



UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF WYOMING

LOCAL CRIMINAL RULES

| Current Revision: March 4, 2014August 2025

I APPLICABILITY

RULE 1.1 TITLE, CITATION AND SCOPE OF RULES

(a) Citation. These Rules shall be known as the Local Criminal Rules of the United States District Court for the District of Wyoming. They may be cited as "U.S.D.C.L.Cr.R. or Local Criminal Rule."

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(b) Applicability. Unless otherwise ordered by the Court or presiding judge, these Rules shall apply in all proceedings in criminal and juvenile actions.

(c) Title of Court. This Court is known as the "United States District Court for the District of Wyoming."

(d) Seal of Court. The Seal shall contain the words "United States District Court District of Wyoming" in a circular design with an eagle in the center thereof.

RULE 1.2 APPLICABILITY OF CIVIL RULES

When appropriate in a criminal context, the Local Rules of Civil Procedure may also apply to criminal cases.

To avoid unnecessary repetition, where local rules are equally applicable to both criminal and civil practice, specific reference is made herein to the appropriate local civil rule. Where appropriate in a criminal context, the following local civil rules are also deemed applicable to criminal cases: USDCLR 65.1 Bonds; USDCLR 67.1 Deposits; Withdrawals in the Registry of the Court; USDCLR 83.1 Sessions of Court; USDCLR 83.2 Powers of the Court; USDCLR 83.3 Cameras and Recording devices; USDCLR 5.1(g) Filing Cases and Documents Under Seal or as Non-Public (civil cases only); USDCLR 40.1 Assignment of Cases for Trial; Rule 84.1 – 84.13 inclusive; and USDCLR 84.3 Appearances and Withdrawals.

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RULE 1.3 CURRENT LOCAL RULES AND FORMS

The local rules may be modified in accordance with the provisions of Rule 57 of the Federal Rules of Criminal procedure. The current version of the local rules and forms is available at the Court's website at

[-https://www.wyd.uscourts.gov/sites/wyd/files/localrules-cr.pdf](https://www.wyd.uscourts.gov/sites/wyd/files/localrules-cr.pdf)
[http://www.wyd.uscourts.gov/htmlpages/forms.html.](http://www.wyd.uscourts.gov/htmlpages/forms.html)

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II PRELIMINARY PROCEEDINGS

RULE 5.1 MAXIMUM MINIMUM PENALTIES AND RESTITUTION ADVICE

At the time of initial appearance and arraignment before a judicial officer in connection with the filing of an violation notice, criminal complaint, information or indictment, the United States Attorney or an assistant shall advise the judicial officer of his or her determination of the maximum possible penalty provided by law in connection with each charge, any mandatory minimum penalty required by law, including mandatory terms of supervised release, and, if available, the anticipated dollar amount of restitution. This information shall also be provided prior to any hearing on a violation from the Central Violations Bureau.

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III THE GRAND JURY, THE INDICTMENT, AND THE INFORMATION

RULE 7.1 PENALTY SUMMARY

Upon filing an indictment, information, or complaint, for each defendant the prosecutor shall also include a “penalty summary” that provides for the minimum and maximum penalty for each charge and the combined maximum penalties for multiple charges. The summary shall also include information about whether the case involves a victim, whether the defendant might need an interpreter in court, and the estimated length of trial, ~~and the requested location of trial~~.

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IV ARRAIGNMENT

RULE 10 SPEEDY TRIAL

At arraignment, counsel and the Court, with the assistance of the Clerk of Court, shall strive to reach a consensus on the current status of the 70 and 90 day speedy trial periods in accordance with the Speedy Trial Act and this Court's Speedy Trial Act Plan.

RULE 17.1 SUBPOENAS FOR PRODUCTION OF BOOKS, DOCUMENTS, OR OBJECTS.

(a) General. No subpoena in a criminal case may require the production of books, documents or objects at a date, time or place other than the date, time and place of the trial, hearing or proceeding at which the items are to be offered in evidence, unless the Court has entered an order under Federal Rule of Criminal Procedure 17(c) authorizing the issuance of the subpoena.

(b) Motions for Pre-Proceeding Document Production. Motions for the issuance of a subpoena to produce documents before a trial or evidentiary proceeding under Federal Rule of Criminal Procedure 17(c) must comply with L.Cr.R. 47.1 and be made to the Court. Such motions must be served on the opposing party, except in extraordinary circumstances where ex parte consideration may be justified. Extraordinary circumstances justifying ex parte consideration shall be detailed in the motion for the issuance of a subpoena and must be ruled on by the court.

▲ The motion must include:

▲ (1) A description of the specific material requested;

▲ (2) An explanation of the following—

▲ (i) The likelihood of admissibility of the material requested;
(ii) Why the material is unavailable through other means;
(iii) Why the matter cannot be adequately prepared with the material; and
(iv) Why the use of a subpoena is not in furtherance of general discovery;

▲ (3) One of the following representations—

▲ (i) The subpoena does not seek a victim's personal or confidential information;
(ii) The movant does not know whether the subpoena seeks a victim's personal or confidential information; or
(iii) The subpoena expressly seeks a victim's personal or confidential information; and

▲ (4) A copy of the proposed subpoena attached as an exhibit.

(c) Ruling. The Court must make a preliminary determination whether the material sought is probably relevant and probably admissible. The Court must also determine if the request is specific enough to be intelligently evaluated and may place limits on the requested production.

