

R. SCOTT MCKEE
DISTRICT JUDGE



FILED FOR RECORD
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392nd JUDICIAL DISTRICT COURT

STANDING ORDER REGARDING EXHIBITS

AS ENTERED, THE 13TH DAY OF JUNE, 2019.

THIS ORDER IS A STANDING ORDER OF THE 392ND DISTRICT COURT OF HENDERSON COUNTY TEXAS AND APPLIES TO ALL CRIMINAL AND CIVIL CASES. THE COURT RESERVES THE RIGHT TO MODIFY OR CHANGE THIS ORDER. THIS ORDER IS NECESSARY TO ENSURE THAT EXHIBITS ARE SAFE, IN AN APPROPRIATE FORMAT FOR PRESENTATION IN COURT, IN COMPLIANCE WITH THE COURTS OF APPEALS' GUIDELINES FOR SUBMISSION, AND THAT EXHIBITS ARE UNIFORMLY MARKED AND FORMATTED FOR LOGICAL AND RECORD PURPOSES.

I. UNIFORM LABELING/ EXHIBIT NUMBERING SEQUENCE

All exhibits shall be labeled with an exhibit sticker and sequentially numbered beginning with "Exhibit 1". Letters will only be used when an exhibit has a subpart. *For example exhibit 1-A, 1-B, 1-C, etc.* If an exhibit has multiple sub-parts, the exhibit shall be labeled with a number-letter-number format. *For example- 1-A-1, 1-A-2, etc.*

Exhibits that consist of envelopes, boxes, etc., shall use the above sequential numbering sequence. The outer envelope, box, etc. shall be labeled and marked with the appropriate sequential number, and all items contained within the envelope or box shall begin with the number on the outermost envelope or box and labeled according to the rules for labeling sub-parts.

All labels shall be legibly marked with the appropriate exhibit numbering sequence using a black, fine point "Sharpie" type marker.

II. DOCUMENTS AND PRINTED PHOTOGRAPHS

Labels should be placed on the lower, right-hand corner of the exhibit, approximately 1/16th of an inch from the bottom of the page front, unless the label would interfere or cover a portion of the exhibit that is material to the substance of the exhibit. With oversized documents, keep consistency in mind when choosing the location for the label. If there is no blank space available

on an exhibit for placement of a label, or if a label would interfere with the substance of the exhibit, place the label on the back of the exhibit in the center, approximately 1/16th of an inch from the bottom edge.

Documents and printed photographs shall be in an 8.5 x 11 format, unless the document or photograph is an original and cannot reasonably be reproduced in an 8.5 x 11 format, or an 8.5 x 11 format would not be sufficient or reasonable considering the substance of the exhibit. *For example- maps, overhead views, diagrams, etc.*

The Court has access to a digital document projector for presenting exhibits to the jury or the Court. These projectors work best with 8.5 x 11 exhibits. Parties are highly encouraged to use the projector or computer to publish documents and photographs on the flat panel displays, rather than passing them to the jury.

III. DIGITAL AUDIO/VIDEO EXHIBITS

The Court generally does not provide computers or devices to litigants. However, the Court does provide a computer to the jury for the playing of digital exhibits.

All audio and video exhibits shall be in the following formats which are the same formats required by the courts' of appeals for record submission. *Uniform Format Manual for Texas Reporters' Records*, By Supreme Court Order dated May 25, 2010, in Misc. Docket No. 10-9077, with amendment dated June 28, 2010, in Misc. Docket No. 10-9113.

Audio: All audio file exhibits must be MPEG-1 Audio-Layer 3 files (**usually referred to as .mp3**). The files must not be password-protected, encrypted, or protected by rights management. *Id* at § 8.9.

Video: Video file exhibits must be MPEG-4 Part 14 files (**usually referred to as .mp4**). The files should not be password-protected, encrypted, or protected by rights management. *Id* at § 8.10.

