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FILED  
SUPERIOR COURT OF CA, COUNTY OF KERN

NOV 28 2018

BY [Signature] DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF KERN

IN RE: HAZARDOUS, HEAVY OR  
BULKY EXHIBITS

BCM-18-000043  
MISCELLANEOUS NO.: \_\_\_\_\_

By Order of the Presiding Judge:

Admission of hazardous, heavy or bulky exhibits shall only be received in accordance with this Standing Order.

Evidence received in any case shall be limited to those items required in the case and shall be retained by the Court for the minimum time required by law, unless good cause is shown to retain the evidence for a longer period of time. Permission from the Judge assigned to the hearing or trial must be obtained before a party may bring hazardous, heavy or bulky exhibits into the courthouse. If possible, the party should substitute a photograph, technical report, or dummy object for proposed exhibits which are either:

(1) Inherently dangerous, such as:

a) Firearms and ammunition;

b) Any type of explosive powder;

- 1 c) Explosive chemicals, toluene, ethane;
- 2 d) Explosive devices, such as grenades or pipe bombs;
- 3 e) Flammable liquids such as gasoline, kerosene, lighter fluid, paint thinner,
- 4 ethyl-ether;
- 5 f) Canisters containing tear gas, mace;
- 6 g) Rags which have been soaked with flammable liquids;
- 7 h) Liquid drugs such as phencyclidine (PCP), methamphetamine,
- 8 i) Corrosive liquids, pyrrolidine, morpholine, or piperidine;
- 9 j) Samples of blood, urine, human or animal tissue or other items requiring
- 10 refrigeration and/or humidity- controlled storage;
- 11 k) Controlled or toxic substances;
- 12 l) Any substance that requires special destruction under the State of
- 13 California as being a hazardous material;
- 14 m) Corrosive or radioactive substance.

15 (2) Heavy and bulky, such as a ladder, sewer pipe, or automobile chassis.

16 Heavy objects are those exceeding three (3) pounds by weight. Bulky objects are  
17 those exceeding one (1) cubic foot in volume.

18 If a party believes the exhibit should be brought into the courtroom without  
19 substitution, an application for permission must be made in writing and describe the  
20 materials to be brought into the courtroom and the reason a substitution should not be  
21 made. The option of viewing the materials at another location may be considered by  
22 the Court. Prior to bringing any toxic, hazardous or potentially hazardous materials  
23 into the courtroom, counsel shall provide to the Court a written statement containing  
24 information as hereinafter set forth:

- 25 (1) A list of the technical and street names of the said materials.

- 1 (2) The types and sizes of the containers to be utilized for the materials.
- 2 (3) The name of the person who will transport the materials into the courtroom.
- 3 (4) Where the materials will be stored and the conditions, under which the
- 4 materials will be stored, viewed or handled.
- 5 (5) The name of the person who will remove the materials.
- 6 (6) An explanation as to why the material is hazardous or potentially hazardous
- 7 and the remedies to be followed in the event of a spill, leak or other accident.
- 8 (7) An explanation as to why the introduction of the materials into evidence
- 9 must be accomplished by their physical presence in the courtroom, rather than
- 10 proof of their existence by any other method.

11 If the Court grants permission for an exhibit to be brought into the courtroom,  
12 without substitution:

- 13 (1) The exhibit must remain in a securely sealed condition and properly
- 14 labeled as to the exact contents;
- 15 (2) The party bringing the exhibit into the courtroom shall retain it and shall be
- 16 responsible for it and shall be responsible for the storage of the exhibit in
- 17 accordance with Penal Code §1417.3; and
- 18 (3) The party shall also provide at the time of submission of the exhibit a
- 19 corresponding photographic record of the exhibit for purposes of this
- 20 standing order.

21 When a dangerous, heavy or bulky exhibit that has been marked and identified  
22 or received in evidence poses a security, storage or safety problem, the Court may  
23 order that all or a portion of it be returned to the party that offered it pursuant to Penal  
24 Code §§ 1417.2, 1417.3 and 1417.5. Such evidence shall be returned by stipulation  
25 of Counsel as provided in Penal Code § 1417.2 and the transfer shall be recorded in a

1 minute order. In the case of exhibits offered by the prosecutor in a criminal case, the  
2 Court may order that the exhibits be returned to the law enforcement agency involved.  
3 If an exhibit by its nature is severable, the court shall retain a portion of the exhibit not  
4 exceeding three (3) pounds by weight or one (1) cubic foot by volume and shall order  
5 the return of the balance of the exhibit to the district attorney pursuant to Penal Code  
6 § 1417.3.

7 Dangerous, heavy or bulky exhibits that have been marked and identified or  
8 received in evidence at trial or a hearing in a civil case may be returned by the court to  
9 the party who offered them, with an oral stipulation in open court or by written  
10 stipulation of the parties, in accordance with Code of Civil Procedure §§ 1952(a) and  
11 1952.2.

12 For all exhibits returned, a full and complete photographic record of the exhibit  
13 or the portion returned shall be substituted for the exhibit. The party who offered the  
14 exhibit shall provide the photographic record as required by this Standing Order. The  
15 party or agency to whom the exhibit is returned shall be responsible for maintaining  
16 and preserving the exhibit until there is a final disposition of the action or proceeding.  
17 All exhibit tags and other identifying markings or information concerning each exhibit  
18 shall remain in place and shall not be disturbed. Each exhibit shall be maintained  
19 intact and in the same condition as during trial. In the event further proceedings of any  
20 Court having jurisdiction of the matter require the presence of the exhibit, the party or  
21 agency to whom it was returned shall promptly deliver the exhibit to the appropriate  
22 Court, with notice to all parties.

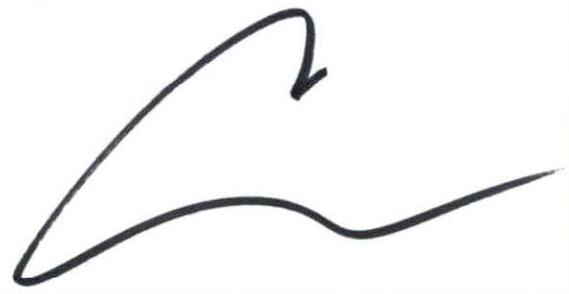
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1 This order is made for the protection of the public and all persons involved in  
2 the processes of the justice system in Kern County.

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5 Dated: November 27, 2018



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7 Charles R. Brehmer, Presiding Judge  
8 Kern County Superior Court

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