

## Defense Requests for Locating and Serving Witnesses

### 424.1 PURPOSE

To comply with the obligation to assist the Prosecuting Attorney in providing defense counsel reasonable assistance to locate and serve process upon a witness.

### 424.2 LEGAL REQUIREMENT

The prosecuting attorney or the investigative law enforcement agency shall provide to the defendant, or defense counsel, upon request, reasonable assistance, including investigative assistance, as may be necessary to locate and serve process upon a witness. The request for assistance shall be made in writing by defendant or defense counsel not less than 10 days before the trial of the case or at such other time as the court directs. If the prosecuting attorney objects to a request by the defendant on the grounds that it is unreasonable, the prosecuting attorney shall file a pretrial motion before the court to hold a hearing to determine the reasonableness of the request.

**NOTE: This applies to Circuit Court trial only and the Prosecutor's Office determines our assistance.**

### 424.3 PROCEDURE

The following procedure shall be in effect:

#### 424.3.1 ORIGINAL REQUEST SERVED ON THE PROSECUTING ATTORNEY

An FIO will be forwarded to this division and CID personnel shall comply with this FIO.

#### 424.3.2 ORIGINAL REQUEST SERVED ON CID

1. Ascertain that the request is in written form, it is timely and pertains to a circuit court trial. The amendment does not apply to district court trials, preliminary examinations, etc.
2. Contact the prosecutor in charge of the case or if unavailable, one of the criminal division chiefs and make them aware of the request. The prosecutor shall be responsible for determining the reasonableness of the request and shall so advise this division.
3. Forward the written request to the prosecutor in charge of the case so that it may become part of their case file.
4. All CID personnel shall abide by the decision of the prosecutor in charge of the case and shall fully comply with the request for assistance.