

## Chapter 9 - Electronic Evidence

### Rule 9.01 - Definition

- (A) Electronic Evidence is defined as any evidence that is stored or transmitted in binary form that is intended to be used as evidence in a court action. This includes, but is not limited to, evidence found on a computer hard drive, or mobile device hard drive or maintained in cloud-based storage.
- (B) All evidence, regardless of form, must comply with all applicable rules of Ohio Rules of Evidence and these local rules.
- (C) Except with leave of Court, physical copies of documents, photographs, text messages, electronic mail messages, and third-party app communications (i.e. OFW) shall be used and this evidence shall not be presented in a digitized format.

### Rule 9.02 - Presentation

- (A) Digitized evidence shall be entirely contained on a flash drive (aka thumb drive or USB drive) and appropriately labeled with the case number and caption and Exhibit letter/number. An exact copy shall be provided to opposing party pursuant to order of exchange of exhibits.
- (B) Bring your own device policy: a party wishing to offer electronic evidence shall bring a device to Court to display the digitized evidence (i.e. laptop). The presentation device shall have an HDMI port (as well as a USB port if audio is included).
- (C) Digitized evidence must be presented from the flash drive and not from a file upon the presentation device or from cloud storage.
- (D) The Court will take possession of the flash drive upon completion of presentation of the evidence.