

STATE OF WYOMING)
) ss.
COUNTY OF LARAMIE)

IN THE DISTRICT COURT
FIRST JUDICIAL DISTRICT

THE STATE OF WYOMING)
)
Plaintiff)
)
vs.)
)
WYATT LAMB,)
)
Defendant)

Docket No. 2021-CR-35-584

FILED

MAY 19 2022

MOTION FOR GAG ORDER

DIANE SANCHEZ
CLERK OF THE DISTRICT COURT 

COMES NOW Defendant, by and through counsel, and hereby requests this Court to prohibit the dissemination of information in this case from the District Attorney to the press by means of a gag order. The reasons for this request are as follow:

PROCEDURAL HISTORY

1. In Docket No. 2021-CR-35-584, Mr. Lamb is facing ten counts of child abuse and one count of Felony Murder-Child Abuse, which carries a maximum penalty of life in prison without the possibility of parole. Mr. Lamb was charged by Information on June 28, 2021. A preliminary hearing was conducted on August 6, 2021.
 2. Mr. Lamb filed a written waiver of his right to a speedy trial on July 23, 2021.
 3. The state provided the vast majority of discovery to the defense on August 11, 2021, but informed the defense that additional testing of some physical evidence was still being conducted by the Wyoming State Crime Lab (WSCL). Mr. Lamb filed discovery demands on August 19, 2021.
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8. During that meeting, the District Attorney expressed that she knew she did not have a legal reason to object to the continuance, and she recognized that defense counsel had obligations to the client necessitating the need for a continuance. The parties left that meeting with the understanding that the defense would file a written request for continuance of the August 2, 2022, trial date and that defense counsel would request a status hearing with the Court to be conducted in chambers to give the court a “head’s up” about the motion to continue. The parties discussed potential time frames for the new trial date but did not reach an agreement as to what trial date would be requested.

9. On April 6, 2022, the state proved the Litigation Support Packet from WSCL to the defense.

10. On April 26, 2022, the defense filed its Motion to Continue the August 2, 2022, jury trial date. The written motion encompassed the reasons provided by counsel to the District Attorney in the March 31, 2022, meeting: ongoing efforts to find experts, the late receipt of the litigation packet, and the workload impacts on defense counsels’ ability to prepare for trial.

11. On April 27, 2022, the parties met with the Court in chambers. The Court expressed its intention to grant the motion and to reset the trial for February 6, 2023. The district attorney expressed that she would not object to the continuance, but that she preferred that the trial be set for November or December, 2022. The Court inquired as to the state’s plan to ensure that this case could be tried by other counsel in the event that there was a new district attorney. The court told the parties it would reset the jury trial to February 6, 2023, and that it would conduct a hearing on May 9, 2022, with the defendant present before it issued its final order on the motion for continuance.

FACTS RELEVANT TO REQUEST FOR GAG ORDER

16. On May 11, 2022, the Wyoming Tribune Eagle (WTE) published as its lead story an article entitled, “Child Murder Trial Pushed to 2023.” The article also included a summary of the May 9, 2022, hearing on the Motion to Continue, the alleged facts of the case and some procedural history of the case. Pertinent to this motion, the article included an interview with the District Attorney, Leigh Anne Manlove¹.

ARGUMENT

17. In regard to Mr. Lamb’s right to a fair trial and the public’s interest to be informed of judicial proceedings, the court must proceed cautiously:

“The Sixth Amendment to the United States Constitution guarantees the right to a public trial by an impartial jury of the state and district where the crime was committed. U.S. Const. amend. VI. The Wyoming Constitution makes the right to trial by jury inviolate in criminal cases. Wyo. Const. art. 1, § 9. Balanced with these rights of the accused are those of the public as represented by the press and protected by the First Amendment. U.S. Const. amend. I. In Wyoming, every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right. Wyo. Const. art. 1, § 20.”

Armstrong v. State, 826 P.2d 1106, 1121 (Wyo. 1992).

18. All parties bear the responsibility of protecting the defendant’s right to a fair trial, with guilt or innocence determined by an impartial jury. The press coverage and the statements made by the District Attorney and published by WTE in the case must be free from the dissemination of inflammatory information and improper comments:

“When the rights of the accused and the freedom of the press come into conflict, society's first protection lies in the personal responsibility and ethics of the individuals involved. Police, prosecutors, witnesses, judges, jurors and media share the responsibility to insure our system of justice functions in the

¹ Rather than republish the problematic statements within this motion, the statements will be discussed at the hearing after the article is admitted as an exhibit or is given judicial notice by the Court during the course of the hearing.

confidential filings of court documents and modified jury selection procedures. The District Attorney has the responsibility to comment and report abiding by the ethics of her profession. Long standing jurisprudence dictates that both the District Attorney has the responsibility to ensure the system can protect the defendant's due process rights. The Court should view her capacity to abide by the Sixth and First Amendments (and the correlating Wyoming Constitution provisions) with skepticism. The statements made in this interview require an imposition of a remedy by the Court.

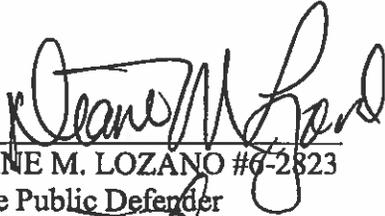
22. At the very least, misconduct should be addressed by the issuance of a protective order or a "gag" order on the ability of the District Attorney to comment on this case to the press or to make any extrajudicial statements. The facts of this case and the positions of the parties should be made in open court with all parties present before this Court.

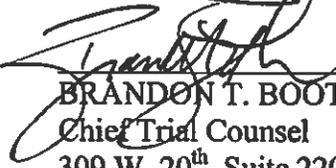
23. At this time, other remedies seem extreme or are premature, such as preventing the dissemination of court filings, change of venue or closure of all pretrial hearings.

24. Since a public hearing on this matter will only exasperate the harm already discussed, the defense has filed a Motion for Closure of Hearing on Motion for Gag Order.

THEREFORE Defendant respectfully requests this Court to issue a gag order in this case.

DATED this 19th day of May, 2022.


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