

FILED IN THE
COURT OF APPEALS
STATE OF COLORADO

COURT OF APPEALS, STATE OF COLORADO Colorado State Judicial Building Two East 14 th Avenue Denver, Colorado 80203	2007 MAR - 11 A 5: 39 JOHN P. DOERNER CLERK COURT OF APPEALS
Adams District Court Honorable C. Vincent Phelps Case Number 05CR3378	
THE PEOPLE OF THE STATE OF COLORADO Plaintiff-Appellee v. JAMES M. PETERA Defendant-Appellant	σ COURT USE ONLY σ
Douglas K. Wilson, Colorado State Public Defender Kathleen A. Lord, Chief Appellate Deputy 110 16 th Street, Suite 800 Denver, Colorado 80202 (303) 620-4888 (Telephone) kathleen.lord@state.co.us Registration Number: 14190	Case Number: 07CA 390
APPELLANT'S NOTICE OF APPEAL	

I. DESCRIPTION OF NATURE OF CASE AND DISPOSITION IN TRIAL COURT

NATURE OF CASE: This case is a criminal defendant's appeal of the judgment of conviction and sentence imposed by the court. The appeal is taken pursuant to C.A.R. 3.

CHARGES FOR WHICH DEFENDANT WAS TRIED: At-Risk-Second Degree Assault-Cause Injury with Weapon

CHARGES FOR WHICH DEFENDANT WAS CONVICTED: As Tried

DATE JUDGMENT OF CONVICTION ENTERED: November 9, 2006
DATE SENTENCE IMPOSED: January 16, 2007
SENTENCE: 10 years Department of Corrections plus mandatory parole

II. APPEAL BOND INFORMATION

WHETHER APPEAL BOND GRANTED, AMOUNT OF BOND: N/A

III. ISSUES PROPOSED TO BE RAISED ON APPEAL

Issues on appeal may include, but are not limited to: All issues preserved by objection at trial, sufficiency of the evidence; sentencing; and, any other issues Appellant chooses to raise as plain error.

IV. TRANSCRIPT INFORMATION

A transcript of all evidence taken at trial is necessary to resolve the issues on appeal and will exceed twenty-five pages. The court reporters are Julie Richer, Sharon Garone, Sandy Embry, and Deb Luse.

V. ATTORNEY INFORMATION

Defendant-Appellant Attorney:
DOUGLAS K. WILSON
Colorado State Public Defender
110 Sixteenth Street, Suite 800
Denver, Colorado 80202
(303) 620-4888

Plaintiff-Appellee Attorney:
JOHN W. SUTHERS
Attorney General
1525 Sherman Street, Fifth Floor
Denver, Colorado 80202
(303) 866-5785

VI. APPENDICES TO THIS NOTICE OF APPEAL

Attached to this Notice of Appeal are copies of the following:

1. Mittimus
2. Designation of Record
3. Findings of the Trial Court

DOUGLAS K. WILSON
Colorado State Public Defender

Kv 8 #248107

KATHLEEN A. LORD, #14190
Chief Appellate Deputy
110 Sixteenth Street, Suite 800
Denver, Colorado 80202
(303) 620-4888

CERTIFICATE OF SERVICE

I certify that a copy of this Notice of Appeal with attachments was served by mail delivery on the District Court, the Office of the District Attorney, and the Office of the Attorney General (by placing the same in the Attorney General's mailbox at the Colorado Court of Appeals).

3/1/07

Loree Ben

District Court, Adams County, Colorado Court Address: 1100 Judicial Center Drive Brighton, CO 80601	 <p style="text-align: center;">▲ COURT USE ONLY ▲</p>
THE PEOPLE OF THE STATE OF COLORADO v. JAMES MICHAEL PETERA, Defendant	
Douglas K. Wilson, Colorado State Public Defender RACHEL LANZEN, No. 33654 Deputy Public Defender Brighton Regional Public Defenders 4710 East Bromley Lane, Brighton CO 80601 Phone: (303) 659-4274 Fax: (303) 659-6935 E-mail: brighton.defenders@state.co.us	Case No. 05CR3378 Division F
ORDER	

This matter coming on to be heard, and the Court being duly advised in the premises,

IT IS ORDERED and determined that the Defendant-Appellant herein is indigent and without funds with which to pay the costs of an appeal, with which to obtain a transcript of the proceedings in this case, or with which to employ counsel to represent Defendant-Appellant in the appeal of this case. Application, therefore, is hereby approved and Defendant-Appellant shall be entitled to prosecute this appeal in forma pauperis, to obtain a record and transcript of the proceedings in this case without cost, and the Colorado State Public Defender is appointed to represent Defendant-Appellant in the appeal of this case.

SO ORDERED this 18 day of Jan, 2007.

