

1 **RULE 7C. Material Witnesses- Procedure for Bond or Warrants**

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

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

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

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