

17.1 Subpoenas and Writs.

- (a) **Subpoenas; Service by Marshal.** The serving party is responsible for providing the marshal with an original and 2 copies of each subpoena to be served by the marshal. The serving party must deliver to the marshal a subpoena for a hearing or trial to be served by the marshal (1) within this district at least 14 days and (2) outside this district at least 21 days before the hearing or trial at which the witness is to testify. Service of a subpoena delivered to the marshal after these deadlines is not guaranteed. Without a court order under Nebraska Criminal Rule 17.1(c), the marshal serves a tardy subpoena only if the marshal can conveniently do so.
- (b) **Delivery of Writ to Obtain Incarcerated Person's Presence.** The serving party must deliver to the marshal a writ of habeas corpus ad testificandum to be served (1) within the district at least 14 days and (2) outside the district at least 30 days, before the hearing or trial at which the witness is to testify. If the government has made prior arrangements for obtaining a defendant's presence, it may deliver a writ of habeas corpus ad prosequendum to the marshal at any time before the hearing at which the defendant is to appear.
- (c) **Exception to Delivery Deadlines.** The time periods and deadlines in Nebraska Criminal Rule 17.1(a) and (b) may be shortened by court order upon motion and for good cause shown.
- (d) **Service at Federal Public Defender's Request.** The marshal serves subpoenas and makes fact witness payments for the Office of the Federal Public Defender. Fact witness vouchers issued for payment must be approved by the federal public defender or assistant federal public defender assigned to the case, whose signature is maintained on record by the marshal.
- (e) **Issuance of Electronic Subpoenas and Writs Authorized.** The clerk is authorized to sign, seal, and issue subpoenas and writs electronically. Such electronically issued subpoenas and writs may not, however, be served electronically.