

Subpoena Packet

CASPER MUNICIPAL COURT

This is a reference only. Court staff cannot explain this packet or give you legal advice. If you have questions regarding your case consult an attorney.

Casper Municipal Court

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Subpoena Instructions

Checklist: You may want to use the forms and instructions in this packet if...

- ✓ You want a legal order summoning a witness to testify or submit evidence;
- ✓ You have an open case in the Casper Municipal Court that is going to a BENCH TRIAL;
- ✓ The person to whom the subpoena is to be given is NOT a party to the case (prosecutor, etc)
- ✓ The person to whom the subpoena is to be given will be served within the State of Wyoming.

How to Complete the Subpoena.

A subpoena is a legal order summoning a witness to testify or submit evidence.

- ✓ To complete this form, you will need your ticket number, docket number, and CR Number;
- ✓ The name and address of the person who you want to appear as a witness in Court;
- ✓ Print **Clearly, using BLUE ink.**
- ✓ Fill in the Defendant's name and case number exactly as it appears on your other Court paperwork.

Where it reads:

- ✓ Criminal Action No.: put that number from your other paperwork or ask the clerk of Municipal Court what that number is.
- ✓ Defendant: put your name, first and last.
- ✓ To: the person who you want to come to court to testify for you, with their physical address so they can be served.
- ✓ On the first blank put the date the witness needs to appear.
- ✓ On the second blank put your name
- ✓ **LET THE CLERK DATE AND SIGN THE SUBPOENA**
- ✓ On page 2, where it says I hereby appoint: put a person other than yourself who is over 18 to serve the witness.
- ✓ Return of Service: Have the person who served it fill out:
 - Where they served the witness (physical address)
 - What time they served the witness
 - They need to sign it certifying they served it.
- ✓ Make 2 Copies

What do I do after the subpoena is served?

- ✓ File it with the Municipal Court

How many days in advance do I need to serve the subpoena?

- ✓ You need to serve it as quickly as possible, if you do not give your witness enough time they may not be required to appear.

What if I don't have anyone other than myself to serve the subpoena?

- ✓ You can pay the Sheriff's Department to serve your subpoena

Will I have to pay the witness?

- ✓ If you are found guilty, you will be required to pay any witness fees in the amount of \$5.
- ✓ The party subpoenaing any witness residing in a county other than that in which the action is pending shall pay to such witness, after the hearing or trial, the statutory per diem allowance for state employees for each day or part thereof necessarily spent by such witness in traveling to and from the Court and in attendance at the hearing or trial.

What happens if my witness does not appear and I have properly subpoenaed them?

- ✓ As long as there was not an undue burden or expense the court may continue the hearing and issue an order to show cause why the person did not appear.

What if I decide I don't need that person or decide to change my plea?

- ✓ It is your duty to request that the Court quash the subpoena, if you do not do so and the witness appears you may be responsible for paying the fees as detailed above.

Consulting an attorney before filing any legal documents with the Court may help prevent unexpected results. Please pick up the pro se packet for a list of resources to find an attorney.

These forms are a reference only, the Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents.