RECORDS RETENTION AND DISPOSITION SCHEDULE



CRIMINAL RECORDS OF THE SUPREME AND COUNTY COURTS

DIVISION OF COURT OPERATIONS OFFICE OF RECORDS MANAGEMENT

Rev. MAY 2009

CRIMINAL RECORDS OF THE SUPREME AND COUNTY COURTS

PLEASE NOTE

A RECORDS DISPOSITION REQUEST FORM must be submitted and approved prior to the disposal of any records in accordance with the Records Retention and Disposition Schedules.

Records Disposition Request Forms can be obtained at: <u>http://www.nycourts.gov/admin/recordsmanagement/too_forms.shtml</u>

Return all completed forms to: N.Y.S. Office of Court Administration Division of Court Operations Office of Records Management 25 Beaver Street - Room 883 New York, NY 10004 TEL: 212- 428-2875 FAX: 212- 428-2880 E-mail: DISPOREQ@courts.state.ny.us

Please Note: This retention schedule is printed in a color format to facilitate identification of purgable records.

Color Codes for Record Series Numbers and Titles: Red = Permanent Records Green = Purgable Records Orange = Both Permanent and Purgable Records

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http://www.courts.state.ny.us/admin/recordsmanagement/sch_admin_records.shtml

NEW YORK STATE UNIFIED COURT SYSTEM

CRIMINAL RECORDS OF THE SUPREME AND COUNTY COURTS

RECORDS RETENTION AND DISPOSITION SCHEDULE

The following retention periods apply to records created after the reorganization of the Supreme and County Courts in 1896. Retention requirements for records created before 1896 are contained in the section on records of Predecessor Courts, items 30590 through 30650 on the schedule.

ALL RECORDS DATING PRIOR TO 1950 ARE TO BE RETAINED PERMANENTLY.

EXCEPTIONS TO THIS AND OTHER SAMPLING POLICES WILL BE EVALUATED UPON INDIVIDUAL REQUEST

CASE FILES

A case file contains all papers and documents relating to an action, including case papers forwarded from criminal courts of limited jurisdiction, Motions, Notices, Affidavits, Orders, including Orders of Protection, Fine and Surcharge Letters, Medical and Mental Health Reports, Probation Reports, Records on Appeal, Transcripts, Transcripts of Judgment, and Warrants. Note that some courts currently store some of the documents listed above separately from the case file. These documents have been distinguished as separate record series in the schedules, but have the same retention requirements as the related case papers.

RETENTION

30010. FELONY CASE FILES

Records of proceedings in felony cases initiated either by a grand jury indictment or Superior Court Information.

a. DISPOSED CASES

- 1. <u>Pre-1950 Cases</u>: Retain permanently for research purposes.
- 2. Post-1949 cases with the exception of Capital Cases which result in a conviction: Retain for fifty years from date of disposition, then destroy, except for cases to be retained as a permanent research sample.
- 3. Capital cases which result in a conviction: Retain permanently for research purposes.
- b. CASES TERMINATED IN FAVOR OF DEFENDANT

Retain for twenty-five years, then destroy.

c. UNDISPOSED CASES

Retain for seventy-five years, then destroy, except for cases to be retained as a permanent research sample.

RETENTION

30020. FELONY SCREENING CASE JACKETS

Empty annotated case jackets for cases that were heard by Felony Screening Units. All original case papers are either returned to the criminal court of limited jurisdiction or sent to superior court. Jacket should accompany papers returned to criminal court of limited jurisdiction or sent to superior court.

30030. LOCAL CRIMINAL COURT DISMISSALS

Case papers from criminal court of local jurisdiction for cases that were arraigned and dismissed.

30040. SPECIAL PROCEEDINGS CASE FILES also known as ADMINISTRATION ORDERS

Records of proceedings in criminal matters for which the court has neither an indictment or Superior Court Information. These include, but are not limited to: Extraditions, Writs of Habeas Corpus, probation revocations, parole revocations, orders requiring appearance in a line-up and orders for the return of stolen property. Return to criminal court of local jurisdiction. Should not be retained by superior court.

a. Retain Parole Revocations for fifty years, then destroy.

b. Retain all other special proceedings case files for twenty-five years, then destroy.

RETENTION

30050. YOUTH PART CASE FILES

> Records of proceedings in cases where the defendants were given youth status at the time of arraignment.

Retain permanently for research purposes.

30055. TRANSFERRED CASE FILES

Exact copies of files transferred to another court for jurisdiction.

Retain for one year, then destroy.

