

Frequently Asked Questions – Exhibits

General Questions:

When will the exhibits be eligible for destruction?

Civil/Family:

In compliance with the provisions of Texas Rules of Civil Procedure 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:

- 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 2 years after judgment was signed;
- All other cases in which judgment has been signed for 1 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 clerk, unless otherwise directed by the court, may dispose of any exhibits remaining after such time period per order relating to retention and disposition of exhibits in civil cases effective June 1, 2005.

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.

- An eligible exhibit may be disposed of 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; 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.

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.

May I get copies of exhibits?

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

May I check out exhibits?

Exhibits may be viewed in the District Clerk's Office but cannot be checked out by anyone other than court personnel.

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 county holidays.

Destruction Questions:

Civil/Family:

Will I receive notice before the exhibits are destroyed?

No. Notice is not given for the destruction of civil or family exhibits. The exhibits will need to be withdrawn prior to the date they are eligible for destruction.

Criminal:

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

No. The notice is sent to the District Attorney's office and to the attorney of record for the Defendant.

Where do I pick up my exhibits?

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?

Exhibits can be picked up in person by the requestor, by a runner or any other person designated in writing.

Do I have to take all of the exhibits?

No, you do not. The remainder of the unclaimed exhibits will be disposed, after the expiration of 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 don't want the exhibits?

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