All digital audio and video exhibits should be uploaded to the internal or attached drive of the sponsoring parties' computer/device prior to trial. Parties should refrain from publishing digital media from the offered exhibit, and instead, publish from the pre-loaded file. This ensures that digital exhibits published to the jury or the Court play more quickly and seamlessly. Parties shall ensure that the contents of the pre-loaded file and the exhibit are identical.

The medium containing the audio or video exhibit shall be numbered and labeled according to the rules in this order. CDs, DVDs, and Blu-ray disks shall be labeled right of center on the actual disk, so as not to interfere with accessing the data on the disk. Each disk shall be protected by a clear jacket or sleeve so that the exhibit label can be clearly seen inside the jacket or sleeve.

All parties who intend to offer digital evidence shall ensure that the evidence can be published for the jury or the Court in the courtroom **prior** to trial. The courtroom is equipped

with two large flat-panel screens ensuring that the judge, court reporter, lawyers, jurors and gallery can view the published evidence. The jury room is equipped with one large flat-panel screen. Council table is equipped with two microphones on each side (total of four), an AV, RGB and HDMI port, sound mixer, DVD and VHS player, and a digital document projector. Arrangements can be made prior to trial for access to the courtroom through the Bailiff.

Parties are highly encouraged to use Power-Point and/or other similar slide show type presentations during Voir Dire, Opening and Closing. However, the Court does provide an easel for "butcher paper" presentation. Parties must provide their own butcher paper.

IV. MISCELLANEOUS/ OTHER PHYSICAL EXHIBITS

For objects other than paper, labels shall be placed where they can easily be seen. For objects where affixing a label is impossible, affix the label to a string tag and tie it on the object. Small items may be placed in an envelope, and affix the exhibit label to the front, lower right-hand corner of the exhibit, approximately 1/16th of an inch from the bottom of the envelope.

For large or bulky objects, please arrange with the Court prior to trial.

Proper care should be taken when offering or using exhibits which may contain a bio-hazard or a controlled or illegal substance. Parties should alert the Court to these types of exhibits prior to using or offering them.

Parties are responsible for the care, custody and control of their own exhibits, unless that exhibit has been properly admitted by the Court. Exhibits properly admitted by the Court shall be secured and stored by the court reporter. Parties will not be permitted to remove admitted exhibits from the courtroom without approval from the Court.

Every effort should be made to affix exhibit labels to the exhibit prior to offering them into evidence.

V. FIREARMS/WEAPONS

All firearms used as exhibits shall be unloaded with the cylinder or action open, no magazines inserted, and a locking, firearm safety cord installed. All firearms, as well as other dangerous objects, shall be physically incapacitated and in a condition where they cannot be used to inflict harm. The Bailiff shall inspect all firearms and weapons used as exhibits prior to them being brought into the courtroom.

When handling firearms, attorneys and witnesses shall not point them at any person or have any finger in the trigger well at any time. If an attorney intends to use a firearm in a demonstration by a witness in regard to how the firearm functions, or was used or held during the commission of the alleged offense, prior approval from the Court shall be obtained by the attorney.

Jurors shall not be allowed to handle firearms during the trial if the firearm is published to the jury. Notification and approval shall be required before a firearm is used in final argument. A firearm and ammunition shall never be given to a witness during testimony or to the jury at the same time during juror deliberations, unless the witness is an expert witness with respect to firearms and/or ammunition.

All firearms shall have a string tag attached to the trigger well with a label affixed to the tag for exhibit marking purposes.

VI. ENFORCEMENT

Any exhibit(s) offered that do not meet the requirements of this standing order, are subject to exclusion until the exhibit is properly labeled, marked and made safe, if applicable.

SO ORDERED AND SIGNED ON THIS THE 13TH DAY OF JUNE, 2019

A handwritten signature in blue ink, consisting of a large, loopy initial 'R' followed by a stylized 'S' and 'M'.

R. Scott McKee
Presiding Judge, 392nd District Court
Henderson County, Texas