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(d) Special procedures for subpoenas seeking victim information. If the court concludes that a subpoena should issue that expressly seeks a victim's personal or confidential information, the following steps shall be taken, absent exceptional circumstances:

(1) the movant must serve the victim or the victim's legal representative, which may include court appointed counsel under 18 U.S.C. § 3509, under Fed. R. Crim. P. 49, with a written notice that includes the following—

- (i) a copy of the proposed subpoena;
- (ii) a statement that the victim has the right to file a sealed motion to quash or modify or otherwise object to the subpoena within 14 days after service of the notice;
- (iii) a copy of L.Cr.R. 17.1; and
- (iv) a copy of Fed. R. Crim. P. 17;

(2) if a motion or objection is filed within 14 days after service, the subpoena will not issue until further order of the court;

(3) if a motion or objection is not filed within 14 days after service, the movant must file a sealed ex parte certificate of compliance with L.Cr.R. 17.1 and request that the court grant the motion and direct the Clerk's Office to issue the subpoena; and

(4) the Clerk's Office will issue the subpoena to the movant for service.

(e) Return of Service. All Rule 17(c) subpoenas seeking or allowing advance production must be returnable to the Court and the items sought therein must be delivered to the court at the place, date and time indicated. When appropriate, the subpoena may advise that no appearance is necessary if the items are produced, in advance of the date specified, to the court in an envelope delivered to the Clerk's Office. The court will then determine what material will be appropriately distributed to the parties.

(f) Motion for Protective Order. Any party, the witness or entity responding to the subpoena, or any person or entity whose interests may be affected by disclosure of the subpoenaed documents, may file a motion for a protective order. The Court reviews the documents produced and issues any appropriate protective order. The clerk then keeps the items produced and makes them available for inspection under the terms of the protective order.

VI TRIAL

RULE 23.1 LIST OF WITNESSES AND EXHIBITS

In order to assist the trial judge and court personnel during trial, the parties are requested to provide the following information, which shall not be filed, at the commencement of the trial;

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(a) List of Witnesses. To the extent reasonably possible, it is requested counsel provide to the trial judge, the courtroom deputy and the court reporter a written list of all witnesses (identifying those who will testify as experts) they expect to call.

(b) List of Exhibits. To the extent reasonably possible, it is requested counsel provide to the trial judge, the courtroom deputy and the court reporter a written list of all exhibits they expect to introduce into evidence. Counsel for the United States shall mark and list each exhibit with numerals. Counsel for the defendant(s) shall mark and list each exhibit with letters. In the event there are multiple defendants, the surname or abbreviated names of the parties shall precede the word "Exhibit", e.g., Defendant Jones Exhibit A, Defendant Smith Exhibit A., etc. In cases where defendant exhibits are numerous, the defendant may use a combination of letters and numerals to mark such exhibits.

RULE 24.1 COMMUNICATION WITH TRIAL JURORS

(a) Before or During Trial. Except in the course of in-court proceedings, no party, or any party's attorney, or their agents or employees, shall communicate with or cause another to communicate with a juror, a prospective juror, or his or her family before or during trial.

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(b) After Trial. No juror has any obligation to speak to any person about any case and may refuse all interviews and comments. No person may make repeated requests for interviews or comments after a juror has expressed a desire not to be interviewed or questioned. If any person violates this prohibition against repeated requests of a juror for interviews or comments after the juror's refusal, the juror or jurors involved shall promptly advise the Court of the facts and circumstances. The Court shall take action as it deems appropriate, which may include a contempt citation to the offending party or parties.

(c) Voluntary Interviews or Comments. If any juror consents to be interviewed after trial, under no circumstances shall such juror disclose or be asked to disclose any information with respect to the specific vote of any juror, other than the juror being interviewed or with respect to the deliberations of the jury.

(d) Conduct of Counsel. Following the rendition of a verdict by a jury, counsel in the case shall not thank the jury for its verdict.

(e) Court's Advice to Jurors. At the time that a jury is discharged or excused from further consideration of a case, the Court shall advise all jurors of the provision of this Rule.

RULE 30.1 PROPOSED VOIR DIRE, INSTRUCTIONS AND VERDICT FORMS

Unless otherwise ordered, the parties shall file proposed voir dire, jury instructions and verdict forms seven (7) calendar days prior to trial. Proposed instructions shall be submitted to counsel and the appropriate judge's chambers via e-mail (see Appendix A). The instructions must be formatted as a single document for Microsoft Word or WordPerfect and must include citations to authority. Prior to the formal jury instruction conference, the parties shall confer and attempt to resolve any disputes regarding all proposed jury instructions.

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II POST CONVICTION PROCEDURES

Rule 32.1 PRESENTENCE AND POSTSENTENCE INVESTIGATION REPORTS

(a) Sentencing. Unless otherwise ordered by the Court, the sentencing hearing shall be set no less than seventy (70) days following the verdict or change of plea.

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(b) Victim's Restitution. Pursuant to 18 U.S.C. § 3664(d)(1), the attorney for the government shall provide the probation officer with a listing of the amounts subject to restitution after having made reasonable attempts to consult with all identified victims, but not later than sixty (60) days prior to the date initially set for sentencing. The presentence report shall include a complete accounting of the loss to each victim.

