

# Circuit Court of the Fourth Judicial District Johnson and Sheridan County, State of Wyoming

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Members of the Sheridan-Johnson 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 both Johnson and Sheridan County Circuit Courts (hereinafter, “the Court.”) In the face of the impending pandemic. Court staff are working hard to mitigate courtroom appearances while accomplishing critical tasks (see below for a complete list). To lessen personal exposure, I will provide court staff with guidelines, procedures, and directions to follow during all phases of a pandemic event.

Broadly, the plan anticipates a degradation of the Court’s ability to perform its tasks many tasks in a timely manner. We are acting in accordance with the Wyoming Supreme Court plan of graduated, intervention-type steps designed to ensure the Court’s accomplishment of critical tasks while complying with local, state and federal government mandates. As necessary, we will provide updates regarding specific steps the Court is taking via electronic mail. We ask that counsel read and heed the information contained therein.

**Effective immediately**, the following will be rules and guidelines will be place in an effort to protect court staff and attempt to limit the spread of the virus.

- **STANDING ORDER**, all attorneys and parties may appear telephonically or through the Microsoft Teams Video Conferencing App. Please let us know if you are not appearing personally.
- **Document filing**.

- The Rules on fax filing are suspended. **You may e-mail your pleadings to the court at [ccshr@courts.state.wy.us](mailto:ccshr@courts.state.wy.us) or [cbuf@courts.state.wy.us](mailto:cbuf@courts.state.wy.us). The documents will be printed, and a filed stamped copy scanned back to you.**
  - **Please call to let the clerks know you are emailing pleadings.**
  - There is **NO NEED** to mail the originals.
- We have placed signage in the courthouse asking people wishing to observe court hearings to reconsider and not enter the Courtroom. For Arraignments, especially, observers sometimes numbers in the dozens.
  - Until further notice, criminal defendants **will not be required to attend** Scheduling Conferences, Motion Hearings, or Pre-Trial Conferences. While defendants continue to enjoy the right to be present, and while we are not seeking to abridge that right.
    - 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.
  - **Substance Abuse Monitoring:**
    - 24/7 breath testing at the law enforcement center and random breath and urinalysis testing at the Sheridan County Justice Office has been suspended.
    - Electronic breath monitoring will continue.

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

**Criminal:**

**Initial appearances and arraignments for persons arrested and in custody for new charges, contempt, and bond and probations revocation.**

- Must be held within 72 hours pursuant to W.R.Cr.P. 5 and will be held by video pursuant to W.R.Cr.P. 43.1(b)(1) when defendant is jailed.

**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 or as soon as possible.
- 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.

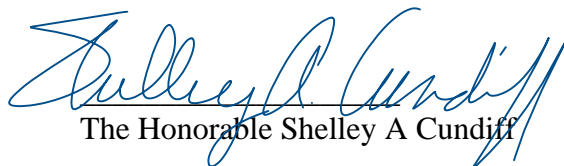
- Notices of Appeal must be filed within 30 days of the entry of the appealable order.

All other court matters will be considered non-critical. Counsel having non-critical matters will likely experience delays in settings, handling and processing these matters. Depending upon the severity of the pandemic, and at the discretion of the 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.

This letter was intended to announce some immediate actions and to remind you of the Court's critical tasks so that you might plan your activities accordingly.

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

Yours Very Truly,



The Honorable Shelley A Cundiff