

# Step 1: Notice of Appeal

## 1. Purpose

This document gives notice that you are appealing. It starts your case with the Colorado Court of Appeals.

## 2. Deadline

The Notice of Appeal is generally due 49 days after:

- Sentencing. Or,
- An Order denying a Motion for Postconviction Relief.
- A Motion to Reconsider the Sentence **does not** delay the 49 days.

## 3. No New Facts

The Court of Appeals can consider only the facts presented in the District Court. No other evidence will be accepted or considered.

## 4. Filing Fee

There is a one-time filing fee of \$253. Pay that fee to the Court of Appeals with your first filing. To waive that fee:

- **As an Inmate:** File [\[JDF 201\]](#) – Inmate Motion to Waive Fees and [\[JDF 202\]](#) – Proposed Order with the District Court. The District Court will complete the findings section of JDF 201. Submit this to the Court of Appeals.
- **Not an Inmate:** File [\[JDF 205\]](#) – Motion to Waive Fees and [\[JDF 206\]](#) – Proposed Order with the District Court. The District Court will complete the findings section of JDF 206. Submit this to the Court of Appeals.

## 5. The Form

Use form [\[JDF 1931\]](#).

### Case Caption (1st Page)

- Fill in the District Court county and case number.
- Enter your name as the Defendant-Appellant.
- Enter your name and contact information in the “Filing Party Name” box.
- Leave the “Court of Appeals Case Number” blank.

## **Body of the Notice of Appeal**

- 1) **Nature of the Case:** Check which type of final order you are appealing. Enter the date the order was issued.
- 2) **Charges:** List the charges that were brought against you. Mark whether you were convicted for each charge. Note if you were convicted of any lesser offenses.
- 3) **Sentencing:** Enter the date of sentencing. Enter your sentence.
- 4) **Possible Issues to be Raised on Appeal:** List the legal questions you want the Court of Appeals to answer. These are the errors you believe the District Court made in deciding your case. For example:
  1. Did the District Court err in running my sentences concurrently?
  2. Did the District Court err in finding there was sufficient evidence for a conviction?
- 5) **Necessity of Transcripts:** The facts that were testified to at the trial are provided in a document called a transcript. State whether you will be purchasing a transcript for the appeal. You do **not** include the transcript with this Notice.

Without a transcript, the Court must assume the trial testimony supports the verdict or final order. If there was no trial or hearing, a transcript is not necessary. For more information read C.A.R. 10.
- 6) **Lawyer or Party Information:** The Office of the Colorado Attorney General represents the State on appeals.
- 7) **Appeal Bond:** If the District Court granted a release bond for the appeal, enter the amount of that bond.
- 8) **Attachments:** You **must** attach:
  - A copy of the final order you are appealing.
  - The Mittimus (formal sentencing document). And,
  - Any order waiving the filing fees.
- 9) **Certificate of Service:**
  - Enter the date you sent the copies of the Notice of Appeal.
  - Check if you mailed or hand-delivered the document.

- Enter the District Court’s Address.

10) Sign and date the Notice of Appeal.

## 6. Filing

File the Notice of Appeal in the Court of Appeals **and** in your District Court case.

- **As an Inmate:** The document needs to be placed in the prison mailing system by the due date.
- **Not an Inmate:** The Court must receive the document by the deadline.

The address for the Court of Appeals is:

Clerk of the Court of Appeals  
2 East 14<sup>th</sup> Avenue  
Denver, CO 80203

## 7. Service

You must give a copy of everything you file to the Attorney General. The Colorado Attorney General represents the State for appeals. The address is:

Colorado Attorney General  
1300 Broadway, 10<sup>th</sup> Floor  
Denver, CO 80203

## 8. Be Sure to Read

Colorado Appellate Rules (C.A.R.) 3(g), 25, and 32. You may view these rules and statutes online at: [[www.lexisnexis.com/hottopics/colorado](http://www.lexisnexis.com/hottopics/colorado)].

### Appeal Steps:

- Step 1:** Notice of Appeal - Start of the appeal.
- Step 2: Designation of Transcripts - Packing list of documents.
- Step 3: Record on Appeal - Case file, exhibits and transcripts.
- Step 4: Opening Brief - Your written arguments.
- Step 5: Answer Brief - Government’s response.
- Step 6: Reply Brief - Your reply to the government’s response.
- Step 7: Opinion - The Court of Appeals’ decision.

### Next Step After Filing

Read the [[Step 2 - Designation of Transcripts](#)] instructions.