

**IN THE DISTRICT COURT
FOR THE SIXTH JUDICIAL DISTRICT OF WYOMING**

FILED
CAMPBELL COUNTY, WYOMING

MAR 19 2020

C. Critwood
DEPUTY CLERK OF THE DISTRICT COURT

2020-04

GENERAL ORDER

FOR THE DISTRICT COURT

FOR CAMPBELL, CROOK, AND

WESTON COUNTIES

**GENERAL ORDER VACATING ALL JURY TRIALS
SET TO BEGIN BEFORE MAY 1, 2020**

THIS MATTER came upon the Court’ own motion. The President of the United States has declared a national emergency. The Governor of the State of Wyoming has declared a statewide emergency. The Wyoming Supreme Court implemented the Judicial Branch: Respiratory Disease Pandemic Plan. All of these actions are in response to the worldwide pandemic involving COVID-19, a corona virus that has killed thousands.

In Campbell County, the School District has extended Spring Break for one (1) week and will re-evaluate whether to further extend the break. Crook County has closed its schools. Thus, many parents (and potential jurors) within the Sixth Judicial District are struggling to find childcare. On March 19, 2020, the District Court received a request by the Office of the Wyoming State Public Defender that the Court suspend all jury trials scheduled to begin during March and April, 2020.

The Centers for Disease Control (CDC) have implemented best practices to avoid further transmission of COVID-19. Those best practices include, but are not limited to:

- Minimizing/Eliminating all person-to-person contact
- Maintaining a minimum distance of six (6) feet between persons
- Avoiding gatherings of more than 50 people
- Practicing proper hygiene (washing hands, cover when coughing, disinfecting).

While the trial courts of Wyoming must remain open, they must take into consideration the global health crisis caused by COVID-19 when determining the manner in which hearings will be conducted and scheduled. Under Wyo. Const. Art. 1, §8, Wyoming courts are generally open to the public. “[A]ccess to court proceedings should be limited only in exceptional circumstances.” *Williams v. Stafford*, 589 P.2d 322, 325 (Wyo. 1979), abrogated on other grounds by *Vaughn v. State*, 962 P.2d 149 (Wyo. 1998).

The Court concludes that the current global pandemic constitutes extraordinary circumstances that justifies cancelling all jury trials until May 1, 2020. Consistent with the request from the State Public Defender’s Office, the Court concludes that scheduling jury trials at this time is contrary to public health. First, it would be directly contrary to public health to assemble a jury panel. In most cases, the Court calls about 50-60 potential jurors for *voir dire*. This would be directly contrary to the CDC’s guidance to avoid public gatherings of more than 50 people. In essence, calling in a panel for voir dire would turn the second floor of the Campbell County Courthouse into a giant hotspot for the transmission of COVID-19.

Second, empaneling a jury at this time would be contrary to the CDC’s best practices by forcing persons to remain within six feet of one another for substantial periods of time. Neither of the jury boxes available in Courtrooms One and Two are large enough to allow sufficient space between members of the jury. Unlike other hearing where the Court can have participants and attorneys spread out to facilitate proper social distancing, the Court cannot spread a jury over the entire courtroom. A criminal defendant has a right that all the members of the jury see and hear all the evidence presented. With different vantage points from around the courtroom, the Court simply cannot ensure that all evidence can be seen and heard by all the jurors.

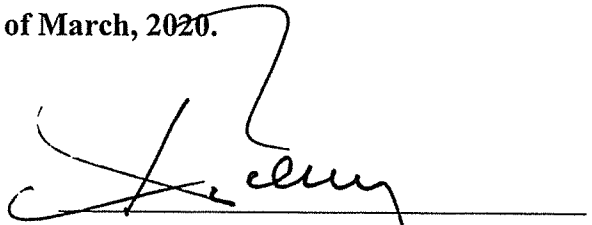
Finally, the District Courts cannot ensure that high-risk persons and persons exhibiting symptoms of COVID-19 will not intermingle during court jury selection and a trial. The median incubation period for COVID-19 is five days. 97.5% of people who will develop symptoms will do so within 11 days. Moreover, some persons infected may not exhibit *any* symptoms. Thus, it is entirely possible, if not likely, that a venire pool may have what appear to be healthy persons who may actually be infected with COVID-19. As noted by the Public Defender’s Office, this circumstance would make it unlikely that jurors could concentrate on the trial when worried whether they are seated next to someone who may have a potentially deadly disease.

IT IS THEREFORE ORDERED that all jury trials scheduled to begin between now and May 1, 2020, are hereby **VACATED**;

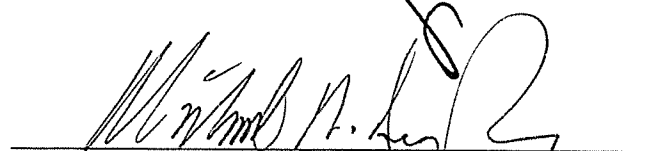
IT IS FURTHER ORDERED that the Court will conduct additional hearing in the future to reschedule all matters in accordance with the requirements of the Constitutions of the United States of America and Wyoming; Wyo. Stat. Ann. §§ 14-3-426(b), 14-6-226(b), and 14-6-426(b), and; Wyo. R. Crim. P. 48;

FINALLY, IT IS ORDERED that this Order shall remain in effect until May 1, 2020, unless otherwise extended by the Court.

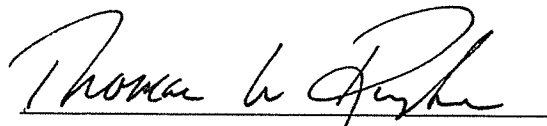
BY THE COURT this 19th day of March, 2020.



HON. JOHN R. PERRY, CHIEF JUDGE
SIXTH JUDICIAL DISTRICT



HON. MICHAEL N. "NICK" DEEGAN, JUDGE
SIXTH JUDICIAL DISTRICT



HON. THOMAS W. RUMPKE, JUDGE
SIXTH JUDICIAL DISTRICT