

**IN THE COURT OF COMMON PLEAS OF INDIANA COUNTY  
PENNSYLVANIA  
CRIMINAL DIVISION**

IN RE: : MD-32-2024  
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:  
LOCAL RULE OF JUDICIAL :  
ADMINISTRATION :  
CUSTODY OF EXHIBITS :  
:  
:

Indiana Co Proth & Court Clerk  
2024 FEB 01 AM 09:32

**Order of Court**

AND NOW, this 31<sup>st</sup> day of January, 2024, in compliance with Rule 103(d) of the Pennsylvania Rules of Judicial Administration, it is HEREBY ORDERED that the Court adopts the following Rule of Judicial Administration Custody of Exhibits regarding Indiana County's custody of exhibits, effective April 1, 2024.

The Court Administrator shall:

- 1) File one certified copy of this Order with the Administrative Office of Pennsylvania Courts to [adminrules@pacourt.us](mailto:adminrules@pacourt.us);
- 2) Submit two paper copies of this Order to the Legislative Reference Bureau and one electronic copy in Microsoft Word format only to [Bulletin@palrb.us](mailto:Bulletin@palrb.us) for publication in the Pennsylvania Bulletin;
- 3) Provide one copy of this Order to the members of the Indiana County Bar Association;

- 4) Incorporate the Rule into the set of Local Rules within thirty (30) days of publication of the Local Rule in the Pennsylvania Bulletin and publish the rules on the Court's website at [www.IndianaCountyPA.gov](http://www.IndianaCountyPA.gov);
- 5) File this Order in the Prothonotary's Office of Indiana County.

**Rule 5102. General Provisions**

The court recorder or court reporter for all, or a portion, of a court proceeding shall be designated as the "Custodian," as defined by Pa.R.J.A. 5101(a)(2), for all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceeding submitted during that period.

- (a) If only one custodian is involved with a proceeding, he/she shall file with the appropriate records office all submitted exhibits and index of exhibits within 5 business days of the conclusion of the proceeding.
- (b) If multiple custodians are involved with a proceeding, the first custodian shall provide the subsequent custodian (and so on, if more than two custodians) with the submitted exhibits and index of exhibits. The custodian at the conclusion of the proceeding shall file with the appropriate records office all submitted exhibits and index of exhibits within 5 business days of the conclusion of the proceeding.

**Rule 5103. Custody of Exhibits. Special Provisions.**

- (a) The proponent shall retain custody of physical evidence (including, but not limited to weapons, cash, other items of value, drugs, or other dangerous materials) and bulky, oversized, or otherwise physically impractical exhibits at all times during and after a court proceeding.
- (1) These non-documentary exhibits must be photographed by the proponent, converted to a letter sized document, and appropriately marked and produced during the court proceeding for inclusion in the documentary record.
- (2) Unless otherwise provided by the presiding judge, at the conclusion of the court proceeding, non-documentary evidence shall be returned to the proponent for safekeeping as required by any applicable retention schedule, statute, rule, regulation, or policy, or until further order of court.
- (3) Unless otherwise ordered, the proponent or filing office shall maintain non-documentary exhibits for the following time periods, at a minimum:
- i. Non-criminal matters. Retain exhibits until the later of the expiration of the appeal period or final disposition of the appeal, if one is taken.
  - ii. Criminal matters.

1. Homicides. Retain exhibits 75 years.
2. Summary cases. Retain exhibits 5 years.
3. Other cases. Retain exhibits 20 years.

- (b) Any digital exhibit that cannot be printed (i.e. audio or video recording) shall be entered into the records on a Universal Serial Bus (USB) flash drive (or other format if expressly approved by the court). If one party has multiple digital exhibits, they may be submitted together on one USB flash drive.
- (c) Any exhibit containing confidential information or equivalent to any of the categories enumerated in PA. Access Policy §8.0 shall include a Confidential Document Form so that the document can be properly sealed by the record office.

By the Court,



President Judge Thomas M. Bianco

EXTRACT FROM  
THE RECORDS  
ATTEST



Prothonotary and Clerk of Courts

Indiana Co Proth & Court Clerk  
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