

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT
WITHIN AND FOR THE COUNTY OF *, STATE OF WYOMING

STATE OF WYOMING,)
)
Plaintiff,)
)
vs.) Criminal No. *
)
*)
)
Defendant.)

CRIMINAL CASE MANAGEMENT ORDER

THIS MATTER having come before the Court for arraignment on *; and, *, attorney for 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 Defendant having requested a trial by jury; and, the Court being otherwise advised in the premises,

IT IS HEREBY ORDERED:

1. **TRIAL.** The twelve (12) person jury trial of this case will be held on *, in the District Courtroom of the *, commencing at **1:00 o'clock p.m.** **This case is stacked #*.** This case is scheduled for four and one-half (4-1/2) trial days. **If the trial of this matter requires more trial days than are scheduled, counsel shall immediately notify the Court.**
2. **PRETRIAL CONFERENCE.** A pretrial conference shall be held on *, at * o'clock *.m. The Court has set aside forty-five (45) minutes for the pretrial conference. If the pretrial conference will require more time than allotted, counsel shall notify the Court as soon as possible. Unless excused by the Court prior to the pretrial conference, the Defendant and all counsel who will try the case (for the State and for the Defendant) shall be present in person at the pretrial conference.
 - a. **PRETRIAL MEMORANDUM:** *Not less than five (5) working days before the pretrial conference*, each counsel or unrepresented party shall file with the Court and serve upon all other counsel (or *pro se* party) a pretrial memorandum containing, at a minimum, the following:
 - i. **Exhibits:** All proposed exhibits shall be listed in the pretrial memorandum with specificity and shall be clearly identified. All exhibits shall be listed and marked on an index substantially similar to the Exhibit Index form attached hereto. The State shall designate its exhibits using numbers to identify its exhibits starting with "1." Defendant shall designate Defendant's exhibits using letters starting with "A," or an alpha-numeric combination starting with "A-1." Multiple exhibits shall not be lumped together under one number or letter: if the exhibits are to be introduced individually at trial, they are to be listed individually on the exhibit list. Exhibits that are not listed in the pretrial memorandum shall not be admitted at trial absent a showing of good cause why they were not listed in the pretrial memorandum.
 - ii. **Witnesses:** A list of all witnesses (except rebuttal witnesses) to be called at trial shall be listed in the pretrial memorandum. Witnesses, except the Defendant, shall be designated as "*may call*" or "*will call*." A party designating any "*will call*" witness shall be responsible for the attendance of any such "*will call*" witness at trial, and the opposing party and the Court may rely thereon. All witnesses, including expert witnesses, shall be designated by, at a minimum, setting forth the name, address, telephone numbers, and a short, yet specific, summary of testimony. Vague, boilerplate summaries are not sufficient. Expert witnesses shall be clearly designated as a retained or non-retained expert witness, and the party designating any expert shall provide, at the time that the expert is designated, the information required by Rule 26(a)(2) of the Wyoming

Rules of Civil Procedure (as amended effective 10/01/2014). Cross-designation of any witness shall also include a short, yet specific, summary of testimony.

- iii. **Jury Instructions:** Each party shall submit to Judge Tyler and exchange: a proposed verdict form with any special interrogatories (with authorities, if any, and without citations to authorities, if any); and, an index of instructions by number (State) or letter (Defendant) and the pattern jury instruction number, if applicable, or other authority, as well as a brief title for each instruction. The jury instruction index in a form substantially similar to the attached jury instruction index form and instructions shall be submitted in electronic form in *Word* or *WordPerfect* format on a memory storage device to the Court at P.O. Box 681, Pinedale, WY 82941, or by e-mail to pinedaleJA@courts.state.wy.us. **PLEASE DO NOT submit these in paper form unless specifically requested by the Court.** Parties may file a notice that the preliminary instructions and index have been submitted to the Judge and served upon the opposing party. The Judge will confer with counsel at the pretrial conference to determine which instructions should be given to jurors before opening statements.
 - iv. **Objections:** Objections, if any, to the composition of the jury or to the method of compilation or maintenance of the list shall be specifically presented.
 - v. **Estimate of Trial Time:** Each party shall provide a **realistic** estimate of trial time anticipated for that party's case-in-chief, if any, and rebuttal case, if any, including, but not limited to, voir dire, opening statement, direct examination, cross examination, and closing argument. The Court reserves the right to limit times for voir dire, opening statement, and closing argument.
 - vi. **Special Requests:** The pretrial memorandum shall contain list of specific needs for the jury trial, if any. These may include, but are not limited to, audio-visual equipment, projector, easel, hearing impaired equipment or assistance, interpreter, etc.
3. **PRETRIAL CONFERENCE RELIEF:** The Defendant may be afforded relief from the requirements of Paragraph 2 above: for "good cause" shown; and, upon motion filed and scheduled so as to be heard at least four (4) days before the Pretrial Conference; and, only if the Defendant has timely advised the State of Defendant's unwillingness to make disclosure and if Defendant has not availed himself or herself of any disclosure made by the State pursuant to this Order.

