

**IN THE MAGISTRATE COURT OF LIBERTY COUNTY  
STATE OF GEORGIA**

**INSTRUCTION/INFORMATION SHEET FOR REQUESTING SUBPOENA(S)**

The Clerk of Magistrate Court will prepare your requested subpoena(s) upon completion of a request form.

1. Complete the attached Request for Subpoena Form. Enter all information available (including telephone number(s) if known).
2. In the Service Preference section, please indicate how you wish the subpoena be served. O.C.G.A. § 24-13-24 provides for service of subpoenas as follows:

*A subpoena may be served by any sheriff, by his or her 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 or her counsel of record.*

You may choose to serve the subpoena yourself or the Clerk can send the subpoena by Certified Mail at a cost to you of \$6.46; this cost includes a .46¢ fee for First Class Postage, a \$3.30 fee for Certified Mail and a \$2.70 fee for a Return Receipt Request. Also, to insure personal service of the Witness Subpoena, you can request that the Certified Mail be delivered as a Restricted Delivery at an additional cost to you of \$8.25. You may also choose to have the Sheriff's Office serve the subpoena at a cost to you of \$10.00 per subpoena.

3. There will be a \$5.00 charge per subpoena.
4. A request for a document subpoena must list specific documents, specific dates, etc...
5. If your request is for an out-of-county subpoena, additional information regarding witness fees is required. O.C.G.A. § 24-13-25 sets out witness fees and mileage as follows:

**O.C.G.A. § 24-13-25                      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 witness 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, shall be accompanied by tender of the witness fee for one day's attendance plus mileage of 45¢ per mile for traveling expenses for going from and returning to his or her place of residence by the nearest practical route. Tender of witness 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 an accused in a criminal proceeding, witness fees and mileage need not be tendered.*

If you wish for the Clerk to send a subpoena to a witness out of the county, and the witness will not waive the witness fee, a postal money order or cashier's check, payable to the witness must be provided at the time of the request for a subpoena.

**Responsibility for payment of witness fees:** In reference to subpoenas for witnesses within the county; if the witness will not waive the witness fee, you will be responsible for paying the fee upon their demand for compensation for appearing in court.

**Requirements for proper service of subpoenas:** A subpoena must be personally served to the witness at least 24 hours before the scheduled court hearing.

**\*You must file the personally served original or second original witness subpoena with the court. As an office preference, the served subpoena should be returned to our office no later than the morning of the hearing date.**