

IN THE MUNICIPAL COURT  
FOR THE CITY OF AMERICUS, GEORGIA

To Whom It May Concern, )  
Defendant )  
)  
)

**Pro Se Defendants Subpoena Information**

You have requested and received subpoenas for your use in your case in the City of Americus Municipal Court. By local rule the use of subpoenas in the City of Americus Municipal Court is governed by Official Code of Georgia Annotated Title 24, Chapter 10.

Blank subpoena's may be obtained from the Clerk of Court at no charge.

You must make arrangements (including payment of the costs) to have the subpoena served according to Georgia law. It is not the duty of the court/clerk/police department to serve the subpoena or to provide you with instructions on how to legally have them served. You should follow Official Code of Georgia Annotated Title 24, Chapter 10, Part 1 (24-10-20 to 24-10-27).

You must provide the necessary proof of such service to the Court as required by Official Code of Georgia Annotated Title 24, Chapter 10, Part 1 (24-10-20 to 24-10-27).

**Please remember that the Clerks are not Attorneys and can not give you legal advise on matters such as subpoenas.**  
**The Clerks' function is limited by law solely to issuing the subpoenas.**

**24-10-20. Subpoena for attendance of witnesses — Form; issuance; subpoena in blank.**

(a) Every subpoena shall be issued by the clerk under the seal of the court, shall state the name of the court and the title of the action, and shall command each person to whom it is directed to attend and give testimony at a time and place therein specified.

(b) The clerk shall issue a subpoena, or a subpoena for the production of documentary evidence, signed and sealed but otherwise in blank, to a party requesting it, who shall fill it in before service.

**24-10-21. Subpoena for attendance of witnesses — Attendance at hearing or trial; where served.**

At the request of any party, subpoenas for attendance at a hearing or trial shall be issued by the clerk of the court in which the hearing or trial is held. A subpoena requiring the attendance of a witness at a hearing or trial may be served at any place within the state.

**24-10-22. Subpoena for production of documentary evidence; motion to quash or modify; denial on condition.**

(a) A subpoena may also command the person to whom it is directed to produce the books, papers, documents, or tangible things designated therein.

(b) The court, upon written motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may:

(1) Quash or modify the subpoena if it is unreasonable and oppressive; or

(2) Condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

**24-10-23. Service of subpoenas.**

A subpoena may be served by any sheriff, by his deputy, or by any other person not less than 18 years of age. Proof may be shown by return or certificate endorsed on a copy of the subpoena. Subpoenas may also be served by registered or certified mail or statutory overnight delivery, and the return receipt shall constitute prima-facie proof of service. Service upon a party may be made by serving his counsel of record.

#### **24-10-24. Fees and mileage; when tender required.**

The witness fee shall be \$25.00 per diem, and execution shall be issued by the clerk upon affidavit of the witness to enforce payment thereof. The payment of fees shall not be demanded as a condition precedent to attendance; but, when a witness resides outside the county where the testimony is to be given, service of the subpoena, to be valid, must be accompanied by tender of the fee for one day's attendance plus mileage of 20¢ per mile for traveling expenses for going from and returning to his or her place of residence by the nearest practical route. Tender of fees and mileage may be made by United States currency, postal money order, cashier's check, certified check, or the check of an attorney or law firm. When the subpoena is issued on behalf of the state, or an officer, agency, or political subdivision thereof, or a defendant in a criminal case, fees and mileage need not be tendered.

#### **24-10-25. Enforcement of subpoenas; continuance; secondary evidence of books, papers, or documents.**

(a) Subpoenas may be enforced by attachment for contempt and by a fine not exceeding \$300.00 and imprisonment not exceeding 20 days. In all cases under this Code section, the court shall consider whether under the circumstances of each case the subpoena was served within a reasonable time, but in any event not less than 24 hours prior to the time that appearance thereunder was required.

(b) The court may also in appropriate cases grant continuance of the cause. Where subpoenas were issued in blank, no continuance shall be granted because of failure to respond thereto when the party obtaining them fails to present to the clerk the name and address of the witness so subpoenaed at least six hours before appearance is required.

(c) When books, papers, or documents are unsuccessfully sought, secondary evidence thereof shall be admissible.

#### **24-10-26. Notice to produce.**

Where a party desires to compel production of books, writings, or other documents or tangible things in the possession, custody, or control of another party, in lieu of serving a subpoena under this article, the party desiring the production may serve a notice to produce upon counsel for the other party. Service may be perfected in accordance with Code Section [24-10-23](#), but no fees or mileage shall be allowed therefor. Such notices may be enforced in the manner prescribed by Code Section [24-10-25](#), and Code Section [24-10-22](#) shall also apply to such notices. The notice shall be in

writing, signed by the party seeking production of the evidence, or his attorney, and shall be directed to the opposite party or his attorney.

**24-10-27. Witness fees for police officers, deputy sheriffs, or members of campus police.**

(a) Notwithstanding any other provision in this article, any member of a municipal or county police force or any deputy sheriff or any campus policeman as defined in Code Section [20-8-1](#) or a member of a local fire department who shall be required by writ of subpoena to attend any superior court, other courts having jurisdiction to enforce the penal laws of this state, municipal court having jurisdiction to enforce the penal laws of this state as provided by Code Section [40-13-21](#), juvenile court, or grand jury, or hearing or inquest held or called by a coroner, or magistrate court involving any criminal matter, as a witness on behalf of the state during any hours except the regular duty hours to which the officer is assigned, may be paid for such attendance at a fixed rate to be established by the governing authority, but not less than \$20.00 per diem. The claim for the witness fees shall be endorsed on the subpoena showing the dates of attendance and stating that attendance was required during the hours other than the regular duty hours to which the claimant was assigned. The claimant shall verify this statement. The dates of attendance shall be certified by the judge or the prosecuting attorney of the court attended. The chief of police, the sheriff, the director of public safety of a college or university, or the local fire chief shall certify that the claimant has not received any overtime pay for his attendance and that his attendance was required during hours other than regular duty hours. The amount due may be paid by the governing body authorized to dispense public funds for the operation of the court. However, no such officer may claim or receive more than one witness fee per day for attendance in any court or before the grand jury regardless of the number of subpoenas which the officer may have received requiring him to appear in such court or before the grand jury on any one day.

