

graphic evidence, that is it allows the prosecution to take a picture of the evidence and submit that at the trial instead of the actual stolen property. And the reason for the rule supposedly is that they want to get the property back to the store owner so that he can go ahead and sell that property and the property is not sitting on his inventory for a long period of time. Now by and large this is what is done anyway. The property is given back in a very reasonable period of time and I am sure that not very many stores have a large amount of property at any one time in the possession of the county attorney. At any rate, the point of my amendment is not to do away with photographic evidence but to try to help to ensure that the defense has a reasonable opportunity to inspect that evidence before it is photographed and given back to the store and sold to a third party purchaser for values, sold to a customer and then is lost to the whole process. And the example to which I have never been given a reasonable reply goes something like this. Let's say your seventeen or eighteen year old son or daughter goes into a jewelery store and steals a ring, a ring with a clear stone, and she is arrested and the shop owner says she just stole a diamond ring. And her defense is that it wasn't a diamond ring, that she was over at the counter where the fake rings were and that little clear stone was a piece of glass and she was not guilty of a larceny, she was guilty of petty theft. She made a mistake but it wasn't larceny. It wasn't subject to a felony penalty. The store owner comes in, he says, she stole a diamond ring and that is enough to convict a person if the jury believes it. I want to see that the defense attorney has a reasonable opportunity to appraise that ring and to find out, in fact, if it was a diamond ring. I want to give him the opportunity to come into court with an appraiser and say, it was not a diamond ring. It was a glass ring. But that opportunity may not be there as I understand it, if the ring is gone. And remember the ring is not just going back to the store but may be sold and then the ring will never be able to found. So what the amendment says is that prior to allowing the return of the property that the alleged shoplifter be given a reasonable opportunity to inspect and appraise the property and may file a motion to retain the property if he believes that the photographs will be misleading. Now remember that the photographs, there are not very many requirements about these photographs. They don't have to be in color, they don't have to be in any particular size, they don't have to tell the size or the shape of the object involved and those types of facts may be important depending on the type of a defense that is presented in the court and the defense may be legitimate. If you are accused in court of hiding something under your coat, maybe the object