

Instructions For CJA Panel Attorneys, District of Minnesota
Regarding Subpoena Procedures on Court Appointed Cases
Updated July 14, 2017

Prepared by Office of the Federal Defender, 612-664-5858 for use by attorneys appointed under the Criminal Justice Act (CJA) in the District of Minnesota.

Your requests concerning subpoenaing of witnesses are entitled to be kept under seal from the attorney for the United States and to be heard ex parte by the District Court or U.S. Magistrate Judge.

1. Prepare Ex Parte Application (with s/signature in .pdf format) and proposed Order (in word processing format) and electronically file the Ex Parte Application under the “Restricted Motions” hyperlink on CM/ECF. (<http://www.mnd.uscourts.gov/cmecf/guides/Sealed-Criminal-Users-Manual.pdf>.) A copy of the Ex Parte Application and proposed Order should be sent to the Magistrate Judge on the case.
2. If approved, the Court will have the documents filed with the Clerk who will forward a certified copy of the Order to the U.S. Marshals.

The party who filed the Application and chambers are the only ones who will be noticed via e-mail, the only parties to see the docket entries, and the only parties who will be able to open the documents. The public and the AUSA will be restricted from viewing those entries as well.

3. You prepare subpoenas and either have the U.S. Marshals serve them or serve them yourselves or by use of a private investigator. Remember, the CJA Guidelines will not reimburse private investigators hired for the sole purpose of serving subpoenas as the US Marshals will serve subpoenas without charge. However, if your investigator is interviewing the witness and serves the subpoena at the same time, that is acceptable.
4. When the witness is done testifying, follow the instructions on the enclosed sheet regarding how they can obtain payment for their witness fee and expenses.

Link to new DOJ-3 witness claim voucher:

<http://www.usmarshals.gov/prisoner/doj3.pdf>

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. _____

UNITED STATES OF AMERICA,) Filed under Seal
)
Plaintiff,)
) EX PARTE APPLICATION FOR
v.) ISSUANCE OF SUBPOENAS ON
) BEHALF OF DEFENDANT
_____)
)
Defendant.)

Defendant, _____, through his attorney, hereby requests the Court pursuant to Rule 17(b), Federal Rules of Criminal Procedure, for the issuance of subpoenas to compel the attendance of persons whose testimony is favorable to the defendant. The Court has previously made a determination that the defendant is indigent and has appointed the undersigned attorney.

The defendant requests that subpoenas be issued to the following witnesses:

1. _____ [insert name of witness]
2. _____

It is necessary for the defendant to have the appearances of the aforementioned witnesses.

Dated: _____

Respectfully submitted,

Attorney ID No.
Attorney for Defendant
[address]

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. _____

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)

)
)
 Defendant.)

Filed Under Seal

O R D E R

Upon petition by the defendant and pursuant to Rule 17(b), Federal Rules of Criminal Procedure,

IT IS HEREBY ORDERED that subpoenas shall issue and they shall be served according to law to the following persons:

1. _____[name of witness]
2. _____

IT IS FURTHER ORDERED that the U.S. Marshals shall pay witness attendance fees and reasonable travel expenses necessary for the appearances of the above named witnesses.

[next two paragraphs are optional]

IT IS FURTHER ORDERED THAT this petition and order shall be sealed by the Court and be disclosed to no person other than the United States Marshal.

IT IS FURTHER ORDERED THAT advance travel funds are authorized.

Dated: _____

U.S. Magistrate Judge

Fact Witness Voucher
Instructions for Completion
by CJA Panel Attorneys

Witness Claim Forms

1. After witness is done testifying and ready to go home, prepare a witness claim form. These forms may be obtained at: <http://www.usmarshals.gov/prisoner/pdhandbookf.htm>

Obtain DOJ-3 witness claim voucher at this link: <http://www.usmarshals.gov/prisoner/doj3.pdf>

Complete top portion of form, Parts I and II.

Block A – All dates required to travel to court, home from court, appear in court, or spent waiting for court (if they stayed on extra days for vacation, those days are not reimbursable).

Block B -- **Clerk of Court employee signs here.** CJA Attorneys cannot sign as they are not federal employees. If needed, CJA Attorney can also attach a letter to the Clerk verifying the dates of witness attendance.

Block C -- If they flew, check here.

Block D -- Fill in round trip mileage (currently \$.535/mile for auto)

Block E -- Fill in any taxi, parking or bus expenses (Must have receipts or signed statement of amount)

Block F -- Fill in number of days, attach copy of hotel receipt.

Part IV -- **Witness signs and dates.**

Part V -- **Clerk of Court signs** and forwards the documents to the U.S. Marshals Office for payment. CJA Attorneys cannot sign. Forward your witness claim vouchers to the Clerk of Court's Office, to the attention of the **criminal deputy clerks** for processing.

For data integrity purposes, attorneys should either deliver, mail, or have their staff deliver the forms to the Clerk of Court. Please **do not** have witnesses deliver their own forms.

NOTE: YOU MUST OBTAIN A COURT ORDER FOR THE APPEARANCE OF YOUR WITNESSES. IF THERE IS NOT AN ORDER ON FILE, YOUR WITNESS WILL NOT GET PAID.

The U.S. Marshals Office, Minneapolis, 612-664-5900, will then review the voucher and issue a check to your witness.

UNITED STATES V. _____

Criminal No. _____

Parking Receipt

I, _____, hereby certify that I was subpoenaed as a
defense witness in the above entitled case. I incurred parking expenses
of \$_____ on _____.

Date

Witness Signature