

CASE NUMBER: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
PLAINTIFF(S)

§  
§  
§  
§  
§  
§  
§

IN THE JUSTICE COURT

PRECINCT NUMBER \_\_

BEXAR COUNTY, TEXAS

\_\_\_\_\_  
\_\_\_\_\_  
DEFENDANT(S)

### REQUEST FOR ISSUANCE OF A SUBPOENA

As a party to the above styled and numbered cause, or that party's duly authorized agent, I hereby request the issuance of a Subpoena for each of the following numbered witnesses:

NAME OF WITNESS

ADDRESS OF WITNESS

1.

\_\_\_\_\_  
\_\_\_\_\_

The witness listed above is required to bring the following books, papers, documents, or tangible things as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME OF WITNESS

ADDRESS OF WITNESS

2.

\_\_\_\_\_  
\_\_\_\_\_

The witness listed above is required to bring the following books, papers, documents, or tangible things as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF PERSON REQUESTING SUBPOENA(S)

## **RULE 500.8. SUBPOENAS**

(a) Use. A subpoena may be used by a party or the judge to command a person or entity to attend and give testimony at a hearing or trial. A person may not be required by subpoena to appear in a county that is more than 150 miles from where the person resides or is served. (b) Who Can Issue. A subpoena may be issued by the clerk of the justice court or an attorney authorized to practice in the State of Texas, as an officer of the court. (c) Form. Every subpoena must be issued in the name of the "State of Texas" and must: (1) state the style of the suit and its case number; (2) state the court in which the suit is pending; (3) state the date on which the subpoena is issued; (4) identify the person to whom the subpoena is directed; (5) state the date, time, place, and nature of the action required by the person to whom the subpoena is directed; Misc. Docket No. 13-9 0 4 9 -9- (6) identify the party at whose instance the subpoena is issued, and the party's attorney of record, if any; (7) state that "Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of court from which the subpoena is issued and may be punished by fine or confinement, or both"; and (8) be signed by the person issuing the subpoena. (d) Service: Where, By Whom, How. A subpoena may be served at any place within the State of Texas by any sheriff or constable of the State of Texas, or by any person who is not a party and is 18 years of age or older. A subpoena must be served by delivering a copy to the witness and tendering to that person any fees required by law. If the witness is a party and is represented by an attorney of record in the proceeding, the subpoena may be served on the witness's attorney of record. Proof of service must be made by filing either: (1) the witness's signed written memorandum attached to the subpoena showing that the witness accepted the subpoena; or (2) a statement by the person who made the service stating the date, time, and manner of service, and the name of the person served. (e) Compliance Required. A person commanded by subpoena to appear and give testimony must remain at the hearing or trial from day to day until discharged by the court or by the party summoning the witness. If a subpoena commanding testimony is directed to a corporation, partnership, association, governmental agency, or other organization, and the matters on which examination is requested are described with reasonable particularity, the organization must designate one or more persons to testify on its behalf as to matters known or reasonably available to the organization. (f) Objection. A person commanded to attend and give testimony at a hearing or trial may object or move for a protective order before the court at or before the time and place specified for compliance. A party causing a subpoena to issue must take reasonable steps to avoid imposing undue burden or expense on the person served. In ruling on objections or motions for protection, the court must provide a person served with a subpoena an adequate time for compliance and protection from undue burden or expense. The court may impose reasonable conditions on compliance with a subpoena, including compensating the witness for undue hardship. (g) Enforcement. Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or of a district court in the county in which the subpoena is served, and may be punished by Misc. Docket No. 13-g 0 4 g -1 0- fine or confinement, or both. A fine may not be imposed, nor a person served with a subpoena attached, for failure to comply with a subpoena without proof of service and proof by affidavit of the party requesting the subpoena or the party's attorney of record that all fees due the witness by law were paid or tendered.