SUPPLEMENTAL CASE RECORDS

SERIES # RECORD SERIES TITLE

RETENTION

30060. COURT REPORTER NOTES a n d A L L O T H E R RECORDINGS OF THE COURT NOT LISTED AS A SEPARATE RECORDS SERIES TITLE

> Stenographic tapes, pads, audio tapes or machinereadable material that record the proceedings of the court.

Retain for fifty years, then destroy.

30070. COURT REPORTER TRANSCRIPTS and TRANSCRIPTS OF ALL OTHER RECORDINGS OF THE COURT NOT LISTED AS A SEPARATE RECORDS SERIES TITLE

> Transcripts of Court Reporter Notes and transcripts of all other recordings of the Court not listed as a separate record series title.

Considered part of the case file. File in case file. If maintained separately, retain for same length of time as case file.

30075. DEFENDANT CRIMINAL HISTORY RECORDS ("RAPSHEETS")

Arrest and case dispositionDestroy immediatelyrecords of defendants.after disposition.

RETENTION

30080. EXHIBITS

Exhibits presented as evidence in a case.

Return to party who introduced it immediately after disposition unless otherwise directed by the court. If record not claimed retain for thirty days, then destroy provided express notice has been given.

30088. GRAND JURY MINUTE BOOKS

Books recording Grand Jury votes on indictment charges. Considered to be a court record UNLESS the information is recorded by the prosecutor's office. Retain permanently for research purposes.

30090. INDICTMENT TRANSFER ORDERS

Orders transferring indictments from Supreme Court to County Court. Considered part of the case file. File in case file. If filed separately, retain for same length of time as case file.

30100. INDICTMENTS

Original copy of indictments handed up by grand juries.

Considered part of the case file. File in case file. If maintained separately retain for same length of time as case file.

RETENTION

30110. MENTAL HEALTH EVALUATIONS

Mental health records relating to criminal proceedings. Includes, but is not limited to, mental health evaluations, orders for examination and related medical records. Considered part of the case file. File in case file. If filed separately, retain for same length of time as case file.

30120. ORDERS

Original orders, notices, judgments and transcripts that were filed with the County Clerk. Retain for fifty years, then destroy.

30125. ORDERS OF PROTECTION; TEMPORARY ORDERS OF PROTECTION

Court orders protecting individuals from harassment/violence. Considered part of the case file. File in case file. Retain order and file for fifty years, then destroy, EXCEPT for those cases to be retained permanently for research purposes.

30127. ORDER OF PROTECTION AND WARRANT REGISTRY INFORMATION SHEET; A D D E N D U M T O INFORMATION SHEET

> Form attached to Orders of Protection sent to the Order of Protection and Warrant Registry. Contains pedigree and case processing information.

RETENTION

Retain for twenty-five years, then destroy.

30130. SEARCH AND SEIZURE ORDERS

Chronological logs of warrants issued for search and seizure of alcoholic products in violation of prohibition laws. Includes but is not limited to, date of complaint, location, name of individual, verifying probable cause, owner of searched premises and date of search.

RETENTION

30140. SEARCH WARRANTS

File of warrants authorizing a search. Includes the original copy of the warrant and a list of items found.

- a. Search warrants associated with cases are considered part of the case file. File in case file. If maintained separately, retain for same length of time as case file.
- b. For executed search warrants without associated cases, retain for five years, then destroy.
- c. If search warrant is not executed, retain for one year from date of issuance, then destroy.

30145. SEX OFFENDER REGISTRATION FORMS

DCJS forms used to register sex offenders' addresses for the statewide Sex Offender Registry. Considered part of the case file. File in case file. If filed separately retain for same length of time as case file.

30150. STENOGRAPHER'S MINUTES

Summaries of day's activities in courtroom, prepared from court reporter's notes. Information includes a brief outline of the day's courtroom activities. May also include extensive testimony and presentations by attorneys.

RETENTION

30160. SUBPOENAED RECORDS

Records which have been subpoenaed from an_outside agency, organization or individual. Return to party who introduced it immediately after disposition unless otherwise directed by the court. If record is not claimed, retain for thirty days, then destroy provided express notice has been given.

30170. SUPERIOR COURT INFORMATION

Original copy of Superior Court. Information waivers of indictments that were filed when the defendant waived the right to a grand jury. Considered part of the case file. File in case file. If maintained separately, retain for same length of time as case file.

