

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
WITHIN AND FOR SWEETWATER COUNTY, WYOMING**

THE STATE OF WYOMING,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Criminal No. CR-201_-__-L
	)	
_____	)	
	)	
Defendant.	)	
_____	)	

**CRIMINAL CASE MANAGEMENT ORDER**

THIS MATTER having come before the Court for arraignment on \_\_\_\_\_, 201\_, and the State of Wyoming appearing; and the Defendant appearing with \_\_\_\_\_, attorney for Defendant; and the Defendant having plead NOT GUILTY to the charge(s) filed herein; and the Court being otherwise advised in the premises,

**IT IS HEREBY ORDERED:**

**1. DISCOVERY, NOTICE, REQUESTS, AND DEMANDS:**

- a. On or before [21 days after arraignment], the State must:
  - i. Pursuant to Rule 12(e)(1), W.R.Cr.P., give notice to the Defendant of any intent to use specific evidence in order to allow the Defendant an opportunity to raise objections under Rule 12(b)(3).
  - ii. Pursuant to Rules 12.1(a) and 12.3, file and serve on the Defendant any demands for notice of alibi and defenses of unconsciousness, automatism or traumatic automatism.
  - iii. Disclose information to the Defendant as provided in Rule 16(a).
  - iv. File any motions for joinder or severance under Rule 13 or 14.
  - v. Provide the Defendant notice of any known exculpatory evidence.
  - vi. Provide the Defendant any known W.R.E. 404(b) or 609 evidence.
- b. On or before [35 days after arraignment], the Defendant must:
  - i. File any motions regarding any defense or objection set forth in Rule 12(b), for severance or joinder under Rule 14, any notice of depositions under Rule 15, and any motion or objection regarding W.R.E. 404(b) or 609 evidence.
  - ii. File any motions to suppress or exclude any evidence provided by the State under Rule 12(e)(2).
  - iii. Give notice to the State of any defense required by Rules 12.1, 12.2

and 12.3.

- iv. File any other needed motions for discovery, bills for particulars, or for production of exculpatory evidence. This motion shall be specific as to the nature or type of evidence sought and shall not cover evidence already provided.
- v. Provide the State notice of any known W.R.E. 404(b) or 609 evidence; the State has 10 days to file any objections on Defendant's 404(b) or 609 evidence.
- c. Pursuant to the Supreme Court of Wyoming's holding in *Kovach v. State*, 2013 WY 46, --- P.3d --- (Wyo. Apr. 19, 2013), disclosure of witness statements pursuant to W.R.Cr.P. 26.2 shall not be required during discovery, but shall be required prior to trial, pursuant an Order for Pretrial Conference which will be entered in this case. See *Kovach* at ¶¶ 80-92. [NOTE: This requirement is separate, apart, and independent from the State's obligations pursuant to W.R.Cr.P. 16(a)(1)(A), and pursuant to *Brady v. Maryland* and *Giglio v. U.S.* and their progeny].
- d. ALL motions and responses must be accompanied by a proposed order granting or denying the motion, which must contain proposed findings of fact and conclusions of law. At the time of filing, courtesy copies of all motions, responses, or orders granting or denying the motion must be submitted to the Court in Word, WordPerfect, or fully text-searchable Portable Document File format by e-mail to [jd3lawclerkb@courts.state.wy.us](mailto:jd3lawclerkb@courts.state.wy.us), with subject line containing the case name, number, and title of the motion. **Please do not submit courtesy copies to the Court in paper form unless specifically requested by the Court.** A hearing on the motions filed pursuant to this Order, and any notices of W.R.E. 404(b) or 609 evidence, will be held at the pretrial conference if a specific order setting a hearing is not otherwise entered.
- e. The parties have a continuing duty to disclose information and material as it becomes known after the deadlines set herein.
- f. If a motion to suppress or a motion to exclude or allow evidence is filed, each party shall, as early as practicable before the hearing, file proposed findings of fact and conclusions of law which cover all of the relevant factors. For example, if the State proposes W.R.E. 404(b) evidence, the proposed findings of fact and conclusions of law should cover all the factors set forth in *Gleason v. State*, 2002 WY 161, 57 P.3d 332 (Wyo. 2002). The findings of fact should contain a concise statement of the evidence which will be introduced at trial, including specifically the evidentiary

facts that would amount to W.R.E. 404(b) evidence and the identity of the person(s) and/or exhibit(s) through which the evidence will be introduced. The proposed findings of fact and conclusions of law may be in lieu of a memorandum of law. Courtesy copies of the motion, findings of fact and conclusions of law or memorandum of law must be submitted to the Court in Word, WordPerfect, or fully text-searchable Portable Document File format by e-mail to [jd3lawclerkb@courts.state.wy.us](mailto:jd3lawclerkb@courts.state.wy.us), with subject line containing the case name, number, and title of the motion, memorandum, or proposed findings. **Please do not submit courtesy copies to the Court in paper form unless specifically requested by the Court.**

