

***IN THE SUPREME COURT, STATE OF WYOMING***

*October Term, A.D. 2008*

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*In the Matter of Amendments to* )  
*Rule 404 and Rule 804 of the* )  
*Wyoming Rules of Evidence* )

**ORDER ADOPTING AMENDMENTS TO RULES 404 AND 804 OF THE  
WYOMING RULES OF EVIDENCE**

**The Permanent Rules Advisory Committee, Evidence Division**, has recommended that the Wyoming Supreme Court amend Rules 404 and 804 of the Wyoming Rules of Evidence. The Court, having carefully reviewed the proposed amendments, finds that the proposed amendments should be adopted. It is, therefore,

**ORDERED** that the amendments to Rules 404 and 804 of the Wyoming Rules of Evidence, attached hereto, be, and hereby are, adopted by the Court to be effective January 1, 2009; and it is further

**ORDERED** that the amendments to Rules 404 and 804 of the Wyoming Rules of Evidence, attached hereto, shall be published in the advance sheets of the Pacific Reporter, the Wyoming Reporter, and in the Wyoming Court Rules; and that the amendments to Rules 404 and 804 of the Wyoming Rules of Evidence shall thereupon be spread at length upon the journal of the Court.

**DATED** this 14<sup>th</sup> day of October, 2008.

**BY THE COURT:**

**BARTON R. VOIGT**  
Chief Justice

## Wyoming Rules of Evidence

### **Rule 404. Character evidence not admissible to prove conduct; exceptions; other crimes.**

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(b) *Other crimes, wrongs, or acts.* -- Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident, provided that upon request by the accused, the prosecution in a criminal case shall provide reasonable notice in advance of trial, or during trial if the court excuses pretrial notice on good cause shown, of the general nature of any such evidence it intends to introduce at trial.

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### **Rule 804. Hearsay exceptions; declarant unavailable.**

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(b) *Hearsay exceptions.* -- The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

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(7) Forfeiture by wrongdoing. A statement offered against a party that has engaged or acquiesced in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness. The proponent shall give pretrial notice of intent to use such evidence, similar to notice required by W.R.E. 404(b).

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