ANY AND ALL WITNESS DESIGNATIONS, EXHIBIT DESIGNATIONS, AND/OR REASONABLY ANTICIPATED JURY INSTRUCTIONS NOT PROPERLY SUBMITTED TO THE COURT IN COMPLIANCE WITH THIS ORDER SHALL BE CONSIDERED A WAIVER BY THE OFFENDING PARTY AND SUCH WILL BE EXCLUDED FROM THE JURY TRIAL.

4. **NOTICE, REQUESTS, AND DEMANDS.** Any and all demands under Wyoming Rules of Criminal Procedure 12.1, 12.3, and 16, and any and all notices and requests under Wyoming Rule of Criminal Procedure 12(e), ***shall be filed within thirty (30) days of arraignment.*** Notice of any W.R.E. 404(b) evidence that the State intends to introduce at trial ***shall be filed within thirty (30) days of arraignment.*** Any requests for exceptional security measures at trial pursuant to *Asch v. State*, 62 P.3d 945, 2003 WY 18 (Wyo. 2003) ***shall be filed within thirty (30) days of arraignment.*** Also, ***within thirty (30) days of arraignment*** file any other needed motions for discovery, bills of 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.
5. **MOTION CUT-OFF DATE.** All motions under Wyoming Rules of Criminal Procedure 12(b), 12.2(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) ***shall be filed***

within sixty (60) days of arraignment. All responses to Motions *shall be filed within fifteen (15) days after the filing of the motion.* 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 may be heard at the Pretrial Conference.

6. **MOTIONS TO CONTINUE REQUIRE SHOWING OF GOOD CAUSE.** Continuances will be granted only upon an advance *prima facie* showing of “**Good Cause.**” Being “out of the office,” being “out of town,” or similar reason is NOT a showing of good cause, and a motion to continue based upon this reason will be automatically denied. Any motion seeking a continuance shall contain a certification that, prior to filing the motion, the movant has in good faith conferred with the opposing person or party 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 shall certify a description of all good faith efforts taken by the movant to confer. Movant’s failure to so certify will result in automatic denial of 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. Any motions to be heard shall 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 should be provided to Judge Tyler.

7. **PLEA AGREEMENTS.** Counsel and parties **shall deliver** to the Court a signed copy of any plea agreements and/or sentencing agreements on or before the date of the pretrial conference herein. **Following the time of the pretrial conference, no agreements will be accepted, absent good cause shown or express approval by the Court. Thereafter, the only acceptable “Non-Trial” disposition shall be a complete dismissal by the State or an unconditional “guilty” plea by the Defendant.** Counsel must agree as to the type of any plea agreement using the categories under Wyoming Rule of Criminal Procedure 11(e)(1) [*i.e.*, Rule 11(e)(1) (A), (B), or (C)] before any change of plea hearing. Any change of plea hearing will be scheduled by separate Order, and the date and time for the Pretrial Conference will NOT automatically be used for a change of plea hearing – there must be advance notice of the purpose of any hearing given to satisfy minimum due process requirements.

8. **COPIES TO JUDGE TYLER.** At the time of filing of any briefs, motion, response, and/or reply, a courtesy copy of the filing and/or supporting memorandum, shall be provided to Judge Tyler electronically in *Word* or *WordPerfect* format on a memory storage device at P. O. Box 681, Pinedale, WY 82941, or by e-mail to pinedaleJA@courts.state.wy.us.

DATED this _____ day of *

By the Court:

District Court Judge

