



20th JUDICIAL DISTRICT OF COLORADO
ADMINISTRATIVE ORDER 11-102
SUBJECT: Exhibits

To: All Judicial Officers, Court Executive, Clerk of Court, Court Staff, District Attorney, Public Defender, Boulder County Bar Association, Chief Probation Officer, Probation Staff

From: Ingrid S. Bakke **DATE:** February 8, 2021
Chief Judge

This order replaces the version of 20th Judicial District Administrative Order 11-102 versions dated October 17, 2011, December 2, 2011, November 2, 2018 and March 2, 2020.

All exhibits submitted in the Twentieth Judicial District will be marked by counsel or parties prior to trial as follows:

Each exhibit shall be labeled on the front of the first page to indicate if it is a plaintiff/petitioner's exhibit or a defendant/respondent's exhibit. Exhibits for each case shall be ordered sequentially. The label shall include the case number and the date of the hearing.

Plaintiff and Petitioners will use Arabic numerals (1, 2, 3, etc.)

Defendants and Respondents will use letters (A, B, C, etc.)

The court does not maintain oversized exhibits including non-documentary exhibits, e.g. clothing. Counsel shall submit a copy of all oversized exhibits on 8 x 14 x 11 paper at the start of the trial. If a party intends to submit an exhibit or document that cannot be submitted through e-filing systems because of its physical size or because it is non-documentary in nature, an image of the exhibit shall be electronically filed for purposes of the record. After the verdict, counsel shall pickup all oversized exhibits from a division representative within seven business days. If counsel fails to pick up the oversized exhibits within seven business days, the court judicial assistant(s) will be responsible for destroying these exhibits, after the appeal period. Counsel shall maintain all oversized exhibits during the appeal period.

Cash exhibits shall be receipted into the court registry. Any cash money that has been held as an exhibit for over two years should be receipted into the court's account as "unclaimed registry".

Audio and Video exhibits cannot be submitted through the E-Filing system at this time. Those exhibits shall be placed on a CD, DVD, or flash-drive and supplied to the court with a notice. The notice should be E-Filed into the case letting the court know of the submission of the Audio or Video.

A party intending to submit any documentary exhibit that exceeds the megabyte file size limit set forth by the IT Division of the Colorado Judicial Department shall separate the exhibit into electronic files as provided in CJD 11-01. If the document cannot be separated, then the party shall place it on a CD or DVD for filing with the court. You will need to submit a notice indicating what was filed with the court and why it was not electronically filed.

The court should not maintain the following types of exhibits:

- A. Weapons. Weapons should be released to the district attorney, local police department, or the sheriff's department for ballistics use or for destruction. A photograph of the weapon should be taken and placed in the record prior to the release to another party or agency.
- B. Drugs and other contraband. Drugs and other contraband should be released to the district attorney, the local police department, the sheriff's department, or the federal drug enforcement agency for destruction. A photograph of the contraband should be taken and placed in the record prior to the release to another party or agency.
- C. Sensitive Records. Sensitive records as defined in Chief Justice Directive 16-03 require special handling and secure storage. CJD 16-03 provides detailed rules for handling such exhibits.

Jury questionnaires, Jury instructions, Verdict forms, Juror questions, Bailiff reports and Challenge lists are not exhibits and shall remain in the file and not placed in the exhibit envelope. Only one copy of the exhibits is required. Any additional witness or judge copies will be destroyed by the division staff.

CIVIL EXHIBITS

(Includes County Court Civil Money and FED cases, District Civil, and Domestic Relations)

Exhibits in all electronically filed cases shall be submitted per Colorado Supreme Court Chief Justice Directive 11-01. The trial court will not maintain any physical exhibits on electronically filed cases.

Counsel shall electronically file exhibits either prior to the trial or hearing but no later than seven business days after the trial or hearing.

After the hearing or trial verdict, any paper filed exhibits shall be returned to counsel. If these exhibits have not been previously electronically filed, counsel must scan and upload them into the e-filing system within seven business days. Exhibits filed by pro se litigants will be scanned and uploaded by court staff and then mailed to the pro se litigant.

