

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

775.15 Accused unable to procure witness; subpoena, fee.

Sec. 15.

If any person accused of any crime or misdemeanor, and about to be tried therefor in any court of record in this state, shall make it appear to the satisfaction of the judge presiding over the court wherein such trial is to be had, by his own oath, or otherwise, that there is a material witness in his favor within the jurisdiction of the court, without whose testimony he cannot safely proceed to a trial, giving the name and place of residence of such witness, and that such accused person is poor and has not and cannot obtain the means to procure the attendance of such witness at the place of trial, the judge in his discretion may, at a time when the prosecuting officer of the county is present, make an order that a subpoena be issued from such court for such witness in his favor, and that it be served by the proper officer of the court. And it shall be the duty of such officer to serve such subpoena, and of the witness or witnesses named therein to attend the trial, and the officer serving such subpoena shall be paid therefor, and the witness therein named shall be paid for attending such trial, in the same manner as if such witness or witnesses had been subpoenaed in behalf of the people.

History: 1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17485 ;-- CL 1948, 775.15

Former Law: See Act 226 of 1849, being CL 1857, § 5693; CL 1871, § 7492; How., § 9067; CL 1897, § 12017; CL 1915, § 15911; and Act 24 of 1877 .