

ADMINISTRATIVE ORDER 90-1

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT

RULE FOR CUSTODY OF EXHIBITS AND DISPOSITION THEREOF

Custody of exhibits and disposition thereof shall be as follows:

1. After an exhibit is marked for identification and before it is admitted into evidence, the offering party is responsible for the custody of the exhibit, unless otherwise ordered by the Court;
2. After an exhibit is marked and ruled upon, custody is in the Clerk, unless otherwise ordered by the Court;
3. During trial, the custody of all exhibits offered into evidence is in the Circuit Clerk;
4. In all civil cases, after trial, all exhibits shall be retained by the Circuit Clerk until the time to appeal has expired; in the event the judgment is appealed, the Clerk shall retain custody of all exhibits until the judgment has been affirmed on appeal or reversed on appeal but not remanded, whichever is longer, or upon order signed by the Chief Judge. Such exhibits shall be returned by the Clerk to the parties or the attorneys for the parties that introduced said exhibits upon receipt therefor.

5. In all criminal, traffic, ordinance violation and conservation cases where the defendant has been found not guilty, all exhibits shall forthwith be returned by the Circuit Clerk to the parties or the attorneys for the parties. In the event the defendant has been found guilty, the Circuit Clerk shall return all exhibits admitted into evidence to the offering parties or the attorneys for the parties after the defendant has served his sentence or paid a fine or is discharged from probation, conditional discharge, supervision, parole or mandatory supervised release, whichever is longer; however, in no event need the Clerk keep custody of exhibits beyond 10 years of conviction, unless otherwise ordered by the Court. The Clerk shall obtain a receipt for said returned exhibits.

The rule in criminal, traffic, ordinance violation and conservation cases applies to all exhibits with the exception of contraband, including but not limited to weapons used in committing an offense and illegal drugs. Release or destruction of the last above referred to exhibits or evidence may occur only by order of the presiding Judge or the Chief Judge.

The Clerk of the Court shall in writing notify the parties or the attorneys for the parties forthwith after the time has elapsed for the return of the exhibits.

In the event that the parties or the attorneys for the parties fail to obtain said exhibits from the Office of the Circuit Clerk within 30 days of the date of the Notice, a Petition shall be filed by the Clerk with the Chief Judge of the Circuit or the presiding Judge praying for an order to sell or destroy said exhibits. The Clerk shall by regular mail forward a copy of the Petition to the parties or the attorneys for the parties with a notation on said Petition of the date said Petition is set for hearing, which shall not be less than 21 days from the date of mailing.

A proposed form of Notice is attached hereto.

Following the time periods set forth above, the Court shall direct the Circuit Clerk to deliver all contraband to the Sheriff for destruction. The Clerk shall witness any such destruction and within 14 days of delivery to the Sheriff, both the Sheriff and Circuit Clerk shall certify to the Court that the destruction has been accomplished, provided, however, that the Court may order a weapon placed in the hands of a governmental body pursuant to Sec. 24-6, Chapter 38, Illinois Revised Statutes.

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT

_____ COUNTY, ILLINOIS

vs.

Case No. _____

NOTICE

TO:

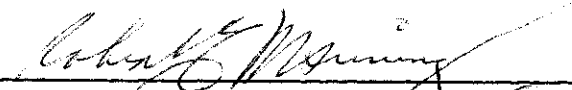
You are hereby notified that in the above-captioned cause, certain exhibits were admitted into evidence on behalf of the Plaintiff - Defendant and that these exhibits will be returned to the offering party upon your receipting for same at the Office of the Circuit Clerk of _____ County. In the event that you fail to obtain said exhibits from the Office of the Circuit Clerk within thirty (30) days of the date of this Notice, a Petition will be filed with the Chief Judge of this Circuit or the presiding Judge praying for an order to sell or destroy said exhibits. Proceeds of the sale of said exhibits will be paid to the County Treasurer of this County.

Dated this _____ day of _____, 19____.

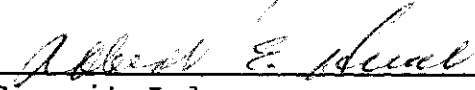
Clerk of the Circuit Court of
_____ County, Illinois

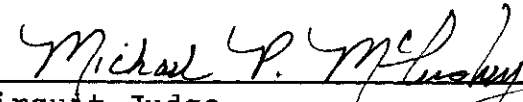
Adopted by the majority of the Circuit Judges of the Tenth
Judicial Circuit.


DATED: 4-2-90


Circuit Judge



Circuit Judge


Circuit Judge



Circuit Judge

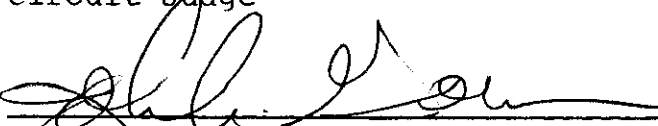

Circuit Judge


Circuit Judge


Circuit Judge


Circuit Judge


Circuit Judge


Circuit Judge