

***IN THE SUPREME COURT, STATE OF WYOMING***

***October Term, A.D. 2021***

***In the Matter of the*** )  
***Wyoming Supreme Court’s Temporary Plan*** )  
***Regarding COVID-19 Pandemic*** )

**MARCH 15, 2022 ORDER AMENDING MARCH 18, 2020 TEMPORARY  
PLAN TO ADDRESS HEALTH RISKS POSED BY THE COVID-19  
PANDEMIC**

**This matter** came before the Court upon consultation with the District Court and Circuit Court conferences. On March 18, 2020, in light of the nationwide pandemic, the Supreme Court entered its initial “Order Adopting Temporary Plan to Address Health Risks Posed by the Covid-19 Pandemic.” That order implemented measures to protect the health and safety of court employees, elected officials, and the general public. Since then, in response to changing conditions and improving technology, this Court has entered eleven orders amending the March 18, 2020 Order, which can be found at <https://www.courts.state.wy.us/coronavirus-covid-19-updates/>. Conditions suggest a further extension of the order is warranted, with relaxed precautions. To eliminate the need for reference to prior orders, this order represents the entire current Temporary Plan. The Court hereby **ORDERS**:

1. In all Circuit Courts, District Courts, and the Supreme Court, trials, hearings, motions, and in-person proceedings may proceed pursuant to operating plans adopted by the relevant judges after appropriate consultation with county health officials and submission to the Wyoming Supreme Court. Operating plans will consider the conditions of the courthouse, the projected length of the trial, and the current health of the community. Operating plans will provide for appropriate precautions to permit the safe conduct of in-person court proceedings and jury trials and to maintain the health of jurors, court personnel, trial participants, and the public.
2. Clerks of court and court personnel shall maintain the confidentiality of juror health information provided to the courts and limit access to that information to the presiding judge or other persons authorized to make decisions necessary to maintain the health of jurors, court personnel, and the public.
3. Judges are encouraged to use telephonic or video technology for hearings, including arraignments and Title 25 hearings.
  - a. Felony sentencings W.R.Cr.P. 43.1(b)(4), and evidentiary felony revocation hearings W.R.Cr.P. 43.1(b)(5) may be conducted via video conferencing, with the defendant’s consent in writing or on the record.

- b. Misdemeanor bench trials may be conducted via video conferencing pursuant to the terms of W.R.Cr.P. 43.1(a), (c) and (d), with the defendant's consent in writing or on the record.
  - c. Where W.R.Cr.P. 43.1 or this order permit a criminal proceeding to be conducted by video conferencing, the proceeding may be conducted by audio only, where the available technology is such that only audio is available. Such audio proceedings may be conducted at the discretion of the presiding judge and consistent with due process.
4. Any in-person proceeding involving a participant who is ill or in a high-risk category should be rescheduled. In-custody defendants who are symptomatic of coronavirus should not be transported to court facilities.
5. When evaluating whether the due administration of justice requires any statutory or constitutional proceeding to occur within a certain time frame, courts should consider whether conducting the proceedings will require the parties, their attorneys, essential court personnel, or members of the public to act in a manner inconsistent with current recommendations from local, State, and Federal public health officials.
6. Unless public safety compels otherwise, judges should issue summonses instead of bench warrants.
7. The Wyoming Supreme Court hereby suspends any court rule that is contrary to or in conflict with this order for the time period during which the order is in effect.

This order does not prohibit any court proceeding which may be conducted by telephone, video, teleconferencing, or other means that do not involve in-person contact. It is not intended to affect courts' consideration of matters that can be resolved without in-person proceedings.

The Court will review this Order no later than July 15, 2022, to determine whether it should be extended or vacated as circumstances require. Nothing in this order is intended to preclude judges from implementing additional restrictions as needed. ***This order shall be in effect until modified by further order of this Court.***

**DATED** this 15<sup>th</sup> day of March, 2022.

**BY THE COURT:**

/s/

**KATE M. FOX**  
**Chief Justice**