(c) Presentence Interview; Attendance of Counsel. Pursuant to Fed R. Crim. P. 23(c)(2), the probation officer who interviews a defendant as part of a presentence investigation must, on request, give the defendant's attorney notice and reasonable opportunity to attend the interview. Defense counsel has the burden of informing the probation officer of counsel's availability to attend as promptly as possible to enable timely completion of the presentence report. Any undue delay caused by counsel's unavailability may result in the probation officer being directed by the Court to proceed with the interview without counsel. For purposes of this Rule, "undue delay" is defined as more than five (5) business days after notice.

(d) Disclosure of Presentence Report; Written Objections. The Probation Office shall disclose the report to the defendant and his or her counsel and to counsel of the United States no later than thirty-five (35) days before the sentencing hearing, unless the minimum period is waived by defendant. The presentence report shall be deemed to have been disclosed when a copy of the report is filed in the Court's electronic filing system, CM/ECF. Within fourteen (14) days after the filing of the report, counsel for the defendant and the United States shall file in CM/ECF any objections they may have as to any material information, sentence classifications, sentencing guideline ranges and policy statements contained in or omitted from the report. Objections to material in the report must show the exact paragraph disputed together with specific reasons therefor. Material believed to have been omitted from the report must have specific application to the sentencing guidelines.

(e) Accuracy of Presentence Report. If counsel for the defendant and the United States believe the material contained in the presentence report is accurate, they must file a statement to that effect in CM/ECF within fourteen (14) days after disclosure of the report.

(f) Resolution of Objections to Presentence Report. As soon as possible after receiving any objections to the report, the probation officer shall conduct any further investigation necessary and make appropriate revisions to the presentence report. The

probation officer may require counsel for the parties to meet with the probation officer to discuss unresolved factual and legal issues.

(g) Submission of Presentence Report to Sentencing Judge. Not later than seven (7) days before the sentencing hearing, the probation officer shall submit the presentence report to the sentencing judge, together with an addendum setting forth any unresolved objections, the grounds for those objections and the probation officer's comments on the objections. The probation officer shall certify that the contents of the presentence report, including any revisions thereof, have been disclosed to the defendant, his or her counsel and counsel for the United States, that the content of the addendum has been communicated to counsel, and that the addendum fairly states any remaining objections.

(h) Sentencing Recommendations. Pursuant to Fed. R. Crim. P. 32(e)(3), the probation officer's sentencing recommendation shall not be disclosed to anyone other than the Court.

(i) Court Determination of Disputed Issues; Failure to Resolve Objections. The Court may accept the presentence report as its findings of fact, with the exception of any objection that has not been resolved. The Court shall rule on any unresolved disputed issue prior to imposing sentence. Objections not previously raised through written communication to the probation officer may only be raised at the sentencing hearing for good cause shown.

(j) ~~Confidentiality of Presentence Report. The presentence report is a confidential document. It shall not be reproduced or copied by anyone other than a judge or probation officer of this Court. The presentence report shall not be distributed to other agencies or individuals, unless specific permission is granted by the Court. However, the probation officer is authorized to provide a copy of the presentence report, addendums to the presentence report, and any revised presentence report, without the Sentencing Recommendation, to the defendant's appellate counsel, counsel for defendant in revocation proceedings, and to another federal or state probation officer, the United States Sentencing Commission, and the Bureau of Prisons without further order of the Court. Nothing in this Rule requires the disclosure of any portion of the presentence report that is not to be disclosed under Fed. R. Crim. P. 32. All counsel shall assure the confidentiality of the material contained in the presentence report.~~

~~Confidentiality and Disclosure of Presentence Reports. The presentence report is a confidential document which shall not be reproduced, disclosed, or disseminated by anyone other than a judge or probation officer of this Court. However, the probation office may disclose the presentence report, excluding the sentencing recommendation, to:~~

- ~~(1) the defendant's appellate counsel;~~
- ~~(2) counsel for defendant in revocation proceedings;~~
- ~~(3) the United States Sentencing Commission;~~

(4) the Federal Bureau of Prisons;

(5) the United States Court of Appeals;

(6) the Office of the Pardon Attorney of the United States Department of Justice for defendants who have applied for executive clemency and/or pardon for federal offenses;

(7) other federal and state probation offices preparing a presentence report for the same person; and

(8) other agencies providing treatment services to persons sentenced by the court if relevant to the purpose of treatment.

Any other disclosure is prohibited unless authorized by the Court. All parties shall assure the confidentiality of the material contained in the presentence report.

(k) Determination of Guideline Prior to Establishment of Guilt. Any preliminary discussions by a probation officer pertaining to the application of the sentencing guidelines shall not be binding upon the court or probation office.

(l) Sentencing Memoranda and Related Materials. Absent prior court approval, all sentencing memoranda and related materials other than items related to the Presentence Report as noted under this Rule, shall be filed not less than three (3) business days prior to the sentencing hearing. These materials include, but are not limited to, sentencing memoranda or documents analyzing any of the sentencing factors, PSR findings, statement or other filing, including letters, evaluations, treatises, reports, certificates, awards, photographs, or other documents pertaining to or supporting the defendant's or government's position on sentencing.

