

**IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY,
PENNSYLVANIA**

IN RE: :
CUSTODY OF EVIDENCE :
ADMITTED IN COURT : No. 808 of 2014 GD

ADMINISTRATIVE ORDER

AND NOW, this 9th day of September, 2014, it is hereby Ordered that our practice with regard to the Custody of Evidence Admitted in Court is amended as attached.

The Prothonotary is directed as follows:

- (1) Seven certified copies of the order and policy shall be filed with the Administrative Office of Pennsylvania Courts
- (2) Two certified copies and diskette of the order and policy shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
- (3) One certified copy of this order shall be sent to the State Civil Procedural Rules Committee.
- (4) One certified copy shall be sent to the Fayette County Law Library and the Editor of the Fayette Legal Journal.

The amendment of the Custody of Evidence Admitted in Court policy shall become effective thirty (30) days after publication in the Pennsylvania Bulletin.

BY THE COURT:

John F. Wagner, Jr., President Judge

CUSTODY OF EVIDENCE ADMITTED IN COURT

1. Unless otherwise ordered by the Court, ALL evidence offered by a party in any civil, criminal, juvenile or orphans' court proceeding SHALL, after admission, remain in the custody of counsel for the party offering said evidence; and counsel for the offering party SHALL be required to secure and maintain the evidence, unadulterated, and insure the evidence is present in Court during all Court proceedings and available for jury deliberation.
2. Counsel for the party offering an exhibit which is admitted into evidence by the Court SHALL be required to secure and maintain said exhibit throughout the pendency of all appeals.
3. The parties may substitute and make a part of the record an 8.5 x 11 or 8.5 x 14 copy of ANY type of evidence, provided that said copy SHALL clearly indicate the same exhibit number as that under which it was admitted by the Court.
4. Under NO CIRCUMSTANCES SHALL the Court, or any officer thereof, take custody of any controlled substances, intoxicants, firearms, explosives, currency, money, or negotiable instruments admitted into evidence in Court. Nor shall any of the aforementioned items be permitted to be in the custody of a jury at any time, including deliberations.

If during deliberations, the jury requests to view such evidence, the Court in its discretion, may permit such viewing in open court or by providing the evidence to a Deputy Sheriff, or other person then authorized by the Court who shall display the evidence to the jury in the jury room. In so doing, the Deputy Sheriff, or other authorized person shall at all times maintain custody of such evidence and shall not speak or answer any questions.

5. All such evidence as described in paragraph (4) shall remain in the custody of the offering party and may only be disposed of by return, forfeiture, or destruction pursuant to a Court Order and according to law.
6. Where, IN CIVIL MATTERS, the Court exercises its discretion in retaining exhibits, the same shall be processed as follows:

- a. Such exhibits shall be held by the Court until the appeal period has elapsed or there is a final disposition of the case or as otherwise ordered by the Court;
- b. After final disposition of any civil matter, the Court shall transfer custody of said exhibits to the Prothonotary's Office;
- c. At that time, the Prothonotary's Office shall send a notice to the parties of record that unless they withdraw their respective exhibits from the Prothonotary's Office within thirty (30) days, the exhibits will be identified in an inventory list, or in the case of exhibits or documents that are of a size capable of scanning shall be scanned and filed electronically, and then disposed of according to the retention policy of the Prothonotary.