

*IN THE SUPREME COURT, STATE OF WYOMING*

*April Term, A.D. 2008*

*In the Matter of the Amendment to* )  
*Rule 5 of the Wyoming* )  
*Rules of Criminal Procedure* )

IN THE SUPREME COURT  
STATE OF WYOMING  
FILED

APR 22 2008

JUDY PACHECO, CLERK

*Laura Mickey*  
by DEPUTY

**ORDER ADOPTING AMENDMENT TO RULE 5 OF THE  
WYOMING RULES OF CRIMINAL PROCEDURE**

**The Board of Judicial Policy and Administration** has recommended an amendment to Rule 5 of the Wyoming Rules of Criminal Procedure. The Wyoming Supreme Court, having carefully reviewed the proposed amendment, finds that the proposed amendment should be adopted. It is therefore

**ORDERED** that the amendment to Rule 5 of the Wyoming Rules of Criminal Procedure, attached hereto, is adopted, to be effective immediately; and it is further

**ORDERED** that the amendment to Rule 5 of the Wyoming Rules of Criminal Procedure, attached hereto, shall be published in the advance sheets of the Pacific Reporter, in the Wyoming Reporter, and in the Wyoming Court Rules volume. The amendment shall thereafter be spread at length upon the journal of this Court.

DATED this 22<sup>nd</sup> day of April, 2008.

BY THE COURT:

*Barton R. Voigt*  
BARTON R. VOIGT  
Chief Justice

## Wyoming Rules of Criminal Procedure

### Rule 5. Initial appearance.

(a) *Initial appearance before a judicial officer.* -- A person arrested and in custody shall be taken without unnecessary delay for appearance before a judicial officer of the court from which the warrant issued or if no warrant has issued before a judicial officer of the court where the charging document will be filed, with the initial appearance to be in person or by real-time electronic means, at the discretion of the judicial officer. A person arrested without a warrant shall be released from custody unless probable cause for the arrest is established to the satisfaction of a judicial officer without unnecessary delay, but in no more than 72 hours. When a person arrested without a warrant is brought before a judicial officer an information or citation shall be filed at or before the initial appearance and, unless a judicial officer has previously found probable cause for the arrest, probable cause shall be established by affidavit or sworn testimony. When a person, arrested with or without a warrant or given a summons, appears initially before the judicial officer, the judicial officer shall proceed in accordance with the applicable subdivision of this rule.

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