

## **FACT WITNESS TRAVEL INSTRUCTIONS**

The U.S. Marshal's Office is authorized to reimburse expenses for travel from the place the subpoena was served to and from the city where the individual is required to appear. The following information is provided to assist CJA counsel when dealing with a fact witness. For more detailed information on fact witnesses, please refer to the Public Defender's Handbook (located in the CJA Manual as Exhibit I). CJA counsel need to coordinate the fact witness' travel and reimbursement of fees and expenses with the U.S. Marshal's Office.

### **REQUIREMENTS TO OBTAIN A FACT WITNESS FOR COURT HEARING OR DEPOSITION:**

- 1) Prepare an Application/Order Re: Issuance of Subpoena, Statutory Witness Fees, Travel Costs and Lodging Expenses and Subpoena(s). A Sample order is located in the CJA Manual as Exhibit J (1) and Subpoenas (Criminal or Civil) as Exhibit J (3).
- 2) Submit the proposed order, application and subpoena(s) to the appropriate judge for approval.
- 3) After approval is obtained, CJA counsel should take the order and subpoena to the appropriate local U.S. Marshal's Office to arrange for the travel.
- 4) Each local office of the U.S. Marshal is responsible for paying and arranging travel for the witness to the next travel destination.

### **REIMBURSABLE ITEMS FOR FACT WITNESS BY THE U.S. MARSHAL'S OFFICE:**

#### **Witness Fee:**

For each day the witness is away from home, the witness is entitled to a \$40.00 witness fee.

#### **Lodging, Meals and Incidental Expenses:**

The reimbursement of lodging and meals is based on the government per diem location rate. Refer to the Government Per Diem Rates located at the Court's Web Page: [www.cand.uscourts.gov](http://www.cand.uscourts.gov), refer to CJA/Travel/ Per Diem Rates. The half day per diem rate, paid by the U.S. Marshal is \$23.00 (travel day). Lodging and meals are included in the government per diem rate. The attorney/witness is responsible for making hotel reservations and insuring that it is within the per diem rate. A receipt is required for reimbursement of lodging expenses. **The U.S. Marshal's Office will not pay over the per diem rate and they only reimburse in the name of the fact witness, not a third party - NO EXCEPTIONS.**

## **REIMBURSABLE ITEMS FOR FACT WITNESS BY THE U.S. MARSHAL'S OFFICE:**

### **Transportation:**

In addition to the per diem costs, the U.S. Marshal's Office will reimburse the witness for the use of a shuttle bus or taxi to and from home/airport; airport/hotel; and hotel/courthouse. The witness is allowed to claim mileage for the trip to and from the airport/home if a privately owned vehicle is used. Refer to the mileage rates under CJA on the Court's Web Page:

[www.cand.uscourts.gov](http://www.cand.uscourts.gov).

### **Completion of Testimony/Deposition:**

After the completion of the testimony or deposition, the witness and attorney are required to go first to the appropriate local U.S. Marshal's Office with a copy of the court's order and subpoena to complete the Fact Witness Travel Voucher Form and have the U.S. Marshal's Office coordinate the travel arrangements for the witness to return home.

If the local U.S. Marshal's Office is San Francisco, first proceed to the U.S. Marshal's Office, then go to the CJA Unit and contact Pat Harris, (415) 522-2075, to complete the Fact Witness Travel Voucher Form (OBD-3). The form will be completed by the CJA Unit and given to the attorney/witness. The attorney/witness will then take the form to the U.S. Marshal's Office, who will coordinate the travel arrangements for the witness to return home.