30175.UCS DOMESTIC VIOLENCE
REGISTRY INFORMATION
SHEET (also known as
FAMILY PROTECTION
REGISTRY INFORMATION
SHEET, also known as
INFORMATION SHEET);
A D D E N D U M T O
INFORMATION SHEET

Form attached to Orders of Protection sent to UCS Domestic Violence Registry. Contains pedigree and case Processing information. Retain for one year, then destroy.

CASE MANAGEMENT RECORDS

SERIES # RECORD SERIES TITLE

RETENTION

30180. ARRAIGNMENT BOOKS

Chronological daily log of arraignments. Information includes, but is not limited to, defendant's name, judge, indictment number, charge, court clerk, date of arraignment, defendant date of birth and actions taken during arraignment. Retain for one year or until no longer needed, whichever is sooner, then destroy.

30190. CALENDARS

Daily schedules of cases to be heard before the court. Includes but is not limited to defendant's name, charge indictment number, judge, date and disposition. Retain for one year or until no longer needed, whichever is sooner, then destroy.

RETENTION

30194. CAPITAL CASE DATA REPORTS

Reports describing detailed elements of disposed capital cases. Includes, but is not limited to: defendant's name, name of court and county, indictment number, name of sentencing judge, whether prior data report was submitted, dates of the offense/arrest/verdict or plea/ sentence, whether indicted or convicted with a specific offense of Murder in the First Degree, case disposition, trial type (jury or bench), whether prosecutor served notice of intent to seek the death penalty, sentence imposed, whether defendant was found mentally handicapped upon sentence, whether sentence resulted from a separate sentencing proceeding, defendant's personal background (age, sex, religion, education, job, previous criminal convictions, etc.), victim's personal background, circumstances of crime (details of what transpired), name(s) of defense counsel and prosecutor(s) that were consulted or declined to comment and signature of **Chief Clerk/Deputy Chief Clerk** of te Supreme and County Clerk with date.

File original with the Court of Appeals.

Retain Supreme/County Court copy until information is entered into the Court of Appeals' Capital Case Database and quality control is completed, then destroy.

30196. CAPITAL CASE STATUS REPORTS

Reports describing the status of pending capital cases. Includes but is not limited to: defendant's name. case number, judge's title and name, charges, indictment date, arraignment date, date intent due, date of intent, disposition dates, trial comments, top conviction charge, sentence date and description, Capital Case Data Report dates due. comments and amendments received, general comments of the clerk and county of trial.

RETENTION

File original with the Capital Case Coordinator.

Retain Supreme/County Court copy until information is entered into the Court of Appeals' Capital Case Database and quality control is completed, then destroy.

30200. CASELOAD ACTIVITY REPORTS

Court copies of caseload activity reports (UCS-153, UCS-157, UCS-ET1) that are filed with the Office of Court Administration. File original with the Office of Court Administration.

Retain court copy for one year, then destroy.

RETENTION

30210. COUNTY CLERK CRIMINAL CASE PAPERS FILING BOOKS

Log books listing all papers filed in a case, including but not limited to, indictments, orders, motions, notices and transcripts. Logs the type of paper and date of filing for each case. Retain permanently for research purposes.

30220. COUNTY CLERK CRIMINAL CASE PAPERS INDEXES

Alphabetical or numerical indexes which provide information on access to criminal papers filed with the county clerk. Includes indictment number, county clerk civil action number, defendant's name, date of indictment and reference to Minute Book or Criminal Papers Filing Book. Retain permanently.

30230. CRIMINAL DISPOSITION REPORTS

Court copies of OCA-540A, OCA-540B and OCA-540C that are filed with the Office of Court Administration for transmission to the State Division of Criminal Justice Services for the maintenance of defendant criminal histories.

30240. CRIMINAL SURETY BONDS

Notices of liens filed with the county clerk on property used as collateral for bail. Includes, but is not limited to: defendant's name, property description and affirmation by district attorney. May also include a certificate of discharge of surety bond lien.

30250. DEFENDANT RECORD CARDS

Alphabetical files containing the defendant indictment history in the court. Includes, but is not limited to, defendant name, judge, charge, disposition, appearance history, dates, indictment number, pleas, bail, age, date of birth and counsel name.

RETENTION

File original with the Office of Court Administration.

Retain court copy for one year, then destroy.

Retain for six years from date of discharge, then destroy.

RETENTION

30260. EXHIBIT LOG BOOKS

Chronological logs used to control the processing of exhibits. Includes, but is not limited to, type of order, judge, defendant name, indictment number and date issued. Retain for one year or until no longer needed, whichever is sooner, then destroy.

