

IN THE NINTH JUDICIAL DISTRICT COURT
WITHIN AND FOR THE COUNTY OF SUBLETTE, STATE OF WYOMING

**OPERATING PLAN FOR DISTRICT COURT IN-PERSON
HEARINGS AND NON-JURY TRIALS¹**

THE PRIMARY OBJECTIVE OF DISTRICT COURT REOPENING AND HOLDING IN-PERSON HEARINGS AND NON-JURY TRIALS IS TO PROMOTE AND MAINTAIN THE HEALTH AND SAFETY OF THE PUBLIC, LITIGANTS, ATTORNEYS, WITNESSES, AND DISTRICT COURT PERSONNEL, WHILE CONDUCTING NECESSARY, ESSENTIAL, AND TIMELY JUDICIAL FUNCTIONS TO THE EXTENT POSSIBLE.

GENERALLY

1. District Court personnel, Clerk of the District Court personnel, Court Security officers, counsel, parties, witnesses and members of the public having business before the District Court and Clerks' Offices must make all reasonable and necessary efforts to comply with the Orders and Guidance provided by the Wyoming Supreme Court; the Wyoming Department of Health; the Sublette County Public Health Department; and the United States Centers for Disease Control and Prevention.
2. This operating plan will be adjusted as necessary to address local health and safety concerns.
3. No in-person hearings or non-jury trials are presently scheduled. All non-essential, in-person hearings and trials will remain suspended until an approved public proceedings operating plan is developed and submitted to the Wyoming Supreme Court.
4. All reasonable efforts will be made to continue scheduling and conducting hearings and non-jury trials (when permitted by law/rule) using video conferencing and/or telephone conferencing via Microsoft Teams.
5. District Court personnel will continue to communicate and consult with the Clerk of District Court regarding scheduling and the development and implementation of a public proceedings operating plan.
6. When setting and conducting hearings and non-jury trials, District Court personnel will make reasonable efforts to mitigate the impact on vulnerable populations. Specifically,
 - a. Vulnerable individuals are those over age 65, and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease,

¹ No jury trials will be conducted prior to, at least, October 5, 2020. Before conducting any jury trials, the District Court will submit an operating plan in accordance with State and local Public Health directives. Due to the unique nature of these proceedings, special attention must be provided to ensure the safety of jurors and others in these large group gatherings.

diabetes, obesity, asthma, auto-immune disease, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy.

- b. In any communications or Orders setting in-person hearings or non-jury trials, there shall be some form of notification to individuals who are in vulnerable populations of the ability to contact the court to receive reasonable accommodations, which the court will endeavor to provide. Similar notices should be placed conspicuously.
7. Notices will be posted advising individuals experiencing COVID-19 related symptoms, or who have had recent exposure to an individual that has tested positive for COVID-19, not to enter the Court Security screening area. This notice should be posted in highly visible areas (e.g., stairs and elevator ingress areas, clerk's office door, and courtroom doors). The best way to prevent illness is to avoid being exposed to the virus.
8. The timing and duration of court hearings and non-jury trials may deviate from traditional scheduling patterns to help accommodate for the changes set forth in this operating plan.
9. The District Court will make reasonable efforts to avoid "back-to-back" in-person hearings or trials.
10. All District Court personnel must comply with the current Operating Plan for District Court Personnel, which is incorporated herein by this reference. The Operating Plan for District Court Personnel is available for inspection or copying upon request.
11. District Court Chambers will remain closed to the public/attorneys/visitors except upon specific invitation or permission by District Court personnel or Court Security officers.

ENTRY TO THE DISTRICT COURT COURTROOM – SCREENING & NOTICES – FOR EVERYONE

12. Anyone entering the District Court courtroom to attend court hearings or trials must enter through the Court Security screening area at the top of the stairway or on the top floor using the elevator located on the North side of the Courthouse, and be screened by Court Security prior to entry. This includes, but is not limited to:
 - a. Observation and questioning of those who enter to determine if they have any COVID-19 symptoms or have been in contact with anyone who is confirmed to have COVID-19. Anyone exhibiting the symptoms of COVID-19 or having recent contact with a confirmed case will not be allowed into the courtroom area beyond the Court Security screening area, and alternative arrangements will be made to address their needs.
 - b. Court Security will have an infrared hand-held thermometer available to aid in determining the temperature of all individuals, and those with a temperature reading

of 100 degrees Fahrenheit will not be allowed into the courtroom area beyond the Court Security screening area, and alternative arrangements will be made.

