

Rule Change #2004(16)

COLORADO RULES OF CRIMINAL PROCEDURE:

CHAPTER 29

**Rule 4.2. Arrest Warrant Without Information, Felony
Complaint, or Complaint**

If a warrant for arrest is sought prior to the filing of an information, felony complaint, or complaint, such warrant shall issue only on affidavit sworn to or affirmed before the judge or a notary public and determined by a judge to relate~~relating~~ facts sufficient to establish probable cause that an offense has been committed and probable cause that a particular person committed that offense. A warrant may be obtained by facsimile transmission (FAX) pursuant to the procedure set forth in Rule 41, in which event the procedure in Rule 41 shall be followed. The court shall issue a warrant for the arrest of such person commanding any peace officer to arrest the person so named and to take the person without unnecessary delay before the nearest judge of a court of record.

Amended and Adopted by the Court, En Banc, September 9, 2004, effective immediately.

BY THE COURT:

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