

THORNTON MUNICIPAL COURT – POLICY 2026-06

Adoption of Crim.P.Rule 17 Regarding Subpoena Duces Tecum for the Production of Documentary Evidence and of Objects

This Court is adopting Crim.P.Rule 17(c) which states:

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.

(c) **For Production of Documentary Evidence and of Objects** A subpoena may also command the person to whom it is directed to produce the books, papers, documents, photographs, or other objects designated therein. The subpoenaing party shall forthwith provide a copy of the subpoena to opposing counsel (or directly to the defendant if unrepresented) upon issuance. The court on motion made promptly may quash or modify the subpoena if compliance would be unreasonable or oppressive. The court may direct that books, papers, documents, photographs, or objects designated in the subpoena be produced before the court at a time prior to the trial or prior to the time when they are to be offered in evidence and may upon their production permit the books, papers, documents, photographs, or objects or portions thereof to be inspected by the parties and their attorneys.

A party may request a subpoena duces tecum for the production of documentary evidence and of objects. After the requesting party has written the required information on the subpoena duces tecum, a copy is to be filed with the Court and notice provided to the other side. The other side will have (seven) 7 calendar days in which to file an objection with the Court as to why the subpoena should be modified or quashed. If no objection is filed, the subpoena may be properly served. If an objection is filed, the Court will proceed accordingly.

C.M.R.P. Rule 217(b) will not be the controlling authority of this Court given it authorizes the Court to issue an ex parte order without notice to the other party and an opportunity to object.

Effective date: July 8, 2026



Tiffany Sorice
Presiding Municipal Judge