

EX PARTE MOTION TO SUBPOENA WITNESSES

Use the attached ex parte motion to subpoena witnesses to compel a witness to testify at any 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 attend and give testimony at a specified time.

If you need a witness compelled to attend and testify at your 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. 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 witness.

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 witness you need subpoenaed to testify in your behalf at the hearing or trial
- (9) on this line insert where the witness resides or can be located for service of the subpoena
- (10) on this line give a description of the witness you need subpoenaed to testify in your behalf at the hearing or trial
- (11) date you sign the motion
- (12) 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

(1) _____ _____, Plaintiff(s)/Petitioner(s), v. (2) _____ _____, Defendant(s)/Respondent(s).	DOCKET #CIV _____ EX PARTE MOTION FOR ISSUANCE OF SUBPOENA FOR WITNESSES
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Comes now, (3) _____ who moves this honorable Court to issue subpoenas for the following witness(es) who can provide relevant testimony at (4) _____ to be held on (5) _____ at (6) _____ at the (7) _____:

1. (8) _____ residing or can be located at (9) _____
and is described as (10) _____.

2. (8) _____ residing or can be located at (9) _____
and is described as (10) _____.

3. (8) _____ residing or can be located at (9) _____
and is described as (10) _____.

4. (8) _____ residing or can be located at (9) _____
and is described as (10) _____.

5. (8) _____ residing or can be located at (9) _____
and is described as (10) _____.

6. (8) _____ residing or can be located at (9) _____

and is described as (10) _____
_____.

WHEREFORE, the movant prays that this Honorable Court to issue subpoenas for the foregoing witness(es) who can provide relevant testimony.

(11) _____

(12) _____