

## **APPELLANT CHECKLIST (COLORADO SPRINGS MUNICIPAL COURT APPEALS)**

All appeals from Municipal Court are heard by the 4<sup>th</sup> Judicial District Court in accordance with Colorado Municipal Court Rules of Procedure, Rule 237 and the Colorado Rules of Criminal Procedure, Rule 37.

Definitions:	Appellant – A party who appeals from a lower court to a higher court. Appellee – A party against whom a case is appealed from a lower court to a higher court.
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### Within 35 days of Sentencing:

**Date of Sentencing:** \_\_\_\_\_

- Prepare one original and three copies of the NOTICE OF APPEAL AND DESIGNATION OF RECORD
- File the original NOTICE OF APPEAL AND DESIGNATION OF RECORD with the District Court located at 270 South Tejon Street and pay the docket fee. Inform the clerk you are filing an appeal on a Municipal Court conviction. Have all three copies date stamped for distribution at the Municipal Court.
- Bring all three date-stamped copies to the Violations Bureau (Room 108) at the Municipal Court. Have each copy date stamped from Municipal Court for final distribution.
- File one date stamped copy of the NOTICE OF APPEAL AND DESIGNATION OF RECORD at the Municipal Court in Room 108.
- Complete and file TRANSCRIPT REQUEST FORM and pay deposit at Municipal Court while in Room 108.
- Request a stay of execution and post appeal bond if there are any outstanding sentencing conditions.
  - If jail or other conditions are imposed and are outstanding, you must post an appeal bond in an amount to be determined by the sentencing judge. This may be determined the day of sentencing or at a later court appearance (within 35 days of sentencing.) Post the appeal bond in Room 108.
  - If only fines and costs are imposed and are outstanding, you must post an appeal deposit In the amount of outstanding fines and costs (within 35 days of sentencing) in Room 108.
- File a second date stamped copy of the NOTICE OF APPEAL AND DESIGNATION OF RECORD with the City Attorney at the Municipal Court in Room 410.
- Keep the third date stamped copy for your records.

### Within 14 days of Filing NOTICE OF APPEAL AND DESIGNATION OF RECORD:

**Date Notice of Appeal and Designation of Record Filed:** \_\_\_\_\_

You may receive a NOTICE OF REDESIGNATION OF RECORD from the appellee. Pursuant to Rule 37, the appellee may within 14 days of receipt of the Notice of APPEAL AND DESIGNATION OF RECORD, request additional parts of the transcript or record deemed necessary. In this instance you, the appellant, may be required to post an additional deposit to cover the costs. This must be posted within 7 days of Notice date of Redesignation of Record.

### Within 7 days of NOTICE OF REDESIGNATION OF RECORD: (If filed by the City Attorney):

**Date of Notice of Redesignation:** \_\_\_\_\_

- You must post additional deposit, if additional transcripts are requested by the City in the Notice of Redesignation. You will receive a NOTICE OF PREPARATION when record is prepared.

### Within 14 days of NOTICE OF PREPARATION OF RECORD:

**Date of Notice of Preparation:** \_\_\_\_\_

- File any objections to the record in the Municipal Court. If objections are filed, a hearing will generally be held in Municipal Court, but in some circumstances may be heard in the District court. Best practice is to file the objection with both the Municipal and District courts. If no objections are filed, the record will be certified and filed in the District Court. Any additional costs must be paid before the record is filed.

You will receive a NOTICE OF FILING when the record is filed.

### Within 21 days of NOTICE OF FILING OF RECORD:

**Date Notice of Filing Filed:** \_\_\_\_\_

- File a written Brief with the District Court.
- File a copy of the Brief with the City Attorney. The City Attorney has 21 days to file an ANSWER BRIEF.

### Within 14 days of the filing of the City Attorney's ANSWER BRIEF:

**Date Answer Brief Filed:** \_\_\_\_\_

- File a REPLY BRIEF, if needed, with the District Court and the City Attorney.  
After review of the record and the briefs, the District Court Judge will issue a ruling on the case.

