

CHAPTER 2

COMMENCEMENT OF PROCEEDINGS

201. COMMENCEMENT OF A CRIMINAL PROSECUTION

Rule 201 COMMENCEMENT OF A CRIMINAL PROSECUTION

1. A prosecution shall be commenced by filing a criminal complaint with the Court by the Nation prosecutor. A copy of the complaint shall be furnished to the defendant or the defendant's attorney.
2. The court may in extreme cases, upon affidavits filed with the Chief Trial judge of the Court of the commission of a crime, order the Nation prosecutor to institute criminal proceedings against any person, but such judge shall be disqualified from sitting in any case wherein such order was entered and is further prohibited from communicating about such case with any other judge appointed to preside therein.

202. THE COMPLAINT

Rule 202 THE COMPLAINT

- a. Complaint. The complaint is a written statement under oath of the essential facts constituting a crime(s) and charging a named individual(s) with the commission of that crime(s).
- b. The complaint shall contain:
 1. The name and address of the court; and
 2. The name and address of the defendant and a description of the defendant; and
 3. The signature of the Nation Prosecutor; and
 4. A written statement describing in ordinary and plain language the facts of the offense alleged to have been committed including a reference to the time, date, and place as nearly as may be known. The offense may be alleged in the language of the statute violated; and
 5. The name of the person against whom or against whose property the offense was committed and the names of the witnesses if known; and

6. The general name and penal code section number of the charged offense.
- c. Error. No minor omission from or error in the form of the complaint shall be grounds for dismissal of the case unless some significant prejudice against the defendant can be shown.
- d. Time of filing complaint. A complaint may be filed at any time within the period prescribed by Section 106 of these Rules. If an accused has been arrested without a warrant the complaint shall be filed no later than the time of arraignment.

203. ARREST WARRANT OR SUMMONS TO APPEAR

Rule 203 ARREST WARRANT OR SUMMONS TO APPEAR

- a. If it appears from the complaint that an offense has been charged against the defendant, the judge shall issue a summons to the defendant to bring him before the court. An arrest warrant shall issue only upon a complaint charging an offense by the defendant against ~~the law of the Nation~~ supported by the recorded ex parte testimony or affidavit of some person having knowledge of the facts of the case through which the judge can determine that probable cause exists to believe that an offense has been committed and that the defendant committed it.
- b. Issuance of Arrest Warrants or Summons. Unless the judge has reasonable grounds to believe that the person will not appear on a summons, a summons shall be issued instead of an arrest warrant.
- c. Contents of Arrest Warrants. The warrant of arrest shall be signed by the judge issuing it, and shall contain the name and address of the court; the name of the defendant, or if the correct name is unknown, any name by which the defendant is known and the defendant's description; and, a description of the offense charged with a reference to the section of the criminal code alleged to have been violated. It shall order and command the defendant be arrested and brought before the Court to enter a plea. When two or more charges are made against the same person only one warrant shall be necessary.
- d. Contents of Summons. A criminal summons shall contain the same information as an arrest warrant except, that instead of commanding the arrest of the accused, it shall order the defendant to appear before the Court within five (5) days or on some certain day to enter a plea to the charge, and a notice that upon the defendant's failure to appear an arrest warrant shall issue and that the defendant may be further charged with disobeying a lawful order of the court. If the defendant fails to appear in response to a summons or refuses to accept the summons an arrest warrant shall issue.

- e. Execution of Arrest Warrants and Service of Summons.
 - 1. Warrants for Arrest may be executed at any time within the territorial jurisdiction of the Nation and shall be executed by a Nation police officer. A copy of the arrest warrant shall be given to the person arrested at the time of arrest or as soon thereafter as is reasonably possible.
 - 2. Criminal Summons may be served by any Nation police officer or any adult person authorized in writing by the Court. Service may be made at any place within the territorial jurisdiction of the Nation.
 - 3. Criminal Summons are to be served at a person's home only between the hours of 7:00 am and 9:00 pm, unless an authorization to serve such process after 9:00 p.m. is placed on the face thereof by the Judge.
 - 4. The date, time, and place of service or arrest shall be written on the warrant or summons along with the signature of the person serving such and returned to the Court.
 - 5. Arrests shall be made in accordance with Chapter 5 of this Rules.
- f. Defective warrant. A warrant shall not be quashed or abated nor shall any person in custody for a crime be discharged from such custody because of any technical defect in the warrant.

