

IN THE SUPREME COURT, STATE OF WYOMING

OCTOBER TERM, A.D. 1988

IN THE MATTER OF THE)
AMENDMENT OF RULE 31,)
WYOMING RULES OF CRIMINAL)
PROCEDURE, COUNTY COURTS)

IN THE SUPREME COURT
STATE OF WYOMING
FILED

OCT 19 1988

Judy Pacheco
CLERK

ORDER

The COURT having deemed the amendment of Rule 31, Wyoming Rules of Criminal Procedure, County Courts advisable and necessary, it is therefore

ORDERED that Rule 31, Wyoming Rules of Criminal Procedure, County Courts, be, and it is hereby amended by the deletion of the present Rule 31, and the substitution of the following rule, to read as follows:

Rule 31. New Trial.

The court on motion of a defendant may grant a new trial to that defendant if required in the interest of justice. If trial was by the court without a jury, the court, on motion of a defendant for a new trial, may vacate the judgment if entered, take additional testimony, and direct the entry of a new judgment.

(a) A motion for a new trial based on any grounds, except newly discovered evidence, shall be made within ten (10) days after verdict or finding of guilty or within such further time as the court may fix during the ten (10) day period. The motion shall be determined and a dispositive order entered within ten (10) days after the motion is filed and if not so entered shall be deemed denied, unless within that period the determination shall be continued by order of the court, but no continuance shall extend the time to a day more than thirty (30) days from the date the verdict or finding of guilty is returned.

(b) A motion for a new trial based on the grounds of newly discovered evidence may be made only before or within two (2) years

after final judgment but if an appeal is pending, the court may grant the motion only on remand of the case. A motion for new trial based on the ground of newly discovered evidence shall be heard and determined and a dispositive order entered within thirty (30) days after the motion is filed unless within that time, the determination is continued by order of the court, but no continuance shall extend the time to a day more than sixty (60) days from the date that the original motion was filed. When disposition of a motion for new trial based on newly discovered evidence is made without hearing, the order shall include a statement of the reason for determination without hearing.

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

Dated October 18, 1988.

By the Court

A handwritten signature in black ink, appearing to read "G. Joseph Cardine", with a long horizontal flourish extending to the right.

G. JOSEPH CARDINE
Chief Justice