## **NOTICE OF INTENT TO DESTROY**

**(MISDEMEANOR CASES)**

Pursuant to Local Rule 111 of the Elkhart County Courts (“Rule”), all exhibits admitted into evidence or pertaining to **Case No.** Click or tap here to enter case number. that has been or will be placed in the custody of the Official Court Reporter as exhibits must be taken away by the parties offering them in evidence, **three (3) years** after the case is dismissed, the defendant found not guilty, or the defendant is sentenced, unless an appeal is taken.

If an appeal is taken, all such exhibits must be retained by the court reporter for **three (3) years** from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post-conviction action, is pending.

Evidence which is not retaken after expiration of the applicable retention period, above, will be disposed of by the Sheriff, or his agent, on the Court’s Order.

Notwithstanding any provision of the Rule or this Notice to the contrary, the Judge of the Elkhart Circuit Court and the Judges of the Elkhart Superior Court shall have the authority to order the destruction of any evidence that is compromised by age, damage, lack of case identifiers or inadvertent destruction.