

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
IN AND FOR THE COUNTY OF UINTA, STATE OF WYOMING

STATE OF WYOMING,)	
)	
Plaintiff,)	
)	
vs.)	CR-_____
)	
_____)	
)	
Defendant.)	

SCHEDULING AND DISCOVERY ORDER

THIS MATTER came before the Court for arraignment on the ____ day of _____, 2023. Loretta H. Howieson Kallas appeared for the State and _____ appeared for Defendant. Defendant pleaded not guilty to the charges filed herein. Accordingly,

IT IS HEREBY ORDERED:

1. **PRETRIAL CONFERENCE.** A pretrial conference shall be held in the District Courtroom of the Uinta County Courthouse, Evanston, Wyoming, on the ____ **day of _____, 2023 at ____:00 a.m/p.m.**

2. **TRIAL.** The trial of this case will be held on the ____ **day of _____, 2023**, in the Uinta County District Court, 225 9th St, Evanston, Wyoming, commencing at **9:00 o'clock a.m.** This case is scheduled for _____ (_____) days.

3. **DISCOVERY & MOTIONS.**

a. Within **30 days** of this Order, **the State** shall:

- i. Pursuant to Rule 12(e)(1), W.R.Cr.P.¹, give notice to the Defendant of 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 demands for notice of alibi and defenses of unconsciousness, automation or traumatic automation.
- iii. Disclose information to the Defendant as provided in Rule 16(a).

¹Hereafter, all references to rules shall be to the Wyoming Rules of Criminal Procedure.

- iv. Pursuant to Rule 26.2, give notice of and produce for examination by the Defendant, copies of all statements of witnesses in the State's possession. If statements are thereafter obtained by the State, the State shall give notice of the statement within one (1) day of its receipt and produce for examination witness statements within seven (7) days of receipt of the statement by the State. If a witness is discovered within seven (7) days of trial or during trial, the State shall have the obligation to provide a summary of the expected testimony within one (1) day. No witness may be called for the case in chief of either party or in rebuttal unless a written copy of the statement or a detailed summary of the matters upon which the witness will testify is provided to opposing counsel prior to calling the witness.
- v. File motions for joinder or severance under Rule 13 or 14.
- vi. Provide the Defendant notice of any known exculpatory evidence.
- vii. Provide the Defendant notice of any W.R.E. 404(b) or 609 evidence the State intends to introduce at trial.

b. Within **45 days** of this Order, **the Defendant** shall:

- i. File any motions regarding any defense or objection set forth in Rule 12(b), for severance or joinder under Rule 14, and any notice of depositions under Rule 15.
- 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. Disclose to the State all material as required under Rule 16(b) and all statements of witnesses under Rule 26.2. If material and statements ordered to be provided herein after obtained after the deadline established the Defendant shall give notice of the statement within one (1) day of its receipt and provide a copy of it to the State within seven (7) days of its receipt. If a witness is discovered within seven (7) days of trial or during trial, Defendant shall have the obligation to provide a summary of the expected testimony within one (1) day. No witness may be called for the case in chief of either party or in rebuttal unless a written copy of the statement or a detailed summary of the matters upon which the witness will testify is provided to opposing counsel prior to calling the witness.
- v. 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.

- vi. Provide the State notice of any W.R.E. 404(b) or 609 evidence the Defendant intends to introduce at trial.
- c. The parties have a continuing duty to disclose information and material as it becomes known after the deadlines set herein.
- d. All motions and responses thereto shall be accompanied by an order granting or denying the motion which shall contain proposed findings of fact and conclusions of law identifying the controlling rule(s) of law and addressing all relevant factors. A hearing on the motions filed pursuant to this Order shall be held at the pretrial conference if a specific order setting a hearing is not otherwise entered.
- e. Pursuant to U.R.D.C. 801(a)(7), a moving party must confer in good faith with opposing counsel prior to filing any motion, whether substantive, procedural, or even trivial. Accordingly, every motion must state that the movant has conferred as required by this rule and state the opposing person or party's position on the proposed motion. If the movant has been unable to confer with the opposing person or counsel before filing the motion, then the movant must describe their attempts to confer and explain why the motion should be considered by the Court before the parties have conferred. Failure to comply with these requirements may result in dismissal of the motion.

4. PRETRIAL MEMORANDA. Counsel for each party shall submit a pretrial memorandum no later than **three (3) business days** before the pretrial conference. Pretrial memoranda shall include a list of all witnesses, whether fact or expert, the party intends to call at trial, together with a summary of their anticipated testimony, identifying whether each witness will or may be called. Memoranda shall also include a list of all exhibits with Plaintiff's marked with numbers and Defendant's with letters. Absent good cause shown, exhibits which are not marked and provided to the other party with the pretrial memoranda will not be received at trial, nor shall any witness be permitted to testify unless they are identified on the witness list.

5. JURY INSTRUCTIONS. The Court's usual jury instructions, if not already provided to counsel, are available upon request made to Chris Lym, Judicial Assistant. **Concurrently with the filing of the parties' pretrial memoranda** each party shall file their proposed jury instructions with citations to authorities and their proposed verdict form. It is not necessary to file a set of proposed instructions without authorities. However, each party shall email a Word version of their

proposed instructions and verdict form to clym@courts.state.wy.us when they file their pretrial memoranda. Please submit instructions doubled spaced, on 8½ x 11 paper, Times New Roman, type size 13. The parties should submit only those instructions they assert should be given in addition to or in place of the Court’s usual instructions. The parties are ordered to confer and should identify any stipulated instructions.

6. TECHNOLOGY. No later than **three (3) calendar days** before any evidentiary hearing, such as a suppression hearing, or the trial, any party who plans to use courtroom technology shall confer with the judicial assistant to ensure the technology will work properly. 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 CONFERENCE TESTIMONY. A party seeking to introduce testimony by video conference must seek permission from the Court by motion not later than **seven (7) calendar days** before the hearing or trial. That party shall have the witness ready and available at a location that utilizes video conference protocol consistent with that in use in the courtroom. The motion shall provide the witness’ IP address, email address, and telephone number, and the location from which the witness will testify. The party offering video testimony is advised that any risk of failure associated with the use of video conference technology is borne by the party seeking to use the same.

8. PLEA AGREEMENT. Counsel will advise the Court of any plea bargain agreements on or before _____, **2023**. No agreements will be accepted after this date, and Defendant shall be tried as charged unless he/she pleads guilty without benefit of a plea agreement.

DATED this ____ day of _____, 2023.

JAMES KASTE
District Court Judge

CERTIFICATE OF SERVICE

I, _____, Deputy Clerk of Court, Uinta County, Wyoming, hereby certify that I served true & correct copies of the foregoing on the _____ day of January, 2023, to the following:

Loretta R. Howieson Kallas
Uinta County Attorney's Office
Hand Delivered

Asst. Public Defender
Hand Delivered

Probation & Parole
P.O. Box 113
Evanston, WY 82931-0113

By: _____