

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 court proceedings will be conducted and scheduled. Having reviewed current policy in light of on-going and anticipated developments, the Court finds that despite our best efforts to avoid having to do

so, we believe the on-going pandemic demands we modify policy and procedures in response to recent development. Questions regarding this Order should be addressed to the Administrative Judge.

IT IS THEREFORE ORDERED, ADJUDGED AND DEGREED that **effective immediately**, the following procedures are in effect to protect court staff and to do our part in attempting to limit the spread of the virus.

- No visitors will be allowed in person in courtrooms presided over by judges of the Circuit Courts for the Sixth Judicial District. Persons wishing to follow proceedings may do so via live broadcast by logging into the Wyoming Judicial Branch, live broadcast webpage at <https://www.courts.state.wy.us/live-broadcast/> and clicking on the appropriate court.
- Counsel and litigants will appear via video teleconference for all proceedings. Exceptions will be approved on an individual basis by the assigned judge.
- Signage has been emplaced near the courtrooms explaining these procedures.
- Until further notice, criminal defendants will not be required to attend 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 remain in effect and allow civil litigants to be represented by counsel.
- 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 Bench Trial at a later date.

- Those entering a “No Contest” plea will be provided a date by which payment must be made.

IT IS FURTHER ORDERED the following matters are deemed “mission critical,” and will be conducted as follows:

Criminal matters: The Wyoming Rules of Criminal Procedure prescribe the circumstances and procedures by which we operate. Except where noted, all proceedings will be conducted by video teleconference. Relevant portions are highlighted as follows:

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).
- The Court will deem any W.R.Cr.P. 43.1(b)(2) objection not placed on the record prior to the commencement of proceedings to have been waived.

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).
- The Court will deem any W.R.Cr.P. 43.1(b)(2) objection not placed on the record prior to the commencement of proceedings to have been waived.

Trials.

- Jury trials in this jurisdiction are suspended until further notice

- Bench trials will be conducted only in accordance with Campbell County Bench Trial Considerations (attached hereto).

Civil Matters:

Domestic Violence, Stalking, and Sexual Assault protection orders.

- These proceedings will be held via video teleconference, except where one or more parties is incapable of participating in that manner.

Trials

- See "Trials" above.

Other:

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.
- Law enforcement seeking judicial signature will utilize electronic means except during duty hours.


Document filing.

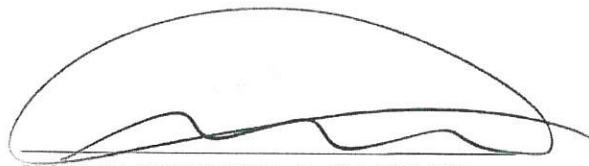
- Some documents may have deadlines that require timely filing.

IT IS FURTHER ORDERED that all other matters are deemed "non-mission critical". Counsel having non-mission critical matters will likely experience delays in the handling and processing of these matters. Depending 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.

IT IS FURTHER ORDERED that any person given leave to appear in person at any hearing shall notify the Court before coming to the Courthouse that the person is experiencing any flu-like symptoms, has a fever or is coughing or sneezing. Upon notice, the Court may order such person to appear by telephone or videoconferencing at the Court's discretion;

BY THE COURT this 13 day of November, 2020.


HON. WENDY M. BARTLETT
CIRCUIT COURT JUDGE



HON. MATTHEW F. G. CASTANO
CIRCUIT COURT JUDGE



HON. PAUL S. PHILLIPS
CIRCUIT COURT JUDGE
ADMINISTRATIVE JUDGE

COVID Bench Trial Considerations

General guidelines

- All persons entering the courtroom will check in with the Clerk of Court prior to entry into the courtroom
- Entry into the courtroom constitutes agreement with this protocol
- Masks are encouraged and will be made available for use by all
- Prior to entry, all persons entering the courtroom will utilize the sanitary station to clean hands
- Participants will sit in assigned seating
- Observers/members of the public will sit in marked places only.
 - Only persons attending with members of their immediate family unit will be allowed to violate the 6-foot rule
- Counsel are encouraged to socially distance from their clients and staff, and to utilize masks when violating social distancing protocols
- Rule 801 provisions requiring counsel to stand and address the court and witnesses from the podium will be suspended
- The courtroom will be cleaned each evening and between the morning and afternoon sessions

Pre-Trial Matters

- The prosecution and the defense / plaintiff and defendant will, not later than ten (10) working days prior to trial, exchange exhibits marked as per the pre-trial / case management conference instructions.
- At the same time, all parties will present the Court with marked copies of exhibits intended to be introduced.
- Demonstrative exhibits need not be exchanged.

Sequestration / Welcome of Observers

- Witnesses will be sequestered, and observers/members of the public will be admitted subject to courtroom protocols outlined herein.

Opening Statements / Closing arguments:

- Delivered from counsel tables

Witness examination

- Witnesses will testify from the witness box
- Counsel will examine witnesses from the counsel tables
- Exhibits will be distributed in accordance with Pre-Trial Matters guidance above, and will be viewed using available multimedia technology

Bench conferences

- All participants will wear a mask during the bench conference

Babel 7.29.20
Public Health official