



Supreme Court of Illinois

October 13, 2022

ILLINOIS SUPREME COURT ADOPTS NEW RULE FOR TRIAL EXHIBITS

The Illinois Supreme Court announced today the approval of new Rule 455, which will create uniform statewide procedures for ensuring that criminal hearing and trial exhibits become part of the record on appeal. The new rule is scheduled to go into effect on January 1, 2023.

New Rule 455 and the Illinois Supreme Court Rules can be found [here](#).

New Rule 455, first proposed by the Appellate Lawyers Association (ALA) and supported by the Office of the State Appellate Defender (OSAD), is intended to bring uniformity to trial exhibits and prevent the delays which occur when appellate counsel must track down and locate missing trial exhibits that were not made part of the record. In particular, exhibits in joint trials were previously not impounded until each codefendant had been tried and sentenced and thus prevented codefendants from proceeding with their appeals in timely fashion.

The new rule requires that each party in a criminal proceeding must file with the clerk a certified inventory list of the party's pretrial, trial, post-trial, and sentencing exhibits, as well as all of the party's offered pretrial, trial, post-trial, and sentencing exhibits. Each party must also serve a copy of the certified inventory list on all parties of record.

It allows for any party to petition the trial court to withdraw one or more exhibits upon good cause shown, with a photograph or photocopy then placed in the record with a marking identifying the date the original exhibit was removed and the party who removed it.

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