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**USING THIS FORM**

1. Copies
  - a. Original - to sheriff to make return.
  - b. First copy - to party being subpoenaed.
  - c. Second copy - to opposing party by requesting party.
  - d. Additional copies as dictated by local practice.
2. Prepared by judge or clerk.
3. Attachments -
  - a. affidavit
  - b. court order
4. Preparation details
  - a. This form is to be used only in criminal cases. For civil cases, use form CC-1437.
  - b. Data Element Nos. 6, 7 and 8 - For each subpoena duces tecum only one type of action (Data Element Nos. 6, 7 or 8) should be completed.
5. Additional details on subpoena duces tecum for health records pursuant to § 32.1-127.1:03
  - a. Requesting party provides a copy of the request for a subpoena duces tecum for health records of a party or nonparty witness to the other party's counsel or to the other party if pro se or to the nonparty witness simultaneously with the request.
  - b. No subpoena duces tecum for health records shall set a return date earlier than 15 days from the date of the subpoena except by order of a court or administrative agency for good cause shown.
  - c. Requesting party delivers to the pro se party or nonparty witness whose health care records are being subpoenaed a statement informing them of their rights and remedies. See District Court Form DC-348, Notice to Individual—Subpoena Duces Tecum for Health Records, available in local court clerk's office or at <http://www.courts.state.va.us/forms/district/dc348.pdf>.
  - d. Party filing a request for a subpoena duces tecum for an individual's health records includes a Notice to Health Care Entities in the same part of the request in which the recipient is directed where and when to return the health records. See Notice to Health Care Entities--Subpoena Duces Tecum for Health Records, available in local court clerk's office or at <http://www.courts.state.va.us/forms/district/dc350.pdf>.

SUBPOENA DUCES TECUM  
COMMONWEALTH OF VIRGINIA

Case No. **1** .....

..... **2** ..... Circuit Court

..... **3** .....  
COURT ADDRESS

TO: ..... **4** ..... or any other authorized officer  
DESIGNATION OF OFFICER

You are commanded to summon

..... **5** .....  
NAME AND ADDRESS

TO the person summoned:

**6** [ ] A. You are commanded to appear in this Court on ..... , ..... at ..... m.  
DATE TIME  
and to bring with you the items as described in the attached affidavit or order together with a copy of this  
SUBPOENA DUCES TECUM.

**7** [ ] B. You are commanded to appear in the clerk's office of this Court at the address shown above on  
..... , ..... at ..... m. and to bring with you the items as described  
DATE TIME  
in the attached affidavit or order together with a copy of this SUBPOENA DUCES TECUM.

**8** [ ] C. You are commanded to deliver to the clerk's office of this Court on or before  
..... , ..... at ..... m. the items as described in the attached affidavit  
DATE TIME  
or order together with a copy of this SUBPOENA DUCES TECUM.

..... **9** ..... , whose telephone number is ..... **10** .....  
requested this SUBPOENA DECES TECUM, which is issued on behalf of:

**11** [ ] Commonwealth [ ] Defendant [ ] County [ ] City [ ] Town [ ] Juvenile

in the case of Commonwealth of Virginia ..... **12** ..... v. ..... **13** .....

..... **15** .....  
[ ] JUDGE [ ] CLERK

..... **14** ..... by ..... **16** .....  
DATE ISSUED DEPUTY CLERK

RETURN OF SERVICE (see page two of this form)

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**DATA ELEMENTS**

1. Court case number.
2. Court name.
3. Complete address of court.
4. Name of officer to whom subpoena is delivered for service and his bailiwick (e.g. "Sheriff of Madison County", etc).
5. Name and address of person being summoned.
6. If person summoned is to appear in court, check block and indicate date and time person is to appear.
7. If person summoned is to appear in clerk's office, check block and indicate date and time person is to appear.
8. If person summoned is to deliver items to the clerk's office, check block and indicate date and time items are to be delivered.
9. Name of party requesting subpoena.
10. Telephone number of party requesting subpoena.
11. Check the classification of the party requesting the issuance of the subpoena duces tecum.
12. If the plaintiff is not the Commonwealth, insert name of plaintiff.
13. Name of defendant.
14. Date subpoena issued.
15. Signature of issuing official. Check the appropriate title box below the signature line. If deputy clerk prepared this form, print or type the clerk's name.
16. Signature of deputy clerk if deputy clerk prepared this form.

<b>1</b> <input type="checkbox"/> PERSONAL SERVICE	<b>2</b> <input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner:
<b>3</b> <input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.  .....	
<b>4</b> <input type="checkbox"/> Posed on front door or such door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<b>5</b> <input type="checkbox"/> Not Found	<b>7</b> ....., Sheriff
Date: ..... <b>6</b> , ..... by ..... <b>8</b> ....., Deputy Sheriff	

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**DATA ELEMENTS**

1. Check if personal service made.
2. Check if alternate service was made and check either Data Element No. 3 or 4.
3. Check if delivered to family member and enter appropriate information.
4. Check if posted service was made.
5. Check if not found.
6. Date service was made.
7. Name of sheriff.
8. Signature of deputy sheriff who served the document.