

### **Rule 119. Custody of Property and Exhibits in Criminal Cases**

(a) Prior to verdict. The prosecutor, the attorney for the defendant, or a defendant when acting pro se in a criminal proceeding shall retain its exhibits and property until they are marked for identification and received in evidence. All such property and exhibits shall thereafter be retained by the Clerk until verdict, except that exhibits consisting of weapons, money, controlled substances, or articles of high monetary value shall be retained by the parties during adjournments.

(b) After verdict. In cases in which a verdict of not guilty or a judgment of acquittal is entered or a mistrial declared, each party shall immediately retake its exhibits from the Clerk unless otherwise ordered by the Court. In cases in which a verdict of guilty is entered, the Clerk shall retain all exhibits, except exhibits consisting of controlled substances, weapons, money, or articles of high monetary value, which shall be transmitted by the Clerk to the parties, who shall receipt for them. Exhibits offered by a party which are large and unwieldy, such as diagrams, models, physical displays, etc., shall also be so transmitted unless otherwise ordered by the Court.

If no appeal is perfected, each party shall retake its exhibits from the Clerk 90 days after the date of final disposition of the case in this Court. If an appeal is perfected, each party shall retake its exhibits from the clerk 30 days after final disposition of the case by the appellate court.

(c) Preservation of exhibits. The parties shall preserve and maintain in custody all exhibits so transmitted to them for the periods of time specified in paragraph (b) of this rule.

(d) Destruction of exhibits. If any party, having received notice from the Clerk to retake its exhibits as provided in paragraph (b) of this rule, fails to do so within 30 days of the date of such notice, the Clerk may destroy or otherwise dispose of those exhibits.