

IN THE DISTRICT COURT OF TETON COUNTY, WYOMING

NINTH JUDICIAL DISTRICT

THE STATE OF WYOMING,)
) Criminal Action No. *
 Plaintiff,)
) TRIAL MANAGEMENT ORDER
 vs.) (CRIMINAL)
)
 *,)
)
 Defendant.)

This matter having come before the Court for a pretrial conference and the Court having considered the pleadings and the time allotted for the proceedings set in this matter, the Court finds that a Trial Management Order should issue.

IT IS ORDERED:

1. TRIAL. This matter is currently set for trial on *, 2015 at 9:00 a.m. before a jury of twelve (12) persons plus one (1) alternate. This case is the number one case for trial on that date. Three (3) days are set aside for the trial. Counsel are reminded that the last day of trial is not a full trial day for purposes of presenting evidence. The Court will manage the trial with the objective of concluding the evidence by mid-morning on the last day of trial, therefore allowing time for closing instructions and arguments and submitting the case to the jury for their deliberations at or near the lunch hour. The general trial hours will be from 9:00 a.m. to 5:00 p.m. with an hour and fifteen minutes for lunch and breaks as the Court deems appropriate in the morning and afternoon. The Court may choose to begin trial earlier as the case moves along as it may be deemed necessary and appropriate. Counsel should be prepared for brief conferences with the Court no less than fifteen minutes prior to the beginning time of the trial, or as otherwise directed by the Court. Counsel should be prepared to make themselves available for a series of informal instruction conferences at the end of the trial day as the case progresses. The Court anticipates 1 to 2 informal instruction conferences before the final and formal instruction conference on the record.

2. VOIR DIRE. At this time the Court anticipates allowing not more than one hour voir dire for each the State and the Defendant and encourages counsel to complete their voir dire in less time if possible. Counsel is reminded of the proper purpose of the examination of prospective jurors as set out in W.R.C.P 47, that such examination is under the supervision and control of the judge, and that the judge may intervene if the examination of prospective jurors is improper, including being too argumentative.

3. ARGUMENT. Each of the parties shall receive thirty (30) minutes for opening statements, thirty (30) to forty-five (45) minutes for closing arguments, and the State shall have ten (10) to fifteen (15) minutes for rebuttal. If more time is requested, counsel shall request the Court's consideration at least one week before trial.

4. MOTIONS AND EVIDENTIARY ISSUES. Counsel indicated that there are no issues the Court should be aware of with regard to hearsay, character evidence, or evidence pursuant to W.R.E. 404(b) and 609. No issues regarding the voluntariness of any statements by the Defendant has been raised.

5. EXHIBITS.

a. Counsel shall resubmit their lists of exhibits on a form, in the format of the attached form, at least one (1) week prior to trial, if not previously provided in that format.

b. At least one (1) week prior to trial, counsel shall submit a list of stipulated exhibits to be admitted at trial and shall submit a copy of such exhibits, to the extent feasible, in the form of a notebook to be provided for the Court's use.

c. To the extent a party wishes to publish an exhibit to the jury, counsel shall be prepared to publish such exhibit to the jury members simultaneously, to the extent feasible, e.g. publishing a photograph or document or other exhibit capable of being shown to the jury simultaneously, either by overhead projection, or by providing a photocopy to each juror individually. The Court will avoid having the jury split their attention on an exhibit being passed around the jury box while testimony is being offered. Likewise, the Court will avoid, to the extent feasible, halting the presentation of testimony which such an exhibit is being passed around the jury box for individual inspection.

6. TRIAL CALL. A trial call will be held on *, **2015 at *** in the District Courtroom of the Teton County Courthouse, Jackson, Wyoming to determine the parties' readiness for trial and

address issues involving potential experts and to address video deposition testimony

7. TECHNOLOGY. Any presentation by a party involving the use of courtroom technology shall be tested, and the court reporter consulted for assistance, no less than three (3) days prior to trial. The party using such technology is advised that any risk of failure associated with the use of courtroom technology is borne by the party seeking to use the same.

7. VIDEO TESTIMONY. Any party seeking to have testimony presented by video conference shall give notice and make its request not less than two weeks before trial, pursuant to W.R.Cr.P. 26(b) and W.R.C.P. 43(a). It shall be the responsibility of the party seeking to introduce witness testimony by video conference to have prior permission of the Court and have the witness ready and available at a location that utilizes video conferencing protocol consistent with that employed by the Video Court Network (VCN). The VCN uses a Tandberg IP (not ISDN) protocol. In that regard, such party shall immediately provide the Court with the location from which the witness will testify, including an IP address and telephone number, together with the name of the witness whose testimony is sought to be introduced by video conference. These advance procedures are necessary to enhance the probability that the use of video testimony at trial will not impede or delay or otherwise interfere with the orderly and efficient conduct of the trial. Failure to abide by the advance procedures set forth herein and as may otherwise be required by the Court will be cause for the Court to disallow presentation of video testimony. The parties utilizing video testimony, with the Court's permission, are advised that due to the possibility of transmission and technical problems generally, and the fact that the system in the Teton County District Courtroom is relatively new, there is a risk that such testimony by video may be frustrated or futile. That risk must be borne by the party seeking to use video testimony in lieu of live testimony. Any exhibits that counsel wish to present to a witness at the hearing shall be furnished to the witness and opposing counsel at least 1 week prior to the hearing to ensure the witness has them available at the hearing. Failure to so provide any such exhibits may result in the preclusion of the exhibits for use with the witness.

8. JURY INSTRUCTIONS. Jury instructions have previously been submitted. Counsel shall confer in good faith regarding the instructions and attempt to agree on appropriate instructions in this matter. Stipulated instructions shall be filed with the Court at least one week before trial. The parties shall separately file such further instructions they propose as they believe are supported by the facts and the law, with pinpoint citation to proper authority at least one week before trial.

9. PRESENCE OF DEFENDANT. If in custody, the Defendant shall appear at trial in street clothes. The Defendant shall be unshackled, unless the Sheriff and Court Security believe that certain restraints are necessary, in which case the Court shall be promptly advised so the matter can be discussed and decided upon prior to trial.

DATED the * day of *, 2015.

Timothy C. Day
District Judge