

RULE CHANGE 2026(13)

COLORADO RULES OF CRIMINAL PROCEDURE

Rules 35, 37, and 37.1

Rule 35. Postconviction Remedies

(a) [NO CHANGE]

(b) **Reduction of Sentence.** The court may reduce the sentence provided that a motion for reduction of sentence is filed (1) within 126 days (18 weeks) after the sentence is imposed, or (2) within 126 days (18 weeks) after receipt by the court of a remittitur issued upon affirmance of the judgment or sentence or dismissal of the appeal, or (3) within 126 days (18 weeks) after entry of any order or judgment of the appellate court denying review or having the effect of upholding a judgment of conviction or sentence, or (4) at any time pursuant to a limited remand ordered by an appellate court in its discretion during the pendency of a direct appeal, or (5) within 126 days (18 weeks) of the expiration of a stay of execution granted pursuant to CRS 18-1.3-103.7. The court may, after considering the motion and supporting documents, if any, deny the motion without a hearing. The court may reduce a sentence on its own initiative within any of the above periods of time.

(c) [NO CHANGE]

Rule 37. Appeals from County Court

(a) Filing Notice of Appeal and Docketing Appeal. The district attorney may appeal a question of law, and the defendant may appeal a judgment of the county court in a criminal action, under a simplified procedure to the district court of the county. To appeal, the appellant ~~shall~~must, within 35 days after the date ~~of entry of the~~ county court enters judgment or ~~the denial of~~denies any post-trial motions, whichever is later, (1) file a notice of appeal in the county court, post such; (2) pay any advance costs as may be required ~~for~~ordered by the ~~preparation of the record and court;~~ (3) serve a copy of the notice of appeal upon the appellee. ~~He shall also, within such 35 days, docket; and (4) file the notice of appeal in the district court and pay the docket fee. No motion for new trial or in arrest of judgment shall be~~ other post-trial relief is required as a prerequisite to an appeal, but ~~such motions if~~ any post-trial motion is filed ~~shall, it must be filed pursuant to Rule Crim. P. 33(b) of these Rules.~~

(b) Contents of Notice of Appeal and Designation of ~~Record~~ Transcripts. The notice of appeal ~~shall~~must state with particularity the alleged errors of the county court or other grounds relied ~~upon~~on for the appeal, ~~and shall include a stipulation or designation of the evidence and other proceedings which. Within the time for filing the notice of appeal, the appellant desires to have included in the record certified to the district court. If the appellant intends to urge upon appeal that the judgment 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. must designate on Form 5 (Designation of Transcripts) all transcripts necessary for resolution of the issues raised on appeal.~~ The appellee ~~shall have~~has 14 days after service ~~upon him~~ of the notice of appeal to file with the clerk of the county court and serve ~~upon~~on the appellant a designation of any additional ~~parts of~~transcripts that the ~~transcript or record which he~~appellee deems necessary. The ~~advance~~appellee must pay the cost of preparing the additional ~~record shall be posted by the appellant with the clerk of the county court within 7 days after service upon him of the appellee's designation, or the appeal will be dismissed. If the district court~~transcripts, but if the court finds that any part of the additional ~~record~~transcript designated by the appellee ~~should have been designated by the appellant because the transcript was unessential to a complete understanding~~necessary for resolution of the ~~questions~~issues raised ~~by the~~on appeal, ~~it shall~~the court may order the ~~appellee~~appellant to reimburse the ~~appellant~~appellee for the cost advanced for the preparation of such part ~~of that transcript~~ without regard to the outcome of the appeal.

(c) Contents of Record on Appeal. ~~Upon~~After the ~~filing of a~~appellant has filed the notice of appeal and ~~upon the posting of~~parties have posted any advance costs ~~by the appellant, as areas~~ required for the preparation of a record, ~~unless the appellant is granted leave to proceed as an indigent~~any transcripts, the clerk of the county court ~~shall~~will prepare and issue as soon as possible a record of the proceedings in the county court, including the summons and complaint or warrant, the separate complaint if any has been issued, and the judgment.the record on appeal.

