

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

SEP 23 2019 ✓

IN AND FOR THE COUNTY OF YAVAPAI

DONNA McQUALITY, Clerk
By: J. DEROIS

IN THE MATTER OF:)	
)	ADMINISTRATIVE ORDER
EXHIBIT PROCEDURE)	
)	No. 2019-20
_____)	

The Superior Court of Arizona in and for Yavapai County acting through the Presiding Judge, with the concurrence of the other Judges, Judges Pro Tempore of the Superior Court and the Clerk of the Superior Court, has established a process for the submission and admission of exhibits which will remain in effect until modified by administrative order.

IT IS ORDERED the following exhibit procedure is approved and adopted for use in the Superior Court of Arizona in and for the County of Yavapai, effective October 1, 2019.

1. **ENFORCEMENT OF EXHIBIT DEADLINES:** Language has been incorporated into Pretrial Conference forms that reads as follows:

Warning: Failure to submit exhibits to the Clerk by the ordered deadline may result in a monetary sanction of not less than \$100 00 and/or preclusion of exhibits not timely submitted.

2 **CLERK'S OFFICE POLICY:** The Clerk accepts manageable paper, audio and video items only for purposes of marking These items shall be presented in accordance with the provisions of the Notice of Exhibit Deadline.

Exceptional Items: The Clerk will not accept larger, unwieldy items, drugs, weapons, cash, DNA items, or other physical evidence for purpose of marking. A

✓	Chief of Court (e)
✓	Chief Deputy (e)
✓	Court Admin (e)
✓	_____
✓	_____ () Other _____

photograph of such items shall be submitted to the Clerk in lieu of these items and the photograph will be marked as an exhibit.

At Pretrial, the Court will instruct the parties to submit a photograph of such items by the deadline. Court and Counsel/Parties may discuss the issue of bringing exceptional items for **demonstrative** purposes to Court at the time of trial/hearing. The Court will advise the parties who propose to bring the exceptional items to Court that they will be responsible for taking those items with them when they leave at the end of the hearing/trial or at the end of each day if the hearing/trial is scheduled for multiple days.

3. **NON-CRIMINAL UNADMITTED EXHIBITS:** At the end of the proceedings, the Court will Order that all unadmitted exhibits that have not been offered or discussed during the proceedings be returned to the submitting party. The Clerk will note such order in the minute entry.
4. **CRIMINAL UNADMITTED EXHIBITS:** At the end of the proceedings, the Court will Order that all un-admitted exhibits that have not been offered or discussed during the proceedings be returned to the submitting party; however, the Court may order the State retain exceptional items, i.e. weapons, drugs, DNA items, cash or large items pending appeal.

IF THE COURT PERMITS THE FOLLOWING ITEMS TO BE SUBMITTED TO THE CLERK FOR DEMONSTRATIVE PURPOSES,

Drug items shall not be submitted until the day of the proceedings and shall be double sealed (i.e. clear vial inside a clear bag). The Clerk has the right to refuse any drugs that are not properly sealed until they are submitted properly. At the end

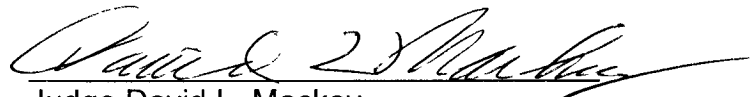
of the proceedings the Court will order the exhibits returned to the submitting party and may order the submitting party to retain the evidence pending appeal. The Clerk will note the Court's order in the minute entry.

Weapons will not be checked by the Clerk, they should be checked prior to bringing them to Court. Weapons should also be submitted with a trigger lock or plastic tie around the trigger. At the end of hearing/trial the Court will order the weapon returned to the submitting party and may order them to retain the evidence pending appeals. The Clerk will note the Court's order in the minute entry

Sanction: Sample language to be used if sanctions are imposed:

"IT IS ORDERED _____ is assessed with a sanction of \$____ for failure to submit exhibits by the deadline ordered. The sanction shall be payable to the Clerk of Court for deposit in the General Fund."

Dated at Prescott, Arizona, the 23rd day of September, 2019.


Judge David L. Mackey
Presiding Judge