

Corrective Order to Rule Change 2004(2)

**The Colorado Rules of Criminal Procedure
Chapter 29. Colorado Rules of Criminal Procedure
For All Courts of Record In Colorado**

Rule 35. Postconviction Remedies.

(a) - (b) (NO CHANGE)

(c) (1) - (c) (2) (NO CHANGE)

(c) (3) (I) - (c) (3) (VII) (NO CHANGE)

(c) (3) (VIII) Notwithstanding (VI~~I~~^I)-(b) above, the court shall not deny a postconviction claim of ineffective assistance of trial counsel on the ground that all or part of the claim could have been raised on direct appeal.

(c) (3) (IX) (NO CHANGE)

Form: Petition for Postconviction Relief Pursuant to
Crim. P. 35(c) (NO CHANGE)

**This Corrective Order is Adopted on May 25, 2004, nunc pro tunc
January 29, 2004, effective July 1, 2004.**

**Justices Martinez and Bender would have included an exception
for actual innocence in sections 35(a) (2) and 35(c) (3) (VII).**

BY THE COURT:

**Alex J. Martinez
Justice, Colorado Supreme Court**