

STATE OF VERMONT

SUPERIOR COURT

CRIMINAL DIVISION

Unit

Docket No.: \_\_\_\_\_

State of Vermont vs. Defendant(s)

OR

In re:

\_\_\_\_\_

CRIMINAL SUBPOENA

Type of Case: (Check One):

- Criminal Inquest Grand Jury

TO: Name Address

You are directed to appear at the Superior Court in the Criminal Division:

- Other: located at: Street Address: Town/City: Date: Time: for a Trial Hearing Deposition testimony to permit inspection of premises to produce and permit inspection, copying, testing or other sampling of designated electronically stored information, books, papers, documents or tangible things in your possession, custody or control Other:

Dated Signature Judge/Clerk/Attorney

This subpoena was requested by State's Attorney Defendant Other If you have any questions, contact Name of Person Requesting Subpoena at Phone Number

Bring a copy of this subpoena to the hearing. See Important Notice on the reverse side of this Subpoena.

RETURN OF SERVICE

NOTICE: A Subpoena may be served by any person who is not a party and is at least 18 years of age.

On Date of Service I served this subpoena upon Name

by: at: Location City/Town Unit:

Signature Title

Miles \$ Reading \$ Copies \$ Total \$

## Notice—Subpoena in Criminal Cases

**Duties of Person Subpoenaing Records or Witnesses.** A party or an attorney responsible for the issuance and service of any subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.

When a party to a case seeks access to a person's school records, or other records which by law are confidential, the party must provide written notice to the other party that the records have been requested prior to service of any subpoena requesting the records.

**Procedure to Object to Subpoena.** A person or party may object to any subpoena by filing with the Court an objection or a motion to quash within 14 days of service of the subpoena or notice of subpoena. If an objection or motion to quash is timely filed, the subject of the subpoena need not comply with the subpoena until further order of the Court. In addition to filing an objection or motion to quash with the Court, the filer shall also serve the objection or motion to quash upon the parties to the case and, if not the filer, upon the subject of the subpoena. Any response to the objection or motion to quash shall be filed within 14 days of service of the objection or motion to quash. All parties, and the person whose attendance or records are sought, have the right to be heard in connection with an objection or motion to quash. If objection has been made, the party seeking access to materials (if that is the subject of the subpoena) will not be entitled to inspect and copy the materials except pursuant to a court order.

The Court may quash or modify a subpoena, *inter alia*, if compliance would be unreasonable or oppressive, or would require the disclosure of privileged or confidential information.

**Actual Appearance Not Required.** A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.