

**In the Iowa Supreme Court**

**In the Matter of Preservation of  
Exhibits in Criminal Cases**

**Order**

New Iowa Rule of Criminal Procedure 2.21(5), regarding the disposition of exhibits in criminal cases, was adopted by the court by administrative order on October 14, 2022. The implementing order provided that the new rule was effective July 1, 2023, and applied to “criminal cases filed after that date and criminal cases already pending on that date.”

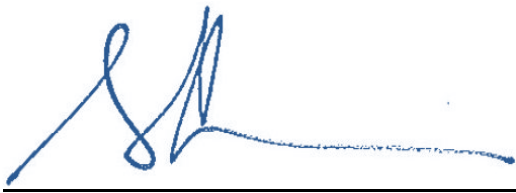
Paragraph (a) of new rule 2.21(5) provides in part: “In class ‘A’ felonies, the clerk may dispose of all exhibits 180 days after the death of the defendant.” Paragraph (b) of the rule provides that “in no event shall the clerk of court dispose of exhibits when there is a pending appeal or postconviction-relief action.”

With this order, the court authorizes clerks of court to apply the above-quoted portion of rule 2.21(5)(a) to all class “A” felonies after the defendant is deceased, regardless of whether the case was pending as of July 1, 2023.

Furthermore, the court clarifies that rule 2.21(5)(b) applies to all criminal cases, regardless of whether the case was pending as of July 1, 2023, if there is a pending appeal or postconviction-relief action.

Dated this 6th day of October 2023.

**The Iowa Supreme Court**

By: 

Susan Larson Christensen, Chief Justice