

Dear Justice Dailey:

As I think you are aware, representatives from the 19th JD District Attorney's office have circulated a consideration of a change to C.R.Crim. P. 17(e) with Chief Judge Hartmann in Greeley. CDAC supports this idea and believes it will assist in a more efficient and effective e-subpoena process for more and more jurisdictions as programs and technology continue to evolve. I am writing on behalf of CDAC to ask that this rule change be considered to provide for this advancement in technology.

Accordingly, CDAC suggests a change to C.R.Crim. P. 17(e) which would recognize changes in technology and clearly define valid service as including service and acceptance via electronic means. Below is my suggestion for a possible amendment to Rule 17(e):

“(e) Service. Unless service is admitted or waived, a subpoena may be served by the sheriff, by his deputy, or by any other person who is not a party and who is not less than eighteen years of age. Service of a subpoena may be made by delivering a copy thereof to the person named. Service may also be made in accordance with [section 24-21-204\(4\), C.R.S.](#) Service is also valid if the person named has signed a written admission or waiver of personal service, **OR HAS BEEN SERVED BY ELECTRONIC COPY OF A SUBPOENA AND HAS ACCEPTED SERVICE BY ELECTRONIC MEANS.** If ordered by the court, a fee for one day's attendance and mileage allowed by law shall be tendered to the person named if the person named resides outside the county of trial.”

Thank you for your consideration of this suggestion.

Respectfully,

Tom Raynes
Executive Director, CDAC