The record on appeal in all cases consists of (1) all materials, including documents and exhibits offered or accepted and demonstrative exhibits, filed in the county court case as of the date of filing of a notice of appeal or any amended notice of appeal; (2) transcripts designated in accordance with section (b); and (3) any timely filed post-trial motions, responses to those motions, and orders on those motions. In the event any part of the record, including a designated transcript, is unavailable, the parties may file a statement of the evidence or proceedings with the county court, and the county court must certify a statement of evidence or proceedings in lieu of that portion of the record.

~~(d) Filing of Record.~~ shall also include a transcription or a joint stipulation of such part of the actual evidence and other proceedings as the parties designate. If the proceedings have been recorded electronically, the transcription of designated evidence and proceedings shall be prepared in the office of the clerk of the court, either by him or her or under his or her supervision, ~~within~~ Within 42 days after the filing of the notice of appeal or within such additional time as may be granted by the county court. The clerk shall notify in writing the opposing parties of the completion of the record, and such parties shall have 14 days within which to file objections. If none are received, the record shall be certified forthwith by the clerk. If objections are made, the parties shall be called for hearing and the objections settled by the county judge and the record then certified.

, and after ~~(d) Filing of Record.~~ When the record has been duly certified and any additional fees therefor have been paid, it shall be filed with the clerk of the county court must certify and electronically transmit the record on appeal to the clerk of the district court by the clerk of the county court, and the opposing. The parties shall will be notified by the clerk of the county court of such filing when the record on appeal is transmitted to the district court.

(e) Briefs. A Within 21 days after the certified record is transmitted to the district court, the appellant must file in the district court, and serve on the appellee, a written brief setting out matters relied upon as constituting contentions of error and outlining any supporting arguments to be made shall be filed in the district court by the appellant within 21 days after certification of the record. A copy of the appellant's brief shall be served upon the appellee. The appellee may file an answering answer brief within 21 days after such service; and, if filed, the answer brief must be served on the appellant. A reply brief may be filed within 14 days after service of the answering answer brief; and, if filed, the reply brief must be served on the appellee. In the discretion of the district court, the time for filing ~~briefs and answers~~ any brief may be extended. A brief may not exceed thirty-five pages (excluding the caption, table of contents, table of authorities, signature block, and certificate of service), unless the court grants a motion to exceed the page limit.

~~(f) Stay of Execution.~~ Pending the docketing of the appeal, a stay of execution shall

(f) Supplementing the Record on Appeal. After the record on appeal is transmitted, the district court, on motion by a party or of its own initiative, may order that a supplemental record be certified and transmitted if any material part of the county court record is missing or has been

mistakenly omitted from the record on appeal. A party seeking to supplement the record on appeal must file a motion in the district court specifying the name or title of the document, the date the document was submitted to the county court, and the reason the document is necessary to decide the appeal. Any response must be filed within 7 days after the motion to supplement the record is filed.

(g) Settling the Record on Appeal. If any difference arises as to whether the record truly discloses what occurred in the county court or a portion of the record is not in the possession of the county court, the difference must be submitted to and settled by the county court. The party moving to settle the record must file a motion in the district court to stay the appellate proceedings while the county court considers the motion to settle the record.

(h) Stay of Execution. Pending the filing of the appeal, a stay of execution must be granted by the county court upon request. If a sentence of imprisonment has been imposed, the defendant may be required to post bail, and if a fine and costs have been imposed, a deposit of the amount thereof may be required by the county court. ~~Upon~~ After the filing of the appeal, a request for stay of execution ~~made any time after the docketing of the appeal, such action may~~ must be taken ~~considered and resolved~~ by the district court. Stays of execution granted by the county court or district court and, with the written consent of the sureties if any, bonds posted with such courts ~~shall,~~ will remain in effect until after final disposition of the appeal, unless modified by the district court.

(gi) Trials de Novo; Penalty Not Increased. If for any reason an adequate record cannot be certified to the district court, the case shall ~~shall~~ must be tried de novo in that court. No action on appeal ~~shall~~ will result in an increase in penalty.

