

Using This Revisable Form

1. Copies
 - a. Original – for service of process and court use.
 - b. First copy – give to first witness served.
 - c. Second copy – give to second witness served if more than one witness is shown on original.
2. Prepared by clerk or magistrate or party requesting issuance of this form. However, this form may be issued only by clerk, judge, magistrate or (in criminal cases) Commonwealth's Attorney.
3. Attachments – none.
4. Preparation details
 - a. Place a second witness on Form DC-326 only when both witnesses live in the same household or when the same serving officer will be used to serve both witnesses. Otherwise, use a separate set of forms for each witness.
 - b. Name and address of complainant can be obtained from forms DC-310, CRIMINAL COMPLAINT (BAD CHECK) or DC-311, CRIMINAL COMPLAINT, if either form is used. Names and addresses of other witnesses may be obtained from form DC-325, REQUEST FOR WITNESS SUBPOENA.

SUBPOENA FOR WITNESSES

Commonwealth of Virginia

VA. CODE §§ 8.01-407, 16.1-265, 17.1-617, 19.2-267,
and Rules 3A:12 and 7A:12

..... **1** **2** [] General District Court ([] Civil []Criminal [] Traffic)
CITY OR COUNTY [] Juvenile and Domestic Relations District Court

..... **3**
STREET ADDRESS OF COURT TELEPHONE NUMBER

TO ANY AUTHORIZED OFFICER:

You are hereby commanded to summon forthwith the witnesses listed below to appear on

..... **4** at to testify in this case.
DATE TIME

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

NAME 5	
ADDRESS.....	
[] PERSONAL SERVICE 6	Tel. No.
[] Being unable to make personal service, a copy was delivered in the following manner: [] Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport. 7 [] 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. 8	
[] 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.) [] Served on Secretary of the Commonwealth.	
9] NOT FOUND 10 SERVING OFFICER
..... 11 DATE	for 12

NAME	
ADDRESS.....	
[] PERSONAL SERVICE	Tel. No.
[] Being unable to make personal service, a copy was delivered in the following manner: [] Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport. [] 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.	
[] 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.) [] Served on Secretary of the Commonwealth.	
[] NOT FOUND SERVING OFFICER
..... DATE	for

NOTICE TO WITNESS: Failure to comply with this subpoena could cause you to be fined or jailed for contempt of court. Bring this subpoena with you to court. When asking about this case, have this form in hand.

RETURN DATE **13** CASE NO. **14**

[] Commonwealth of Virginia [or]
[] CITY [] COUNTY [] TOWN of
..... **15** [or]

[]

In re/v.

..... **16**

Charge:

..... **17**

SUBPOENA FOR WITNESSES

The witnesses are subpoenaed to testify on behalf of:

[] Commonwealth of Virginia [or]
[] the City, County or Town indicated [or]
18 [] Plaintiffs [or]
[] Defendants [or]
[] Juvenile

Subpoena requested by:

..... **18**

..... **19**
DATE ISSUED

..... **20**

[] CLERK [] MAGISTRATE [] JUDGE
[] PROSECUTING [] DEFENSE ATTORNEY

Data Elements, front

1. Jurisdiction name (city or county).
2. Check the court to which the subpoena will be returned. If returnable to a general district court that sits in divisions, check the appropriate division in parentheses.
3. Street address and telephone number of court.
4. Date and time that the witness must appear in court.
5. Name, address and telephone number of person to be summoned. Take this information from district court forms DC-325, REQUEST FOR WITNESS SUBPOENA, DC-310, CRIMINAL COMPLAINT (BAD CHECK), if used, and DC-311, CRIMINAL COMPLAINT, if used.
6. Check this box if personal service obtained.
7. Serving officer to check the appropriate box to designate type of substitute service (on original copy only).
8. On original copy only, if served by leaving the subpoena with a family member age 16 or over, insert required information.
9. Check this box on original copy only if unable to serve process.
10. Signature of serving officer on original copy only on date of service or attempted service.
11. Date of signature.
12. Jurisdiction or agency. Name of sheriff if served by deputy sheriff.
13. Date that case is returnable in the appropriate court. This date is NOT the date when the witnesses must appear – see Data Element No. 4 above.
14. Court case number.
15. Name of jurisdiction whose laws are violated or (in civil cases) plaintiff's name.
16. Name of defendant.
17. Charge before the court on which witness will testify.
18. Person on whose behalf the witness will testify and name of party requesting the subpoena.
19. Date on which subpoena was issued.
20. Signature of person issuing subpoena. Check the appropriate title box below the signature line.

IF YOU ARE THE VICTIM OF A CRIME, defined by the Code of Virginia as anyone suffering physical, psychological or economic harm as a direct result of a **(1) felony or (2) assault and battery, stalking, sexual battery, attempted sexual battery, driving while intoxicated, violation of a protective order, or a delinquent act of one of these offenses that would be a felony or misdemeanor if committed by an adult, you may be entitled to certain information or assistance.**

Contact your local Commonwealth's Attorney's office or Victim-Witness Assistance program for further information.

VICTIMS AND WITNESSES

MAY BE ENTITLED TO THE FOLLOWING SERVICES IN CASES INVOLVING THE CRIMES NAMED ABOVE:

- **PROTECTION** from harm or threats arising from cooperation with law enforcement or prosecution efforts through witness protection programs administered by state, federal or local police. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.
- **SEPARATE** waiting areas during court, where available, that afford privacy and protection from intimidation and that does not place the victim in close proximity to the defendant or the defendant's family. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.
- **FINANCIAL ASSISTANCE** by filing a claim for Crime Victim's Compensation, restitution for damages or loss, or assistance in having promptly returned any property held by law enforcement agencies for evidence. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.
- **EMPLOYER INTERCESSION SERVICES** to minimize loss of pay and other benefits resulting from court appearances, and ensuring that you are not penalized for appearing in court. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.
- **NOTICES** from (1) the Commonwealth's Attorney of court proceedings, changes in court dates, case status and dispositional information (2) the Attorney General of the filing and disposition of any appeal or habeas corpus proceeding in the case, if requested, and (3) a local jail or penitentiary of the convicted assailant's release or escape, upon your written request. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.
- **COURTROOM ASSISTANCE** through the services of an interpreter, confidentiality of your address, telephone number and place of employment, upon your written request. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.
- **VICTIM INPUT** by the preparation of a written victim impact statement after the defendant's conviction and the ability to remain in the courtroom during court proceedings unless you are excluded as a material witness. Upon a written request by the victim, the Commonwealth's Attorney shall consult the victim in a felony case either verbally or in writing to inform the victim of the contents of a proposed plea agreement and to obtain the victim's views, about the disposition of the case, including the victim's views concerning dismissal, pleas, plea negotiations and sentencing. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.

DISABILITY ACCOMMODATIONS for losses of hearing, vision, mobility, etc. Contact the court ahead of time.