30270. EX-PARTE LOG BOOKS

Chronological logs of orders signed by the court. Includes, but is not limited to, type of order, judge, defendant name, indictment number and date issued. Retain for one year or until no longer needed, whichever is sooner, then destroy.

30280. GRAND JURY INDICTMENT LISTS

Listings of indictments handed up by the grand jury. Includes defendant name and charge. May also include signature of judge, district attorney, name of grand jury foreman and court reporter. Retain all pre-1951 lists permanently for research purposes.

Retain post-1950 lists for five years from date of indictment, then destroy.

RETENTION

30290. INDEXES: CASE FILES

Alphabetic or numeric indexes providing information on access to superior court criminal case papers. Includes defendant name and indictment number. May also include charge, date of arraignment, date of conviction, disposition, date of order of mental health examination and county clerk file number.

30300. INDICTMENTS - NO BILL

List of indictments or copies of indictments which were requested by the district attorney that the grand jury did not find.

30310. LOCAL CRIMINAL COURT DISMISSAL LOG BOOKS

> Chronological logs recording the transfer of dismissed felony arraignment papers from the criminal court of local jurisdiction to superior court.

Retain permanently.

Retain permanently for research purposes.

Destroy immediately.

RETENTION

30320. LOCAL CRIMINAL COURT TRANSFER SHEETS

Transfer forms recording the transfer of felony arraignment records to superior court. Includes, but is not limited to, defendant name, docket number, grand jury, date, indictment number and remarks. Retain for one year or until no longer needed, whichever is sooner, then destroy.

30323. LOG OF ORDER NUMBERS

Form listing order numbers for Family Offense Orders of Protection sent to the Order of Protection and Warrant Registry. Retain for one year, then destroy.

30325. MANDATORY SURCHARGE WAIVER FORMS

Forms created to capture information on imposition or waiver of surcharge.

Retain one copy for six years, then destroy. Destroy all other copies immediately.

30330. MINUTE BOOKS

Chronological records of court proceedings maintained by part clerks. Includes, but is not limited to, date, defendant name, charges, judge name, disposition, witness names and juror names.

RETENTION

30340. MOTION LOG BOOKS

Chronological logs of motions filed with the court. Includes, but is not limited to, type of motion, decision, hearing date, part and date signed. Retain for one year or until no longer needed, whichever is sooner, then destroy.

30350. PRISONER RECALL SHEETS

Court copies of lists containing the names of prisoners to be returned from the custody of the sheriff for court appearances. Retain for one year or until no longer needed, whichever is sooner, then destroy.

30360. RECEIPT FOR COMMITMENT LOG BOOKS

Chronological logs of orders of commitment used to track the receipt of such orders by sheriff. Includes, but is not limited to, defendant's name, date of indictment, indictment number and name of sheriff receiving the orders. Retain for one year or until no longer needed, whichever is sooner, then destroy.

30370. RECEIPT OF WARRANTS LOG BOOKS

Chronological logs of warrants issued after an indictment has been handed up. Used to track warrants received by law enforcement officials. Includes, but is not limited to, defendant name, date warrant issued and signature of law enforcement official receiving the warrant.

30380. RECORD OF CONVICTIONS

Certificates of conviction filed with the county clerk. Includes, but is not limited to, defendant name, charge, judge, date of conviction, county and docket number.

30390. RECORD OF CONVICTIONS INDEXES

Registry logs maintained by the county clerk; serves as an index to record of convictions.

RETENTION

Retain until all warrants are executed or vacated, then destroy.

Retain permanently for research purposes.

30400. RECORD OF COURT ACTIVITY (including DOCKET BOOKS, DOCKET SHEETS, RECORD OF INDICTMENT BOOKS, and any other record which serves as the principal record of case activities)

> Manual or machine-readable material containing a summary of actions in a case. Includes, but is not limited to, defendant name, disposition, arraignment dates, charge, judge, adjournment dates, court reporter and attorneys.

Retain permanently for

research purposes.

RETENTION

30410. SCHEDULING CARDS

Cards used to schedule cases. Includes, but is not limited to, defendant name and adjournment date. Retain until case has been disposed, then destroy.

30420. SEALING LOG BOOKS

Chronological logs used to record sealing orders. Includes, but is not limited to date of order, judge, defendant name, indictment number and reason for issuing the order. Retain for one year or until no longer needed, whichever is sooner, then destroy.

30430. SPECIAL PROCEEDINGS LOG BOOKS/INDEXES

Chronological logs recording the filing of special proceedings cases. Provides information on access to special proceedings case files. Information includes, but is not limited to, type of proceeding, petitioner name, proceeding number and disposition.

