

I Don't Have A Lawyer. How Do I Get A Witness To Come To Court?

You are handling this case without a lawyer. This information will help know how to get a witness to come to court.

Your Responsibility

- ∞ You must tell the prosecutor the names, addresses of your witnesses and any statement they made.
- ∞ You must make sure your witnesses appear for your hearing or trial.
- ∞ A witness can agree to voluntarily come to court on your behalf.
- ∞ If a voluntary witness does not come to court, the judge probably won't give you a continuance so they can testify.

Will the judge order my witness to appear?

- ∞ Yes. A judge can order a person to come to court on your behalf. This type of order is called a subpoena.

Can I make a witness bring documents to court?

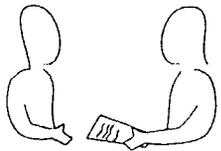
- ∞ Yes. The judge can order a witness to produce documents. This is called a subpoena duces tecum.



Get a blank form

- ∞ Get a blank form to make a witness appear or to bring documents from the court clerk.
- ∞ Complete the form, including the case name, case number, witness information, and date of hearing or trial.
- ∞ Bring the completed document and 2 copies back to the court clerk.
 - The court clerk will sign the original and stamp the copies.

- The clerk will give you the original and one copy. The clerk will keep one copy for the court file.



How do I get the subpoena to the witness?

- ∞ A subpoena must be hand-delivered to a witness. This is called serving a subpoena.
- ∞ You **can't** serve a subpoena in your own case.
- ∞ Only certain people may hand-deliver a subpoena.
 - A peace officer

OR

 - Any other person who is not a party and who is 18 years of age or older
- ∞ Give the witness a copy of the subpoena and keep the original document.

Will I be charged to hand-deliver the subpoena?

- ∞ Sometimes. Usually a peace officer or company that hand-delivers documents charges money.

Where can it be served?

- ∞ If you your case is in a City, Justice of the Peace, or Municipal court, the subpoena may be served anywhere in Montana.

The witness is served, what next?

- ∞ The person who served the subpoena must complete the bottom part of the original subpoena.
- ∞ File the completed original subpoena with the court clerk.
- ∞ Keep a copy of the completed subpoena for your records

**The witness was served, but
didn't show up for my hearing
or trial?**

- ∞ Ask the judge for a continuance to get them into court.
- ∞ You may also ask the judge to issue a warrant to arrest the witness