

## **RULE CR-55.        REMOVAL OF RECORDS AND EXHIBITS**

### **(a)     Records.**

(1)     Except upon approval of the court, no record or paper in court files may be removed from the clerk.

(2)     A party removing any record or paper must provide the clerk a receipt signed by the party or the party's attorney reflecting each record or paper removed from the clerk.

### **(b)     Exhibits.**

(1)     *Removal After Final Disposition.* Within 60 days after final disposition of the case, including appeal, and denial of, or expiration of the time in which to file, a petition for writ of certiorari in the U.S. Supreme Court, the party who offered an exhibit must remove it from the clerk.

(2)     *Failure to Remove.* Failure to remove any exhibit within 60 days of final disposition of the case may result in the clerk destroying or otherwise disposing of the exhibit.

### **Committee Notes**

1. The language of Rule CR-55 has been amended as part of the general restyling of the local criminal rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only, except as noted below.

2. "Final disposition" has been clarified in subsection (b)(2) to include exhaustion of the pursuit of, or expiration of the time for seeking relief in the Supreme Court. This definition of final disposition is consistent with the interpretation of the one-year limitation applicable to a judgment of conviction becoming final for purposes of seeking post-conviction relief pursuant to 28 U.S.C. § 2255. See *United States v. Gamble*, 208 F.3d 536 (5th Cir. 2000).

3. The requirement that the receipt evidencing return of exhibits be signed by the party or attorney reflects current practice.

4. Former Rule CR-55(b) has been restyled as Rule CR-17.1 to conform more closely to the organizational structure of the Federal Rules of Criminal Procedure.

5. As a matter of practice exhibits often are removed by the parties immediately after trial. The clerk's policy and practice are set out in the Clerk's Guidelines for Handling Exhibits, which may be found at the Western District of Texas website at [www.txwd.uscourts.gov](http://www.txwd.uscourts.gov).