**STATE OF TEXAS § JUSTICE COURT**

**Subpoena Duces Tecum**

**IN THE MATTER OF § PRECINCT NO. \_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ § \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TX**

**DECEDENT**

**Subpoena Requiring Production of Documents without Deposition; Notice to Produce**

**TO ANY SHERIFF OR CONSTABLE OF THE STATE OF TEXAS OR OTHER PERSON AUTHORIZED TO SERVE AND EXECUTE SUBPOENAS AS PROVIDED IN RULE 500.8 T.R.C.P.:**

**You are hereby commanded to summon:**

**THE CUSTODIAN OF RECORDS (WITNESS)** at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(FACILITY),

LOCATED AT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (ADDRESS),

to appear\*\* before the Honorable Justice Court, Precinct Number \_\_\_\_\_\_\_, of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, Texas to be held at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, TX 75482, on \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_\_, at \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_.M., to testify as a witness on behalf of the State of Texas at an Inquest Hearing, Cause No.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, in the Matter of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (DECEDENT), DOB: \_\_\_\_\_/\_\_\_\_\_/ \_\_\_\_\_, and to remain there util discharged by the Court.

In accordance with 45 Code of Federal Regulations, 164.512 (g), requested records are exempted from HIPPA when releasing the records to a coroner for the purpose of an inquest, the he above-named witness is further commanded to produce at the time and place stated above the following books, papers, and documents or other tangible things:

**ALL MEDICAL RECORDS FOR THE ABOVE-NAMED DECEDENT INCLUDING, BUT NOT LIMITED TO, ATTENDING PHYSICIAN’S NAME, MEDICAL HISTORY, DIAGNOSIS, TREATMENTS, MEDICATIONS LIST, AND ANY OTHER PERTINENT DOCUMENTATION THAT WOULD ALLOW FOR THE CULMINATION OF THE INQUEST OF THE DECEDENT AND ASSIST THE REVELATION OF A PRECISE CAUSE OF DEATH.**

**\***\*In lieu of physical appearance, the witness may deliver said documents by email at jp2@hopkinscountytx.org, fax at 903-438-4039, or mail to the address of the court listed above. If the documents are postmarked or delivered to the court on or before the hearing date, this subpoena shall be considered complied with.

**HEREIN FAIL NOT,** but make due return of this writ, showing how you have executed the same.

WITNESS my official signature on the \_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_\_.

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

 Judge Brad Cummings

 Justice of the Peace, Pct. 2

 Hopkins County, Texas

OFFICER’S RETURN

Came to hand the day of , 20 \_\_ , at

 o’clock .m., and executed by delivering a true copy of the within subpoena to the within named witness at the following time and place to wit:

NAME: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

TIME: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_. M.

ADDRESS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I actually and necessarily traveled miles in the service of this subpoena in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

|  |  |  |
| --- | --- | --- |
| FEES: Summoning Witness | $ \_\_\_\_\_\_  |  Sheriff |
| Mileage | $ \_\_\_\_\_\_  | or Constable |
| Total | $ \_\_\_\_\_\_  |  County, Texas |

By: Deputy

**ACCEPTANCE OF SERVICE OF SUBPOENA BY WITNESS PER RULE 500.8 T.R.C.P.**

I, the undersigned witness named in Subpoena acknowledge receipt of a copy thereof, and hereby accept service of the attached subpoena, and will appear in said court on said date and time directed in this subpoena. Failure to do so may result in the issuance of a *WRIT OF EXECUTION* in order for me to be brought before the Judge or the Honorable Court.

In the State of Texas, the local Justice of the Peace investigates a death requiring an inquest if there is no medical examiner in the county. *Texas Code of Criminal Procedure §§ 49.02, 49.04.* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County has no medical examiner’s office, therefore I investigate deaths requiring an inquest. I am requesting these records in that capacity, as they are exempted from the HIPPA Privacy Rule by 45 CFR § 164.512(g). An explanation of this exception can be found on the [U.S. Department of Health and Human Services website](https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/health-information-of-deceased-individuals/index.html) **[only include web address if printed and sent via mail** [**https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/health-information-of-deceased-individuals/index.html**](https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/health-information-of-deceased-individuals/index.html)**].**

*Rule 500.8(g) Contempt. Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or a court in the county in which the subpoena is served, and may be punished by fine or confinement, or both.*

SIGNATURE OF WITNESS DATE

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

Not executed for the following reasons:

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

***Please return to Justice Court Clerk, Precinct No. \_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, Texas, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Court’s address)***