

1-2007

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE CIRCUIT COURT
FOR THE 13TH JUDICIAL CIRCUIT

Standing Administrative Order
Re: Protocol For Handling Firearms
as Exhibits in Civil and Criminal
Proceedings at the Greenville County
Courthouse

Effective ~~January~~ ^{March 16}, 2007, the following protocol for handling firearms as exhibits in civil and criminal proceedings at the Greenville County Courthouse shall be enforced in all courtrooms of the Greenville County Courthouse:

- 1. Application and Scope.**
These procedures apply to **all firearms to be offered into evidence** that are brought into a court building or a courtroom.
- 2. Firearms Are To Be Checked and Unloaded Upon Pick-Up from P&E.**
All evidentiary firearms shall be checked and unloaded by the case officer after being retrieved from P&E. All evidentiary firearms shall be **unloaded** at all times after being retrieved from P&E and while they are in the court building and courtroom.
- 3. Firearms To Be Checked In With Court Security Officers at the Screening Station (metal detector) on the First Floor of the Courthouse.**
Upon entering the courthouse, the case officer shall immediately take the firearm to the court security officer at the screening station. The court security officer(s) shall then take the firearm to a safe location away from the screening station and check the weapon, ensure it is “open” (see ¶ 4 below) and shall secure the chamber with an appropriate cable, hasp lock or other device that will ensure the firearm remains open. The case officer shall then deliver the firearm to the court security officer in the courtroom where the trial is to take place for inspection.
- 4. All Firearms To Be Open At All Times.**
All evidentiary firearms, when they are in the court building or courtroom, must be **open**. This means:

 1. The clip or magazine shall be removed and all bullet(s) removed from cylinder and chamber.
 2. If a semi-automatic pistol, the barrel shall be slid back. If a revolver, the cylinder must be swung out. If a single or double barrel shotgun, the barrel must be “broken” open;
 3. If a semi-automatic rifle or shotgun, the chamber slide or cocking lever must be placed in the open position.

The condition of the firearm shall be such that an immediate visual inspection will indicate that the firearm is unloaded. Once it is verified that the firearm is

unloaded, an incapacitating cable, hasp lock, or other device shall be attached to ensure the firearm remains open. Keeping the firearm open and keeping it separate from its ammunition is crucial to the safe handling of firearms in the courtroom.

It is the responsibility of the court security officer(s) assigned to the courtroom where the trial is to take place to ensure compliance with these procedures.

5. **No Firearm shall be displayed to the jury before it has been admitted into evidence.**

No Firearm may be displayed to the jury until it has been admitted into evidence, unless the presiding judge has previously granted express permission for a specifically described use. This rule applies in opening statement and during the presentation of evidence.

6. **Firearms To Be In Custody of Court Reporter**

After being inspected by the court security officer in the courtroom, firearms and ammunition brought into the courtroom to be offered into evidence shall be given to and left in the custody of the court reporter at all times, except when they are being handled by solicitors, defense attorneys or witnesses.

During recesses of the court, all firearms shall be locked in a secure drawer, cabinet or closet by the court reporter. It is the responsibility of the clerk of court to provide access to space that will secure the ammunition and firearm(s). In proceedings that last more than one day, it is the responsibility of the court reporter to deliver any and all firearms to the clerk of court for safekeeping overnight.

7. **Firearm To Be Handled Only by Barrel and Not To Be Pointed At Any Person In Courtroom**

The firearm shall always be handled by the barrel only, unless otherwise ordered by the trial judge. No evidentiary firearm may under any circumstances be pointed at any person. Firearms may only be pointed either at the ceiling or the floor. However, if deemed necessary by the presiding judge, the firearm may be pointed elsewhere for demonstrative purposes during testimony. Solicitors and defense attorneys must obtain the prior permission of the judge prior to such use for demonstrative purposes.

8. **Notification And Approval Required Before Firearm Used In Final Argument**

Solicitors and defense attorneys intending to use firearms admitted into evidence for demonstrative purposes in a final argument must inform the presiding judge prior to such use, stating how the firearm will be used and obtaining the express permission of the judge prior to such use.

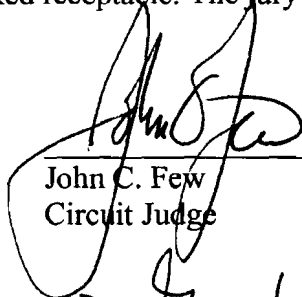
9. **Firearms And Ammunition Never Given To Witness Or Jury At Same Time**

Firearms and ammunition shall never be given to a witness (or the jury) together at the same time. Firearms and ammunition shall never be placed or left together.


The presiding judge has the discretion to decide if firearms and ammunition should be allowed into the jury room at the time of deliberation. If a firearm and related ammunition are to be sent into the jury room during deliberation, the firearm and ammunition shall never be sent into the jury room at the same time. If the judge allows firearms and ammunition into the jury room, the court security officer(s) shall be notified and shall supervise the delivery of the firearm to the jury. After the jury has examined the firearm, they will inform the court, so that the court security officer may take possession of the firearm, notify the court reporter, and return it to a locked receptacle. The jury may then be given the ammunition for examination.

IT IS SO ORDERED!

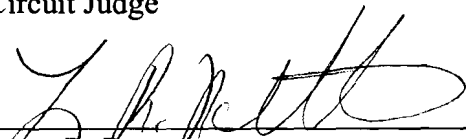
Greenville, South Carolina
November , 2006
March 16, 2007



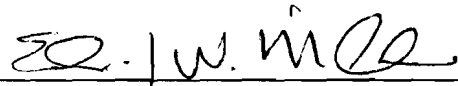
John C. Few
Circuit Judge



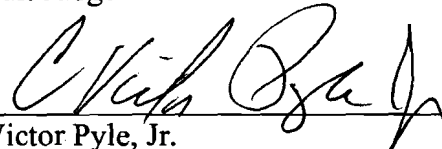
D. Garrison Hill
Circuit Judge



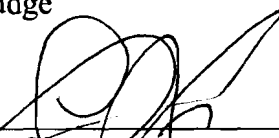
Larry R. Patterson
Circuit Judge



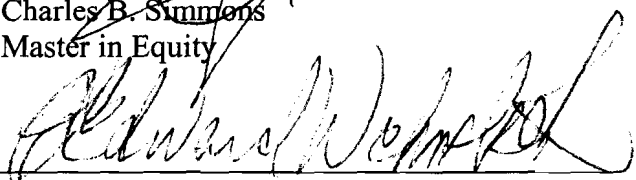
Edward W. Miller
Circuit Judge



C. Victor Pyle, Jr.
Circuit Judge



Charles B. Simmons
Master in Equity



G. Edward Welmaker
Circuit Judge