204. APPEARANCE TICKETS

Rule 204 APPEARANCE TICKETS

- a. Whenever a law enforcement officer would be empowered to make an arrest without a warrant for an offense but has reasonable grounds to believe an immediate arrest is not necessary to preserve the public peace and safety, he may, in his discretion, issue the defendant an appearance ticket instead of taking the person into custody. Such appearance ticket, signed by the law enforcement officer, shall be considered a court order, and may be filed in the action in lieu of a formal complaint, unless the Court orders that a formal complaint be filed.
- b. Contents of Appearance Ticket.
 - 1. The ticket shall contain the name and address of the Court, the name or alias and description of the defendant, a description of the offense charged, and the signature of the law enforcement officer who issued the appearance ticket.

2. The ticket shall contain an agreement by the defendant to appear before the court on a day certain to answer to the charge, and the signature of the defendant.
 3. The ticket shall contain a notice that upon defendant's failure to appear, an arrest warrant shall issue and that the defendant may be further charged with disobeying a lawful order of the court.
 4. One (1) copy of the ticket shall be given to the defendant and two (2) copies shall be delivered to the Nation prosecutor.
- c. **Posting of Cash Bail.**
1. Issuance and service of an appearance ticket by a police officer may be made conditional upon the posting of bail. In such case, the bail becomes forfeit upon failure of such person to comply with the directions of the appearance ticket. The person posting such bail must complete and sign a form which states (a) the name, residential address and occupation of each person posting cash bail; and (b) the title of the criminal action or proceeding involved; and (c) the offense or offenses which are the subjects of the action or proceeding involved, and the status of such action or proceeding; and (d) the name of the principal and the nature of his involvement in or connection with such action or proceeding; and (e) the date of the principal's next appearance in court; and (f) an acknowledgement that the cash bail will be forfeited if the principal does not comply with the directions of the appearance ticket; and (g) the amount of money posted as cash bail. The bail may be posted as provided in subdivision two.
 2. A desk officer in charge at the Nation police station, or any of his superior officers may, in an amount prescribed in subdivision, and upon the posting must issue and serve an appearance ticket upon the person, give a receipt for the bail, and release such person from custody. Such bail may be fixed in the following amounts:
 - (i) For a felony, any amount not exceeding seven hundred fifty dollars.
 - (ii) For a misdemeanor, any amount not exceeding five hundred dollars.
 - (iii) For a violation, any amount not exceeding two hundred fifty dollars.

205. ARRAIGNMENT

Rule 205 ARRAIGNMENT

- a. **Arraignment Defined.** Arraignment is the bringing of an accused person before the court, informing him of the charge against him and of his rights, receiving his plea and setting bail. Arraignment shall be held in open court upon the appearance of an accused in response to a criminal summons or appearance ticket or, if the accused was arrested and confined, within seventy-two (72) hours of the arrest, Saturdays, Sundays and legal holidays excepted.
- b. **Procedure at Arraignment.** Arraignments shall be conducted in the following order:
 1. The Judge shall request the prosecutor to read the charges.
 2. The prosecutor shall read the entire complaint, deliver a copy to the defendant unless he has previously received a copy thereof, and state the minimum and maximum authorized penalties.
 3. The Judge should determine that the accused understands the charge against him and explain to the defendant that he has the following rights:
 - (i) the right to remain silent.
 - (ii) to be tried by a jury upon written request filed with the clerk two days after arraignment with a \$10.00 jury fee, which fee may be waived by the Court upon a showing of hardship.
 - (iii) to consult with an attorney and that if he desires to consult with an attorney the arraignment will be postponed.
 4. The Judge shall ask the defendant if he wishes to obtain counsel and, if the defendant so desires, he will be given a reasonable time to obtain counsel. If the defendant is allowed time to obtain or consult with counsel, he shall not be required to enter a plea until the date set for his appearance.
 5. If the Defendant cannot afford counsel, the court will appoint counsel for him. The defendant must complete an in forma pauperis application.
 6. The Judge should then ask the defendant whether he wishes to plead "guilty", "nolo contendere", or "not guilty".
- c. **Pleas.**

