

CHAPTER 16
IOWA RULES OF ELECTRONIC PROCEDURE

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DIVISION IV
FILING PROCESS

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Rule 16.412 Exhibits.

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16.412(8) *Submission of potentially dangerous exhibits.* All potentially dangerous exhibits, including but not limited to weapons such as knives and guns; toxic substances such as narcotics; biohazardous material and bodily fluids such as bloody clothing; and sharps such as hypodermic needles, razors, and syringes; must be submitted to the court or district court clerk's office in a container that protects persons who handle the exhibits from being harmed by them. Specifically, toxic substances and biohazardous material must be placed in clear heavy-duty plastic bags or other types of transparent nonbreakable containers and other types of potentially dangerous exhibits must be placed in rigid puncture-resistant containers. All containers must be completely closed and display a label identifying the contents of the container and indicating the appropriate hazardous warnings such as "contains bodily fluids" or "contains toxic substances."

16.412(89) *Disposition of scanned exhibits.* Exhibits for which the clerk of court is responsible for scanning will be disposed of according to the requirements of the Iowa Rules of Civil Procedure and Iowa Rules of Criminal Procedure.

16.412(910) *Mistrial.* In the event of mistrial, the parties, the court, and the clerk of court must comply with all of the following:

a. Exhibit maintenance order. The court, except in juvenile court proceedings, must enter an exhibit maintenance order that states which proposed exhibits were offered or which were admitted into evidence. If no party files an objection to the exhibit maintenance order within 10 business days after the order's filing, the clerk of court may delete proposed exhibits that are not listed in the order.

b. Index of nonelectronic exhibits. When a party offers one or more exhibits that will be maintained nonelectronically under rule 16.412(1)(b), the party must within 10 business days after the offer electronically file an index of the exhibits. The index must list and briefly describe the

nonelectronic exhibits.

c. Clerk of court to retain custody of exhibits. The clerk of court will retain custody of all exhibits offered or admitted during the trial, whether the exhibits are maintained electronically or nonelectronically.

d. Release of nonelectronic exhibits for use during retrial. Nonelectronic exhibits offered or admitted during the trial may not be released for use in a retrial except upon order of the court. The order must identify each nonelectronic exhibit to be released by number or letter and by a brief description, and the order shall specify to whose custody the exhibit is released.

e. Nonelectronic exhibits not offered or admitted during retrial. For nonelectronic exhibits released pursuant to this rule that are not offered or admitted during the retrial, the party to whom the exhibits were released must immediately return the exhibits to the clerk of court.

16.412(1011) *Criminal codefendant's trial.* In the event nonelectronic exhibits are offered or admitted during a trial and then are needed for use in a codefendant's trial, the parties, the court, and the clerk of court must comply with the following provisions:

a. Clerk of court to retain custody of exhibits. The clerk of court will retain custody of all exhibits offered or admitted during the first defendant's trial, whether the exhibits are maintained electronically or nonelectronically.

b. Release of nonelectronic exhibits for use during codefendant's trial. Nonelectronic exhibits offered or admitted during the first defendant's trial may not be released for use in a codefendant's trial except upon order of the court. The order must identify each nonelectronic exhibit to be released by number or letter and by a brief description, and the order must specify to whose custody the exhibits are released.

c. Nonelectronic exhibits not offered or admitted during codefendant trial. For nonelectronic exhibits released pursuant to this rule that are not offered or admitted during the codefendant's trial, the party to whom the exhibits were released must immediately return the exhibits to the clerk of court.

16.412(1112) *New trial.* If nonelectronic exhibits are offered or admitted during trial, and the district or appellate court has ordered a new trial, the parties and the court must comply with the following provisions:

a. Clerk of court to retain custody of exhibits. The clerk of court will retain custody of all exhibits offered or admitted during the prior trial, whether the exhibits are maintained electronically or nonelectronically.

b. Release of nonelectronic exhibits for use during new trial. Nonelectronic exhibits offered or admitted during the prior trial may not be released for use in the new trial except upon order of the court. The order must identify each nonelectronic exhibit to be released by number or letter and by a brief description, and the order must specify to whose custody the exhibits are released.

c. Nonelectronic exhibits not offered or admitted during new trial. If any nonelectronic exhibits released pursuant to this rule are not offered or admitted during the new trial, the party to whom the exhibits were released must immediately return the exhibits to the clerk of court.