

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

	)	CASE NO.
Plaintiff,	)	
	)	JUDGE JOHN R. ADAMS
vs.	)	
	)	
Defendants.	)	
	)	<b><u>STANDING ORDER RE:</u></b>
	)	<b><u>FED.R.CRIM.P. 17(c)(1) SUBPOENAS</u></b>
	)	
	)	
	)	

The above captioned case is before this Court on a criminal matter. With regard to subpoenas in a criminal case, the Court hereby supplements Fed.R.Crim.P. 17(c)(1) with the following:

No subpoena in a criminal case may require the production of books, papers, documents or other objects in advance of the trial, hearing or proceeding at which these items are to be offered in evidence, unless the Court has entered an order pursuant to Rule 17(c) of the Federal Rules of Criminal Procedure. An order permitting issuance of a Rule 17(c) subpoena may be obtained by requesting leave of Court to file ex parte application to issue an early production subpoena. Upon leave of Court, the moving party shall then file the ex parte application on the record.

A party requesting a subpoena must support its request by a declaration specifying the facts supporting the issuance of the subpoena along with a proposed order. Applications seeking subpoenas under Rule 17(c)(1) must be supported by an affidavit or declaration establishing that: (1) the documents or objects sought are evidentiary and relevant; (2) that the documents or objects sought are not otherwise reasonably procurable in advance of the trial, hearing or proceeding by exercise of due diligence; (3) that the moving party cannot properly prepare for trial without such production and inspection in advance of trial and the failure to obtain such

inspection may tend unreasonably to delay the trial, and (4) that the application is made in good faith and is not intended for the purpose of general discovery. A proposed order shall be filed along with the application.

The Court will determine whether the material sought should be produced. In issuing an order granting the motion, the Court may place limits on the scope of the requested production. Any Rule 17(c) subpoena must be returnable to the Court and the items sought therein must be delivered to the Court at the place, date and time indicated. The subpoena may advise, however, that no appearance is necessary if the items are produced in advance of the date specified, either to the Court, in an envelope delivered to the Clerk's Office, or directly to the issuing attorney whose name and address appears at the bottom of the subpoena.

No Rule 17(c) subpoena may require the production of documents or objects in fewer than 14 days from the date the subpoena is served, absent good cause, which must be demonstrated in the motion seeking the order for issuance of the subpoena.

IT IS SO ORDERED.

DATED:

/s/ John R. Adams  
Judge John R. Adams  
UNITED STATES DISTRICT COURT