- a. Alternatives.
 - 1. In general. A defendant may plead not guilty, guilty, or nolo contendere. If a defendant refuses to plead the court shall enter a plea of not guilty.
 - 2. Conditional Pleas. With the approval of the court and the consent of the Nation, a defendant may enter a conditional plea of guilty or nolo contendere, reserving in writing the right, on appeal from the judgment, to review of the adverse determination of any specified pretrial motion. A defendant who prevails on appeal shall be allowed to withdraw the plea.
- b. Nolo Contendere. A defendant may plead nolo contendere only with the consent of the court. Such a plea shall be accepted by the court only after due consideration of the views of the parties and the interest of the public in the effective administration of justice.
- c. Advice to Defendant. Before accepting a plea of guilty or nolo contendere, the court must address the defendant personally in open court and inform the defendant of, and determine that the defendant understands, the following:
 - 1. the nature of the charge to which the plea is offered, the mandatory minimum penalty provided by law, if any, and the maximum possible penalty provided by law, and when applicable, that the court may also order the defendant to make restitution to any victim of the offense and/or perform community service; and
 - 2. if the defendant is not represented by an attorney, that the defendant has the right to be represented by an attorney at every stage of the proceeding; and
 - 3. that the defendant has the right to plead not guilty or to persist in that plea if it has already been made, the right to be tried by a jury and at that trial the right to the assistance of counsel, the right to confront and cross-examine adverse witnesses, and the right against compelled self-incrimination; and
 - 4. that if a plea of guilty or nolo contendere is accepted by the court there will not be a further trial of any kind, so that by pleading guilty or nolo contendere the defendant waives the right to a trial; and
 - 5. if the court intends to question the defendant under oath, on the record, and in the presence of counsel about the offense to which the defendant has pleaded, that the defendant's answers may later be used against the defendant in a prosecution for perjury or false statement.
- d. Insuring That the Plea is Voluntary. The court shall not accept a plea of guilty or

nolo contendere without first, by addressing the defendant personally in open court, determining that the plea is voluntary and not the result of force or threats or of promises apart from a plea agreement. The court shall also inquire as to whether the defendant's willingness to plead guilty or nolo contendere results from prior discussions between the attorney for the Nation and the defendant or the defendant's attorney.

e. Plea Agreement Procedure.

1. In General. The Nation prosecutor and the attorney for the defendant or the defendant when acting pro se may engage in discussions with a view toward reaching an agreement that, upon the entering of a plea of guilty or nolo contendere to a charged offense or to a lesser or related offense, the attorney for the Nation will do any of the following:
 - A. move for dismissal of other charges; or
 - B. make a recommendation, or agree not to oppose the defendant's request, for a particular sentence, with the understanding that such recommendation or request shall not be binding upon the court; or
 - C. agree that a specific sentence is the appropriate disposition of the case.The court shall not participate in any such discussions.
2. Notice of Such Agreement. If a plea agreement has been reached by the parties, the court shall, on the record, require the disclosure of the agreement in open court, or, on a showing of good cause, in camera, at the time the plea is offered. If the agreement is of the type specified in subdivision (e)(1)(A) or (C), the court may accept or reject the agreement, or may defer its decision as to the acceptance or rejection until there has been an opportunity to consider the presentence report. If the agreement is of the type specified in subdivision (e)(1)(B), the court shall advise the defendant that if the court does not accept the recommendation or request the defendant nevertheless has no right to withdraw the plea.
3. Acceptance of a Plea Agreement. If the court accepts the plea agreement, the court shall inform the defendant that it will embody in the judgment and sentence the disposition provided for the plea agreement.
4. Rejection of a Plea Agreement. If the court rejects the plea agreement, the court shall, on the record, inform the parties of this fact, advise the defendant personally in open court or, on a showing of good cause, in camera, that the court is not bound by the plea agreement, afford the defendant the

opportunity to then withdraw the plea, and advise the defendant to then withdraw the plea, and advise the defendant that if the defendant persists in a guilty plea or plea of nolo contendere the disposition of the case may be less favorable to the defendant than that contemplated by the plea agreement.

5. **Time of Plea Agreement Procedure.** Except for good cause shown, notification to the court of the existence of a plea agreement shall be given at the arraignment or at such other time, prior to trial, as may be fixed by the court.
6. **Inadmissibility of Pleas, Plea Discussions, and Related Statements.** Except as otherwise provided in this paragraph, evidence of the following is not, in any civil or criminal proceeding, admissible against the defendant who made the plea or was a participant in the plea discussions:
 - A. a plea of guilty which was later withdrawn;
 - B. a plea of nolo contendere;
 - C. any statement made in the course of any proceedings under this rule regarding either of the foregoing pleas; or
 - D. any statements made in the course of plea discussions with an attorney for the Nation which do not result in a plea of guilty or which result in a plea of guilty later withdrawn.

