

Rule Change 2003(14)

**The Colorado Rules of Criminal Procedure
Chapter 29. Colorado Rules of Criminal Procedure
For All Courts of Record In Colorado**

The following rule is amended as of September 4, 2003:

Rule 17. Subpoena

In every criminal case, the prosecuting attorneys and the defendant have the right to compel the attendance of witnesses and the production of tangible evidence by service upon them of a subpoena to appear for examination as a witness upon the trial or other hearing.

(a) [***No Change]

(b) **Indigent Pro Se Defendants.** Subpoenas shall be issued at the ~~oral~~ request ~~_by or on behalf_~~ of an ~~indigent~~ pro se defendant, as hereinafter provided. The court or a judge thereof, in its discretion in any case involving a pro se defendant, may order at any time that a subpoena be issued only upon motion or request of an indigent pro se defendant ~~or his counsel~~ and upon order entered thereon. The motion or request shall be supported by an affidavit certificate of defense counsel that stating facts supporting the contention that the witness or the items sought to be subpoenaed are material and relevant and that the defendant cannot safely go to trial without the witness or items which are sought by subpoena. ~~If the defendant does not have counsel and the defendant is indigent, he can obtain a subpoena by providing the court with an affidavit similar to the certificate required of defense counsel, provided that~~ If the court is satisfied with the affidavit it shall direct that the subpoena be issued. that the defendant does not have sufficient means to be required to pay the costs and fees involved. If the court or judge orders the subpoena to be issued, the costs incurred by the process and the fees of the witness so named shall be paid in the same manner in which similar costs and fees are paid in the case of a witness subpoenaed in behalf of the state.

(c) - (h) [***No Change]

Amended and Adopted by the Court, En Banc, September 4,
2003, effective immediately.

BY THE COURT:

Alex J. Martinez
Justice, Colorado Supreme Court