

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2014

In the Matter of the Adoption of)
Rule 5.1 of the Rules Governing)
Redactions from Court Records)

**ORDER ADOPTING RULE 5.1 OF THE RULES GOVERNING
REDACTIONS FROM COURT RECORDS**

This matter came before the Court upon the recommendation of the Board of Judicial Policy and Administration (Board). In light of a recent opinion of this Court, *Circuit Court of the Eighth Judicial District v. Lee Newspapers*, 2014 WY 101, 332 P.3d 523 (Wyo. 2014), the Board reviewed attached Rule 5.1 of the Rules Governing Redactions from Court Records and recommended that the rule be created by this Court. After reviewing Rule 5.1 of the Rules Governing Redactions from Court Records, the Court deems it necessary and proper to create Rule 5.1 of the Rules Governing Redactions from Court Records. It is, therefore,

ORDERED that Rule 5.1 of the Rules Governing Redactions from Court Records, a copy of which is attached hereto, be, and hereby is, created and shall be effective March 1, 2015. It is further

ORDERED that this order and the attached rule shall be published in the advance sheets of the Pacific Reporter; the attached rule shall be published in the Wyoming Court Rules Volume; and that this order and the attached rule shall be made available online at the Wyoming Judicial Branch's website, <http://www.courts.state.wy.us>. The creation of Rule 5.1 of the Rules Governing Redactions from Court Records shall also be recorded in the journal of this Court.

DATED this 16th day of December, 2014.

BY THE COURT:

/s/

E. JAMES BURKE
Chief Justice

Rules Governing Redactions from Court Records

Rule 5.1 Uniform Redaction Policy in Felony Sexual Assault Cases.

In order to ensure proper compliance with Wyoming Statute § 6-2-319 and at the same time ensure that the proceedings of the Courts of the State of Wyoming are open to the public, each circuit court in the State of Wyoming shall put into place an order establishing policies and procedures governing redaction and access to court files and proceedings in cases that involve felony charges brought under Wyoming Statutes Title 6, Chapter 2, Article 3. The order adopted by each court shall be in form of the order attached hereto as Appendix B.

**In the Circuit Court of the _____ Judicial District
_____ County, Wyoming**

STATE OF WYOMING,)
COUNTY OF _____) ss
)

**UNIFORM ORDER
REGARDING FILING AND PROCESSING OF
SEXUAL ASSAULT CASES**

WHEREAS, the Wyoming Supreme Court has had occasion to address the processes and procedures to be followed when felony sexual assault cases are initiated in the Circuit Courts of the State of Wyoming under Wyoming Statutes Title 6, Chapter 2, Article 3; and

WHEREAS the Conference of the Circuit Courts of the State of Wyoming passed a Resolution encouraging all Circuit Courts to adopt a written policy addressing the processes and procedures to be used in the filing of felony sexual assault cases under Wyoming Statutes Title 6, Chapter 2, Article 3 so as to ensure compliance with Wyoming Statute § 6-2-319; and

WHEREAS, the Circuit Courts are directed, by Rule 5.1 of the Rules Governing Redactions from Court Records, to establish a uniform written policy addressing the processes and procedures to be used in the filing of felony sexual assault cases under Wyoming Statutes Title 6, Chapter 2, Article 3;

IT IS THEREFORE ORDERED AND DECREED as follows:

1. The Court's "redacted" file and the proceedings on felony sexual assault cases shall remain open to the public.
2. Attorneys and officers filing documents in cases covered by this rule shall be responsible for providing redacted and un-redacted versions of those documents to the Court at the time of filing. The redacted filings shall reference the accused and the purported victim(s) by initials only. In addition, any other information that might identify the accused or the purported victim(s) shall also be redacted. The Clerk of Court shall examine the redacted documents to ensure compliance.
3. The name of the accused may be released to aid in the arrest of the accused.
4. If any party feels there is a need for proceedings to be closed to the public in a particular felony sexual assault case, a hearing on that motion shall be held in open court so as to allow the public to attend and to be heard on the issue of the proposed closed proceedings. No hearings shall be closed unless and until the Court makes a finding that a compelling interest exists that would justify closed proceedings.

5. If a member of the public asks a Circuit Court employee to provide access to a case file involving a particular defendant, the Circuit Court employee shall ask the requesting party to also identify the nature of the case sought. If the requesting party indicates that the case involves sexual assault and provides satisfactory identifying information, then the Circuit Court employee can provide the redacted file. This procedure is intended to prevent the Circuit Court employee from acknowledging the existence of felony sexual assault charges based solely on the name of the accused.
6. Cases involving felony sexual assault charges shall be marked “sealed” in the Court’s docket management system until such time as the case is bound over to the District Court. This procedure is intended to ensure that the name of the accused does not appear on publicly accessed terminals until such time as the case has been bound over to the District Court.

Dated this _____ day of _____, _____.

Circuit Court Judge