VIII SUPPLEMENTAL AND SPECIAL PROCEEDINGS

RULE 41.1 SEALING OF SEARCH WARRANT

(a) Search Warrant. Any documents filed in connection with a search warrant shall be sealed filed under seal by the Clerk of Court. ~~The sealing~~ shall not prevent release of necessary information ~~to the Court agencies or law enforcement agencies~~ as authorized by ~~an~~ ~~the~~ United States Attorney or the Assistant United States Attorney ~~who shall be supplied such information in connection with the performance of their official duties.~~

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IX GENERAL PROVISIONS

RULE 44.1 DUTIES AND RESPONSIBILITIES OF APPOINTED COUNSEL AND FEE SCHEDULE

(a) Appointed Counsel in Criminal Cases.

(1) Appointment of Public Defender. When a person who is subject to misdemeanor or felony criminal investigation or charges requests and qualifies for court-appointed counsel, the Federal Public Defender of the District of Wyoming shall be immediately contacted by the Court to represent the defendant.

(2) Appointment of Panel Attorneys. In the event a conflict in the representation of a defendant by the Federal Public Defender exists, or for appointment in matters initiated within the boundary of Yellowstone or Teton National Parks, the Court may appoint panel attorneys, in accordance with this Court's Amended Plan pursuant to the Criminal Justice Act (CJA) of 1964 (hereinafter the "Plan") to represent the defendant. The Plan is available on the Court's website at www.wyd.uscourts.gov.

(3) Appointment of Counsel in Sentence Reduction Proceedings. When a defendant convicted in this District files a petition for sentence reduction under 18 U.S.C. § 3582(c) and (d), and where appropriate, to file any motion for sentence reduction the Court will determine, on a case by case basis, whether to appoint counsel to indigent defendants.

(b) Duties of Appointed Counsel.

(1) Counsel appointed by the Court shall continue to serve until representation is terminated, as provided by the Plan or by Court order.

(2) Appointed counsel shall report to the Court if counsel becomes aware of any change in the defendant's financial status where defendant appears to be able to finance all or part of his or her representation.

(c) Termination of Appointment of Counsel

(1) In the event that a defendant in a criminal case is convicted following trial or a plea, counsel appointed hereunder shall advise the defendant of his or her right to appeal and the right of counsel on appeal. If requested to do so by the defendant, counsel shall file a timely notice of appeal and shall continue to represent the defendant unless or until relieved by the Court of Appeals.

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(2) Representation by appointed counsel in other proceedings shall terminate when the purpose of the appointment is accomplished or when terminated by Court order.

(d) Compensation. Appointed counsel shall be compensated at the rates provided in 18 U.S.C. § 3006A(d)(1), as may be revised or amended.

(e) Appointment of an Authority to Pay Court Appointed Counsel (CJA Form 20).

(1) CJA Form 20 shall be submitted to the Clerk of Court's office for payment no later than forty-five (45) days from the termination of the case in this Court.

(2) All claims for expenses should be supported by receipts or invoices regardless of the amount. Should supporting documentations become lost or otherwise unavailable, the attorney may attach an affidavit affirming that the claimed expenses are true and accurate.

RULE 47.1 MOTIONS

(a) Motions and Responses. A party who files a motion shall include in the motion a short, concise statement of the arguments and authorities in support of the motion. Unless otherwise ordered, Any party opposing the motion shall file an opposition response within fourteen (14) calendar days after service of the motion.

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(b) Duty to Confer. Except as otherwise ordered, the Court will not entertain any motion unless counsel for the moving party has conferred and made reasonable good faith efforts to resolve the dispute with, or obtain the consent of, opposing counsel prior to filing the motion. The moving party shall state in the motion the specific efforts to comply with this rule and the position of the opposing party. The Court will not consider the motion unless this information is provided. This provision does not apply to cases involving pro se parties, motions to dismiss, motions to suppress or ex parte motions.

(bc) Proposed Order. A moving party must submit a proposed order for all non-dispositive, routine or *ex parte* motions. The proposed order shall be an attachment to the motion and shall not contain the filer's information block in the upper left hand corner, nor be entitled "proposed." If the proposed order does not require the filing of a motion, (e.g., Scheduling Order, Pre-Trial Order, etc.) it shall be emailed to the appropriate Judge's Chambers as reflected in Appendix A.

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(ed) Motion Notice to Join Motions. Any motion notice to join another motion shall include in the title: 1) the specific relief requested, 2) name of party filing the original motion, and 3) document number of the original motion joined (e.g., Motion Notice to Join Motion to Suppress Evidence filed by Defendant _____, Document No. _____.) In the motion notice, the party may indicate that the party approves, adopts, or incorporates by reference any or all of the reasons stated, arguments advanced, and/or authorities cited by a party in the original motion.

RULE 49.1 FILINGS

(a) Format. Filings shall be typed, double spaced, single-sided, and on eight and one-half (8 1/2) x eleven (11) inch paper, of standard weight, with a one (1) inch margin on all sides. Except in *pro se* cases, all submissions shall be typewritten using black ink and not less than 12 point font. All signatures, papers, exhibits and attachments must be clearly legible and marked.

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(b) Identification of Counsel. The caption of every filing shall conform with Fed. R. Civ. P. 10(a) and contain an attorney information block on the front page, ~~upper left hand corner~~, consisting of the filing attorney's name, bar number (if any), firm name (if any), address, telephone number and email address. The attorney information block shall not be included on proposed orders submitted to the Court.

(c) Non-Public, Ex Parte and Sealed Documents.

