

Using This Revisable PDF Form

1. Prepared by party requesting subpoena duces tecum; Data Elements 14, 15, 16 and 17 are prepared by issuing official.
2. Attachment--none.
3. Preparation details
 - a. This form may be used in criminal, civil and juvenile cases.
 - b. A subpoena duces tecum in a criminal case may be issued only to obtain documents or tangible things from entities that are not parties in the case. A sworn application (Data Elements 14-15) is also required.
 - c. A subpoena duces tecum in a civil case may be issued to obtain documents or tangible things from any entity, whether or not the entity is a party to the case. An application is needed, but the requesting party does not have to make application under oath.
4. This form is prepared by the person requesting the subpoena **BUT** it must be issued by the Clerk, Judge or Magistrate. Attorneys who are active members of the Virginia Bar may issue the Subpoenas in certain civil and criminal matters. In those instances, refer to forms DC-326, DC-497 and DC-498.
5. This request should be filed at least fifteen (15) days prior to trial.
6. Special rules apply if medical records are being sought. Contact the court for further information.

SUBPOENA DUCES TECUM

Commonwealth of Virginia VA. CODE §§ 16.1-89, 16.1-131, 16.1.265, Rules 3A:12, 4:9(c)

1 [] General District Court
2 [] Juvenile and Domestic Relations District Court
3 STREET ADDRESS OF COURT

REQUEST FOR SUBPOENA DUCES TECUM

A. I request that a subpoena duces tecum be issued to require the custodian named at right or someone acting on his or her behalf to produce the items [] described below [] on the attached request for issuance of a subpoena duces tecum.

4 5 ITEMS TO BE PRODUCED

1. To be delivered to:
6 [] this Court at the above address on:
7 [] the clerk's office of this court at the above address (documents only) on or before:
7 DATE AND TIME

2. (Civil cases only) To be made available to the requesting party at:
8 for
LOCATION TIME PERIOD
to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control. See reverse.

B. [] I further request that the custodian also appear in person before this Court at the date and time shown above in Paragraph A.1. with the items subpoenaed.

9 C. I certify that a copy has been mailed or delivered to counsel of record and/or, if any, to parties not represented by a lawyer.

D. (Criminal cases only) I certify under oath that the items to be produced are material to the proceedings and are in the possession of a person who is not a party to this case.

10 DATE 11 SIGNATURE [] PLAINTIFF [] DEFENDANT [] ATTORNEY FOR [] PLAINTIFF [] DEFENDANT
12 PRINT NAME

Sworn and subscribed before me on 13 My Commission expires 14
[] CLERK [] DEPUTY CLERK [] NOTARY PUBLIC

SUBPOENA DUCES TECUM

TO ANY AUTHORIZED OFFICER: You are commanded to serve this SUBPOENA DUCES TECUM on the Custodian. TO THE CUSTODIAN: You or someone acting in your behalf are commanded to produce the items described above, as requested above. If Paragraph B, above, is also checked, you are further commanded to appear in person before this court at the date and time shown above with the items subpoenaed by this subpoena duces tecum and to be ready to testify in response to questions concerning these items. Any objection to such production must be made promptly in writing to the Court.

WARNING: Failure to comply with the terms of this subpoena duces tecum may result in your being fined and/or jailed for contempt of court.

15 DATE 16 [] CLERK [] JUDGE [] MAGISTRATE

RETURN DATE 17 CASE NO. 18

SUBPOENA DUCES TECUM

19 [] COMMONWEALTH OF VIRGINIA [] CITY [] COUNTY [] TOWN OF

20 PLAINTIFF(S)

21 v./In re 22 DEFENDANT(S)

CUSTODIAN 23 NAME ADDRESS/LOCATION

REQUESTED ON BEHALF OF: 24 [] COMMONWEALTH [] PLAINTIFF(S) [] CITY, COUNTY or TOWN [] DEFENDANT(S) [] JUVENILE

Data Elements, front

1. Court name.
2. Check the appropriate type of court.
3. Street address of court.
4. Check with appropriate box to show where to find description of items required to be produced by this subpoena duces tecum.
5. Description of items to be produced.
6. Check if items are to be produced in court at trial. Also insert date and time of trial.
7. Check if documents are to be delivered to the clerk's office for pre-trial examination. Also insert date by which items are to be delivered.
8. Check if items are to be inspected, copied, tested or sampled. Also insert location and time period for such activity.
9. Check if the custodian must appear at trial.
10. Date of signing request.
11. Signature of requesting party. Check the appropriate title box below the signature line.
12. Print name of requesting party.
19. Check the appropriate box (and the name of the jurisdiction in local criminal cases) in all juvenile and criminal cases and in civil cases if these parties are plaintiffs.
20. Check this box and insert names of private parties as plaintiffs in civil cases. (Do not insert addresses.)
21. Cross out whichever designation is not applicable in the style of the case.
22. Names of defendants or juveniles. (Do not insert addresses.)
23. Name and address of custodian.
24. Check the classification of the party requesting this document.

To be completed by person acknowledging signature:

13. (Criminal cases only) Date of attestation.
14. (Criminal cases only) Signature of person taking attestation. Check the appropriate box and, if done by notary, insert expiration date of commission.

To be completed by court personnel issuing subpoena:

15. Date of issuance.
16. Signature of issuing official. Check the appropriate title box below signature line.
17. Return date on this subpoena duces tecum, if known.
18. Court case number, if known.

RETURNS: Each respondent was served according to law, as indicated below, unless not found.

	NAME	1	
	ADDRESS	2	
	<input type="checkbox"/> PERSONAL SERVICE	Tel. No.	
3	<input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner:		
4	<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.		
 5		
	<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)		
	<input type="checkbox"/> Served on Secretary of the Commonwealth.		
6	<input type="checkbox"/> NOT FOUND	7	
	SERVING OFFICER		
	8	for	9
	DATE		
	NAME	1	
	ADDRESS	2	
	<input type="checkbox"/> PERSONAL SERVICE	Tel. No.	
3	<input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner:		
4	<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.		
 5		
	<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)		
	<input type="checkbox"/> Served on Secretary of the Commonwealth.		
6	<input type="checkbox"/> NOT FOUND	7	
	SERVING OFFICER		
	8	for	9
	DATE		

NOTICE:
 Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417

Data Elements, *reverse*

1. Name of person to be summoned. If person is a corporation's registered agent, show name of corporation on second line.
2. Address and telephone number of person to be summoned.
3. Check this box if personal service obtained.
4. Serving officer to check the appropriate box to designate type of substitute service.
5. If served by leaving the subpoena with a family member over age 16, check appropriate box and insert required information.
6. Check this box if unable to serve process.
7. Signature of serving officer.
8. Date of signature.
9. Name of sheriff if served by deputy sheriff.