

GEORGIA, TAYLOR COUNTY
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Lisa Drake
CLERK/DEPUTY CLERK
Taylor Superior Court

IN THE SUPERIOR COURTS
OF THE CHATTAHOOCHEE JUDICIAL CIRCUIT
STATE OF GEORGIA

In re:

Tendering and Receipt of Trial *
Exhibits, Exhibit/Evidence Log *
Protocol and Post Trial Storage *
of Exhibits and Evidence In a *
Criminal Trial *

EX PARTE NO: _____

ORDER ON TENDERING, RECEIPT AND STORAGE OF
EVIDENCE IN A CRIMINAL TRIAL

The Superior Court Judges of The Chattahoochee Judicial Circuit having reviewed O.C.G.A. §§17-5-55 and 17-5-56 and;

WHEREAS, it has been determined that the introduction and storage of evidence during and after a criminal trial should be consistent with all Superior Courts within the Chattahoochee Judicial Circuit.

NOW THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

PRETRIAL:

In all cases prior to trial, attorneys or pro-se parties shall prepare a flash drive of all exhibits that they intend to tender into evidence. All exhibits shall be pre-marked with exhibit labels.

All physical evidence other than digitized documentary evidence, shall be photographed by the parties and said photographs shall be marked and tendered along with the physical evidence.

DURING TRIAL:

Documentary evidence, photographs of physical evidence, video and audio recordings shall be provided to the court reporter in digital format at the time of tender unless otherwise ordered by the court. (Rule 2.2 Judicial Council of Georgia Policies) A party tendering a CD, DVD, or Flash Drive shall provide the court reporter with an additional copy of said exhibit.

The court designates the assigned trial court reporter, Sheriff and lawful deputies to be the custodian of any property that is introduced into evidence during the trial. Property introduced into evidence shall be identified or tagged with an exhibit number. During trial, the court reporter shall maintain an Evidence Log (**Exhibit A**) for evidence introduced. For chain of custody purposes, at each recess of the case, the exhibits shall be placed and remain in a secured area, or, in the case of items described by state or federal law as controlled substances, dangerous drugs, explosives, weapons, ammunition, biomedical waste, hazardous substances, or hazardous waste, such exhibits shall be properly secured in a manner authorized by state or federal law and during and after trial said items of dangerous evidence shall be transferred to the county Sheriff's office and transfer shall be documented with a form in substantial compliance with example form **Exhibit B**.

O.C.G.A §17-5-55 (b)

AT CONCLUSION OF TRIAL:

In the event of a Defense Verdict, Hung Jury or Mistrial, the exhibits tendered shall be returned to the party that tendered the exhibits upon the execution of form in substantial compliance with the "Receipt of Evidence by Owner" form. (**Exhibit C**)

A "Guilty" Verdict, for chain of custody purposes, requires the court reporter to secure all trial exhibits, except those exhibits referred to in O.C.G.A. § 17-5-56, which shall be secured by the County Sheriff, in a locked and secure area, along with the Exhibit/Evidence Log indicating the custodian of all evidence, until such time as the transcript is complete.

POST TRIAL:

After the verdict and judgment have been entered in any criminal trials, the court reporter shall inventory the evidence and complete the evidence log in substantial compliance with (**Exhibit A**) within 30 days of the entry of the judgment. The evidence log, along with the duplicate CDs, DVDs, and/or flash drives shall be filed with the Superior Court Clerk's Office. The evidence log shall contain the case number, style of the case, description of the item, exhibit number, the name of the person creating the evidence log, and the location where the physical evidence is stored.

Within 30 days following the creation of the evidence log, upon written request by the rightful owner, on a form approved by the District Attorney, physical evidence,

notwithstanding an Order by the Court, shall be returned to the rightful owner of the property unless the physical evidence itself is necessary for the appeal of the case, for a motion for new trial, or for purposes of complying with O.C.G.A. §§17-5-55 and 17-5-56.

In the event the rightful owner makes no written request for the return of property within the statutory retention period, the rightful owner waives any right to the return of the property.

If evidence is transferred to any other party, the evidence log shall be annotated to show the identity of the person or entity receiving the evidence, the date of the transfer, and the location of the evidence. The signature of any person or entity to which physical evidence is transferred shall be captured through physical signature or through electronic means or the use of a property transfer form and an annotation to the evidence log shall be filed with the Clerk of Superior Court. When physical evidence, other than audio or video recordings, is transferred to any person or entity, a photograph or other visual image of the evidence shall be made and placed in the case file. O.C.G.A. §17-5-55 (a)

UPON COMPLETION OF TRANSCRIPT:

Once the transcript is completed, any pre-marked and digitized exhibit tendered during the trial shall be uploaded by the court reporter into the court's efile system. Any exhibits that are tendered but “not admitted” remain a part of the record for appeal and will also be uploaded into efile system.