(1) Documents to be filed as non-public, ex parte or sealed shall be differentiated, marked and filed as directed in this Court's CM/ECF Procedures Manual. Section IV(L), ~~feunt~~—found on this Court's website at: https://www.wyd.uscourts.gov/sites/wyd/files/cmprocmanual_0.pdf <http://www.wyd.uscourts.gov/pdfforms/cmprocmanual.pdf>. See also Local Civil Rule 5.1(g) Filing Cases and Documents Under Seal or as Non-Public (civil cases only).

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(21) Service of sealed documents is the responsibility of the filing party as directed in the CM/ECF Procedures Manual, Section III(D).

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(d) Use of Artificial Intelligence. Counsel or a party to a criminal proceeding who utilize artificial intelligence ("AI") technology is cautioned that certain technologies may produce factual or legally inaccurate content. Counsel or a party using AI technology continues to be bound by the requirements of Federal Rule of Civil Procedure 11, and all other applicable standards and must review and verify any computer generated content to ensure that it complies with all such standards.

(e) The sending of an email to a Judge's Chambers in an attempt to file a document is not authorized under the rules and, absent prior court authorization, will not be accepted for filing. Any communication via email with a Judge's Chambers must include all other parties or, if represented, their counsel.

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RULE 49.2 ELECTRONIC FILING

(a) Electronic Service. Registration with the Court's Case Management/Electronic Case Filing (CM/ECF) system shall constitute consent to electronic service of filings in accordance with the Federal Rules of Civil Procedure. The Court and/or Clerk of Court may serve and give notice by electronic transmission. Any authorized user may withdraw consent for electronic service by sending written notice to the Clerk of Court. In addition to the means of service specified in Fed. R. Civ. P. 5(b), parties are authorized to make service through the Court's electronic transmission system.

(b) Electronic Filing. A party may file a document by electronic transmission in accordance with guidelines established by the Court (see CM/ECF Procedures Manual for Wyoming at

[-https://www.wyd.uscourts.gov/sites/wyd/files/cmprocmanual_0.pdf](https://www.wyd.uscourts.gov/sites/wyd/files/cmprocmanual_0.pdf)

<http://www.wyd.uscourts.gov/pdfforms/cmprocmanual.pdf>. A filing day is defined as 12:00:00 a.m. to 11:59:59 p.m. Mountain Time. The time and date of actual filing are reflected in the Court's digital file stamp.

(c) Documents of Record. A document filed electronically and stored in the Court's servers is the official document of record.

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RULE 49.1.1 EXCLUSION OF CERTAIN PERSONAL DATA FROM FILINGS

In compliance with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, and in order to promote the electronic access to case files, while protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall redact, where inclusion is necessary, the following personal data identifiers from their filings, including exhibits unless otherwise ordered by the Court.

- Social Security Numbers. If an individual's social security number must be included, only the last four digits of that number should be used.
- Taxpayer Identification Numbers. If a taxpayer identification number must be included, only the last four digits of that number should be used.
- Minor Children. All filings that disclose the name or any other information concerning a child shall be filed under seal without necessity of obtaining a court order. The person who makes the filing shall also submit to the clerk of court a redacted version to be placed in the public record.
- Dates of Birth. If an individual's date of birth must be included, only the year of birth should be used.
- Financial Account Numbers. If a financial account number is relevant, only the last four digits of such numbers should be used.
- Home Addresses. If home address must be included, only the city and state should be listed.

The responsibility for redacting these personal data identifiers rests solely with counsel and the persons filing the documents with the Court. The Clerk will not review papers for compliance with this Rule.

**RULE 49.1.2 EXCLUSION OF CERTAIN PERSONAL DATA FROM
TRANSCRIPTS**

Transcript redactions shall be made pursuant to the Notice of Members of the Bar on Electronic Availability of Transcripts, available at:
<https://www.wyd.uscourts.gov/forms/transcript-redaction-request>
<http://www.wyd.uscourts.gov/pdfforms/transcript.letter.pdf>.

RULE 53.1 SECURITY

(a) Procedures. All persons entering a building where court is being held shall be subject to security procedures provided for that building. This Rule shall apply at such other places as a judicial officer may direct. Failure to obey this Rule shall be grounds for refusing admission to the building where court is being held, and may subject the offender to detention, arrest, and prosecution as provided by law, or to a contempt proceeding.

(b) Identification or Information. On request of a United States marshal, court security officer, federal protective service officer, or court official, anyone within or seeking entry to any court facility shall produce identification and state the nature of his or her business at court. Failure to provide identification or information shall be grounds for removal or exclusion from the facility.

(c) Purpose. This Rule and these procedures are necessary in the interest of public safety and to maintain orderly court procedures.

RULE 55.1 EXHIBITS

(a) Custody of Exhibits. The Clerk of Court shall have safekeeping responsibility for all exhibits marked and offered at trial or hearing. All rejected exhibits (exhibits offered, but not admitted) shall also be retained by the Clerk of Court.

(b) Conclusion of Trial. Exhibits in the custody of the Clerk of Court at the conclusion of trial, or adjudication of the case, shall be retained until the time to appeal has expired or any appeal taken has been concluded. The Clerk of Court shall then notify the admitting party that exhibits are ready for retrieval. If counsel has not retrieved said exhibits after fourteen (14) days, the exhibits shall be destroyed by the Clerk's office.

(c) Sensitive and Bulky Exhibits. Sensitive or bulky exhibits such as money, drugs and firearms shall remain in the custody of the attorney producing them. The attorney/law enforcement agency shall permit inspection of the exhibits by any party for the purpose of preparing the record on appeal, and shall be charged with the responsibility for their safekeeping and transportation.

