

**RULE 609. CUSTODY AND STORAGE OF OVERSIZE EXHIBITS;  
VIDEOTAPES; TANGIBLE, NON-DOCUMENTARY EXHIBITS**

(a) Documentary Exhibits, Charts, Photographs

At the time a party offers as evidence a documentary exhibit (letter, report, drawing, map, photograph etc) which is larger in size than 8-1/2 x 11 inches, the court reporter shall be provided with a copy of same sized 8-1/2 x 11 (or smaller), which will be entered into the permanent record. Items larger than 8-1/2 x 11 may be used for illustration during the proceeding but such shall remain in the custody and control of the offering party.

(b) Videotapes

Videotape depositions presented at trial shall remain the custody of the offering party. The offering party shall simultaneously submit a stenographic transcript of the deposition, which will be entered into the permanent record filed of record.

(c) Tangible, non-documentary evidence

Except in cases of criminal homicide or crimes of sexual assault, tangible trial exhibits shall be retained by the court reporter through that period allotted for filing a petition under the Post Conviction Relief Act<sup>1</sup>.

After such period the offering party shall reclaim the exhibit. Any party reclaiming an exhibit may provide photograph(s) of same to be preserved in the record.

(d) Any exhibit not reclaimed by the offering party as provided above will be destroyed without further order of court.

(e) Written notice of the provisions of this rule shall be provided to counsel at the outset of the trial.

(f) In a special case, any party may petition the court for an order extending the time for destruction of evidence.

Promulgated 9-4-03  
Effective 10-20-03

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<sup>1</sup> See: 42 Pa.C.S.A. §9545(b) provides that any petition under the PCRA shall be filed within one year of the date the judgment becomes final (with certain exceptions noted). Thus, the time limits under this provision will vary greatly depending upon the status of any appeal.