



# BEVERLEY MCGREW WALKER

District Clerk  
Fort Bend County, Texas

## Frequently Asked Questions – Exhibits

### When will the exhibits be eligible for destruction?

#### **Civil/Family:**

In compliance with the provisions of Texas Rules of Civil Procedure Rule 14b, the Supreme Court hereby directs that exhibits offered or admitted into evidence shall be retained and disposed of by the clerk of the court in which the exhibits are filed upon the following basis:

This order shall apply only to:

(1) those cases in which judgment has been rendered on service of process by publication and in which no motion for new trial was filed within two years after judgment was signed; and, (2) all other cases in which judgment has been signed for one year and in which no appeal was perfected or in which a perfected appeal was dismissed or concluded by a final judgment as to all parties and the issuance of the appellate court's mandate such that the case is no longer pending on appeal or in the trial court.

The party who offered an exhibit may withdraw it from the clerk's office within thirty days of the later if (1) a case becoming subject to this order, or (2) the effective date of this order. The clerk, unless otherwise directed by the court, may dispose of any exhibits remaining after such time period.

#### **Criminal:**

Exhibits in criminal cases in which a person was convicted must be retained and disposed of in accordance with the following provisions of the Code of Criminal Procedure, art. 2.21. (d-e)

(d)...“Eligible exhibit” means an exhibit filed with the clerk that:

(1) is not a firearm or contraband; (2) has not been ordered by the court to be returned to its owner; and (3) is not an exhibit in another pending criminal action.

(e) An eligible exhibit may be disposed of as provided by this article:

(1) on or after the first anniversary of the date on which a conviction becomes final in the case, if the case is a misdemeanor or a felony for which the sentence imposed by the court is five years or less; (2) or on or after the second anniversary of the date on which a conviction becomes final in the case, if the case is a non-capital felony for which the sentence imposed by the court is greater than 5 years; (3) on or after the first anniversary of the date of the acquittal of a defendant; or (4) on or after the first anniversary of the date of the death of a defendant.

### Can the exhibit destruction notice be sent to me, instead of my attorney?

No, as per Code of Criminal Procedure 2.21 (g) A clerk in a county with a population of less than two million must provide written notice by mail to the attorney representing the state in the case and the attorney representing the defendant before disposing of an eligible exhibit.

### **Where do I pick up my exhibits?**

Criminal Exhibits may be picked up at the Justice Center located at 1422 Eugene Heimann Circle, Suite 31004 in Richmond.

### **Can I send someone else to pick up the exhibits?**

Criminal Exhibits can be picked up in person by the requestor.

### **Do I have to take all of the exhibits?**

No, you do not. The remainder of the unclaimed criminal exhibits will be disposed, after the 31 days from the date of the Exhibit Destruction Notice. Please let our office know in writing which exhibits you intend to claim.

### **What do I do if I do not want the exhibits?**

No further action is required. The criminal exhibits will be destroyed per the retention schedule.

### **Miscellaneous Exhibit Questions:**

#### **Will I receive notice before the exhibits are destroyed?**

**Civil/Family:** No, notice is not given for the destruction of civil or family exhibits. The exhibits will need to be withdrawn prior to date they are eligible for destruction.

**Criminal:** Yes, as per Code of Criminal Procedure 2.21 (g) A clerk in a county with a population of less than two million must provide written notice by mail to the attorney representing the state in the case and the attorney representing the defendant before disposing of an eligible exhibit.

#### **May I check out exhibits?**

No, exhibits may be viewed in the District Clerk's Office but cannot be checked out by anyone other than court personnel.

#### **What if I want to claim the exhibits before they are eligible for destruction?**

A Motion and Order will need to be submitted and signed by the Judge, before exhibits can be released by the District Clerk.

#### **What are your office hours?**

Our office is open Monday – Friday, from 8:00 A.M. to 5:00 P.M. with the exception of a county holiday.

#### **May I get copies of exhibits?**

Paper copies can be obtained for \$1.00 per page. For electronic copies, please contact the court reporter.