

**INFORMATION ON APPEALS
FROM THE MUNICIPAL COURT TO THE
DISTRICT COURT
(Rule 37 of the Colorado Rules of Criminal Procedure)**

****FOR CRIMINAL/TRAFFIC TRIALS ONLY, NOT FOR VEHICLE IMPOUND
APPEALS ****

Do not rely on this information sheet as a complete explanation of the appeal process. It is meant as only a guide. If you are unsure about how to complete the Notice of Appeal and Designation of Record form or how to complete the appeal process, please consult an attorney. Do not ask the clerks of the court for assistance, they are prohibited from giving legal advice.

APPEALS FROM THE MUNICIPAL COURT ARE HEARD BY THE DISTRICT COURT FOR THE 20TH JUDICIAL DISTRICT AND ARE BASED ON THE RECORD MADE IN THE MUNICIPAL COURT. A NEW TRIAL IS NOT CONDUCTED.

1. PROCEDURE

*Within thirty (30) days after final judgment, date of sentencing, or the denial of post-trial motions, file a "Notice of Appeal" with the Boulder Municipal Court located at 1777-6th Street, Boulder, CO , stating the alleged errors of the proceedings (Mailing address is P.O. Box 8015, Boulder, CO 80306-8015). You must also file a copy of this notice with the City Attorney's office either by mail (City Attorney's office, P.O. Box 791, Boulder, CO 80306-0791) or hand delivery at 1777-6th Street, Boulder, CO, at the same time it is filed with the Boulder Municipal Court. At the same time you must file the following:

- 1) A bond in the amount of the fines and costs must be posted in Boulder Municipal Court for the appeal.
- 2) A \$250.00 deposit is required for the transcription of the record in your appeal. This amount is separate from the fines and costs. If the cost of the transcript does not exceed the deposit, the remainder will be refunded to you. If the cost does exceed the deposit, the additional amount must be paid before transcription can be completed. The appellant also has to pay any additional transcription costs requested by the appellee within 5 days of notification or the appeal will be dismissed. This amount (transcript fee) is not refundable.

*You must also include with the notice a "Designation of Record on Appeal" (designation of the evidence and specific proceedings that you want to have photocopied and/or transcribed and included in the record to be forwarded to the District Court).

*Further, you must also docket the appeal in the Boulder District Court, 1777-6th Street, Boulder, CO, and pay a docket fee within the same thirty (30) days.

*After the record has been completed, the clerk of the Municipal Court will give written notice to you and the City Attorney's office. You and the City Attorney's office then have ten (10) days to file any written objections to the record. If objections are filed, a hearing will generally be held before the Municipal Court Judge, if no objections are presented, the record will be certified to the District Court.

*The case will then be in the hands of the District Court and you must follow its procedures.

THE CLERKS, BY LAW, ARE FORBIDDEN TO GIVE LEGAL ADVICE

WARNING: THIS IS NOT A COMPLETE ADVISEMENT OF YOUR RIGHTS, OR ALL PROCEDURES YOU MUST FOLLOW TO PROPERLY APPEAL YOUR CASE. QUESTIONS OF A LEGAL NATURE MUST BE DIRECTED TO AN ATTORNEY,

SAMPLE FORM: PLEASE USE THIS FORM ONLY AS A GUIDE FOR YOUR DESIGNATION OF RECORD.

<p>IN THE MUNICIPAL COURT, CITY OF BOULDER, COLORADO Court Address: 1777 6th Street, Boulder, CO 80302</p> <p>PEOPLE OF THE CITY OF BOULDER, by and on behalf of, PEOPLE OF THE STATE OF COLORADO, Plaintiff (Appellee)</p> <p>vs.</p> <p><u>Your name is typed here</u>, Defendant (Appellant)</p>	<p>Case Number: <u>Your summons number is typed here</u> Courtroom.:</p>
<p style="text-align: center;">NOTICE OF APPEAL</p>	

The Defendant alleges the following errors of the Municipal Court:

(Please read the following paragraph. It's taken from the Colorado Rules of Criminal Procedure. It specifies the information that you must include in this section of the Notice of Appeal.) **Rule 37(b): Contents of Notice of Appeal & Designation of Record.** The notice of appeal shall state with particularity the alleged errors of the county (municipal) court or other grounds relied upon for the appeal, and shall include a stipulation or designation of the evidence and other proceedings which the appellant desires to have included in the record certified to district court. If the appellant intends to urge upon appeal that the judgement or a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant shall include in the record a transcript of all evidence relevant to such finding or conclusion.

Said appeal will be docketed in the District Court pursuant to Rule 37 of the Colorado Rules of Criminal Procedure.

Done this _____ Day of _____, 20

Appellant or Attorney for Appellant

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<p>DESIGNATION OF RECORD ON APPEAL</p>	

The clerk will prepare for the District Court a record of error which shall include the following:

Type in everything you want to designate

Requested this _____ Day of _____, 20 ____.

Appellant or Attorney for Appellant

CERTIFICATE OF MAILING/HAND DELIVERY

I hereby certify that on the _____ day of _____, 20____ a true and correct copy of the foregoing was served by hand delivery to the City Attorney's Office, Prosecution Division, 1777 - 6th Street, Boulder, CO 80302 and by placing a copy in the United States mail, postage prepaid to the following:

BY: _____

REQUEST FOR TRANSCRIPT OF TAPE OF COURT
HEARING ON THE RECORD
BOULDER MUNICIPAL COURT
P. O. BOX 8015
BOULDER, CO. 80306-8015
303-441-1842

Date: _____

Your Name: _____

Mailing Address: _____

Daytime Phone No.: _____

Name on Case: _____ Case # _____

Tapes Needed From - Date(s)/Type of Hearing (Your request will be based on the information you provide so, you MUST be specific)

Date Needed by (allow 10 working days - 2 weeks)

I AUTHORIZE AND AGREE TO PAY FOR THE FOLLOWING:

_____ ONE ORIGINAL (in the event this is for an appeal and this transcript has been designated to be placed in the record, then the original will be sent to District Court with the appeal packet...You must order and pay for copies for your personal use.

_____ SET(S) OF PHOTOCOPIES @ \$.50 PER PAGE

Signature _____ Date _____

The following price list has been provided by CTS West, Inc., 720-922-3581, and is not controlled or guaranteed by the Boulder Municipal Court:

Transcription - \$2.10 per page. Allow 2 weeks for completion and delivery.

RUSH orders \$3.35 per page. Allow 5 working days for completion and delivery.

ONE HOUR OF TAPE = APPROXIMATELY 40 PAGES