(hj) Judgment; How Enforced. Unless ~~there is further review by the Supreme Court upon writ of~~ supreme court grants certiorari ~~pursuant to the~~ review under its rules of such court, ~~after final disposition of the appeal,~~ the judgment on appeal entered by the district court ~~shall~~ will be certified to the county court for action as directed by the district court, ~~except.~~ But in cases tried de novo by the district court or in cases in which the district court modifies the county court judgment, ~~and in such cases,~~ the judgment on appeal ~~shall be~~ is that of the district court and so enforceable.

(i) Appeals to Superior Court. In counties in which a superior court has been established, appeals from the county court shall be taken to the superior court rather than the district court. All of the provisions of this section governing appeals from the county court to the district court are applicable when the appeal is taken to the superior court, and the term “district court” as used in this section shall be understood to include the superior court.

Rule 37.1. Interlocutory Appeal from County Court

(a) Grounds. The prosecuting attorney may file an interlocutory appeal in the district court from a ruling of a county court granting a motion made in advance of trial by the defendant for return of property and to suppress evidence ~~or,~~ granting a motion to suppress evidence, or granting a motion to suppress an extra-judicial confession or admission; provided that the prosecuting attorney certifies to the judge who granted such motion and to the district court that the appeal is not taken for purposes of delay and that the evidence is a substantial part of the proof of the charge pending against the defendant.

(b) Filing Notice of Appeal. The prosecuting attorney ~~shall~~must file the notice of appeal with the clerk of the district court and ~~shall~~must serve the defendant and the clerk of the trial court with a copy ~~thereof. Such.~~ The notice of appeal ~~shall~~must be filed within 14 days of the entry of the order being appealed and any docket fee shall be paid at the time of the filing.

(c) Contents of Record on Appeal. The record for an interlocutory appeal ~~shall consist~~consists of the information or charging document, the motions filed by the defendant or defendants, and the grounds stated in section (a) above; a transcript of all testimony taken at the hearing on said motions ~~and;~~ such exhibits or reasonable copies, facsimiles, or photographs thereof as the parties may designate (subject to the provisions in C.A.R. 11(b) pertaining to exhibits of bulk); and the court's order ~~of court~~ or ruling on said motions and the date, if one has been fixed, that the case is set for trial or a certificate by the clerk that the case has not been set for trial. The record shall be ~~filed~~electronically transmitted within 14 days of the date of filing the notice of appeal, and may be supplemented by order of the district court.

(d) Briefs. Within 14 days after the record has been ~~filed in~~transmitted to the district court, the prosecuting attorney ~~shall~~must file an opening brief. Within 14 days after service of ~~said~~the opening brief, the defendant ~~shall~~may file an answer brief, and the prosecuting attorney shall have 7 days after service of ~~said~~the answer brief to file a reply brief. Briefs must comply with the page limits set forth in Rule 37(e).

(e) Disposition of Cause. ~~Unless~~The district court will decide the appeal by written opinion unless it orders oral argument ~~is ordered by the court and it rules~~issues an oral ruling on the record and in the presence of the parties, ~~the decision.~~ Copies of the ~~court shall be by~~ written opinion, ~~copies of which shall~~ must be transmitted by the clerk of the court ~~by mail~~ to the trial county court judge and to all parties. No petition for rehearing ~~shall be~~is permitted. A certified copy of the judgment and directions to the county court, and a copy of the written opinion, if any, ~~shall constitute~~constitutes the mandate of the district court, concluding the appeal and restoring jurisdiction to the county court. Such mandate ~~shall~~must issue and be transmitted by the clerk of the court ~~by mail~~ to the trial county court judge and all parties on the 44th42nd day after the district court's oral or written order, unless the district court is given notice by one of the parties that it has sought further review by the supreme court upon a writ of certiorari pursuant to

| the rules of that court, in which case the mandate ~~shall~~will issue upon notification that certiorari has been denied or upon receiving the remittitur of the supreme court.

