

Circuit Court of the Sixth Judicial District

Campbell County, State of Wyoming

Wendy M. Bartlett
Circuit Court Judge

Paul S. Phillips
Circuit Court Judge

Joseph W. Bolton
Clerk of Court



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March 16, 2020

Members of the Campbell County Bar Association

Re: Response to Coronavirus Pandemic – Circuit Court (Update #1)

Dear Counsel:

The purpose of this letter is to provide you with an update concerning the activities of this Circuit Court (hereinafter, “the Court”) and its anticipated actions in the face of the impending pandemic.

Court staff are working hard to anticipate the potential impact of the virus on our community, and to mitigate the effects thereof, while accomplishing mission critical tasks (see below for a complete list). To that end, we are working to finalize a Pandemic Mitigation Plan (PMP) which will provide court staff with guidelines, procedures, and directions to follow during all phases of a pandemic event. The Administrative Judge (for calendar year 2020, Judge Phillips) will oversee implementation of the PMP.

Broadly, the plan anticipates a degradation of the Court’s ability to perform its tasks over time, and anticipates efforts by local, state and federal government agencies to limit government operations, travel and contact with the public to lessen the effects of the virus. The PMP thus contains a series of graduated, intervention-type steps designed to ensure the Court’s accomplishment of mission critical tasks while complying with local, state and federal government mandates.

As necessary, we will provide updates regarding specific steps the Court is taking pursuant to the PMP via electronic mail and distribution box. We ask that counsel read and heed the information contained therein. At present, we are in the planning stage of the PMP.

Notwithstanding this early stage, **effective immediately**, there are a number of initiatives we are implementing in an effort to protect court staff and to do our part in attempting to limit the spread of the virus.

- Wherever possible, we will use information technology in place of face-to-face contact.
- We will place signage in the courthouse asking people wishing to observe court hearings to

reconsider. For Traffic Court and Arraignments, especially, observers sometimes numbers in the dozens.

- Until further notice, criminal defendants will not be required to attend Scheduling Conferences, Motion Hearings, Pre-Trial Conferences or Docket Calls. While defendants continue to enjoy the right to be present, and while we are not seeking to abridge that right, the Court will not require defendants' attendance at those hearings.
 - No motion to excuse the defendant will be required to be filed prior. Counsel may move orally at the hearing to proceed in the defendant's absence.
- Civil rules of procedure allow civil litigants to be represented by counsel; the Court would prefer that all but pro se litigants not appear in person except at trial.
- Traffic Court in-court attendance will be limited to those persons with "must appear" citations.
 - Those defendants with "must appear" citations will appear, be advised, plead and be handled as usual.
 - Those defendants with forfeitable citations will be provided by court staff with a written advisal of rights and paperwork at the front window. The paperwork will advise defendants of their rights and court procedures and will enable them to plead either "Not Guilty" or "No Contest".
 - Those pleading "Not Guilty" will be set for a Scheduling Conference at a later date.
 - Those entering a "No Contest" plea will be provided a date by which payment must be made.

For your planning purposes, the following is a list of mission critical tasks which must be performed by the Court even in the event of a severe pandemic:

Criminal:

Initial appearances and arraignments on new charges, contempt, and bond revocation.

- Must be held within 72 hours pursuant to W.R.Cr.P. 5.
- May be held by video pursuant to W.R.Cr.P. 43.1(b)(1).

Preliminary hearings.

- Must be held within 10 days of initial appearance if defendant is in custody, within 20 days of initial appearance if the defendant is not in custody. W.R. Cr.P. 5(c).
- May be held by video with the consent of the defendant pursuant to W.R.Cr.P. 43.1(b)(2).

Probation revocation hearings.

- If the defendant is arrested pursuant to a probation revocation warrant, an initial hearing must be held without unnecessary delay. W.R.Cr.P. 39(a)(2).
- Hearings on the revocation must be held within 15 days of the initial appearance if the defendant is in custody or within 30 days of the initial appearance if the defendant is not in custody. W.R.Cr.P. 39(a)(1)(B)(i).

- In limited situations, video conferencing may be used for probation revocation hearings pursuant to W.R.Cr.P. 43.1(b)(5) and (6).

Trials.

- Trials must be held within 180 days of arraignment unless continued under W.R.Cr.P. 48(b).

Other:

Domestic Violence, Stalking, and Sexual Assault protection orders.

- If an ex parte order is issued, a hearing must be held within 72 hours of the ex parte order.
- If an ex parte order is not issued, a hearing must be held within 72 hours or as soon as reasonably possible.

Search warrants.

- Pursuant to W.R.Cr.P. 41(d)(4), search warrants may issue based on information communicated by telephone or other reliable electronic means.

Notice of Appeal.

- Notices of Appeal must be filed within 30 days of the entry of the appealable order.

Document filing.

- Some documents may have deadlines that require timely filing.

All other court matters will be considered non-critical.


Counsel having non-mission critical matters will likely experience delays in the handling and processing of these matters. Depending upon the severity of the pandemic, and at the discretion of the Administrative Judge, the Court may address these matters using alternate means to be determined or may dispense with handling them altogether. We ask that you plan your filings and pleadings accordingly.

We will be finalizing (and very likely, subsequently revising) details of the PMP in the days and weeks to come. This letter was intended to provide you with the general concept of the PMP, to announce some immediate initiatives, and to remind you of the Court's mission critical tasks so that you might plan your activities accordingly.

We appreciate your cooperation in this, and – as always – we welcome your comments, thoughts and ideas.

Yours Very Truly,


Wendy M. Bartlett
Circuit Court Judge


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