RULE 57.1 ASSIGNMENT OF CASES

(a) Assignment of Cases. It is the policy of this Court to provide for the assignment of cases among the Judges of this District by random selection through the electronic case assignment system. It is the further policy of the Court to provide for parity of work among the active judges of this District. In order to implement this policy, the following procedures shall apply: [\(See also Local Civil Rule 40.1 Assignment of Cases for Trial.\)](#)

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(1) The Clerk of Court shall maintain a computerized case assignment system for the random selection and assignment of criminal cases to district judges in an equal apportionment for each judge, except as otherwise may be determined by the Chief Judge.

(2) A criminal case shall be publicly drawn by the Clerk of Court or designate by means of the computerized program and assigned to a judge at the time of the filing of any indictment, information or complaint.

(3) If a case is related to any other case, the judge assigned to the earlier case shall promptly review the relationship and notify the Clerk of Court if reassignment is necessary.

(4) The transfer of probation and a term of supervised release jurisdiction is accepted when the Chief Judge signs the Transfer of Probation. Transfer of probation and a term of supervised release jurisdiction may be accepted by a magistrate judge when the offense for which the probationer was convicted is a misdemeanor and the probationer in the district of prosecution consented to a magistrate judge's jurisdiction.

RULE 58.1 APPEAL FROM JUDGMENT ~~OF CONVICTION~~ BY A MAGISTRATE JUDGE

Pursuant to 18 U.S.C. § 3402 a ~~defendant party~~ may appeal a judgment ~~of conviction~~ by a magistrate judge by filing a notice of appeal to the District Court within fourteen (14) days after entry of the judgment. The scope of appeal shall be the same as on an appeal from a judgment of the District Court to the Court of Appeals. When appealing a judgment ~~of conviction~~, unless waived by the District Court, the appellant shall pay the appropriate fee. Thereafter, the District Court will set a briefing schedule and other deadlines as may be necessary.

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RULE 58.2 PETTY OFFENSES AND OTHER MISDEMEANORS
FORFEITURE OF COLLATERAL IN LIEU OF
APPEARANCE

~~This Rule shall apply to petty offenses, whether originating under the applicable federal statutes or regulations, or applicable state statute by virtue of the Assimilated Crimes Act (18 U.S.C. § 13), occurring within the territorial jurisdiction of the United States District Court for the District of Wyoming, including areas within the exterior boundaries of United States military installations, bases, institutions, Indian Country, government reservations located on lands under the exclusive or concurrent jurisdiction of the United States. The collateral may be posted in lieu of the offender's appearance before a magistrate judge. If the person charged fails to appear before a magistrate judge after posting collateral, the collateral shall be forfeited to the United States and such forfeiture shall signify that the offender does not contest the charge or request a hearing before a magistrate judge.~~

~~The offenses, for which collateral may not be posted in lieu of appearance by the person charged, shall be set forth in schedules approved by the Chief Judge of the District Court and published and distributed by the Central Violations Bureau (CVB).~~

~~The list of offenses for which collateral may be posted and forfeited or for which the offender must appear before a magistrate judge is not intended to be exhaustive. A magistrate judge may use his or her own discretion whether to allow forfeiture of collateral or require an appearance for offenses which are not listed.~~

~~If a person charged with an offense for which collateral may be posted fails to post and forfeit collateral, any punishment, including fine, imprisonment, or probation, may be imposed within the limits established by law upon conviction by plea or after trial.~~

~~Nothing in this Rule is intended to prohibit any magistrate judge for this District from instituting his or her own schedule of fines for his or her particular area of responsibility. However, should any magistrate judge desire to put into effect a fine schedule, a copy of such schedule shall be immediately furnished to the Chief Judge for approval before such schedule may be put into effect. Absent such a fine schedule, the amount set forth in the CVB schedule shall govern.~~

58.2 PETTY OFFENSES AND OTHER MISDEMEANORS

(a) Scope. ~~This Rule shall apply to petty offenses, whether originating under the applicable federal statutes or regulations, or applicable state statute by virtue of the Assimilated Crimes Act (18 U.S.C. § 13), occurring within the territorial jurisdiction of the United States District Court for the District of Wyoming, including areas within the exterior boundaries of United States military installations, bases, institutions, Indian Country, government reservations located on lands under the exclusive or concurrent jurisdiction of the United States.~~

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(b) Petty Offense Violation Notices, Except as otherwise set forth below, individuals cited for a petty or misdemeanor offense must appear in Court at the place, date, and time for which they are given notice.

(c) Collateral Forfeiture Violation Notices.

(1) Payment of a Collateral Forfeiture in Lieu of Appearance. An individual cited for a petty or misdemeanor offense may be permitted to pay a collateral forfeiture amount or a reduced collateral forfeiture amount to the Central Violations Bureau ("CVB") in lieu of appearing in Court.

(2) Collateral Forfeiture Schedule. For an individual to be permitted to pay a collateral forfeiture amount to avoid appearing in Court, the offense for which the individual is cited must either appear on the Court's Collateral Forfeiture Schedule or a collateral fine amount must be authorized by the court. The Collateral Forfeiture Schedule may also set forth certain offenses for which payment of a collateral forfeiture in lieu of appearing in Court is not authorized and for which a defendant's appearance in Court is mandatory.