(f) to (h) [NO CHANGE]

Rule 35. Postconviction Remedies

(a) [NO CHANGE]

(b) Reduction of Sentence. The court may reduce the sentence provided that a motion for reduction of sentence is filed (1) within 126 days (18 weeks) after the sentence is imposed, or (2) within 126 days (18 weeks) after receipt by the court of a remittitur issued upon affirmance of the judgment or sentence or dismissal of the appeal, or (3) within 126 days (18 weeks) after entry of any order or judgment of the appellate court denying review or having the effect of upholding a judgment of conviction or sentence, or (4) at any time pursuant to a limited remand ordered by an appellate court in its discretion during the pendency of a direct appeal, or (5) within 126 days (18 weeks) of the expiration of a stay of execution granted pursuant to CRS 18-1.3-103.7. The court may, after considering the motion and supporting documents, if any, deny the motion without a hearing. The court may reduce a sentence on its own initiative within any of the above periods of time.

(c) [NO CHANGE]

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(a) Filing Notice of Appeal and Docketing Appeal. The district attorney may appeal a question of law, and the defendant may appeal a judgment of the county court in a criminal action, under a simplified procedure to the district court of the county. To appeal, the appellant must, within 35 days after the date the county court enters judgment or denies any post-trial motions, whichever is later, (1) file a notice of appeal in the county court; (2) pay any advance costs as may be required or ordered by the court; (3) serve a copy of the notice of appeal on the appellee; and (4) file the notice of appeal in the district court and pay the docket fee. No motion for new trial or other post-trial relief is required as a prerequisite to an appeal, but if any post-trial motion is filed, it must be filed pursuant to Crim. P. 33(b).

(b) Contents of Notice of Appeal and Designation of Transcripts. The notice of appeal must state with particularity the alleged errors of the county court or other grounds relied on for the appeal. Within the time for filing the notice of appeal, the appellant must designate on Form 5 (Designation of Transcripts) all transcripts necessary for resolution of the issues raised on appeal. The appellee has 14 days after service of the notice of appeal to file with the clerk of the county court and serve on the appellant a designation of any additional transcripts that the appellee deems necessary. The appellee must pay the cost of the additional transcripts, but if the court finds that any transcript designated by the appellee should have been designated by the appellant because the transcript was necessary for resolution of the issues raised on appeal, the court may order the appellant to reimburse the appellee for the cost of that transcript without regard to the outcome of the appeal.

(c) Contents of Record on Appeal. After the appellant has filed the notice of appeal and the parties have posted any advance costs as required for the preparation of any transcripts, the clerk of the county court will prepare the record on appeal. The record on appeal in all cases consists of (1) all materials, including documents and exhibits offered or accepted and demonstrative exhibits, filed in the county court case as of the date of filing of a notice of appeal or any amended notice of appeal; (2) transcripts designated in accordance with section (b); and (3) any timely filed post-trial motions, responses to those motions, and orders on those motions. In the event any part of the record, including a designated transcript, is unavailable, the parties may file a statement of the evidence or proceedings with the county court, and the county court must certify a statement of evidence or proceedings in lieu of that portion of the record.

(d) Filing of Record. Within 42 days after the filing of the notice of appeal or within such additional time as may be granted by the county court, and after any additional fees have been paid, the clerk of the county court must certify and electronically transmit the record on appeal to the clerk of the district court. The parties will be notified by the clerk of the county court when the record on appeal is transmitted to the district court.

(e) Briefs. Within 21 days after the certified record is transmitted to the district court, the appellant must file in the district court, and serve on the appellee, a written brief setting out contentions of error and supporting arguments. The appellee may file an answer brief within 21 days after such service and, if filed, the answer brief must be served on the appellant. A reply brief may be filed within 14 days after service of the answer brief and, if filed, the reply brief must be served on the appellee. In the discretion of the district court, the time for filing any brief may be extended. A brief may not exceed thirty-five pages (excluding the caption, table of contents, table of authorities, signature block, and certificate of service), unless the court grants a motion to exceed the page limit.