However, such a statement is admissible

- (i) in any proceeding wherein another statement made in the course of the same plea or plea discussions has been introduced and the statement ought in fairness be considered contemporaneously with it, or
 - (ii) in a criminal proceeding for perjury or false statement if the statement was made by the defendant under oath, on the record, and in the presence of counsel.
- f. **Determining Accuracy of Plea.** Notwithstanding the acceptance of a plea of guilty, the court should not enter a judgment upon such plea without making such inquiry as shall satisfy it that there is a factual basis for the plea.
 - g. **Record of Proceedings.** A verbatim record of the proceedings at which the defendant enters a plea shall be made and, if there is a plea of guilty or nolo contendere, the record shall include, without limitation, the court's advice to the defendant, the inquiry into the voluntariness of the plea including any plea agreement, and the

inquiry into the accuracy of a guilty plea.

- h. **Harmless Error.** Any variance from the procedures required by this rule which does not affect substantial rights shall be disregarded.

206. COMMITMENTS

Rule 206 COMMITMENTS

No person shall be detained or jailed for a period longer than seventy-two (72) hours, Saturdays, Sundays, and legal holidays excepted, unless a commitment bearing the signature of the Judge has been issued.

- a. A temporary commitment shall be issued pending investigation of charges or trial.
- b. A final commitment shall be issued for those persons incarcerated as a result of a judgment and sentence of the Court.

207. JOINDER

Rule 207 JOINDER

- a. **Joinder of Offenses.** Two or more offenses may be charged in one complaint so long as they are set out in separate counts and:
 1. They are part of a common scheme or plan, or
 2. They arose out of the same occurrence.
- b. **Joinder of Defendants.** Two or more defendants may be joined in one complaint if they are alleged to have participated in a common act, scheme, or plan to commit one or more offenses. Each defendant need not be charged in each count.

208. WITHDRAWING GUILTY PLEA

Rule 208 WITHDRAWING GUILTY PLEA

A motion to withdraw a plea of guilty shall be made only before a sentence is imposed, deferred, or suspended, except that the Court may allow a guilty plea to be withdrawn to correct a manifest injustice.

209. PLEA BARGAINING

Rule 209 PLEA BARGAINING

Whenever the defendant pleads guilty as a result of a plea arrangement with the prosecutor, the full terms of such agreement shall be disclosed to the Court. The Judge, in his discretion, is not required to honor such agreement. In the event that the Judge decides not to honor such agreement, he should offer the defendant an opportunity to withdraw his plea and proceed to trial.

210. PLEADING AND MOTIONS BEFORE TRIAL; DEFENSES AND OBJECTIONS

Rule 210 PLEADING AND MOTIONS BEFORE TRIAL; DEFENSES AND OBJECTIONS

- a. Pleadings in criminal proceedings shall consist of the complaint, summons or appearance ticket and the plea of either guilty, nolo contendere, or not guilty. All other pleadings and motions shall be made in accordance with this Rules.
- b. Motions raising defenses and objections may be made as follows:
 1. Any defenses or objections which are capable of determination other than at trial may be raised before trial by motion.
 2. Motion to suppress confession or admission.
 - a. Prior to the trial a defendant may move to suppress as evidence any confession or admission given by him on the ground that it is not admissible as evidence.
 - b. The motion shall be in writing and shall allege the grounds upon which it is claimed that the confession or admission is not admissible as evidence.
 - c. If the motion alleges grounds which, if proved, would show the confession or admission not to be admissible the court shall conduct a hearing into the merits of the motion.
 - d. The burden of proving that a confession or admission is admissible shall be on the prosecution.
 - e. The issue of the admissibility of the confession or admission shall not be submitted to the jury. The circumstances surrounding the making of the confession or admission may be submitted to the jury as bearing

upon the credibility or the weight to be given to the confession or admission.

- f. The motion shall be made before trial, unless the opportunity did not exist or the defendant was not aware of the ground for the motion, but the court in its discretion may entertain the motion at the trial.

