

New Local General Rule

Effective September 1, 2023

LOCAL GENERAL RULES

LGR 101

ELECTRONIC AND DIGITAL EVIDENCE

(a) Jury Trials. This rule only applies to cases that will be tried to a jury.

(b) Requirements. The proponent of electronic evidence shall:

(1) Ensure that the electronic evidence is readily available to the court for pretrial and post-trial hearings, for publication during the trial in the courtroom and for review by the jury in the jury room during deliberations.

(2) Provide all equipment necessary for the proponent to comply with this rule. The court may have some equipment available. The proponent must contact the court administrator at least seven days prior to the hearing or trial if the proponent seeks to use the court's equipment. Additionally, the proponent must check with the court administrator before any media is played on, or imported into, a county-owned computer.

(3) Ensure that all electronic evidence is in a format that is readily available to the court. The use of proprietary software for which the court does not possess a license is not allowed.

(4) If the proponent of evidence wants to publish only a portion of electronic evidence, such as a segment of an audio or video file, the proponent must propose an exhibit containing only the portion of the evidence that will be published to the jury. If the court rules that a portion of a proposed exhibit is inadmissible, the proponent must submit two versions of the exhibit, the original exhibit as well as a version with the inadmissible sections redacted. The two versions must be contained on separate media and marked separately.

(5) Electronic evidence that is marked, but not admitted, must be stored on media that is separate from media on which admitted electronic evidence is stored.

(c) Definition. For purposes of this rule, "electronic evidence" includes, but is not limited to, (1) digital or analog audio files, (2) digital or analog video files, and (3) digital or analog image files.

(d) Enforcement. In the discretion of the court, failure to comply with this rule may be grounds for exclusion of the evidence and/or imposition of terms against the proponent of the evidence. If inadmissible evidence is published to the jury in violation of this rule, the court may declare a mistrial where appropriate.

[Adopted effective September 1, 2023.]