(f) Supplementing the Record on Appeal. After the record on appeal is transmitted, the district court, on motion by a party or of its own initiative, may order that a supplemental record be certified and transmitted if any material part of the court record is missing or has been mistakenly omitted from the record on appeal. A party seeking to supplement the record on appeal must file a motion in the district court specifying the name or title of the document, the date the document was submitted to the county court, and the reason the document is necessary to decide the appeal. Any response must be filed within 7 days after the motion to supplement the record is filed.

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(h) Stay of Execution. Pending the filing of the appeal, a stay of execution must be granted by the county court upon request. If a sentence of imprisonment has been imposed, the defendant may be required to post bail, and if a fine and costs have been imposed, a deposit of the amount thereof may be required by the county court. After the filing of the appeal, a request for stay of execution must be considered and resolved by the district court. Stays of execution granted by the county court or district court and, with the written consent of the sureties if any, bonds posted with such courts, will remain in effect until after final disposition of the appeal, unless modified by the district court.

(i) Trials de Novo; Penalty Not Increased. If for any reason an adequate record cannot be certified to the district court, the case must be tried de novo in that court. No action on appeal will result in an increase in penalty.

(j) Judgment; How Enforced. Unless the supreme court grants certiorari review under its rules, the judgment on appeal entered by the district court will be certified to the county court for action as directed by the district court. But in cases tried de novo by the district court or in cases in which the district court modifies the county court judgment, the judgment on appeal is that of the district court and so enforceable.

Rule 37.1. Interlocutory Appeal from County Court

(a) Grounds. The prosecuting attorney may file an interlocutory appeal in the district court from a ruling of a county court granting a motion made in advance of trial by the defendant for return of property and to suppress evidence, granting a motion to suppress evidence, or granting a motion to suppress an extra-judicial confession or admission; provided that the prosecuting attorney certifies to the judge who granted such motion and to the district court that the appeal is not taken for purposes of delay and that the evidence is a substantial part of the proof of the charge pending against the defendant.

(b) Filing Notice of Appeal. The prosecuting attorney must file the notice of appeal with the clerk of the district court and must serve the defendant and the clerk of the trial court with a copy. The notice of appeal must be filed within 14 days of the entry of the order being appealed and any docket fee shall be paid at the time of the filing.

(c) Contents of Record on Appeal. The record for an interlocutory appeal consists of the information or charging document, the motions filed by the defendant or defendants, and the grounds stated in section (a) above; a transcript of all testimony taken at the hearing on said motions; such exhibits or reasonable copies, facsimiles, or photographs thereof as the parties may designate (subject to the provisions in C.A.R. 11(b) pertaining to exhibits of bulk); and the court's order or ruling on said motions and the date, if one has been fixed, that the case is set for trial or a certificate by the clerk that the case has not been set for trial. The record shall be electronically transmitted within 14 days of the date of filing the notice of appeal and may be supplemented by order of the district court.

(d) Briefs. Within 14 days after the record has been transmitted to the district court, the prosecuting attorney must file an opening brief. Within 14 days after service of the opening brief, the defendant may file an answer brief, and the prosecuting attorney shall have 7 days after service of the answer brief to file a reply brief. Briefs must comply with the page limits set forth in Rule 37(e).

(e) Disposition of Cause. The district court will decide the appeal by written opinion unless it orders oral argument and issues an oral ruling on the record and in the presence of the parties. Copies of the written opinion must be transmitted by the clerk of the court to the county court judge and to all parties. No petition for rehearing is permitted. A certified copy of the judgment and directions to the county court, and a copy of the written opinion, if any, constitutes the mandate of the district court, concluding the appeal and restoring jurisdiction to the county court. Such mandate must issue and be transmitted by the clerk of the court to the county court judge and all parties on the 42nd day after the district court's oral or written order, unless the district court is given notice by one of the parties that it has sought further review by the supreme court upon a writ of certiorari pursuant to the rules of that court, in which case the mandate will issue

upon notification that certiorari has been denied or upon receiving the remittitur of the supreme court.

(f) to (h) [NO CHANGE]

Amended and Adopted by the Court, En Banc, June 25, 2026, effective July 1, 2026.

By the Court:

**Carlos A. Samour, Jr.
Justice, Colorado Supreme Court**