

M.R. 3140

IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS

Order entered December 2, 2022.

(Deleted material is struck through, and new material is underscored.)

Effective January 1, 2023, Illinois Supreme Court Rule 455 is amended, as follows.

Amended Rule 455

Rule 455. Filing of Hearing and Trial Exhibits

(a) **Filing.** No later than 30 days after sentencing of any defendant entitled to appointed counsel on appeal under Rule 607(a), each party shall ~~file with the clerk of the trial court:~~

(1) file a certified inventory list of the party's pretrial, trial, posttrial, and sentencing exhibits by exhibit number or letter with description of the exhibit (e.g., "photograph," "DVD," or "document"), stating whether the exhibit was admitted into evidence with the clerk of the circuit court; and

(2) submit its offered pretrial, trial, posttrial, and sentencing exhibits marked with exhibit number or letter, including exhibits not admitted into evidence to the clerk of the circuit court. The clerk of the circuit court shall maintain the exhibits as required by the Manual on Recordkeeping.

The inventory shall be signed by an attorney or the *pro se* litigant, certifying its correctness.

(b) **Service.** Each party shall serve a copy of its certified inventory list on the parties of record.

(c) **Extension of Time.** The trial court may grant a reasonable extension of time within which to file the certified inventory list and exhibits.

(d) **Trials with Codefendants.** In the case of joint or severed trials of one or more codefendants in which only one copy of an exhibit was offered or admitted against more than one defendant, the State shall file the State's original exhibit in one defendant's case and a copy, so marked, in the applicable case(s) of the other defendant(s). In the case of physical evidence or oversized exhibits, a photograph of the original exhibit can be filed in the applicable case(s) of the other defendant(s).

(e) **Sanctions.** Failure to comply with the requirements of this Rule may result in sanctions against the noncompliant attorney or the *pro se* litigant.

(f) **Petition to Withdraw Exhibits.** Any party may petition the trial court to withdraw one or more exhibits upon good cause shown. If the trial court grants the petition, the clerk of the circuit

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SUPREME COURT
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~~trial~~ court shall photograph or photocopy the exhibit(s) withdrawn by the party and place the photograph or photocopy in the record with a marking identifying the date the original exhibit was removed and the party who removed it. In lieu of taking a photograph of a physical exhibit withdrawn, the clerk of the circuit court may record a detailed description of the exhibit in the record sheet. The proponent of the exhibit is not responsible for maintaining the care or custody of any exhibit once released to a third party pursuant to court order.

Adopted Oct. 13, 2022; eff. Jan. 1, 2023; amended Dec. 2, 2022; eff. Jan. 1, 2023.