



Superior Court of California County of Orange

Chambers of
KIRK H. NAKAMURA
PRESIDING JUDGE

700 CIVIC CENTER DRIVE WEST
SANTA ANA, CA 92701

ADMINISTRATIVE ORDER NO. 20/25

ORDER FOR DESTRUCTION OF TRIAL COURT EXHIBITS AND COURT REPORTER NOTES

Penal Code section 1417 et seq.
Code of Civil Procedure section 1952

IT IS ORDERED that pursuant to section 1417.5 of the Penal Code, the trial court clerk is authorized to destroy trial court exhibits after final determination of the criminal action or proceeding as specified in section 1417.1 of the Penal Code and after notice of intent to dispose of exhibits is given:

1. When no notice of appeal is filed, 30 days after the last day for filing that notice.
2. When a notice of appeal is filed, 30 days after the date the clerk of the court receives the remittitur affirming the judgment.
3. When an order for a rehearing, a new trial, or other proceeding is granted and the ordered proceedings have not been commenced within one year thereafter, one year after the date of that order.
4. In cases where the death penalty is imposed, 30 days after the date of execution of sentence.
5. In cases where the death penalty is imposed and the defendant dies while awaiting execution, one year after the date of the defendant's death.

This Order further authorizes the destruction of trial court exhibits associated with cases containing a sentence of "life" or "life without parole" that meet the criteria above.

This Order also authorizes the disposition and release of exhibits upon application as authorized by Penal Code section 1417.5. If exhibits are released pursuant to Penal Code section 1417.5 subdivision (b), the requesting party will be given a timeframe to retrieve the exhibits. If the requesting party does not retrieve the exhibits within the time specified by the

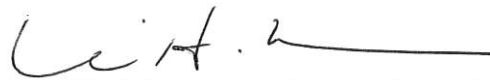
court, this Order also authorizes the destruction of exhibits subject to Penal Code section 1417.5 subdivision (c)(3).

IT IS FURTHER ORDERED that pursuant to subdivision (g)(4) of section 68152 of the Government Code, court reporter notes associated with criminal cases containing a sentence of "life" or "life without parole" will be destroyed after 10 years or 30 days after final determination, whichever is later. This Administrative Order supersedes any previous directives related to destruction of court reporter notes containing a sentence of "life without parole."

IT IS ORDERED that pursuant to section 1952 of the Code of Civil Procedure, the trial court clerk is authorized to destroy trial court exhibits in a civil action or proceeding 60 days after final determination or dismissal of the action or proceeding, or final determination on appeal, and after the clerk provides written notice by first class mail of intent to dispose of exhibits to the parties.

This Administrative Order supersedes any previous order related to destruction of trial court exhibits, including the December 23, 2013 Administrative Order No. 13/07 and the April 30, 2010 directive provided by the Felony Exhibit Disposition Judicial Working Group. This Order is effective immediately and will remain in effect until otherwise ordered by the Presiding Judge.

IT IS SO ORDERED this 7th day of December 2020



Kirk H. Nakamura
Presiding Judge