

Alabama Rules of Criminal Procedure

Rule 17. Subpoenas.

Rule 17.3. Subpoena duces tecum.

(a) PRODUCTION OF BOOKS, PAPERS, ETC. A subpoena may command the person to whom it is directed to produce the books, papers, documents, or other objects which may be designated therein.

(b) PRODUCTION PRIOR TO TRIAL AND FOR INSPECTION. The court may direct that books, papers, documents, or other objects designated in the subpoena be produced before the court at a time prior to the trial or prior to the time when they are to be offered in evidence. Upon their production, the court may permit the parties and their attorneys to inspect them, or portions thereof.

(c) DISMISSAL OR MODIFICATION. The court, on motion made promptly, may dismiss or modify a subpoena duces tecum if compliance therewith would be unreasonable, oppressive, or unlawful.

Committee Comments

Except for Section (b), this rule is similar to Rule 45(b), A.R.Civ.P. This rule is not intended to be a discovery device because Rule 16 provides for discovery. This rule is to be used to inspect evidence held by witnesses and to require its production at trial or prior to trial.