(3) There is no right to Payment of a Collateral Forfeiture. An offense appearing on the Court's Collateral Forfeiture Schedule does not guarantee an individual receiving a citation that the citation will permit collateral forfeiture to resolve the violation notice. The list of offenses for which collateral may be paid or for which the offender must appear before a magistrate judge is not intended to be exhaustive. A magistrate judge may use his or her own discretion whether to allow forfeiture of collateral or require an appearance for offenses which are not listed. Law Enforcement Officers retain the discretion to make arrests, issue mandatory appearance violation notices, and issue warnings for all offenses.

(4) Payment of a Reduced Collateral Forfeiture Amount. With the approval of the court and agreement of the Government, a person charged with a petty offense or misdemeanor crime may pay to the CVB a collateral forfeiture amount that is less than the collateral forfeiture amount set forth for the offense. This must occur prior to trial or the deadline set by the court.

(5) Effect of Payment of a Collateral Forfeiture Amount or Reduced Collateral Forfeiture Amount. Payment of a collateral forfeiture amount or reduced collateral forfeiture amount is a resolution of the case without an admission of liability or an adjudication of guilt by the Court. Payment of the collateral forfeiture amount or reduced collateral forfeiture amount is not a fine. Traffic violations for which a defendant pays a collateral forfeiture amount or reduced collateral forfeiture amount shall not be reported to a State or tribal government.

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(6) Periodic Updates of the Collateral Forfeiture Schedule. The Court shall periodically update its Collateral Forfeiture Schedule, which will be approved and adopted by order of the Chief District Judge and published and distributed by the CVB. Each magistrate judge for this District retains the discretion to institute his or her own schedule of fines for his or her particular area of responsibility. Should any magistrate judge desire to put into effect a fine schedule, a copy of such schedule shall be immediately furnished to the Chief Judge for approval before such schedule may be put into effect.

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(d) Resolution at Trial. A person cited for a petty offense has a right to persist in a plea of "not guilty" and assert applicable rights at trial. At trial, the maximum penalty is set by the statute or regulation without regard to the Court's Collateral Forfeiture Schedule. A conviction at trial is an adjudication of guilt. Convictions for traffic violations at trial may be reported to a State or tribal government. After trial, the CVB will close the case with the appropriate disposition code.

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(e) Failure to Appear. A bench warrant may be issued for a person cited for petty or misdemeanor offenses who fails to appear in Court as required or pay the collateral forfeiture amount, if the person's absence is not excused by the Court. Bench warrants may be issued in an amount that is twice the collateral forfeiture amount, or an amount otherwise set by the Court, and shall remain open until ordered closed by the Court. In lieu of a bench warrant for failure to appear on any alleged violation, the Court may report the failure to appear to the applicable state department of motor vehicles. The consequences of such a report vary from state to state and may include the inability to renew a driver's license, re-register vehicles, and the suspension of driving privileges until the federal citation(s) have been adjudicated.

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RULE 59.1 DUTIES OF MAGISTRATE JUDGES

A magistrate judge shall have or may be assigned the following duties and responsibilities:

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(a) Upon the filing of an information, complaint, or violation notice, or the return of an indictment, all misdemeanor cases shall be assigned to a magistrate judge, who shall proceed in accordance with the provisions of 18 U.S.C. § 3401 and Fed. R. Crim. P. 58;

(b) A magistrate judge shall have or may also be assigned the following duties and responsibilities:

- (1) Accept petit criminal verdicts upon request of a district judge;
- (2) Accept returns of grand juries upon request of a district judge;
- (3) Accept guilty pleas in felony cases upon request of a district judge and consent of the defendant.
- (4) Conduct pretrial/post trial motions in accordance with 28 U.S.C. § 636(b)(1)(A)(B) and (C);
- (5) Conduct pretrial conferences in accordance with Fed. R. Crim. P. 17.1;
- (6) Issue subpoenas, writs of habeas corpus ad testificandum or habeas corpus ad prosequendum or other orders necessary to obtain the presence of parties, witnesses or evidence needed for court proceedings; and
- (7) Perform any additional duty consistent with the Constitution and laws of the United States.

RULE 61.1 ATTORNEYS

(a) Attorney Admissions. All matters relating to attorney admissions, conduct, discipline and removal are governed by the applicable local civil rules. Formatted: Justified

(b) Exceptions. Yellowstone National Park. Any attorney who is currently a member in good standing and admitted to practice in the highest court of any state or the District of Columbia, who is not otherwise qualified to practice in this Court, may appear, upon consent of the Court, in any criminal matter initiated within the boundary of Yellowstone National Park. Such attorneys need not be admitted *pro hac vice* or associate with local counsel.

(c) Attorney Appointments. The ~~Magistrate~~ Court in Yellowstone National Park shall have discretion to appoint defense attorneys directly when deemed necessary in the interest of justice.

(d) See Local Civil Rule 84.2(a) General Admissions; and (d) Government Attorneys and (e) Law Students.

(e) See Local Civil Rule Section X Attorneys; Rule 84.1 – 84.13 inclusive.

RULE 61.2 APPEARANCES AND WITHDRAWALS

(a) Appearances. An attorney who is not appointed by the Court and who will be appearing for a defendant must file an entry of appearance which includes the attorney's name and bar number, firm name (if any), office and mailing address, email address, and telephone number, and facsimile number (if any). No pleadings or other papers shall be filed prior to an attorney's appointment by the Court or filing of an entry of appearance.

