



COURT OF QUEEN'S BENCH FOR  
SASKATCHEWAN

## **CRIMINAL PRACTICE DIRECTIVE #4**

### **OBTAINING A SUBPOENA FOR A CRIMINAL TRIAL**

#### **REFERENCE: CRIM-PD #4**

Effective: April 1, 2017

1. The purpose of this directive is to ensure that subpoenas are issued only to witnesses who can provide material evidence at trial.
2. Local registrars and deputies will not issue blank subpoenas.
3. Unless the Court otherwise directs, no subpoena will be issued to a person resident outside Saskatchewan.
4. Where the Crown applies for a subpoena, the Crown shall complete and file with the local registrar or deputy the attached Form A certificate together with the subpoena(s) to be issued. The name(s) of the witness(es) listed in the certificate must match the name(s) on the subpoena(s) being issued.
5. Where the defence applies for a subpoena, either counsel for the accused or a self-represented accused must complete and file with the local registrar or deputy, the attached Form B certificate together with the subpoena(s) to be issued.
6. Local registrars and deputies are authorized to question the person seeking the subpoena to ensure that the witness named in the subpoena can provide material evidence or testimony at trial. If a local registrar or deputy is not satisfied that the witness named in the subpoena can provide material evidence or testimony at trial then they shall not issue the subpoena. In that event, the person seeking the subpoena may complete a brief written summary of the evidence the applicant believes the witness can provide at trial and ask the local registrar or deputy to refer the request with the written summary to a judge.

7. In the case of subpoena requests by the defence, the written summary of the evidence referred to in paragraph 6 and any documents containing the names of the defence witnesses to whom a subpoena is issued must be sealed and not opened except on the order of a judge. The contents of the sealed documents and discussions with a registrar concerning the evidence a defence witness may provide are to be kept confidential.
8. No copy of any subpoena issued is kept on the court file. The only record on the court file of a subpoena being issued is the filed certificates in Form A and/or B.

Chief Justice M.D. Popescul  
Court of Queen's Bench for Saskatchewan

## FORM A

Court File Number

Judicial Centre of \_\_\_\_\_

In the matter of: The Queen v. \_\_\_\_\_

### CERTIFICATE TO OBTAIN SUBPOENA

THE UNDERSIGNED HEREBY CERTIFIES:

1. That I am a Crown prosecutor.
2. That I have determined upon information and belief that the following witnesses are all resident in Saskatchewan and are likely to give material evidence in the within proceeding.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(print full name of witness and city/town of residence)*

3. That I provide this certificate in support of my request that a subpoena be issued to each of the above named persons to testify in the matter.

DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
*(signature of Crown prosecutor)*

\_\_\_\_\_  
*(print name of Crown prosecutor)*

## FORM B

Court File Number \_\_\_\_\_

Judicial Centre of \_\_\_\_\_

In the matter of: The Queen v. \_\_\_\_\_

### CERTIFICATE TO OBTAIN SUBPOENA

THE UNDERSIGNED HEREBY CERTIFIES:

1. That I am the \_\_\_\_\_  
(*defendant/lawyer for defendant*)
2. That I believe that the witness(es) named in the subpoena(s) presented to the clerk of the court with this certificate are all resident in Saskatchewan and that each is likely to give material evidence in this matter.

DATED at \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
(*signature of applicant*)