

## **EX PARTE MOTION TO SUBPOENA PERSON TO BRING OBJECTS OR EVIDENCE TO THE COURT**

Use the attached ex parte motion to subpoena person to bring objects or piece of evidence to your hearing or trial to compel a person or persons possesses the piece of evidence to testify and bring evidence to a hearing or the trial.

A subpoena is an order of the court issued by a Judge, Magistrate or the Clerk of Courts commanding a person to bring some object or piece of evidence to the Court. The most common item subpoenaed is relevant documents that is relevant the case.

If you need a person compelled to bring some object or piece of evidence such as documents to the to the trial or other hearing you can file an ex parte (meaning you do not need to provide notice of the motion to the opposing party or their legal counsel) motion for issuance of subpoena to produce things, evidence and documents. You will be required to provide the name, address or location for service and any other information that will aid in the subpoena being served on the correct person who has custody of the thing, evidence or documents to be produced. It will also be necessary to describe the object or piece of evidence you want produced at trial and the name and address of the person or agency who has possession of the documents or other evidence as well as any other information that will aid in the subpoena being served on the correct person.

The court will decide if your request is relevant.

**INSTRUCTIONS FOR FILLING OUT THE FORM.** To fill out the attached form follow these instructions. The numbers to each instruction below is the number on the blank line on the form where the information for that number needs to be inserted on the form.

Instructions for filling out the motion:

- (1) on this line insert the name of the plaintiff or petitioner. Look at the complaint to see who the parties are.
- (2) on this line insert the name of the defendant or respondent. Look at the complaint to see who the parties are.
- (3) on this line insert your name.
- (4) on this line insert the type of hearing you subpoenaing witnesses for. For example, a motions hearing or trial.
- (5) on this line insert the date of the hearing or trial
- (6) on this line the time of the hearing or trial. For example 10:15 a.m.
- (7) on this line insert the location of the hearing or trial. For example, the Courthouse in Rosebud or the Adult Corrections Facility.
- (8) on this line insert the name of the person, facility or record keeper who has custody of objects, pieces of evidence or documents you need subpoenaed to be brought to the hearing or trial
- (9) on this line insert where the person is employed, resides or can be located for service of the subpoena
- (10) on this line insert the name of the object, piece of evidence or document you need

subpoenaed to be brought to the hearing or trial

(11) on this line give a description of the objects, pieces of evidence or documents you need subpoenaed to be brought to the hearing or trial

(12) date you sign the motion

(13) on this line sign the motion

Note: Your motion must be signed and dated before the Clerk can accept it for filing and service

ROSEBUD SIOUX TRIBAL COURT)  
ROSEBUD SIOUX RESERVATION ) SS  
ROSEBUD, SOUTH DAKOTA )

IN CRIMINAL COURT

<p>(1) _____ _____, Plaintiff(s)/Petitioner(s),</p> <p>v.</p> <p>(2) _____ _____, Defendant(s)/Respondent(s).</p>	<p>DOCKET #CR _____</p> <p>EX PARTE MOTION FOR ISSUANCE OF SUBPOENA FOR PERSON TO BRING OBJECTS OR PIECE OF EVIDENCE TO THE COURT</p>
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Comes now, (3) \_\_\_\_\_ who moves this honorable Court to issue subpoenas for the following person(s) who can bring to the Court relevant objects and pieces of evidence to that is relevant to issues in the case for a (4) \_\_\_\_\_ to be held on (5) \_\_\_\_\_ at (6) \_\_\_\_\_ at the (7) \_\_\_\_\_:

1. (8) \_\_\_\_\_ located at (9) \_\_\_\_\_

and the thing, evidence or documents to be produced is (10) \_\_\_\_\_ is described as

(11) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. (8) \_\_\_\_\_ located at (9) \_\_\_\_\_

and the thing, evidence or documents to be produced is (10) \_\_\_\_\_ is described as

(11) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. (8) \_\_\_\_\_ located at (9) \_\_\_\_\_

and the thing, evidence or documents to be produced is (10) \_\_\_\_\_

is described as

(11) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. (8) \_\_\_\_\_ located at (9) \_\_\_\_\_

and the thing, evidence or documents to be produced is (10) \_\_\_\_\_

is described as

(11) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. (8) \_\_\_\_\_ located at (9) \_\_\_\_\_

and the thing, evidence or documents to be produced is (10) \_\_\_\_\_

is described as

(11) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

WHEREFORE, the movant prays that this Honorable Court to issue subpoenas for the following persons to bring to the Court the above requested objects and pieces of evidence that are relevant to my case.

(12) \_\_\_\_\_

(13) \_\_\_\_\_