- c. Observation and questioning of those who enter the Court Security screening area will be regarding their status as a vulnerable individual, and they will be notified of their ability to make alternative arrangements to avoid having to enter the courtroom area beyond the Court Security screening area.
 - d. Court Security will make reasonable efforts to maintain a log of those entering the Court Security screening area and the time they entered and left. This will be done in an effort to allow public health officials to conduct contact tracing if there is a positive COVID-19 case associated with a person entering the Court Security screening area or courtroom. Providing any requested information needed for the log for purposes of contact tracing is mandatory.
 - e. Court Security will conduct standard Court Security screening procedures such as questioning, observation and use of magnetometer to prevent contraband, weapons, etc. from being brought into the courtroom area beyond the Court Security screening area.
 - f. No person shall bring any non-essential or prohibited personal items into the Court Security screening area unless specifically needed for court proceedings or as may be specifically approved by the Court Security officers or a judge. *See* Court Security Order (01/04/2019). All such non-essential or prohibited personal items must be left in a vehicle or residence – such items will not be permitted in the courtroom or in the anteroom to the courtroom. Any personal items not specifically required for court proceedings, but which are approved by the Court Security officers which require storage outside of the anteroom to the courtroom or courtroom, may be placed in transparent bags or wrapping and secured in the storage bins/lockers in the Court Security screening area.
13. The Court Security screening area has available for, or for use to, the public: tissues, masks, hand sanitizer, wipes and/or cleaning supplies, gloves, and a non-contact temperature probe.
14. Notices will be conspicuously posted along and near the stairway and near or in the elevator located on the North side of the Courthouse, and in the Court Security screening area notifying all those intending to enter the courtroom area that they **must comply with the following social distancing and hygiene guidelines and protocols:**
- a. Those NOT from the same household **must maintain social distance – at least six feet apart**. Consistent with social distancing guidelines, public access to in-person court hearings and non-jury trials may be limited to counsel, parties, witnesses and select members of the public. Those not permitted to attend in person may be allowed to attend via video/telephone conferencing.

- b. **Must wear face coverings.** Those persons participating or attending a court hearing should bring their own face covering; however, the court will have a limited supply of face coverings for those who are unable to obtain a face covering. In the event that a person is prevented or prohibited for legitimate reasons from wearing a face covering, he/she must contact the court to receive reasonable accommodations, which the court will endeavor to provide.
 - c. **Must sanitize hands** before entering the courtroom. A sanitizer station will be provided outside of the courtroom. Sanitizer, wipes, and tissues will be available inside the courtroom.
 - d. **Must comply with all signs, markings and barriers** located throughout the Court Security screening area and at the entrance to the courtroom, which will help notify entrants where to sit and stand to help ensure social distancing regarding seating in the courtroom. The Court Security officers will oversee compliance with social distancing.
15. Notices will be conspicuously posted along and near the stairway and near or in the elevator located on the North side of the Courthouse, and in the Court Security screening area notifying all those intending to enter the courtroom area that if they are or feel sick, they should not enter the courtroom area, and alternative arrangements will made. Specifically,
- ANYONE feeling feverish or having measured temperatures equal to or greater than 100 degrees Fahrenheit, or with new or worsening signs or symptoms of COVID-19 such as cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, or having known close contact with a person who is confirmed to have COVID-19, will NOT be permitted to enter the courtroom and should seek immediate medical advice.
16. Consistent with social distancing guidelines, public access to in-person court hearings may be limited to counsel, parties, witnesses and select members of the public. Those not permitted to attend in person will be allowed to attend via video/telephone conferencing.
17. Counsel, parties, and select members of the public will not be allowed into the courtroom area until 15 minutes prior their scheduled court hearing, or until the participants of any prior in-person hearing or trial in that courtroom have left the building – whichever occurs nearer to the time of the scheduled hearing.
18. Witnesses should wait outside the courthouse until they are called by counsel or a party to testify. To accommodate this requirement, the court will allow counsel or a party to use the text/email function of their cellphones/laptops to communicate to the witness when it is time to enter the courthouse. If waiting outside the courthouse is not feasible, the court may make arrangements (consistent with social distancing and this plan) to allow witnesses to wait at a designated location within the courthouse.

19. All counsel, parties, witnesses, and select members of the public shall leave the courtroom and courthouse as soon as possible after their hearing or trial is complete, and they should avoid congregating in the courthouse.
20. Prior to being transported or taken from the detention center to court for a hearing, inmates shall be screened for symptoms of COVID-19, including taking their temperatures. Inmates with symptoms, including a temperature equal to or above 100 degrees Fahrenheit, or those having close contact with a known COVID-19 positive individual must not be transported to the courthouse, and the court must be notified as soon as possible.

