



Chambers of
ERICK L. LARSH
PRESIDING JUDGE

Superior Court of California County of Orange

700 CIVIC CENTER DRIVE, WEST
DEPARTMENT C1
SANTA ANA, CA 92701

Administrative Order 21/13

Procedure for Return of Criminal Trial Court Exhibits

Noticed for Destruction

This Order establishes the procedure for the return of criminal trial court exhibits for which the court has given notice of intent to dispose pursuant to Administrative Order 20/25 and which will be retained by the Orange County District Attorney for safe keeping.

The Court adopts the stipulation entered into between the Offices of the Orange County District Attorney (“District Attorney”) and the Orange County Public Defender (“Public Defender”) regarding the release of all trial court exhibits (prosecution and defense) to the District Attorney for safe keeping, as agreed upon on a case-by-case basis. The process described in the Stipulation is equally available to other defense counsel upon agreement to be bound by the terms set forth by the Stipulation. A copy of the Stipulation is attached hereto.

The court will provide notice to all parties of the intent to dispose of criminal trial court exhibits pursuant to Penal Code section 1417.5. Upon receipt of that notice, the District Attorney and Defense Counsel will confer regarding the case. If it is determined that all trial court exhibits (prosecution and defense) are to be returned to the District Attorney for safe keeping, counsel for both parties will complete/sign local form #L-3011 Request for Return of Criminal Exhibits, including the section of the form that authorizes the court to release all exhibits to the District Attorney.

Once the court receives the Request for Return of Criminal Exhibits form signed by counsel for both parties, the District Attorney’s office is to contact the court to arrange for the return of the exhibits. Upon the return of the exhibits, the District Attorney’s office will sign a receipt acknowledging possession of the exhibits to document the chain of custody.

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This Order is considered a "standing order" and is applicable to all criminal trial court exhibits noticed for destruction with the exception of those lodged in capital cases. This Order is effective immediately and shall remain in effect until modified by further Order of the Court.

IT IS SO ORDERED.

Dated this 26th day of August 2021.



ERICK C. LARSH
Presiding Judge

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

STIPULATION REGARDING THE
RELEASE OF ALL TRIAL
EXHIBITS TO THE ORANGE
COUNTY DISTRICT ATTORNEY

STIPULATION

1. This stipulation is entered into between the Orange County District Attorney (“District Attorney”) and the Offices of the Orange County Public Defender (“Public Defender”). The process described herein, however, is equally available to other defense counsel upon agreement to be bound by the terms of the stipulation.

2. This stipulation is intended to create a streamlined process for the District Attorney and the Public Defender to agree, for certain cases, that all exhibits (prosecution and defense) be released by the court to the District Attorney for safe keeping in a manner that addresses the chain of custody issues.

3. The parties stipulate to the following process:

a. Upon receiving a NOTICE OF INTENT TO DISPOSE OF EXHIBITS (pursuant to section 1417.5 of the Penal Code) from the Orange County Superior Court for a

1 particular case, the District Attorney and Public Defender will work together to
2 determine whether the trial exhibits (prosecution and defense) for that case should
3 be released by the court to the District Attorney for safe keeping in a manner that
4 addresses the chain of custody issues.

5 b. If the District Attorney and Public Defender determine the exhibits (prosecution and
6 defense) should be released by the court to the District Attorney for safe keeping,
7 both the District Attorney and the Public Defender will complete and sign Local
8 Form #L-3011 [REQUEST FOR RETURN OF CRIMINAL EXHIBITS], including
9 the section of the form that authorizes the court to release all exhibits to the District
10 Attorney.

11 c. If, at any future time, the District Attorney elects to destroy defense trial exhibits,
12 the District Attorney will provide the Public Defender with 90-days' notice of its
13 intent to destroy those exhibits, and give the Public Defender the option to have
14 defense exhibits released to the Public Defender.

15
16 **SO STIPULATED:**

17 Dated: July 30, 2021


FOR THE OFFICES OF THE ORANGE
COUNTY PUBLIC DEFENDER

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21 MARTIN SCHWARZ
Orange County Public Defender

22 Dated: July 30, 2021

FOR THE ORANGE COUNTY DISTRICT
ATTORNEY

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27 ROBERT MESTMAN
Assistant District Attorney