

IN THE SUPREME COURT
STATE OF WYOMING

October Term, A.D., 1986

IN THE MATTER OF THE)
AMENDMENT OF RULE 36, WYOMING)
RULES OF CRIMINAL PROCEDURE)

IN THE SUPREME COURT
STATE OF WYOMING
FILED

MAR 24 1987

ORDER

W. J. L. ...
CLERK

The following amendment of Rule 36, Wyoming Rules of Criminal Procedure having been found advisable by the Court and the recommendations of the Permanent Rules Advisory Committee, Criminal Division having been considered,

IT IS ORDERED that Rule 36, Wyoming Rules of Criminal Procedure be, and it is amended to read, as follows:

Rule 36. Correction or reduction of sentence.

(a) CORRECTION OF SENTENCE.

The court may correct an illegal sentence at any time. and may correct a sentence imposed in an illegal manner ADDITIONALLY THE COURT MAY CORRECT, REDUCE, OR MODIFY A SENTENCE within the time AND IN THE MANNER provided herein for the reduction of sentence. The court may reduce the sentence within 120 days after the sentence is imposed, or within 120 days after receipt by the court of a mandate issued upon affirmance of the judgment or dismissal of the appeal, or within 120 days after entry of any order or judgment of the Supreme Court having the effect of upholding the judgment of conviction. The court may also reduce a sentence upon revocation of a probation as provided by law.

(b) REDUCTION OF SENTENCE.

A MOTION TO REDUCE A SENTENCE MAY BE MADE, OR THE COURT MAY REDUCE A SENTENCE WITHOUT MOTION, WITHIN 120 DAYS AFTER THE SENTENCE IS IMPOSED OR PROBATION IS REVOKED, OR WITHIN 120 DAYS AFTER RECEIPT BY THE COURT OF A MANDATE ISSUED UPON AFFIRMANCE OF THE JUDGMENT OR DISMISSAL OF THE APPEAL, OR WITHIN 120 DAYS AFTER

ENTRY OF ANY ORDER OR JUDGMENT OF THE SUPREME COURT DENYING REVIEW OF, OR HAVING THE EFFECT OF UPHOLDING, A JUDGMENT OF CONVICTION OR PROBATION REVOCATION. THE COURT SHALL DETERMINE THE MOTION WITHIN A REASONABLE TIME. CHANGING A SENTENCE FROM A SENTENCE OF INCARCERATION TO A GRANT OF PROBATION SHALL CONSTITUTE A PERMISSIBLE REDUCTION OF SENTENCE UNDER THIS SUBDIVISION. THE COURT MAY DETERMINE THE MOTION WITH OR WITHOUT A HEARING.

IT IS FURTHER ORDERED, that the above amended rule be published in the Wyoming Reporter and shall become effective sixty (60) days after publication in the advance sheets of the Pacific Reporter; and thereupon shall be spread at length upon the journal of this court.

DATED this 24th day of March, 1987.

BY THE COURT



C. Stuart Brown
Chief Justice