

### Rule 11.1.01 The Court's Acceptance of Exhibits

- (a) Except as provided in this rule, evidence admitted in any case shall be retained by the Court for the minimum time required by law, unless good cause is shown to extend the retention period. The Executive Officer/Clerk of the Superior Court will not accept or retain exhibits that are bulky<sup>1</sup>, heavy<sup>2</sup>, or designated as hazardous or toxic waste material<sup>3</sup> or any biological material<sup>4</sup>.
- (b) Evidence stored on removable storage devices, including but not limited to flash drives/USB's, memory sticks and compact discs, shall be accompanied by an exhibit list. The list shall state each exhibit on the device in the order they appear.
- (c) Pursuant to Penal Code § 1417.3(b) and upon a finding of good cause, certain toxic materials may be brought into a courtroom and introduced into evidence provided they remain at all times in a sealed condition and properly labeled as to the exact contents thereof. Unless otherwise ordered by the Court, the person bringing the evidence into the courtroom shall retain it and shall be responsible for the storage of the evidence and for the production and substitution of a photographic record in lieu of the evidence.
- (d) In the event the Court does not order the substitution of a photograph and/or technical report for the actual controlled substance evidence, the evidence shall be stored by the person delivering it into the courtroom until it is eligible for destruction.
- (e) Additional exhibits that are not to be sent to the courts' exhibits custodian, unless there is a court order for the Court to retain them, include the following:
  - 1. Any type of explosive powder.
  - 2. Any explosive chemical such as toluene, ethane, etc.
  - 3. Any explosive device such as a pipe bomb, hand grenade, etc.
  - 4. Any flammable device such as Molotov cocktail, gasoline, etc.
  - 5. Any canister containing tear gas, spray paint, mace, etc.
  - 6. Any corrosive liquid.

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<sup>1</sup> "bulky" objects are those exceeding 1 cubic foot in volume.

<sup>2</sup> "heavy" objects are those exceeding 3 lbs. by weight.

<sup>3</sup> All controlled substances listed in Health & Safety Code §§ 11054, 11055, 11056, 11057, and 11058 are considered to be hazardous waste material.

<sup>4</sup> Any material that may be subject to forensic deoxyribonucleic acid (DNA) testing per Penal Code 1405(a) such as blood, urine, human or animal tissue or other items requiring refrigeration and/or humidity controlled storage is considered biological material.

7. Any rags soaked with any flammable liquid which is still damp or wet.
  8. Exhibits purporting to contain samples of blood, urine, human or animal fluids or tissues, or other items requiring refrigeration and/or humidity controlled storage.
  9. All controlled substances as defined in Health & Safety Code § 11007 (which refers to schedules of controlled substances listed in Health & Safety Code §§ 11054, 11055, 11056, 11057 and 11058) have been designated by the Court as hazardous waste materials.
  10. Firearms, knives, and other weapons.
- (f) For exhibits that fall into one of the above classifications, photographs, technical reports or identical dummy objects shall be used in lieu of the original object. Foam boards or enlarged photographs that are used in a case shall be replaced by 8 ½” x 11” photographs or copy of photographs at the end of the case. The Court will not store foam boards at the conclusion of a case. Audio/video capabilities to display and enlarge exhibits are available for use by attorneys and parties in each of the courtrooms.
- (g) The custodial party must maintain all returned exhibits in the same condition until eligible for destruction.

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