CLEANING:

21. In addition to the daily cleaning provided by Sublette County Maintenance staff, the frequently touched surfaces in the courtroom (witness stand, counsel tables, lectern etc.) will be cleaned before and after each hearing by District Court personnel.
22. Removable butcher paper will be placed on the frequently touched surfaces in the courtroom (witness stand, counsel tables, lectern etc.) prior to each hearing or trial, and it will be replaced as needed.
23. District Court personnel will attempt to sanitize or replace pens, paper, laser pointers, markers, and other such objects which may be made available to those in court for a hearing or a trial on a regular basis.

OTHER:

Except to the extent that this Operating Plan for District Court In-Person Hearings and Non-Jury Trials specifically modifies or changes the Court Security Order (01/04/2019), all provisions in the Court Security Order (01/04/2019) still apply.

Dated July 31, 2020. Effective immediately.

By the Court:



District Court Judge

FILED

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT
WITHIN AND FOR THE COUNTY OF SUBLETTE, STATE OF WYOMING JAN 04 2019

COURT SECURITY ORDER (01/04/2019)

JANET K. MONTGOMERY
CLERK OF DISTRICT COURT
SUBLETT, WYOMING

BY

[Signature]

THIS COURT finds that it should adopt a Court Security policy for the Sublette County District Court.

IT IS HEREBY ORDERED:

None of these items may be brought into the Court without prior approval of the Judge, Court Commissioner, or Court Security Officers:

- ☒ Cell phones, smart phones, tablets, or computers.
- ☒ Personal electronic or digital audio or video recording or playing devices.
- ☒ Any device capable of receiving, capturing, storing, playing, displaying, transmitting, receiving, saving, or downloading any visual and/or audio depiction, recording, transmission, signal, or message.

None of these items may be brought into the Court without prior approval of the Judge or Court Commissioner, and all such items may be immediately confiscated and disposed of in the discretion of Court Security Officers:

1. Destructive devices.
2. Stun devices / items, including, stun guns, tasers, sprays, chemicals, or other items which are capable of intimidating, stunning, rendering unconscious, or retarding the reaction of any person or other living thing.
3. Firearms, including, any device capable of discharging, firing, or propelling any item from such device, or ammunition for firearms.
4. Dangerous or deadly weapons or other prohibited items, including: *any item deemed by Court Security Officers to constitute a deadly or dangerous weapon or item*; knives of any size or blade length; knitting/crochet needles; or any device, instrument, item, chemical, or spray which is capable of inflicting serious injury or death to any person or other living thing or which in the manner it may be used or is intended to be used is capable of producing death or serious injury to any person or other living thing.
5. Alcoholic beverages or malt beverages.
6. Tobacco products, smokeless tobacco products, e-cigarettes, or vapor devices.
7. Chewing gum, any liquids (*except water in approved containers*), or food.
8. Controlled substances, narcotics, illegal substances, illicit substances, toxic substances, or mood altering substances (which are not prescribed) or paraphernalia associated with the use of any such substances (which are not prescribed).

Prohibition of electronic devices and paragraphs numbered 2, 3, and 4 do not apply this Court's Security Officers.

Unless Court Security Officers determine otherwise, paragraphs numbered 2, 3, or 4 do not apply to any "Peace Officer" (as defined and authorized by Wyoming law) who is acting in an official capacity and who is not a party to the case currently before the Court. Such "Peace Officers" are required to certify and disclose to this Court's Security Officers the nature of any and all prohibited items which are in their possession, however.

Any person not authorized to bring/carry prohibited items may be held in custody, and may be subject to sanctions for contempt of court (jail and/or fines), as well as civil and criminal penalties

Any person who is, or who appears to be, under the influence, to any degree, of any alcoholic beverage; malt beverage; controlled substance; narcotic; illegal substance; illicit substance; toxic substance; or, mood altering substance:

- ⊗ Will not be permitted entry upon the premises of Court;
- ⊗ May be taken into immediate custody by Court Security Officers and/or law enforcement officers and be held until such time as he/she can be brought before the presiding Judge or Court Commissioner;
- ⊗ May be required to submit to testing of his/her breath or urine at the request of Court Security Officers and/or law enforcement officers; and,
- ⊗ May be subject to sanctions for contempt of Court (including jail and/or fines), as well as civil and criminal penalties.

Exceptions to this Court Security Order may be granted on an individual basis by the Court Security Officers, the Judge, or Court Commissioner.

Dated January 4, 2019.

By the Court:


District Court Judge

THE STATE OF WYOMING
COUNTY OF SUBLETTE

JANET K. MONTGOMERY CLERK OF THE NINTH JUDICIAL
DISTRICT COURT WITHIN AND FOR SAID COUNTY AND
IN THE STATE AFORESAID DO HEREBY CERTIFY THE
FOREGOING TO BE A FULL, TRUE AND COMPLETE COPY.

SIGNED

