispose of exhibits in accordance with the following schedule:

(1) Sensitive Exhibits: Sensitive exhibits offered or received into evidence or otherwise filed with the Clerk during any proceeding in this Court shall be maintained in the custody of the Clerk during the hours in which the Court is in session. At the conclusion of each daily proceeding, and when Court recesses if the presiding judge so directs, the Clerk shall return all sensitive exhibits to offering counsel or their delegates who shall then be responsible for maintaining custody and the integrity of such exhibits until the next session of Court at which time they shall be returned to the Clerk. After a verdict is rendered in a jury case or final order is entered in a non-jury case, with the approval of the presiding judge, the Clerk shall immediately return custody of sensitive exhibits to the offering or filing counsel. It shall be the responsibility of counsel to safely maintain all exhibits thus returned during the time permitted for an appeal and thereafter during the pendency of an appeal should one be taken.

(2) Documents Larger Than 8-1/2" x 11" and Exhibits Other Than Documents: A document larger or smaller than 8-1/2" x 11" or an exhibit other than a document offered or received into evidence or otherwise filed with the Clerk during any proceeding in this Court shall be delivered to and kept by the Clerk until a verdict is rendered in a jury case or until the entry of a final order by the Court in a non-jury case. Thereafter, unless otherwise ordered by the Court, the Clerk shall immediately return custody of the exhibit to the offering or filing counsel. It shall be the responsibility of counsel to safely maintain all exhibits thus returned to counsel during the time permitted for filing an appeal and during the pendency of any appeal should one be taken. The Clerk shall handle and dispose of any photograph or reduction offered with an exhibit in the manner described in subsection (3) below unless otherwise ordered by the Court.

(3) Other Exhibits and Discovery Materials: Other exhibits and discovery materials offered or received in evidence or otherwise filed with the Clerk during any proceeding in this Court and any photographs or reductions offered pursuant to subsections (a) and (b) shall be delivered to the Clerk who shall keep them in custody unless otherwise ordered by the Court, except that the Clerk may, without special order, permit an official court reporter to retain custody pending preparation of the transcript and transmit such items to a court of appeals. All such exhibits, discovery materials, photographs and reductions remaining in the custody of the Clerk shall be taken away by counsel within three (3) months after the case is finally decided, unless an appeal is taken in the United States Court of Appeals for the Eleventh Circuit. It shall be the responsibility of counsel to safely maintain exhibits thus taken away during the time permitted for an appeal with any other court and thereafter during the pendency of an appeal with such court should one be taken. In all cases in which an appeal is taken with the United States Court of Appeals for the Eleventh Circuit, all exhibits, photographs and reductions shall be taken away within thirty (30) days after the filing and recording of the mandate of that court.

(d) Destruction of Exhibits: The Clerk may notify counsel in writing of the requirement that exhibits, discovery materials, photographs, and reductions be removed, and if they are not removed within thirty (30) days, the Clerk may destroy them or make such other disposition as the Court may direct.