

**9-503. Subpoena.**

[For use with Magistrate Court Rule 6-606 NMRA  
Metropolitan Court Rule 7-606 NMRA and  
Municipal Court Rule 8-602 NMRA]

[STATE OF NEW MEXICO]  
[CITY OF \_\_\_\_\_]  
[COUNTY OF \_\_\_\_\_]  
\_\_\_\_\_ COURT

No. \_\_\_\_\_

[STATE OF NEW MEXICO]  
[CITY OF \_\_\_\_\_]

v.

\_\_\_\_\_, Defendant

**SUBPOENA**

- FOR APPEARANCE OF PERSON:**
- FOR TRIAL**
- FOR HEARING**
- TO PRODUCE DOCUMENTS OR OBJECTS AT A HEARING OR TRIAL**

TO: \_\_\_\_\_  
\_\_\_\_\_

—  
YOU ARE HEREBY COMMANDED TO APPEAR as follows:

PLACE: \_\_\_\_\_

BEFORE JUDGE: \_\_\_\_\_

DATE: \_\_\_\_\_, \_\_\_\_\_ TIME: \_\_\_\_\_ (a.m.) (p.m.) to:

testify at trial

produce for trial or hearing the following described books, documents or tangible things

\_\_\_\_\_  
.

—  
YOU ARE ALSO COMMANDED to bring with you the following (*describe document or objects to be produced*)

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

—  
IF YOU DO NOT COMPLY WITH THIS SUBPOENA, you may be held in contempt of court and punished by fine or imprisonment.

\_\_\_\_\_, \_\_\_\_\_.

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(Judge) (Clerk) (Attorney)

**RETURN FOR COMPLETION BY SHERIFF OR DEPUTY**

I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in said (*county*) (*city*), I served this subpoena on \_\_\_\_\_ by delivering to the person named a copy of the subpoena, a witness fee in the amount of \_\_\_\_\_ and mileage in the amount of \$ \_\_\_\_\_<sup>1</sup>.

\_\_\_\_\_  
Name of law enforcement officer

\_\_\_\_\_  
Title

**RETURN FOR COMPLETION BY OTHER PERSON  
MAKING SERVICE<sup>2</sup>  
CERTIFICATE OF SERVICE**

I certify that I served the above subpoena on \_\_\_\_\_ (*name of person served*) on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering a copy to the person named a copy of the subpoena, a witness fee in the amount of \_\_\_\_\_ and mileage in the amount of \$ \_\_\_\_\_<sup>1</sup>.

\_\_\_\_\_  
Person making service

\_\_\_\_\_  
Title (*if any*)

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge, Notary or Other Officer  
Authorized to Administer Oaths

Fees: \_\_\_\_\_

THIS SUBPOENA issued at request of:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

**CERTIFICATE OF SERVICE BY ATTORNEY**

I certify that I caused a copy of this subpoena to be served on the following persons or entities by (*delivery*) (*mail*) on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_:

(1) \_\_\_\_\_  
(*Name of party*)

\_\_\_\_\_  
(*Address*)

(2) \_\_\_\_\_  
(*Name of party*)

\_\_\_\_\_  
(*Address*)

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of signature

**USE NOTES**

1. If a person's attendance is commanded, one full day's per diem must be tendered with the subpoena, unless the subpoena is issued on behalf of the state or an officer or agency thereof. Mileage must also be tendered at the time of service of the subpoena as provided by the Per Diem and Mileage Act. Payment of per diem and mileage for subpoenas issued by the state is made pursuant to regulations of the Administrative Office of the Courts.

2. If service is by someone other than an attorney, an affidavit of service must be used instead of a certificate of service.  
[As amended, effective May 1, 2002.]