



Wyoming

Post-Conviction Case Activity & Victims' Rights

Post-Sentencing Review

After an individual has been convicted and sentenced, they may file motions in the trial court to challenge the judgment against them. For example, they may file a motion:

- For a new trial based on new evidence or legal errors in the proceedings
- To arrest to judgment
- To withdraw the plea
- To modify the sentence

The prosecution may also seek to modify the sentence in certain situations.

Victims' Rights

Victims have the right to be treated with fairness, respect, and dignity. This right extends throughout all stages of the post-conviction process.

Victims have the right to notice if a post-sentencing motion has been filed, the time and place for any hearing that may be held as a result of the motion, and the disposition of the motion.

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Direct Appeal

After the court decides on any post-trial motions (or if no post-trial motions are filed), the individual convicted of a crime may ask a higher court to review the trial court's or jury's decisions. This is called a "direct appeal." On appeal, the court does not admit new evidence or call witnesses. Instead, it reviews what happened at trial (called the trial record) and written briefs filed by both sides describing their positions.

If an individual convicted of a crime requests an appeal, they may ask the court to release them while the appeal is ongoing. The convicted individual is more likely to be released in misdemeanor cases than in felony cases.

The convicted person generally has 30 days after judgment to decide whether to appeal. If they decide to appeal, the state [Attorney General's Office](#) assigns a lawyer to oppose the appeal. The state's lawyer and the convicted person's lawyer then prepare written briefs for the judges, which generally takes several months. In some cases, the lawyers from both sides present oral arguments to the judges. Then, the judges prepare a written decision in the case. The appeal process takes roughly a year or more.

Victims' Rights

Victims have a right to be informed of the status of appellate review.

State Post-Conviction Proceedings

Post-conviction motions are requests to have the conviction or sentence reviewed that are filed after the direct appeal process has ended. In Wyoming, the main forms of post-conviction relief are:

- Post-Conviction Relief Act: A person convicted of a felony who is currently in a state prison may seek relief from their conviction or sentence based on legal errors in the earlier proceedings.
- Writ of habeas corpus: This is a very old remedy that requires state officials to justify a person's detention. The scope of habeas relief in Wyoming is very limited because most claims must proceed under the Act.
- Petition for exoneration based on factual innocence: A person convicted of a felony who has new evidence of their innocence may seek a hearing to establish their innocence.

DNA Testing

A person convicted of a felony under Wyoming law may seek forensic testing of material obtained in the case.

The court will not automatically grant the requested testing. Instead, the court may allow testing only if it finds that the evidence to be tested has the potential to produce new, noncumulative evidence that will establish the person's innocence.

If the court grants testing and the results exculpate the convicted person, the person may seek a new trial, to overturn the conviction or other relief. If the court grants a new trial, the case starts over.

Victims' Rights

Victims have a right to be informed of the status of state post-conviction review.

Victims' Rights

Victims should be notified by the district attorney when a person convicted of a felony offense has filed a petition for exoneration based on innocence.

Victims should be notified of the time and place for any hearing related to a petition of exoneration.

Victims should be notified of the results of a petition for exoneration.

Federal Habeas Corpus

After seeking post-conviction relief in state court, a person convicted under Wyoming law may seek habeas corpus relief in federal court. Relief is available only in specific and rare circumstances. Issues often raised in federal habeas cases include claims that the convicted person had an inept attorney, claims that police or prosecutors violated their rights, hid evidence, or committed other misconduct.

In general, a person can file only one request for relief in federal habeas proceedings, though there are some exceptions to this rule.

Victims' Rights

Except for narrow exceptions when victims are testifying, victims have the right to attend federal habeas hearings, arguments, and proceedings.

Victims have the right to be heard at any federal district court proceeding involving the release, sentencing, or parole of the individual convicted of a crime.

Victims have the right to proceedings free from unreasonable delay.

Early Release Programs

If someone is sentenced to a term of imprisonment, they may be released earlier than expected through one of these programs in Wyoming: earning "credits" for good behavior in prison, parole, or medical parole.

Victims' Rights

Victims have a right to notification of the imprisonment, release, or death of the convicted individual.

Victims have a right to notification of the incarcerated individual's location, location change, furloughs, work release, acceptance into community programs, work release, escape, recapture, & death.

Victims have a right to notification of an incarcerated individual's earliest release date and any reduction or extension of the incarcerated individual's sentence.

Victims have the right to notice of parole hearings, the right to be heard at parole hearings, and the right to be notified of parole hearing results. Victims have the right to notice of parole revocation, absconding supervision & subsequent apprehension, and discharge from parole.

Clemency

The governor can grant clemency to people convicted under Wyoming law.

In Wyoming, clemency typically takes one of three forms:

1. Commutation: the reduction of a sentence to a less severe punishment
2. Pardon: an official act of forgiveness that frees a convicted person from punishment that erases the legal consequences of the crime
3. Reprieve: a temporary delay to a sentence being carried out

Victims' Rights

Victims have the right to notification of a pardon application or pending commutation of the convicted individual.

Victims have the right to provide written input regarding pending commutations.

Victims have the right to notification if commutation is granted.

Compensation

Restitution is a court-ordered payment from the convicted person to the victim to account for the victim's loss or injury.

Crime victims' compensation helps with financial losses that directly result from violent crime. These losses include loss of wages, medical expenses, mental health counseling, as well as funeral and burial costs.

Victims' Rights

Victims have a right to receive information about their right to restitution and compensation under the [Crime Victims Compensation Program](#).

Victims have a right to restitution unless the court finds that the defendant cannot pay restitution.

The information provided in this resource is not intended as legal advice and is current as of July 2024. States regularly change how they handle criminal proceedings and victims' rights during those proceedings. Confirm with the state agencies provided in this resource for more up-to-date information. Different stages and victims' rights may apply to certain types of cases and certain types of victims, such as cases involving accused individuals who are minors and cases involving sexual offenses, domestic violence, and child victims.