2. **FIRST SETTLEMENT CONFERENCE:** Counsel for all parties must meet and confer in person regarding settlement on \_\_\_\_\_, 201\_, at 10:00 a.m., [5-7 weeks after arraignment] Sweetwater County Courthouse, 80 West Flaming Gorge Way, Green River, Wyoming, unless prior arrangements with the Court have been made for an earlier date. At the conclusion of the settlement conference, counsel must complete a Settlement Conference Report form, available from the Clerk of District Court, and return the Settlement Conference Report to Judge Lavery's Judicial Assistant, Kaye Tyler.
3. **MOTION CUT-OFF DATE:** All motions under Wyoming Rules of Criminal Procedure 12(b), 13, 14, 16(d), 20, 21, 26.2 and 41, as well as any and all other reasonably anticipated motions (including briefs and supporting documents) *must be filed on or before* [forty-two (42) days after arraignment]. All responses to Motions *must be filed within fourteen (14) days after the filing*. If an evidentiary hearing is required, notice and request for hearing and an Order Setting Hearing must accompany the Motion; otherwise, Motions with legal argument only will be heard at the Pretrial Conference, unless a specific order setting a hearing is otherwise entered. Any request for setting must include available dates for all parties and the amount of time requested for the hearing.
4. **SECOND SETTLEMENT CONFERENCE:** All Counsel **and their clients** must meet and confer in person regarding settlement on \_\_\_\_\_, 201\_, at 10:00 a.m., [9-11 weeks after arraignment] Sweetwater County Courthouse, 80 West Flaming Gorge Way, Green River, Wyoming, unless prior arrangements with the Court have been made for an earlier date. Defense counsel is responsible for ensuring the Defendant is present. If the Defendant is incarcerated, defense counsel must make arrangements with the Sheriff's Department for

transportation or notify the Court's judicial assistant at least 24 hours in advance to request the Defendant be transported to the courthouse. At the conclusion of the settlement conference, counsel must complete a Settlement Conference Report form, available from the Clerk of District Court, and return the Settlement Conference Report to Judge Lavery's Judicial Assistant, Kaye Tyler.

5. **MOTIONS SEEKING RELIEF OF TEMPORARY NATURE:** Any motion seeking relief of a temporary nature must contain a certification that, prior to filing the motion, the movant has in good faith conferred with the opposing person or party to resolve the issue which is the subject of the motion before seeking court intervention and/or the opposing person's or party's position on the motion. In the event that the movant has been unable to confer with the opposing person or party before seeking court intervention, then the movant must certify a description of all good faith efforts taken by the movant to resolve the issue. It is the responsibility of the movant to timely file a written request for a hearing or a notice that the motion can be decided without a hearing. Any motions to be heard must be accompanied by separate request setting hearing on such motion together with an order scheduling the matter for hearing. At the time of filing of any motion or response, a courtesy copy must be provided to the Court in Word, WordPerfect, or fully text-searchable Portable Document File format by e-mail to jd3lawclerkb@courts.state.wy.us, with subject line containing the case name, number, and title of the motion or response.
6. **MOTIONS TO CONTINUE OR EXTEND DEADLINES REQUIRE SHOWING OF GOOD CAUSE:** Continuances *or extensions of any deadlines in this Order* will be granted only upon an advance *prima facie* showing of "**Good Cause.**" Any motion seeking a continuance must contain a certification that, prior to filing the motion, the movant has in good faith conferred with the opposing person or party to resolve the issue which is the subject of the motion before seeking court intervention and/or the opposing person's or party's position on the motion. It is the responsibility of the movant to timely file a written request for a hearing or a notice that the motion can be decided without a hearing, *including a statement of how much additional time is requested.* Any motions to be heard must be accompanied by separate request setting hearing on such motion together with an order scheduling the matter for hearing. The request for setting must include available dates for all parties and the amount of time requested for the hearing. At the time of filing of any motion or response, a courtesy copy must be provided to the Court in Word, WordPerfect, or fully text-searchable Portable Document File format by e-mail to

jd3lawclerkb@courts.state.wy.us, with subject line containing the case name, number, and title of the motion or response.

7. **COPIES TO COURT:** At the time of filing, courtesy copies of all motions, pleadings, proposed Order or proposed Findings of Fact and Conclusions of Law, and other matters filed pursuant to this Order must be provided to the Court in Word, WordPerfect, or fully text-searchable Portable Document File format by e-mail to jd3lawclerkb@courts.state.wy.us, with subject line containing the case name, number, and title of the motion, pleading, or other document.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2013.

By the Court,

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RICHARD L. LAVERY  
District Court Judge