CAUSE NO. [Cause Number]

STATE OF TEXAS § IN THE DISTRICT COURT

§

VS. § 52nd JUDICIAL DISTRICT

§

[Defendant’s Name] § CORYELL COUNTY, TEXAS

**STATE’S APPLICATION FOR SUBPOENA**

TO THE CLERK OF SAID COURT:

COMES NOW THE STATE OF TEXAS, by and through the District Attorney of Coryell County, and hereby makes application to the Clerk of the Court for the issuance of a subpoena for the witness designated below. In support of such application, the State of Texas states that:

1. The witness desired to appear and testify at the [Jury Trial] in the above-entitled and numbered cause on **Monday, December 4, 2023** at **9:00 a.m.** is as follows:

|  |  |  |
| --- | --- | --- |
| NAME OF WITNESS | LOCATION | VOCATION |
| **[Witness Name]** | **[Witness Address]**  **Telephone: [Witness Phone Number]** | **[Witness Vocation]** |

Please return the subpoena to the District Attorney for service.

2. The testimony of the above-named witness is material to the State’s prosecution of this cause.

3. The State further requests that the witness be ordered to bring and produce in court the following items desired as evidence by the State of Texas, said items requested being material to the prosecution of this criminal cause, to wit: [Items to Bring[

WHEREFORE, the State of Texas prays the Clerk issue the subpoena requested in this application and direct that the same to be served by a proper person.

Respectfully submitted,

DUSTIN H. BOYD

District Attorney

Post Office Box 919

Gatesville, Texas 76528-0919

Telephone (254)865-5911 x206

Facsimile (254)865-5147

By: /s/Dusty Boyd

Dusty Boyd

State Bar Number 24050317

dusty.boyd@coryellcountytx.gov

District Attorney

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2023, a true and correct copy of the foregoing was electronically filed with the Clerk of Court using the eFile.txcourts.gov system which will send notification of such filing to all parties.

By: /s/Dusty Boyd

Dusty Boyd

**THE STATE OF TEXAS**

**SUBPOENA**

**Cause No. [Cause Number]**

**THE STATE OF TEXAS VS. [Defendant’s Name]**

**TO ANY OFFICER OF THE STATE OF TEXAS, OR ANY PERSON AT LEAST 18 YEARS OLD AND NOT A PARTICIPANT IN THE PROCEEDING:**

You are hereby commanded to summon:

**[Witness Name]**

**[Witness Address]**

**Telephone: [Witness Phone Number]**

to be and appear on **Monday, December 4, 2023**, at **9:00** o’clock **A.M.**, before the Honorable **52nd Judicial District Court** of Coryell County, Texas, to be held within and for said County at **the courthouse thereof, 620 East Main Street, Gatesville, Texas**, then and there to testify on behalf of the **State of Texas** in the above styled and numbered cause, now pending in said Court, and there to remain from day to day, and from term to term, until discharged by said Court.

**Said witness is further commanded to produce at said time and place set forth above, the following books, papers, documents or other tangible things, to-wit: [Items to Bring[** Special Instructions: Compliance with this subpoena is authorized by mailing/delivering the documentation and evidence listed above, with a copy of this subpoena, to: District Clerk, 620 East Main Street, Gatesville, Texas 76528, along with a properly executed Business Records Affidavit, attached hereto.

HEREIN FAIL NOT, and make due return hereof, showing how you executed the same. Witness my official signature, at Gatesville, Coryell County, Texas on this date of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

Hon. Becky Moore

District Clerk

Coryell County, Texas

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Deputy

**WARNING:** A disobedience of this subpoena is punishable by fine not exceeding five hundred dollars, to be collected as fines and costs in other criminal cases.

