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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE

Self-Help Services  
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## **CRIMINAL OR TRAFFIC SUBPOENA**

SELF-HELP FORM PACKET



SHC-CRIM-08 (Rev. 08/06/2021)

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**[www.occourts.org/self-help](http://www.occourts.org/self-help)**

**GENERAL INFORMATION FOR SERVICE OF ORDER TO ATTEND COURT OR  
PROVIDE DOCUMENTS (SUBPOENAS)**  
*(Criminal and traffic only)*

**COMPLETE ALL FORMS IN FULL**

**SUBPOENA FOR RECORDS (DUCES TECUM):**

*Requires documents and records to be sent to the court*

1. A **copy** of the subpoena and declaration must be timely served, on the custodian of records, pursuant to Penal Code 1328.
2. The subpoena may be served by any person who is over the age of 18, except the defendant.
3. Service is made by **personally** delivering a copy of the subpoena to the person named on the subpoena.
4. After the subpoena has been served, the server must complete the Proof of Service located on the reverse side of the original subpoena.
5. The original subpoena with the completed Proof of Service and the original Declaration for Subpoena Duces Tecum form is submitted to the court at the hearing, if so requested.
6. If the subpoenaed documents are sent to a party, those documents must be delivered immediately to the court unopened. Failure to comply with this may violate the law and impact the admissibility of the documents.

**SUBPOENA FOR A WITNESS:**

*Requires attendance of the witness in court*

1. A **copy** of the subpoena must be timely served on the witness, pursuant to Penal Code 1328.
2. The subpoena may be served by any person who is over the age of 18, except the defendant.
3. Service is made by **personally** delivering a copy of the subpoena to the witness named on the subpoena.
4. After the subpoena has been served, the server must complete the Proof of Service located on the reverse side of the Original subpoena.
5. The original subpoena with the completed Proof of Service is submitted to the court at the time of hearing, if so requested.

Subdivision (a)(3) of Penal Code section 1326 in relevant part provides that the "Order to Attend Court or Provide Documents" form has been pre-signed to assist with the service of the court order.

**THIS INFORMATION IS FOR GENERAL USE AND NOT INTENDED AS FULL AND COMPREHENSIVE INSTRUCTION GOVERNING THE LAWS AND RULES RELATING TO THE SERVICE OF SUBPOENAS. FOR FURTHER INFORMATION YOU MAY WISH TO SEEK LEGAL ADVICE OR REFER TO <http://www.courts.ca.gov>.**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <hr/> TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE:</b> Central - 700 Civic Center Drive West, Santa Ana, CA 92701 - 4045 Harbor - 4601 Jamboree Road, Newport Beach, CA 92660-2595 North - 1275 N. Berkeley Avenue, Fullerton, CA 92382-1258 West - 8141 13th Street, Westminster, CA 92683-4593	
CASE NAME: _____	
<b>ORDER TO ATTEND COURT OR PROVIDE DOCUMENTS:                  Subpoena/Subpoena Duces Tecum</b>	CASE NUMBER: _____

**You must attend court or provide to the court the documents listed below.** Follow the orders checked in item 2 below. If you do not, the judge can fine you, send you to jail, or issue a warrant for your arrest.

1. To: (name or business) \_\_\_\_\_
2. You must follow the court order(s) checked below:
  - a.  Attend the hearing.
  - b.  Attend the hearing *and* bring all items checked in c. below.
  - c.  Provide a copy of these items to the court (Do not use this form to obtain Juvenile Court records):
    - (1) \_\_\_\_\_
    - (2) \_\_\_\_\_
    - (3) \_\_\_\_\_ *If this box is checked, provide all items listed on the attached sheet labeled "Provide These Items."*
  - d.  If someone else is responsible for maintaining the items checked in c. above, that person (the Custodian of Records) must also attend the hearing.
  - e.  If this box is checked and you deliver all items listed above to the court **within 5 days of service of this order**, you do not have to attend court if you follow the instructions in item 5.

3. **Court Hearing Date:** \_\_\_\_\_ **The court hearing will be at (name and address of court):** \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Dept.: \_\_\_\_\_ Rm.: \_\_\_\_\_

Call the person listed in item 4 below to make sure the hearing date has not changed. If you cannot go to court on this date, you must get permission from the person in item 4. You may be entitled to witness fees, mileage, or both, in the discretion of the court. Ask the person in item 4 after your appearance.