### Within 14 days of NOTICE OF RULING:

**Date of Notice of Ruling:** \_\_\_\_\_

- Contact Colorado Springs Municipal Court for further instructions. (Telephone: 719-385-5928)

<input type="checkbox"/> Municipal Court <input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court Address: <hr/> City of Colorado Springs Municipal Court/Appellee: v. Defendant/Appellant:	<b>◆ COURT USE ONLY ◆</b>
Attorney or Party Without Attorney (Name and Address):   Phone Number: _____ E-mail: _____ FAX Number: _____ Atty Reg. #: _____	<b>Case Number:</b> _____  Division: _____ Courtroom: _____
<b>NOTICE OF APPEAL AND DESIGNATION OF RECORD - CRIMINAL</b>	

The Defendant hereby files an appeal in \_\_\_\_\_ (**Municipal Court case number**) for the following reason(s):

\_\_\_\_\_

\_\_\_\_\_

At this time, I request a stay of execution. I understand that as a condition of the stay of execution, I may be required to post a bond or deposit in the amount of fines and costs assessed.

**Current Information about the Appellant/Defendant:**

Full Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City & Zip: \_\_\_\_\_

Home Phone #: \_\_\_\_\_ Work Phone # \_\_\_\_\_ Cell #: \_\_\_\_\_

**Designation of Record:**

The clerk of court will prepare the record on appeal, pursuant to Rule 37, Rules of Criminal Procedure and will include the following items:

- The Municipal Court case file, including all pleadings, motions, reports, exhibits, orders of the court, and jury instructions, if applicable.
- The original transcript: (identify proceedings)

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant/Appellant

\_\_\_\_\_  
Signature of Attorney for Defendant/Appellant, if applicable

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ (date) an original was filed with the Court and that a true and accurate copy of this *NOTICE OF APPEAL/DESIGNATION OF RECORD – CRIMINAL* was provided to other party by:

Hand Delivery **or**  Faxed to this number \_\_\_\_\_ **or**  by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Your signature)

Colorado Springs Municipal Court  
 224 East Kiowa Street  
 Colorado Springs, CO 80901-2169  
 719 385-5922

**TRANSCRIPT REQUEST FORM**

This transcript request form must be completed by any person requesting a transcript of any court proceeding.

Deposit Required

Arraignment	\$ 25.00
Pretrial	\$ 50.00
Trials and other hearings – less than one hour	\$100.00
Trials and other hearings – more than one hour	\$200.00
Jury Trials (Trial Only)	\$200.00
Jury Trials (Including Voir Dire)	\$200.00

Transcripts costs are \$3.00 per page or \$3.75 per page if the transcript is expedited. Transcribing will not begin until a deposit is made. If the cost of the transcript exceeds the deposit made, you will be notified of the balance due. Any balance due must be paid prior to the delivery of the transcript. If the cost of the transcript is less than the deposit, a refund will be forwarded.

Pursuant to Municipal Rule 11.5.103D, the Referee’s notes or tape recording shall not be subject to inspection, discovery or use in any trial de novo.

<b>ORDERING PARTY INFORMATION</b>						
Name of person requesting transcript			Phone Number		E-mail Address	
Mailing Address			City		State	Zip Code
<b>TRANSCRIPT INFORMATION</b>						
Request for:      ( ) Appeal                      ( ) Non-Appeal						
Defendant Name	Case Number	Judge	Date	Time	Division	Proceeding Type
<b>ORDERING INFORMATION</b>						
Date of Request	Certification: By signing below, I certify that I will pay all charges.					
	Signature: _____					
<b>FOR COURT USE ONLY</b>						
Date request received		Transcript prepared by				
Date of deposit		Amount paid				
Date of completed		Number of pages				
Date delivered		Amount of refund, if any				