

IN THE SUPREME COURT, STATE OF WYOMING

OCTOBER TERM, A.D. 2002

In the Matter of the Adoption of )  
Amendments to the Wyoming )  
Rules of Criminal Procedure )

IN THE SUPREME COURT  
STATE OF WYOMING  
FILED

DEC - 4 2002

ORDER ADOPTING AMENDMENTS TO  
THE WYOMING RULES OF CRIMINAL PROCEDURE

*Judy Pacheco*  
JUDY PACHECO, CLERK

This matter came before the Court by direction of the Board of Judicial Policy and Administration to amend the Wyoming Rules of Criminal Procedure. It is therefore,

ORDERED that the amendments to the Wyoming Rules of Criminal Procedure, a copy of which is attached hereto, are adopted and that the amendments shall be effective January 6, 2003.

Dated this 2<sup>ND</sup> day of December, 2002.

BY THE COURT:

*William U. Hill*  
WILLIAM U. HILL  
Chief Justice

**Wyoming Rules of Criminal Procedure**

**Rule 1. Scope and definitions.**

....

(b) Definitions. -

....

(2) "Judicial officer" means justices of the supreme court, district judges, circuit judges, magistrates, ~~justices of the peace~~, municipal judges and district court commissioners.

....

(4) "Clerk" means, depending on context:

....

(B) For circuit, ~~justice of the peace~~ and municipal courts the person so designated by the court.

....

**Rule 3.1. Use of citations; bail.**

(a) *Where filed.* - Citations shall be filed in the circuit court, ~~justice of the peace court~~ or municipal court in the county or municipality where the offense allegedly occurred.

**Rule 5.1. Preliminary examination.**

(a) Right. - In all cases required to be tried in the district court, except upon indictment, the defendant shall be entitled to a preliminary examination in the circuit court or ~~justice of the peace court~~. The defendant may waive preliminary examination but the waiver must be written or on the record. If the preliminary examination is waived, the case shall be transferred to district court for further proceedings.

**Rule 41. Search and seizure.**

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(f) Filing of papers with clerk. - The judicial officer who has issued a search warrant shall attach to the warrant the copy of the return, inventory and all of the papers in connection therewith and shall file them with the clerk of the district, ~~county court or justice of the peace~~ or circuit court in the county in which the property was seized.

**Rule 42. Contempt.**

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(d) Punishment. - Punishment for contempt may not exceed the criminal jurisdiction of the court. A sanction for contempt of court may be imposed by a justice of the supreme court, a judge or commissioner of a district court ~~or county court, or a justice of the peace,~~ a circuit court judge or magistrate or a municipal judge.

**Rule 42.1. Remedial sanctions; payment for losses.**

....

(e) Imposition of sanctions. - A remedial sanction may be imposed by a justice of the supreme court, a judge or commissioner of a district court, a judge or magistrate of the circuit court, ~~or by a justice of the peace or municipal judge.~~

**Rule 44. Right to assignment of counsel.**

....

(e) Compensation and expenses of appointed counsel. -

(1) District, juvenile, ~~and~~ circuit and ~~justice of the peace~~ courts shall generally appoint the public defender's office to represent indigent persons, but may, for good cause, appoint private counsel. Unless otherwise provided by ordinance, municipal courts shall appoint private counsel to be paid by the municipality.

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**Rule 54. Applicability of rules.**

(a) In general. - Except as noted in subdivision (b), these rules shall apply to all criminal actions in all courts. Rules 6 and 9 do not apply in circuit ~~or justice of the peace~~ courts. Rules 6, 9, 20, and 21 do not apply in municipal courts. In proceedings to hold to security of the peace and for good behavior, proceedings for the extradition and rendition of fugitives, and the collection of fines and penalties, these rules shall apply unless in conflict with existing statutes.

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**Rule 55. Court reporters; recording of proceedings.**

....

(b) In circuit court, ~~justice of the peace court~~ and municipal court, all testimony and all proceedings held in open court including but not limited to voir dire, opening statements, motions and final arguments, as well as conferences with the presiding judge in open court and in chambers, shall be recorded by electronic means. Informal discussions, informal instruction conferences and pre-trial conferences shall be recorded when requested by a party. At their own expense, any party may have proceedings reported by a court reporter.

APPENDIX I APPENDIX TO RULE 3.1, WYO. R. CR. P. UNIFORM BAIL AND FORFEITURE SCHEDULES

For the sake of uniformity throughout the state, the following schedules have been established by the Wyoming Supreme Court and shall be used in all circuit courts and justice of the peace courts.<sup>1</sup>

APPENDIX OF FORMS

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**Form 2. Criminal warrant.**

THE STATE OF WYOMING,	)	(Name of Justice)
Plaintiff,	)	Before
.....	)	
vs.	)	Justice of the
Peace	)	
JOHN DOE,	)	CRIMINAL WARRANT
Defendant,	)	Criminal Action No.
.....	)	

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