

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2014

In the Matter of Amendments to)
Rules 32 and 39 of the Wyoming)
Rules of Criminal Procedure)

**ORDER ADOPTING AMENDMENTS TO RULES 32 AND 39 OF THE
WYOMING RULES OF CRIMINAL PROCEDURE**

The Permanent Rules Advisory Committee, Criminal Division, has recommended that the Court amend Rules 32 and 39 of the Wyoming Rules of Criminal Procedure. The Court finds that the proposed amendments should be adopted and that the Committee should be commended for its efforts in ensuring consistency in the two rules. It is, therefore,

ORDERED that the amendments to Rules 32 and 39 of the Wyoming Rules of Criminal Procedure, attached hereto, be and hereby are adopted by the Court to be effective September 1, 2014; and it is further

ORDERED that this order and the amendments to Rules 32 and 39 be published in the advance sheets of the Pacific Reporter; the amendments to Rules 32 and 39 be published in the Wyoming Court Rules Volume; and that this order and the amendments to Rules 32 and 39 be published online at the Wyoming Judicial Branch's website, <http://www.courts.state.wy.us>. The amendments to Rules 32 and 39 shall thereafter be spread at length upon the journal of this Court.

DATED this 17th day of June, 2014.

BY THE COURT:

/s/

MARILYN S. KITE
Chief Justice

Wyoming Rules of Criminal Procedure

Rule 32. Judgment and sentence.

(c) Sentence.

(3) ~~Advisement of Right to Appeal. After imposing sentence in a case which has gone to trial, the court shall advise the defendant of:~~ At the time of sentencing, regardless of the defendant's plea or trial, the court shall advise the defendant of the right to appeal the sentence or conviction. This advisement includes:

(A) The defendant's right to appeal, including the time limits for filing a notice of appeal; and

(B) The right of a person who is unable to pay the cost of an appeal to apply for leave to appeal *in forma pauperis*; and to have appointed counsel represent the defendant on appeal, and to have the clerk of court file a notice of appeal.

~~There shall be no duty on the court to advise the defendant of any right of appeal after sentence is imposed following a plea of guilty or nolo contendere.~~

(4) Notice of Appeal. If the defendant so requests, the clerk of the court shall prepare and serve forthwith a notice of appeal in accordance with the Wyoming Rules of Appellate Procedure on behalf of the defendant.

Rule 39. Revocation or modification of probation.

(a) Revocation. *****

(3) Advice to Probationer. - At the probationer's first appearance before the court, the court shall advise the probationer of the allegations of the petition for revocation and of the contents of any affidavits and shall further advise the probationer:

(G) Of probationer's right to appeal.

(6) Findings. - If the court finds a violation of conditions of probation and revokes probation, it shall enter an order reciting the violation and the disposition.

(A) Advisement of Right to Appeal. At the dispositional stage, the court shall advise the defendant of the right to appeal the probation revocation or the disposition. This advisement includes:

(i) The defendant's right to appeal, including the time limits for filing a notice of appeal; and

(ii) The right of a person who is unable to pay the cost of an appeal to apply for leave to appeal *in forma pauperis* and to have appointed counsel represent the defendant on appeal.

(B) Notice of Appeal. If the defendant so requests, the clerk of the court shall prepare and serve forthwith a notice of appeal in accordance with the Wyoming Rules of Appellate Procedure on behalf of the defendant.