At this time, the court designates the law enforcement agency responsible for making the case against the defendant, to obtain and store the evidence, and an annotation shall be made to the evidence log indicating the transfer of said evidence. The exhibits shall be sufficiently boxed or containerized and labeled in the following manner: The first several pages of the transcript shall be placed just inside the top of the box/container. Said pages shall include the caption, appearances, and indexes of witnesses and exhibits. The outside of the box or container shall be secured and affixed with a copy of the first page of the transcript for identification.

A “Receipt of Exhibits” form, in substantial compliance with form **Exhibit D**, with two (2) copies, shall be prepared by the court reporter and executed by the evidence custodian of the law enforcement agency responsible for making the case against the defendant, upon their receipt of the Exhibits.

The original "Receipt of Exhibits" shall be filed with the Superior Court Clerk's office, one copy to the evidence custodian along with the evidence, and one copy to remain with the court reporter.

The court reporter shall contact the county Sheriff's Office, or their representative designated as an evidence custodian to deliver the exhibits for storage

In Muscogee County: Muscogee County Sheriff's Office

Sgt. Jacqueline Hodge (706) 225-3336 JHodge@columbusga.org
Or their successor

In Harris County: Harris County Sheriff's Office

In Talbot County: Talbot County Sheriff's Office

In Taylor County: Taylor County Sheriff's Office

In Marion County: Marion County Sheriff's Office

In Chattahoochee County: Chattahoochee County Sheriff's Office

RETENTION PERIODS AND PROCEDURES:

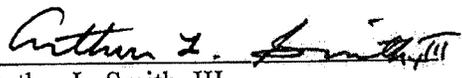
All evidence admitted in a criminal trial shall be maintained and disposed of in accordance with records retention schedules in accordance with O.C.G.A §17-5-50 through O.C.G.A §17-5-56. Physical evidence that contains biological material, including, but not limited to, stains, fluids, or hair samples that relate to the identity of the perpetrator of the crime, shall be maintained in accordance with Code Section 17-5-56. A party to an extraordinary motion for new trial or a habeas corpus action in which DNA testing is sought that was filed prior to the expiration of the time prescribed for the preservation of evidence by this Code section may apply to the court in which the defendant was convicted for an order directing that the evidence be preserved beyond the time period prescribed by this Code section and until judgment in the action shall become final pursuant to O.C.G.A §17-5-55 (c)

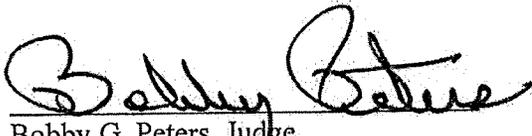
Except as otherwise provided in Code Section 17-5-55, governmental entities in possession of any physical evidence in a criminal case, including, but not limited to, a law enforcement agency or a prosecuting attorney, shall maintain any physical evidence collected at the time of the crime that contains biological material, including, but not limited to, stains, fluids, or hair samples that relate to the identity of the perpetrator of

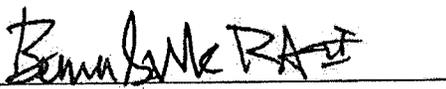
the crime as provided in this Code section. Biological samples collected directly from any person for use as reference materials for testing or collected for the purpose of drug or alcohol testing shall not be preserved. O.C.G.A §17-5-56 (a)

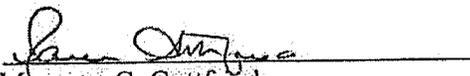
In a case in which the death penalty is imposed, the evidence shall be maintained until the sentence in the case has been carried out. Evidence in all felony cases that contains biological material, including, but not limited to, stains, fluids, or hair samples that relate to the identity of the perpetrator of the crime shall be maintained for the period of time that the crime remains unsolved or until the sentence in the case is completed, whichever occurs last. O.C.G.A. §17-5-56 (b)

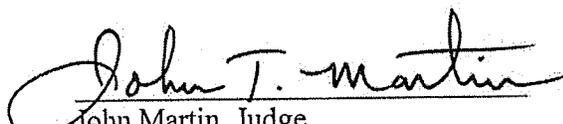
SO ORDERED THIS 17th day of March, 2026.

