

**LR1-113. Exhibits.**

A. Purpose. The purpose of this policy is to establish guidelines for maintaining exhibits in the court's custody.

[A.]B. Identification. Each exhibit shall contain an identification sticker or label containing:

- (1) the party tendering the exhibit; and
- (2) the assigned exhibit number or letter.

C. Procedures.

(1) Court reporters and court monitors shall follow the procedures set out in the Court Reporter Manual and Court Monitor Manual for the proper handling of exhibits during judicial proceedings.

(2) During a hearing, the court reporter or monitor shall ensure that all exhibits are appropriately marked and submitted to the clerk of the court.

(3) During any trial, monitors or reporters are responsible for the custody and safe-keeping of all exhibits and physical/documentary evidence.

(4) Except as provided by Subparagraph (C)(6) of this rule, at the conclusion of a trial or hearing in a civil, criminal, or domestic relations matter, all admitted exhibits and physical/documentary evidence shall be turned over to the court reporter or court monitor. The reporter or monitor is to prepare an exhibit receipt and, in turn, submit the exhibits and evidence to the clerk of the court within five (5) working days of the conclusion of the proceedings.

(5) In criminal cases, in the instance of an acquittal, all exhibits and evidence shall be returned to the parties at the conclusion of trial.

1              (6)      Under Rule 5-117 NMRA, biological and physical evidence shall be  
2 returned to the appropriate representative of the state (i.e., law enforcement).

3              (7)      Exhibits which exceed fifteen (15) by seventeen (17) inches, or which  
4 cannot be folded to fit within that size envelope, may be admitted if the proponent of such exhibits  
5 provides the court a copy of the exhibit reduced to fifteen (15) by seventeen (17) inches. After the  
6 hearing or trial at which the exhibit was admitted, the reduced copy shall be substituted for the  
7 larger exhibit and made part of the permanent court record.

8            **[B.]D. Copies of originals attached to filed pleadings.** Except as otherwise required by  
9 law, including these rules, only copies of original writings shall be attached as exhibits to pleadings  
10 filed with the court. Original writings not otherwise required to be submitted to the court shall be  
11 made available for inspection on order of the court or on a party's request.

12            **E. Disposition of exhibits.**

13              (1)      Exhibits and evidence are kept for one (1) year after the final disposition  
14 date for the case, which normally will be one (1) year from the conclusion of any direct appeal  
15 from trial, or if no appeal is made, the conclusion of the time for filing an appeal.

16              (2)      Criminal cases are an exception to the one (1)-year limit on retention due to  
17 the possibility of the defendant filing a petition for writ of habeas corpus, or even post-sentence  
18 relief. In criminal cases, the exhibits and evidence are kept for the length of time of the defendant's  
19 sentence.

20              (3)      The actual disposal of exhibits shall be made according to the state retention  
21 guidelines.

22 [Recompiled, effective September 1, 1993; as amended, effective January 1, 1998; LR1-310  
23 recompiled and amended as LR1-113 by Supreme Court Order No. 16-8300-015, effective for all

- 1 cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No.
- 2 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]