

Rule 28

WITNESSES AND SUBPOENAS

(A) Witnesses must answer to their names or otherwise claim their attendance each day of trial or hearing in order to be entitled to witness fees.

(B) The clerk of court, criminal division, shall process subpoenas from a praecipe, filed at least 10 days in advance of the trial date. Subpoenas shall be served as follows:

(1) When a subpoena praecipe has been filed, except for members of the Toledo Police Department, all persons shall be served by regular U.S. Postal Service. The envelope shall bear a request for return to the clerk of court's office if it is not delivered at once. The clerk shall make a return on the reverse side of the subpoena showing the name and address where the subpoena was served. When the envelope containing the subpoena is returned by the U.S. Postal Service showing failure of delivery, the clerk shall attach the envelope to the complaint.

(2) Service of subpoenas to members of the Toledo Police Department shall be by delivery from the clerk of court's office to the desk lieutenant of the Toledo Police Department. The desk lieutenant shall make service and return in an appropriate manner.

(3) In any case, service of subpoena may be made by an attorney or by any person designated by the court pursuant to Rule 45(B) of the Ohio Rules of Civil Procedure or Rule 17(D) of the Ohio Rules of Criminal Procedure. In civil cases, service of subpoena may be made by the bailiff's office.

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