(b)(1) Notwithstanding any other provision in this article except paragraph (2) of this subsection, any member of a municipal or county police force or any deputy sheriff or any campus policeman as defined in Code Section [20-8-1](#) or any arson investigator of the state fire marshal's office or a member of a local fire department who shall be required by writ of subpoena to attend any court of this state with respect to any civil case, as a witness concerning any matter relative to the law enforcement duties of such officer during any hours except the regular duty hours to which the officer is assigned, may be paid for such attendance at a fixed rate to be established by the governing authority, but not less than \$20.00 per diem. Any such officer shall also be entitled to the mileage allowance provided in Code Section [24-10-24](#) when such officer resides outside the

county where the testimony is to be given. The claim for the witness fees shall be endorsed on the subpoena showing the dates of attendance and stating that attendance was required during the hours other than the regular duty hours to which the claimant was assigned. The claimant shall verify this statement. The dates of attendance shall be certified by the party obtaining the subpoena. The chief of police, the sheriff, the director of public safety of a college or university, or the local fire chief shall certify that the claimant has not received any overtime pay for his attendance and that his attendance was required during hours other than regular duty hours.

(2) Any officer covered by paragraph (1) of this subsection who is required by writ of subpoena to attend any court with respect to any civil case, as a witness concerning any matter which is not related to the duties of such officer, shall be compensated as provided in Code Section [24-10-24](#).

(c) The fee specified by subsections (a) and (b) of this Code section shall not be paid if the officer receives any overtime pay for time spent attending such court pursuant to the writ of subpoena.

(d) For the purposes of this Code section, the term "regular duty hours" means the daily shift of duty to which such officer is assigned and shall not include paid or unpaid vacation, paid or unpaid sick leave, paid or unpaid holiday or any other paid or unpaid leave status established pursuant to the personnel regulations or scheduling practices of the employing agency.

**24-10-27.1. Witness fees for member of Georgia State Patrol or Georgia Bureau of Investigation, law enforcement officer of Department of Natural Resources, correctional officer, or arson investigator of state fire marshal's office.**

(a) Notwithstanding any other provision in this article, any member of the Georgia State Patrol or Georgia Bureau of Investigation, any correctional officer, any person employed by the Department of Natural Resources as a law enforcement officer, or any arson investigator of the state fire marshal's office who shall be required by writ of subpoena to attend any superior court, other courts having jurisdiction to enforce the penal laws of this state, municipal court having jurisdiction to enforce the penal laws of this state as provided by Code Section [40-13-21](#), juvenile court, or grand jury, or hearing or inquest held or called by a coroner, or magistrate court involving any criminal matter, as a witness on behalf of the state during any hours except the regular duty hours to which the officer is assigned, shall be paid for such attendance at a fixed rate to be established by the governing authority, but not less than \$20.00 per diem. The claim for the witness fees shall be endorsed on the subpoena

showing the dates of attendance and stating that attendance was required during the hours other than the regular duty hours to which the claimant was assigned. The claimant shall verify this statement. The dates of attendance shall be certified by the judge or the prosecuting attorney of the court attended. The director of the Georgia Bureau of Investigation or his or her designees, the commanding officer of the Georgia State Patrol or his or her designees, the commissioner of natural resources or his or her designees, the superintendent of the institution, or the state fire marshal shall certify that the claimant has not received any overtime pay for his or her attendance and that his or her attendance was required during hours other than regular duty hours. The amount due shall be paid by the governing body authorized to dispense public funds for the operation of the court. However, no such officer may claim or receive more than one witness fee per day for attendance in any court or before the grand jury regardless of the number of subpoenas which the officer may have received requiring him or her to appear in such court or before the grand jury on any one day.

(b)(1) Notwithstanding any other provision in this article except paragraph (2) of this subsection, any member of the Georgia State Patrol, Georgia Bureau of Investigation, any correctional officer, any person employed by the Department of Natural Resources as a law enforcement officer, or any arson investigator of the state fire marshal's office who shall be required by writ of subpoena to attend any court of this state with respect to any civil case, as a witness concerning any matter relative to the law enforcement duties of such officer during any hours except the regular duty hours to which the officer is assigned, shall be paid for such attendance at a fixed rate to be established by the governing authority, but not less than \$20.00 per diem. Any such officer shall also be entitled to the mileage allowance provided in Code Section [24-10-24](#) when such officer resides outside the county where the testimony is to be given. The claim for the witness fees shall be endorsed on the subpoena showing the dates of attendance and stating that attendance was required during the hours other than the regular duty hours to which the claimant was assigned. The claimant shall verify this statement. The dates of attendance shall be certified by the party obtaining the subpoena. The director of the Georgia Bureau of Investigation or his or her designees, the commanding officer of the Georgia State Patrol or his or her designees, the commissioner of natural resources or his or her designees, the superintendent of the institution, or the state fire marshal shall certify that the claimant has not received any overtime pay for his or her attendance and that his or her attendance was required during hours other than regular duty hours.

(2) Any officer covered by paragraph (1) of this subsection who is required by writ of subpoena to attend any court with respect to any civil case, as a witness concerning any matter which is not related to the duties of such officer, shall be compensated as provided in Code Section [24-10-24](#).