3. Motion to Suppress Illegally Seized Evidence.

- a. Prior to the trial a defendant aggrieved by an unlawful search and seizure may move for the return of property and to suppress as evidence anything so obtained.
 - b. The motion shall be in writing and state facts showing why the search and seizure were unlawful. The judge shall receive evidence on any issue of fact necessary to determine the motion and the burden of proving that the search and seizure were lawful shall be on the prosecution. If the motion is granted then at the final conclusion of the case, the court shall order the suppressed evidence restored to the party entitled, unless it is otherwise subject to lawful detention.
4. Defenses and objections based on defects in the institution of the prosecution of the complaint other than that it fails to show jurisdiction in the Court or fails to charge an offense may be raised on motion only before trial or such shall be deemed waived, unless the court for good cause shown grants relief from such waiver. Lack of jurisdiction or failure to charge an offense may be raised as a defense or noticed by the Court on its own motion at any stage of the proceeding.
- a. Such motions shall be made in writing and filed with the Court at least five (5) business days before the day set for trial. Such motions will be argued before the Court on the date of trial unless the Court directs otherwise. Decision on such motions shall be made by the Court and not by the jury.
 - b. If a motion is decided against a defendant, the trial shall proceed as if no motion were made. If a motion is decided in favor of a defendant, the Court shall enter judgment as is appropriate in light of the decision.

211. CONCURRENT TRIAL OF DEFENDANTS OR CHARGES

Rule 211 CONCURRENT TRIAL OF DEFENDANTS OR CHARGES

- a. The Court may order two or more defendants tried together if they could have been joined in a single complaint, or may order a single defendant tried on more than one complaint at a single trial.
- b. If it appears that a defendant or the Nation is prejudiced by a joinder of offenses or other defendants for trial, the court may order separate complaints and may order separate trials or provide such other relief as justice requires. In ruling on a motion for severance, the court may order the Nation to deliver to the court for inspection in chambers, any statements made by a defendant which the Nation intends to introduce in evidence at the trial.

212. DISCOVERY AND INSPECTION

Rule 212 DISCOVERY AND INSPECTION

- a. The prosecutor shall, upon request, permit the defendant or his attorney to inspect and copy any statements or confessions, or copies thereof, made by the defendant if such are within the possession or control of, or reasonably obtainable by the prosecution. The prosecution shall, upon request, make available, copies of reports of physical, mental or scientific test or examinations relating to or done on the defendant and memoranda of any oral confession made by the defendant and a list of the witnesses to such confession.
- b. Upon request, the prosecuting attorney shall permit the defendant to inspect and copy or photograph books, papers, documents, tangible objects, buildings or places, or copies, or portions thereof, which are or have been within the possession, custody or control of the prosecution, and which are material to the case and will not place an unreasonable burden upon the prosecution. Except as provided in section (a), this section does not authorize the discovery or inspection of reports, memoranda or other internal Nation documents made by officers in connection with the investigation or prosecution of the case, or of statements made by Nation witnesses or prospective Nation witnesses, other than the defendant, except as may be provided by law.
- c. If the defendant seeks discovery and inspection under section (a) or section (b), the defendant shall permit the Nation prosecutor to inspect and copy or photograph scientific or medical reports, books, papers, documents, tangible objects, or copies or portions thereof, which the defendant intends to produce at trial, and which are material to the case and will not place an unreasonable burden on the defense. Except as to scientific or medical reports, this section does not authorize the discovery or inspection of reports, memoranda or other internal defense documents made by

the defendant, or the defendant's attorneys or agents in connection with the investigation or defense of the case, or of statements made by the defendant, or by prosecution or defense witnesses, or by prospective prosecution or defense witnesses, to the defendant, the defendant's agents or attorneys.

- d. The Nation prosecutor and the defendant shall cooperate in discovery and reach agreement on time, place and manner of making the discovery and inspection permitted, so as to avoid the necessity for the court intervention.
- e. Upon a sufficient showing the court may at any time order that the discovery or inspection be denied, restricted or deferred or make such other order as is appropriate. Upon motion, the court may permit either party to make such showing, in whole or in part, in the form of a written statement to be inspected privately by the court. If the court enters an order granting relief following such a private showing, the entire text of the statement shall be sealed and preserved in the records of the court in the event of an appeal.
- f. Discovery under this rule must be completed no later than 20 days after arraignment or at such reasonable later time as the court may permit.
- g. If, subsequent to compliance with an order issued pursuant to this rule, and prior to or during trial, a party discovers additional material previously requested or ordered which is subject to discovery or inspection under this rule, the party shall promptly notify the other party or the party's attorney or the court of the existence of the additional material. If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with this rule or with an order issued pursuant to this section, the court may order such party to permit the discovery or inspection of materials not previously disclosed, grant a continuance, or prohibit the party from introducing in evidence the material not disclosed, or it may enter such other order as it deems just under the circumstances.
- h. The Nation prosecutor and defendant shall be permitted to inspect and copy any juvenile files and records of the defendant for the purpose of discovery and verifying the criminal history of the defendant.

