

Required Statement Attachment for Issuance of Subpoena or Subpoena Duces Tecum in DMV Hearings

Pursuant to 1 CCR 211-2(5)(E), if the subpoena being issued is for anyone other than the officer who signed the Express Consent Affidavit, a separate attached statement must also be submitted. This attached statement must provide detailed responses to each of the requirements listed below.

1. The nature of the expected testimony or evidence;
2. The reasons the testimony or evidence is relevant necessary, and not cumulative to other evidence;
3. The reasons why the production of the evidence is not unduly burdensome on the entity or witness subpoenaed;
4. The reasons why compliance with the subpoena will not unreasonably delay or prolong the proceedings; and
5. That the evidence sought is not otherwise available to the Hearing Officer.

Pursuant to 1 CCR 211-2(5)(G), every request for a subpoena must be signed by the Respondent or the Respondent's attorney:

Every request for a subpoena (excluding that for the officer who signed the Affidavit and Notice of Revocation for hearings under § 42-2-126, C.R.S.) shall be signed by the Respondent or the Respondent's attorney. This signature constitutes an affirmation that the request complies with C.R.C.P. 45. This signature also certifies that to the best of the signer's knowledge, information, and belief the request is consistent with these Rules, warranted by the law, not made for any improper purpose, and will not be unreasonable, unduly burdensome or expensive. Any unsigned request will be denied.

Pursuant to 1 CCR 211-2(5)(D), any request for a **subpoena duces tecum** must specifically identify each document to be produced.

Failure to comply with the above provisions may result in your Subpoena Request being denied. You must use additional pages to this attachment.

In the matter of the driving privilege of:

Respondent

Case Number

Hearing Date

Time