BY THE COURT:



 DISTRICT COURT JUDGE

District Court, Adams County, State of Colorado

Case#:D0012005CR003378 Div/Room: F

JUDGMENT OF CONVICTION, SENTENCE Original

The People of Colorado vs PETERA, JAMES MICHAEL

DOB 9/07/1971 SID 385955

The Defendant was sentenced on: 1/16/2007

People represented by...: COLGAN, JIM

Defendant represented by: LANZAN, RACHEL

UPON DEFENDANT'S CONVICTION this date of: 11/09/2006

The defendant was found guilty after trial of:

Count # 1 Charge: At-risk-Assault 2-Cause injury w/weapon

C.R.S # 18-6.5-103(3)(b);18-3-203(1)(b) Class: F3

Date of offense(s): 10/20/2005 to 10/20/2005 Date of finding(s):11/09/2006

IT IS THE JUDGMENT/SENTENCE OF THIS COURT that the defendant be sentenced to THE CUSTODY OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS

Department of Corrections 10.00 YEARS COUNT 1

Credit for Time Served 454.00 DAYS COUNT 1

Plus a mandatory period of parole as required by statute.

Months on parole 0060

	Assessed	Balance
\$	392.50	\$ 392.50

THEREFORE, IT IS ORDERED the Sheriff of ADAMS COUNTY shall convey the DEFENDANT to the following department TO BE RECEIVED AND KEPT ACCORDING TO LAW COLORADO STATE DEPARTMENT OF CORRECTIONS DIAGNOSTIC CENTER

ADDITIONAL REQUIREMENTS

The restraining order pursuant to C.R.S. 18-1-1001 shall remain in effect until final disposition of the action, or in the case of an appeal, until disposition of the appeal.

CT ORDERS MENTAL HEALTH AND DRUG TX. DOC TO DO REVIEW PURSUANT TO 18.1.3 406.1.A. TO CONDUCT REVIEW IN ACCORDANCE WITH STATUTORY PROVISION WITHIN 90 DAYS.

JUDGMENT OF CONVICTION IS NOW ENTERED, IT IS FURTHER ORDERED OR RECOMMENDED:

DATE 1-16-07 NPT

JUDGE/MAGISTRATE C. VINCENT PHELPS

CERTIFICATE OF SHERIFF

I CERTIFY THAT I EXECUTED THIS ORDER AS DIRECTED

DATE

SHERIFF

BY DEPUTY

SENT COPIES TO [Signature] DATE 1/19/07 INITIALS [Signature]

<input type="checkbox"/> District Court Adams County, Colorado Court Address: Adams County District Court 1100 Judicial Center Drive Brighton, Colorado 80601	
THE PEOPLE OF THE STATE OF COLORADO Plaintiff v. JAMES M. PETERA Defendant	σ COURT USE ONLY σ
Douglas K. Wilson, Colorado State Public Defender Kathleen A. Lord, Chief Appellate Deputy 110 16 th Street, Suite 800 Denver, Colorado 80202 Phone: (303) 620-4888 E-mail: kathleen.lord@state.co.us Fax: (303) 620-4931 Atty. Reg. #: 14190	Case Number: 05CR3378 Division: F
DESIGNATION OF RECORD ON APPEAL	

The Clerk will prepare for the Court a record on appeal which shall include the following:

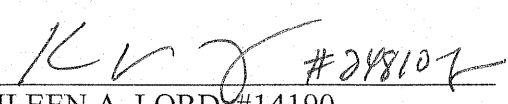
1. All original process and pleadings on file in the trial court including all motions, judgments, orders of the court, presentence report, and minute orders.
2. The reporter's original transcript of all hearings on pretrial motions, in their entirety, including, but not limited to, evidence, argument of counsel and rulings of the court which were held on: March 24, 2006 (JR), April 7, 2006 (JR), April 14, 2006 (SG), July 13, 2006 (DL), September 12, 2006 (SE), September 29, 2006 (DL), and October 20, 2006 (DL).
3. The reporter's original transcript of trial (occurring on November 8-9, 2006 (DL)), any motions hearings held immediately prior to the beginning of the first day of trial, as well as opening and closing statements, arguments of counsel, rulings of the court, questions from the jury, colloquies concerning questions and receipt of verdict.

4. A transcript of voir dire and jury questionnaires are requested.
5. A complete copy of the materials provided to jurors in the juror notebooks.
6. Jury instructions, including instructions tendered and refused, and any colloquy regarding the jury instructions.
7. All exhibits, including exhibits tendered and refused.
8. The reporter's original transcript of the sentencing hearing which was held on January 16, 2007 (DL).
9. The court reporters in this matter are: Julie Richer, Sharon Garone, Deb Luse, and Sandy Embry.

The Clerk of the Court shall send a copy of the register of actions to the Appellate Division of the Public Defender's Office thirty days after filing of the notice of appeal.

Pursuant to C.A.R. 11, the record on appeal must be transmitted to the clerk of the court May 30, 2007. Please notify the Appellate Division of the Public Defender's Office if you will be unable to complete the record on appeal within this time limitation.

DOUGLAS K. WILSON
Colorado State Public Defender


KATHLEEN A. LORD, #14190
Chief Appellate Deputy
110 Sixteenth Street, Suite 800
Denver, Colorado 80202
(303)620-4888

CERTIFICATE OF SERVICE

I certify that a copy of this Designation of Record was served by mail delivery on the District Court, the Office of the District Attorney, the Office of the Attorney General (by placing the same in the Attorney General's mailbox at the Colorado Court of Appeals), and the court reporter(s), Julie Richer, Sharon Garone, Deb Luse, and Sandy Embry.

3/1/07