4. The person who has required you to attend court or provide documents is:

Name: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Address: \_\_\_\_\_

Number, Street, Apt. No.

\_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Date: \_\_\_\_\_ Signature \_\_\_\_\_

David H. Yamasaki, Clerk of the Court

FOR COURT USE ONLY

CASE NAME: _____	CASE NUMBER: _____
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- 5 a. Put all items checked in item 2c and your completed *Declaration of Custodian of Records* form in an envelope. (You can ask the person in item 4 where to get this form.) Attach a copy of page 1 of this order to the envelope.
- b. Put the envelope inside another envelope. Then, attach a copy of page 1 of this form to the outer envelope or write this information on the outer envelope:
  - (1) Case name
  - (2) Case number
  - (3) Your name
  - (4) Hearing date, time, and department
- c. Seal and mail the envelope to the Court Clerk at the address listed in  item 3 or  The court address in the caption on page 1 . You must mail these documents to the court within five days of service of this order.
- d. If you are the Custodian of Records, you must also mail the person in item 4 a copy of your completed *Declaration of Custodian of Records*. Do not include a copy of the documents.

— The server fills out the section below. —

### Proof of Service of CR-125/JV-525

1. I personally served a copy of this subpoena on:  
 Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.  
 Name of the person served: \_\_\_\_\_  
 At this address: \_\_\_\_\_  
 After I served this person, I mailed or delivered a copy of this Proof of Service to the person in item 4 on (date): \_\_\_\_\_  
 Mailed from (city): \_\_\_\_\_
2. I received this order for service on (date): \_\_\_\_\_ and was not able to serve (name of person) \_\_\_\_\_ after (number of attempts) \_\_\_\_\_ attempts because:
  - a.  The person is not known at this address.
  - b.  The person moved and the forwarding address is not known.
  - c.  There is no such address.
  - d.  The address is in a different county.
  - e.  I was not able to serve by the hearing date.
  - f.  Other (explain): \_\_\_\_\_
3. Server's name: \_\_\_\_\_ Phone no. \_\_\_\_\_
4. The server (check one)
 

a. <input type="checkbox"/> is a registered process server.	d. <input type="checkbox"/> works for a registered process server.
b. <input type="checkbox"/> is not a registered process server.	e. <input type="checkbox"/> is exempt from registration under Business and Professional Code section 22350(b).
c. <input type="checkbox"/> is a sheriff, marshal, or constable.	
5. Server's address: \_\_\_\_\_  
 If server is a registered process server:  
 County of registration: \_\_\_\_\_ Registration no.: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that I am at least 18 years old and not involved in this case and the information above is true and correct.

Date: \_\_\_\_\_

▶ \_\_\_\_\_

TYPE OR PRINT NAME OF SERVER

▶ \_\_\_\_\_

SIGNATURE OF SERVER

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, Address.</i> ):  Telephone No.: _____ Bar No.: _____ Facsimile No.: _____ E-Mail address ( <i>optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b> JUSTICE CENTER: <input type="checkbox"/> Central – 700 Civic Center Dr. West, Santa Ana, CA 92701 <input type="checkbox"/> Harbor-Newport Beach – 4601 Jamboree Rd., Newport Beach, CA 92660 <input type="checkbox"/> Lamoreaux – 341 The City Drive, Orange, CA 92868 <input type="checkbox"/> North – 1275 N. Berkeley Ave., P.O. Box 5000, Fullerton, CA 92838-0500 <input type="checkbox"/> West – 8141 13th Street, Westminster, CA 92683	
People of the State of California <p style="text-align: center;">vs.</p> Defendant: _____	
<b>AFFIDAVIT FOR SUBPOENA DUCES TECUM</b> (Criminal or Juvenile)	<b>Case Number:</b> _____