212a. DEMANDS FOR PRODUCTION OF STATEMENTS OF WITNESSES

Rule 212a DEMANDS FOR PRODUCTION OF STATEMENTS AND REPORTS OF WITNESSES

- a. In any criminal prosecution brought by the Nation, no statement or report in the possession of the Nation which was made by a Nation witness or prospective Nation witness (other than the defendant) shall be the subject of subpoena, discovery, or inspection until said witness has testified on direct examination in the trial of the case.

- b. After a witness called by the Nation has testified on direct examination, the court shall, on motion of the defendant, order the Nation to produce any statement (as hereinafter defined) of the witness in the possession of the Nation which relates to the subject matter as to which the witness has testified. If the entire contents of any such statement relate to the subject matter of the testimony of the witness, the court shall order it to be delivered directly to the defendant for his examination and use.
- c. If the Nation claims that any statement ordered to be produced under this section contains matter which does not relate to the subject matter of the testimony of the witness or concerns a confidential informant, the court shall order the Nation to deliver such statement for the inspection of the court in camera. Upon such delivery the court shall excise the portions of such statement which do not relate to the subject matter of the testimony of the witness or relates to the identification of a confidential witness. With such material excised, the court shall then direct delivery of such statement to the defendant for his use. If, pursuant to such procedure, any portion of such statement is withheld from the defendant and the defendant objects such withholding, and the trial is continued to an adjudication of the guilt of the defendant, the entire text of such statement shall be preserved by the Nation and, in the event the defendant appeals, shall be made available to the appellate court for the purpose of determining the correctness of the ruling of the trial judge. Whenever any statement is delivered to a defendant pursuant to this section, the court in its discretion, upon application of said defendant, may recess proceedings in the trial for such time as it may determine to be reasonably required for the examination of such statement by said defendant and his preparation for its use in the trial.
- d. If the Nation elects not to comply with an order of the court under subsection (c) or (d) hereof to deliver to the defendant any such statement, or such portion thereof as the court may direct, the court shall strike from the record the testimony of the witness, and the trial shall proceed unless the court in its discretion shall determine that the interest of justice required that a mistrial be declared.
- e. The term "statement", as used in subsections (c), (d), and (e) of this section in relation to any witness called by the Nation, means:
 - 1. a written statement made by the witness and signed or otherwise adopted or approved by him;
 - 2. a stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement made by the witness and recorded contemporaneously with the making of such oral statement.
- f. The defendant or his attorney shall reveal by written notice to the court and the prosecutor at least five (5) working days before trial the names and addresses of any

witnesses upon whom the defense intends to rely to provide an alibi or insanity defense for the defendant. Failure to provide such notice will prevent the use of such witnesses by the defense unless it can be shown by the defense that prior notice was impossible or that no prejudice to the prosecution has resulted, in which case the judge may order the trial delayed or make such other orders as tend to assure a just determination of the case.

213. SUBPOENA

Rule 213 SUBPOENA

- a. The defendant and the prosecutor shall have the right to subpoena any witnesses they deem necessary for the presentation of their case, including subpoenas issued in blank. Subpoenas in criminal cases shall be issued, served and returned as in civil cases.
- b. A subpoena may be served any place within the territorial jurisdiction of the Nation Court, and served as provided for service in civil cases.
- c. Failure, without adequate excuse, to obey a properly served subpoena may be deemed a contempt of court, and prosecution may proceed upon the order of the court. No contempt shall be prosecuted unless a return of service of the subpoena has been made on which is endorsed the date, time and place of service and the person performing such service.
- d. It shall not be necessary to tender any fee or mileage allowance to any witness when he is served with a subpoena to attend any criminal case and give testimony either on behalf of the prosecution or the defendant.