



Proud past. Promising future

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CLERK'S ALERT

DATE: October 2009
TO: Clark County Bar Association
FROM: Sherry W. Parker, Clark County Clerk
RE: Exhibit Procedure Changes

The Clerk's Office instituted new procedures for the handling of bulky, hazardous and valuable exhibits during trials or hearings starting October 5th. This procedure was developed after consultation with the judges, the Prosecuting Attorney's office and the evidence officers of all the local law enforcement agencies, in accordance with Washington State General Court Rule 20 (GR20).

Washington GR 20 states that if any controlled substances, cash, bio-hazardous materials, items of negotiable value or bulky items are admitted as exhibits, the County Clerk can have those exhibits replaced by photographs, videotape or other facsimile representation.

Of main interest to attorneys are the following:

- At the end of trial when the jury has been excused to deliberate, attorneys must verify the exhibit list and stipulate on the record that these are the exhibits that were admitted. At that time any exhibits that need to be substituted per GR20 will be identified on the exhibit list. If so, those should also be noted on the record.
- If such materials have been admitted, the trial clerk will obtain the judge's signature on and Order Authorizing Clerk to Substitute Photographs for Specific Exhibits. The attorneys will be provided with a copy and the original will be filed with the exhibit list and a copy of GR20.
- Before any drugs or biohazard items are delivered to the jury, they will be placed in a clear plastic bag, sealed with evidence tape and initialed and dated by the clerk. When deliberations have been completed and the verdict taken, the clerk will inventory and inspect the exhibits. If there is any indication that the exhibits have been tampered with in any way, the judge will be notified immediately.
- The courtroom clerks will be required to return to the courthouse after hours to receive a verdict and/or secure exhibits for the day.
- After the trial is completed, the clerk's office will replace the designated exhibit with a digital photograph and return the original exhibit to the appropriate law enforcement agency for safe keeping until further order of the court.

Pre Trial Exhibit Reminder:

Some judges prefer to have exhibits marked before the trial begins. When attorneys are planning to present more than 20 exhibits, it is helpful if the clerk can receive the exhibits one or two days early. This allows time for the exhibits to be properly marked and an exhibit list prepared before trial and is more convenient for the judge, the attorneys and the clerk when referring to proposed exhibits.

If you have any questions about these new procedures, please feel free to contact me.