SUBPOENA REQUESTED BY:

**Name:** Dusty Boyd

**Address:** PO Box 919, Gatesville, TX 76528

**Telephone:** (254)865-5911 x206

**Email:** dusty.boyd@coryellcountytx.gov

**EXTREMELY IMPORTANT**

**NOTICE OF SUBPOENA RECEIPT**

If you received this subpoena electronically, you must email your name and acknowledge that you received this subpoena to: james.strunk@coryellcountytx.gov

**THE STATE OF TEXAS**

**SUBPOENA**

**Cause No. [Cause Number]**

**THE STATE OF TEXAS VS. [Defendant’s Name]**

**SUBPOENA RETURN**

The subpoena issued in this cause for witness **[Witness Name]** to appear on **Monday, December 4, 2023**, at **9:00** o’clock **A.M.** was received by me on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_ o’clock \_\_\_.M., and said subpoena was:

executed by personal delivery of a copy of the subpoena to said witness who was then and there located at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_ o’clock \_\_\_.M.

executed by reading the subpoena within the hearing of said witness who was then and there located at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_ o’clock \_\_\_.M.

executed by electronically transmitting a copy of the subpoena, acknowledgment of receipt requested, to the last known electronic address of said witness. A copy of the acknowledgment of receipt by said witness is attached hereto.

executed by mailing a copy of the subpoena by certified mail, return receipt requested, to the last known address of said witness; and the applicant for this subpoena did not request in writing that the subpoena not be served by certified mail; and the proceeding for which said witness is being subpoenaed is set to begin more than seven business days after the date on which the subpoena was mailed. A copy of the signed return receipt is attached hereto.

not executed as to said witness, the cause of the failure to serve the subpoena being: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

not executed as to said witness, the cause of the failure to serve the subpoena being that said witness was initially served by electronically transmitting a copy of the subpoena, acknowledgment of receipt requested, to the last known electronic address of said witness. The receipt of the electronically transmitted subpoena was not acknowledged by the witness within a reasonable time so I exercised due diligence to locate and personally serve the witness. In spite of that, the witness still could not be found in Coryell County, Texas. The diligence used to serve said witness, and the information I have as to the whereabouts of said witness is:

not executed as to said witness, the cause of the failure to serve the subpoena being that said witness was initially served by mailing a copy of the subpoena by certified mail, return receipt requested, to the last known address of said witness. The mailed subpoena was returned undelivered so I exercised due diligence to locate and personally serve the witness. In spite of that, the witness still could not be found in Coryell County, Texas. The diligence used to serve said witness, and the information I have as to the whereabouts of said witness is:

FEES – Summoning Witness $\_\_\_\_\_\_\_\_\_\_

Mileage $\_\_\_\_\_\_\_\_\_\_  Signature and Title

Total $\_\_\_\_\_\_\_\_\_\_ Printed Name:

Cause No. [Cause Number]

THE STATE OF TEXAS VS. [Defendant’s Name]

THE STATE OF TEXAS §

§

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ §

**BUSINESS RECORDS AFFIDAVIT**

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who swore or affirmed to tell the truth, and stated as follows:

My name is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I am of sound mind and capable of making this affidavit. I have personal knowledge of the facts contained in this affidavit. I declare under penalty of perjury that the foregoing is true and correct.

1. I am the custodian of records of [Business Name] and I am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities.

2. Attached are \_\_\_\_\_\_\_\_\_\_ pages of records. These are the original records or exact duplicates of original records.

3. It is the regular practice of [Business Name] to make this type of record at or near the time of each act, event, condition, opinion, or diagnosis set forth in the record.

4. It is the regular practice of [Business Name] for this type of record to be made by, or from information transmitted by, persons with knowledge of the matters set forth in them.

5. It is the regular practice of [Business Name] to keep this type of record in the course of regularly conducted business activity.

6. It is the regular practice of the business activity to make the records.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AFFIANT, Custodian of Records

SWORN TO AND SUBSCRIBED before me on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NOTARY PUBLIC in and for the

State of Texas

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary’s Printed Name

Notary’s Commission Expires:\_\_\_\_\_\_\_\_\_\_\_