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(b) Withdrawal or Substitution of Counsel. An attorney who has appeared in a case may, with Court permission, withdraw for good cause. Withdrawal or substitution of counsel must be by motion and order. See Local Civil Rule 84.3 Appearances and Withdrawals.

RULE 61.3 RELEASE OF INFORMATION BY ATTORNEYS IN CRIMINAL CASES

(a) **Duty of Attorney.** It is the duty of the attorney not to release or authorize the release of information or opinion for dissemination by any means of public communication, in connection with pending or imminent criminal litigation with which he or she is associated, if there is a reasonable likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice.

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(b) **Grand Jury.** With respect to a grand jury or other pending investigation of any criminal matter, an attorney participating in the investigation shall refrain from making any extrajudicial statement, for dissemination by any means of public communication, that goes beyond the public record or is not necessary to inform the public that the investigation is underway, to describe the general scope of the investigation, to obtain assistance in the apprehension of a suspect, to warn the public of danger, or otherwise to aid in the investigation.

(c) **Criminal Cases.** From the time of arrest, issuance of an arrest warrant or the filing of a complaint, information or indictment in any criminal matter until the commencement of trial or disposition without trial, an attorney associated with the prosecution or defense shall not release or authorize the release of any extrajudicial statement, for dissemination by any means of public communication, related to that matter and concerning:

(1) The prior criminal record (including arrests, indictments or other charges of crime) or the character or reputation of the accused, except that the attorney may make a factual statement of the accused's name, age, residence, occupation and family status. If the accused has not been apprehended, an attorney associated with the prosecution may release any information necessary to aid in his or her apprehension or to warn the public of any danger he or she may present;

(2) The existence or contents of any confession, admission or statement given by the accused, or the refusal or failure of the accused to make any statement;

(3) The performance of any examinations or tests, or the accused's refusal or failure to submit to an examination or test;

(4) The identity, testimony or credibility of prospective witnesses, except that the attorney may announce the identity of the victim, if the announcement is not otherwise prohibited by law;

(5) The possibility of a plea of guilty to the offense charged or a lesser offense;

(6) Any opinion as to the accused's guilt or innocence or as to the merits of the case or the evidence in the case.

The foregoing shall not be construed to preclude the attorney during this period, in the proper discharge of official or professional obligations, from announcing the facts and circumstances of arrest (including time and place of arrest, resistance, pursuit and use of weapons), the identity of the investigative and arresting officer or agency and the length of the investigation; from announcing, at the time of seizure, any physical evidence other than a confession, admission or statement, which is limited to a description of the evidence seized; from disclosing the nature, substance or the text of the charge, including a brief description of the offense charged; from quoting or referring, without comment, to public records of the Court in the case; from announcing the scheduling or result of any stage in the judicial process; from requesting assistance in obtaining evidence; or from announcing, without further comment, that the accused denies the charges.

(d) Release of Information During Trial. During the trial of any criminal matter, including the period of jury selection, no attorney associated with the prosecution or the defense shall give or authorize any extrajudicial statement or interview, relating to the trial, the parties or issues in the trial, for dissemination by any means of public communication, except that the attorney may quote from or refer, without comment, to public records of the Court in the case.

(e) Release of Jury Information. During the trial of any criminal matter, including the period prior to and during jury selection, no person associated with the prosecution, or the defense shall permit a defendant to retain an electronic or physical paper copy of the jury venire. This does not preclude counsel from sharing pertinent information regarding the venire with the defendant(s) during trial.

(f) Release of Information After Trial. After the completion of a trial or disposition without trial of any criminal matter, and prior to the imposition of sentence, an attorney associated with the prosecution or defense shall refrain from making or authorizing any extrajudicial statement for dissemination by any means of public communication, if there is a reasonable likelihood that such dissemination will affect the imposition of sentence.

(g) Additional Rules. Nothing in this Rule is intended to preclude the formulation or application of more restrictive rules relating to the release of information about juvenile or other offenders, to preclude the holding of hearings or the lawful issuance of reports by legislative, administrative or investigative bodies, or to preclude any attorney from replying to public charges of misconduct.

RULE 61.4 JURY SELECTION PLAN, CRIMINAL JUSTICE ACT PLAN, AND
PLAN FOR PROMPT DISPOSITION OF CRIMINAL CASES

This District has published, and adopts herein by reference, a Jury Selection Plan, a Criminal Justice Act Plan setting forth procedures and guidelines for the appointment of counsel in criminal cases, a Plan for Prompt Disposition of Criminal Cases to insure compliance with the Speedy Trial Act, Collateral Forfeiture/Appearance Bond Fee Schedule, and a Court Reporter Plan. This information is available on the Court's website at <http://www.wyd.uscourts.gov/>.

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APPENDIX A

The Court's email addresses are as followslocated at:
<https://www.wyd.uscourts.gov/judges-info>

wyojudgendif@wyd.uscourts.gov Chief Judge Nancy D. Freudenthal
wyojudgendif@wyd.uscourts.gov District Judge Alan B. Johnson
wyojudgesws@wyd.uscourts.gov District Judge Scott W. Skavdahl
wyojudgekhr@wyd.uscourts.gov Magistrate Judge Kelly H. Rankin
wyojudgemlc@wyd.uscourts.gov Magistrate Judge Mark L. Carman

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