SMALL CLAIMS EXHIBITS

Exhibits submitted for a small claims trial will be uploaded by the court judicial assistant. If the court retains the exhibits after the trial, the parties are directed to pick up their exhibits 21 days from the date of judgment. If the parties fail to pick up their exhibits within 35 days from trial date, the exhibits will be destroyed without any further notice from the court as stated in the Case Management Order issued at the beginning of the case.

CRIMINAL EXHIBITS

(Includes Felony, Juvenile, Misdemeanor and Traffic cases)

Contraband, including weapons and drugs as well as articles of clothing and other non-documentary exhibits shall be kept by the arresting agency or Sheriff, before, during and after the trial.

During the trial, the law clerk, court judicial assistant or other designated court staff shall prepare a written inventory including exhibit numbers of all exhibits entered into evidence in Felony and Juvenile cases. (Misdemeanor and traffic cases are excluded from the requirement of an inventory list). The original inventory list shall be maintained in the division until the conclusion of the trial and then uploaded into the electronic file. A copy of the inventory list shall be attached to the exhibits. The law clerk will store the exhibits in the locked exhibit cabinet in the courtroom unless the exhibit is oversized which would then be stored in the law clerk's office during the trial. Any exhibits considered contraband will remain with the arresting agency or Sheriff. If there is no law clerk, court judicial assistant or other court staff in the courtroom, the judicial officer is responsible for keeping the exhibits. The law clerk or court judicial assistant will make sure that an inventory list is created and attached to the exhibits when the hearing is completed. A sample inventory form is attached to this order.

After the trial or hearing in which physical evidence is offered, any exhibit which was originally in the custody of the investigating law enforcement agency shall be returned to the custodian of that agency for storage. The court, with the assistance of the district attorney, and if applicable, defense counsel, shall determine the appropriate law enforcement custodian to take custody of the evidence.

The law enforcement agency, the district attorney or defense counsel, as applicable, to whom the exhibits are being returned, shall photograph the returned exhibits in the presence of appropriate court personnel and a copy of the photographs or a digital copy of the photographs shall be submitted to the court to preserve the record as to the returned exhibits. A notice shall be e-filed when a digital copy of photographs or any other physical evidence is submitted. A copy shall also be retained by the party to whom the exhibits are returned.

NOTICING OUT OF EXHIBITS

The appeals specialist or designated judicial assistant shall send a notice to each counsel of record or party advising that the exhibits and any depositions entered into evidence for a particular case

will be destroyed unless claimed within 35 days. The first counsel picking up the exhibits will take all exhibits and is responsible for distributing the exhibits to the other parties.

Criminal exhibits in district court cases shall be noticed out by the designated judicial assistant per the criteria listed below:

Criminal exhibits shall be noticed out to the District Attorney's office 35 days after one of the following has occurred:

- 1) Completion of a deferred prosecution, or
- 2) Death of the defendant or as otherwise ordered in cases in which the defendant is found or pleads guilty, or
- 3) Completion of the entire sentence including incarceration.

NOTICING OUT OF EXHIBITS – SEALED CASES

Sending out Notices of Destruction in sealed cases will depend on why the case was sealed. If a case was sealed until Title 24, the notice should be sent out before the sealing of the case. Once sealed, the case does not exist and cannot be accessed. If a case was sealed by court order, the court will need to determine if it is appropriate to send out the notice.

DESTRUCTION OF EXHIBITS

Exhibits including any depositions that are noticed out but not claimed within 35 days shall be destroyed. In general, exhibits shall be destroyed by placing paper exhibits in a confidential recycle bin and all other types of exhibits by placing them in the trash. Exhibits of archival value over \$100 shall be disposed of according to the Colorado Judicial Department Records Management Manual. Contraband exhibits shall be disposed of by the Sheriff or law enforcement agency.



Hon. Ingrid S. Bakke
Chief Judge
Twentieth Judicial District