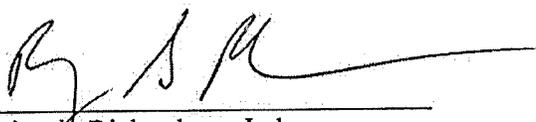

Arthur L. Smith, III,
Chief Superior Court Judge
Chattahoochee Judicial Circuit


Bobby G. Peters, Judge
Superior Court Judge
Chattahoochee Judicial Circuit


Bemon G. McBride, II
Superior Court Judge
Chattahoochee Judicial Circuit


Maureen C. Gottfried,
Superior Court Judge
Chattahoochee Judicial Circuit


John Martin, Judge
Superior Court Judge
Chattahoochee Judicial Circuit


Benjamin Richardson, Judge
Superior Court Judge
Chattahoochee Judicial Circuit

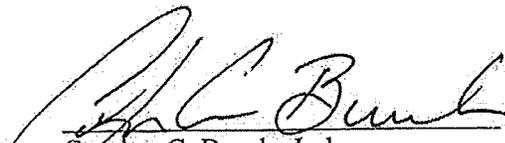

Carolyn C. Burch, Judge
Superior Court Judge
Chattahoochee Judicial Circuit

EXHIBIT A: EVIDENCE LOG SHEET

EXHIBIT B: CHAIN OF CUSTODY EVIDENCE LOG FOR DANGEROUS
EVIDENCE AS DESCRIBED IN O.C.G.A 17-5-55 (b)

EXHIBIT C: RECEIPT OF EVIDENCE BY OWNER

EXHIBIT D: RECEIPT FOR CUSTODY OF EXHIBITS

Exhibit "A"

**STATE OF GEORGIA
BOARD OF COURT REPORTING
OF THE JUDICIAL COUNCIL OF GEORGIA**

In response to an inquiry by a Georgia certified court reporter, the Board of Court Reporting, by majority vote of the Board, publicly issues the following opinion pursuant to Article 13.B. of its Rules and Regulations:

Public Advisory Opinion BCR 2010-2

O.C.G.A. § 17-5-55 Custodian of Records Evidence Log

The language of O.C.G.A. § 17-5-55(a) requires the court to designate "either the clerk of court, the court reporter, or any other officer of the court to be the custodian of any property that is introduced into evidence during the pendency of the case," and requires that the custodian create an evidence log.

Specifically, O.C.G.A. § 17-5-55 requires the log to contain: "case number, style of case, description of the item, exhibit number, name of person creating the evidence log, and location where the physical evidence is stored," as well as – when evidence gets transferred to "any other party," an annotation showing "the identity of the person or entity receiving the evidence, the date of transfer, and the location of evidence."

Therefore, below is a sample form for use by court reporters in fulfilling the requirements of O.C.G.A. § 17-5-55. The form below is not an official model form and has not been sanctioned by statutory law nor by any court; but it does provide guidance and a conceptual framework for complying with the evidence log requirements of O.C.G.A. § 17-5-55.

SO PUBLISHED, this 3rd day of August 2010.



John K. Larkins, Jr., Esq., Chair
Board of Court Reporting

EXHIBIT A
EVIDENCE LOG SHEET

STYLE: _____ COUNTY: _____

JUDGE: _____

vs. _____ CASE NO.: _____

CT. RPTR: _____

Initial Log-in date: _____ By: _____

Evidence Location: _____

Exhibit Description Attached
-or-
Exhibit Description Below:

Subsequent Transfer of Evidence:

Date: _____ By: _____

Exhibits: _____

Location: _____

Date: _____ By: _____

Exhibits: _____

Location: _____

Exhibit “B”

EXHIBIT B

CHAIN OF CUSTODY EVIDENCE LOG FOR DANGEROUS EVIDENCE AS DESCRIBED IN O.C.G.A §17-5-55 (b)

Case Number: _____ Offense: _____
Submitting Officer: (Name/ID#) _____
Victim: _____
Suspect: _____
Date/Time Seized: _____ Location of Seizure: _____

Description of Evidence		
Item #	Quantity	Description of Item (Model, Serial #, Condition, Marks, Scratches)

Chain of Custody				
Item #	Date/Time	Released by (Signature & ID#)	Received by (Signature & ID#)	Comments/Location

Exhibit "C"

EXHIBIT C

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

*

VS.

*

CASE NO. _____

*

DEFENDANT

RECEIPT OF EVIDENCE BY OWNER

Receipt is hereby acknowledged of the following evidence:

in the above styled case.

This _____ day of _____, _____

Exhibit “D”

EXHIBIT D

**IN THE SUPERIOR COURT
OF MUSCOGEE COUNTY**

Plaintiff

v.

Case Number: _____

Defendant

RECEIPT FOR CUSTODY OF EXHIBITS

I hereby acknowledge receipt of the following exhibits:

Exhibit Number	Description of Exhibit

These exhibits shall be preserved in the form in which they are received.

Date: _____

Signature

Print:

Name

Title

Address

Phone