RETENTION

Retain for same length of time as Special Proceeding Case Files.

JURY SYSTEM RECORDS

SERIES # **RECORD SERIES TITLE**

RETENTION

30440. **BALLOT CARDS**

Juror identification cards used to select jurors for voir dire panels.

Retain until end of term, then destroy.

30450. JUROR ATTENDANCE BOOKS

Retain for six years, Record of juror attendance. Includes juror then destroy. name, residence and mileage.

30460. JUROR MANAGEMENT ATTENDANCE REPORTS

Computer generated record of juror attendance for the term. Includes name, address, index number and number of days served.

Retain for six years, then destroy.

30470. JUROR RECEIPT BOOKS

Court copies of stubs of the receipts issued to jurors. Includes, but is not limited to: name, mileage. attendance, date of payment and amount.

Retain for six years, then destroy.

RETENTION

30480. JUROR SUMMONS

Documents used to notify jurors they have been summoned to serve.

- a. If used to note attendance, retain for six years, then destroy.
- b. If not used to note attendance, retain for one year or until no longer needed, whichever is sooner, then destroy.

30490. PANEL SHEETS - GRAND JURY also known as MINUTES OF JURY DRAWING, GRAND JURY TIME BOOKS

> Manually-drawn lists of all jurors who have been summoned to a particular pool. Includes, but is not limited to, juror name, address, occupation, attendance and those excused.

30500. PANEL SHEETS - TRIAL also known as MINUTES OF JURY DRAWING, COUNTY CLERK JURORS BOOK

> Manually-drawn lists of all jurors who have been summoned to a particular pool. Includes, but is not limited to, juror name, address, attendance, ward/town and those excused.

RETENTION

RECORDS OF ANCILLARY COURT ACTIVITIES

Records which document functions of the court that are not related to the prosecution of the court's criminal proceedings. These functions are mandated by statute.

SERIES # RECORD SERIES TITLE

RETENTION

30560. GRAND JURY SPECIAL REPORTS

Reports on special investigations conducted by grand juries.

Retain permanently for research purposes.

30570. PROHIBITION PERMIT REGISTRATION BOOKS

Chronological log of permits issued to manufacture, prescribe, compound, or sell alcoholic products. Includes, but is not limited to, individual or establishment registering the permit, address, file number, serial number, dates, type of permit and revocation of the permit.

RETENTION

30580. WIRETAP ORDERS AND RECORDINGS

Sealed order signed by a judge authorizing the use of a wiretap. Includes applications, supporting documents and when ordered by the court, audio recordings.

- a. Retain audio recordings for ten years, then destroy, upon court order.
- b. Retain all other materials permanently for research purposes.

PREDECESSOR COURT RECORDS

The following list identifies the records and recommended retention periods for courts which exercised jurisdiction over felony matters prior to the reorganization of the Supreme and County Courts in 1896. These include the following courts: Court of Oyer and Terminer and General Jail Delivery, Court of General Sessions of the Peace, Court of Sessions, Mayors Court of Albany, Superior Court of Buffalo, Recorder's Court of Utica, Recorder's Court of Oswego, City Court of Brooklyn.

SERIES # RECORD SERIES TITLE

RETENTION

30590. BOND BOOKS

Records of bond books posted before predecessor courts. Includes, defendant name, court, date, charge, surety bail, date of appearance and notes of forfeitures. Retain permanently for research purposes.

30600. CASE FILES

Criminal case papers or special proceedings case papers from any predecessor court. Includes petitions, warrants, affidavits, notices of appeal and transcripts. Retain permanently for research purposes.

30610. INDEXES

Alphabetical or numerical indexes providing information on access to case records of predecessor courts.

RETENTION

30620. INDICTMENTS

Original copies of indictments filed with the county clerk by predecessor courts. Retain permanently for research purposes.

30630. MINUTE BOOKS

Chronological record of proceedings maintained by court clerks in any predecessor courts. Includes defendant name, date, charge, clerk, judge and disposition. May also include names of grand and petit jurors, names of witnesses and municipality in which proceedings were held. Retain permanently for research purposes.

30640. PETITION AND ORDER BOOKS

Books of petitions and F orders filed in predecessor r courts.

Retain permanently for research purposes.

30650. RECOGNIZANCES

Record of bail agreement by defendants or witnesses to appear in court. Includes defendant names, witness names, amounts posted, charge and defendant occupations.

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