1. I, the undersigned, declare I am the  defendant  attorney  other (specify): \_\_\_\_\_ in the above entitled action.
2. This action has been set for hearing on \_\_\_\_\_ at \_\_\_\_\_ in Department \_\_\_\_\_ in the above-entitled Justice Center.
3. (*Name*): \_\_\_\_\_ has in his/her possession or under his/her control the following records (*Specify and name the exact records to be produced – attach a separate sheet, if necessary*):

These records are material to the proper presentation of this case, and good cause exists for their production by reason of the following facts:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

\_\_\_\_\_  
 (SIGNATURE OF AFFIANT)

*(This form must be accompanied by a completed Subpoena Duces Tecum)*

**AFFIDAVIT FOR SUBPOENA DUCES TECUM**  
**(Criminal or Juvenile)**

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  <hr/> TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/ PETITIONER: DEFENDANT/ RESPONDENT:	CASE NUMBER:
<b>NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION</b> <b>(Code Civ. Proc., §§ 1985.3,1985.6)</b>	

**NOTICE TO CONSUMER OR EMPLOYEE**

**TO (name):**

1. PLEASE TAKE NOTICE THAT **REQUESTING PARTY (name):**  
 SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on *(specify date)*:  
 The records are described in the subpoena directed to **witness (specify name and address of person or entity from whom records are sought)**:  
 A copy of the subpoena is attached.
2. IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE SPECIFIED. IN ITEM a. OR b. BELOW:
  - a. If you are a party to the above-entitled action, you must file a motion pursuant to Code of Civil Procedure section 1987.1 to quash or modify the subpoena and give notice of that motion to the **witness** and the **deposition officer** named in the subpoena at least five days before the date set for production of the records.
  - b. If you are not a party to this action, you must serve on the **requesting party** and on the **witness**, before the date set for production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the Proof of Service on the reverse side indicating whether you personally served or mailed the objection. The objection should **not** be filed with the court. **WARNING: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.**
3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: \_\_\_\_\_

\_\_\_\_\_ \_\_\_\_\_  
 (TYPE OR PRINT NAME) (SIGNATURE OF  REQUESTING PARTY  ATTORNEY)

**OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS**

1.  I object to the production of all of my records specified in the subpoena.
2.  I object only to the production of the following specified records:
  
3. The specific grounds for my objection are as follows:

Date: \_\_\_\_\_

\_\_\_\_\_ \_\_\_\_\_  
 (TYPE OR PRINT NAME) (SIGNATURE)

(Proof of service on reverse)

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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**PROOF OF SERVICE OF NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION**  
(Code Civ. Proc., §§ 1985.3,1985.6)

Personal Service     Mail

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. I served a copy of the *Notice to Consumer or Employee and Objection* as follows (check either a or b):
  - a.  **Personal service.** I personally delivered the *Notice to Consumer or Employee and Objection* as follows:
 

(1) Name of person served:	(3) Date served:
(2) Address where served:	(4) Time served:
  - b.  **Mail.** I deposited the *Notice to Consumer or Employee and Objection* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(1) Name of person served:	(3) Date of mailing:
(2) Address:	(4) Place of mailing ( <i>city and state</i> ):
- (5) I am a resident of or employed in the county where the *Notice to Consumer or Employee and Objection* was mailed.
- c. My residence or business address is (*specify*):
- d. My phone number is (*specify*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME OF PERSON WHO SERVED)

\_\_\_\_\_  
(SIGNATURE OF PERSON WHO SERVED)

**PROOF OF SERVICE OF OBJECTION TO PRODUCTION OF RECORDS**  
(Code Civ. Proc., §§ 1985.3,1985.6)

Personal Service     Mail

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. I served a copy of the *Objection to Production of Records* as follows (*complete either a or b*):
  - a. ON THE REQUESTING PARTY
    - (1)  **Personal service.** I personally delivered the *Objection to Production of Records* as follows:
 

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
    - (2)  **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing ( <i>city and state</i> ):
  - (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
  - b. ON THE WITNESS
    - (1)  **Personal service.** I personally delivered the *Objection to Production of Records* as follows:
 

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
    - (2)  **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing ( <i>city and state</i> ):
  - (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
3. My residence or business address is (*specify*):
4. My phone number is (*specify*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME OF PERSON WHO SERVED)

\_\_\_\_\_  
(SIGNATURE OF PERSON WHO SERVED)