

1 **Rule 7C. Material Witnesses-Procedure for Bond and Warrants.**
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3 (a) **Bond Warrant.** ~~When a magistrate has good cause to believe~~ If it appears from an affidavit
4 filed by a party that any a material witness in a pending case will not appear and testify unless
5 ~~bond is required, the a~~ magistrate may issue a warrant and fix a bond bail with or without
6 sureties in a sum considered adequate for the appearance of the witness.
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8 (b) **Warrant Hearing.** ~~If the witness fails or refuses to post the bond with the clerk of the court,~~
9 ~~the magistrate may issue a warrant and commit the witness to jail until the witness complies or is~~
10 ~~otherwise legally discharged. If the witness is arrested on a warrant issued by the magistrate, the~~
11 ~~custodial authority shall notify the issuing magistrate before the end of the next business day.~~
12 The magistrate shall provide a hearing to address bail and release conditions for the witness
13 within three business days or, upon a showing of good cause, within a reasonable period of time
14 after being notified of the arrest. The witness shall be entitled to be represented by counsel. The
15 court shall appoint counsel for an indigent witness if required to protect the rights of the witness.
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17 (c) **Examining witness.** If necessary to secure the testimony of the witness, the magistrate may
18 order that the witness remain in custody for a reasonable period of time so the witness may can
19 be examined and cross-examined before the magistrate in the presence of the defendant. and
20 The testimony shall be recorded. The witness shall then be discharged released unless further
21 detention is necessary to prevent a failure of justice.
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23 (d) **Use of testimony.** If the witness is unavailable or fails to appear at any subsequent hearing or
24 trial when ordered to do so, the recorded testimony may be used at the hearing or trial in lieu of
25 the personal testimony of the witness.

Effective May 1, 2019