

1 **Rule 7C. Material Witnesses-Procedure for Bond and Warrants.**

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3 **(a) Bond.** When a magistrate has good cause to believe that any material witness in a pending
4 case will not appear and testify unless bond is required, the magistrate may fix a bond with or
5 without sureties and in a sum considered adequate for the appearance of the witness.

6 **(b) Warrant.** If the witness fails or refuses to post the bond with the clerk of the court, the
7 magistrate may issue a warrant and commit the witness to jail until the witness complies or is
8 otherwise legally discharged. If the witness is arrested on a warrant issued by the magistrate, the
9 custodial authority shall notify the issuing magistrate before the end of the next business day, and
10 the magistrate shall provide a hearing for the witness within three days or, upon a showing of
11 good cause, within a reasonable period of time after being notified of the arrest.

12 **(c) Examining witness.** If the witness does provide bond when required, the witness may be
13 examined and cross-examined before the magistrate in the presence of the defendant and the
14 testimony shall be recorded. The witness shall then be discharged.

15 **(d) Use of testimony.** If the witness is unavailable or fails to appear at any subsequent hearing or
16 trial when ordered to do so, the recorded testimony may be used at the hearing or trial in lieu of
17 the personal testimony of the witness.

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