

06CA2269

COPY

<p>COLORADO COURT OF APPEALS Court Address: 2 East 14th Avenue Denver, CO 80203 Phone Number: (303)837-3785</p> <hr/> <p>Appeal from Arapahoe County District Court Case no. 04CR2316 Hon. Michael J. Spear, Judge</p> <hr/> <p>Plaintiff - Appellee:</p> <p>THE PEOPLE OF THE STATE OF COLORADO</p> <p>Defendant - Appellant:</p> <p>ROBERT RAY</p> <hr/> <p>Attorney: Harvey Steinberg Michael P. Zwiebel Name: Springer and Steinberg, P.C. Address: 1600 Broadway, Suite 1200 Denver, Colorado 80202 Phone Number: (303) 861-2800 FAX Number: (303) 832-7116 E-mail: Atty. Reg. #: 9196(Steinberg), 14376(Zwiebel)</p>	<p>FILED IN THE COURT OF APPEALS STATE OF COLORADO</p> <p>NOV 02 2006</p> <p>Clerk, Court of Appeals</p> <hr/> <p>▲ COURT USE ONLY ▲</p> <p>Case Number:</p> <p>Div: Courtroom:</p>
<p>NOTICE OF APPEAL</p>	

The Defendant/Appellant, Robert Ray (hereinafter, "Defendant"), by and through his attorneys, the law firm of Springer and Steinberg, P.C., hereby files the following Notice of Appeal:

I. NATURE OF THE CASE

A. General

This is an appeal from criminal convictions arising from Arapahoe County District Court case number 04CR2316, the Hon. Michael Spear presiding.

B. The Charges Upon Which Defendant was Tried

Defendant was tried on charges of possession of a weapon by a previous juvenile offender, pursuant to section 18-12-108(3), C.R.S., and carrying a concealed weapon, pursuant to section 18-12-105, C.R.S.

C. The Charges for Which Defendant was Convicted

Defendant was convicted of the foregoing charges following jury trial.

D. Judgment of Conviction and Sentence

The judgment of conviction and sentence was entered on October 5, 2006. On that date, the defendant was sentenced to fifteen months in the department of corrections.

E. Post-conviction motions and order

Defendant moved to vacate his conviction, or in the alternative for a new trial, based upon prosecutorial misconduct. On May 2, 2006, the court denied this motion.

F. Basis for Jurisdiction

This Court's jurisdiction stems from Rule 3 and 4 of the Colorado Appellate

Rules and C.R.S. 13-4-102(1).

II. STATUS OF APPEAL BOND

There is no appeal bond in this case.

III. ADVISORY LISTING OF THE ISSUES PRESENTED FOR REVIEW

Issues to be raised in this appeal include all errors made at any stage of the proceedings herein, whether preserved by objection or motion, or cognizable as plain error.

IV. NECESSITY OF TRANSCRIPTS

Transcripts of all pretrial proceedings, jury trial (including voir dire), and post-trial proceedings will be necessary. The transcripts will exceed 25 pages.

The names of the court reporters are K. Heymans and K. Arnold.

V. COUNSEL FOR THE PARTIES

A. Attorneys for Defendant:

Springer & Steinberg, P.C.
Harvey A. Steinberg, #9196
Michael P. Zwiebel, #14376
1600 Broadway, Suite 1200
Denver, CO 80202
(303) 861-2800

B. Attorneys for the People:

John Suthers #8492
Attorney General
1525 Sherman Street, 5th Floor

Denver, CO 80203
(303) 866-3617

VI. APPENDIX

A signed copy of mittimus, dated October 19, 2006, nunc pro tunc October 5, 2006, is attached hereto.

Dated this 2nd day of November, 2006

SPRINGER AND STEINBERG, P.C.

By: 

Harvey A. Steinberg

Michael P. Zwiebel.

1600 Broadway, Suite 1200

Denver, Colorado 80202

(303) 861-2800

Attorneys for Robert Ray

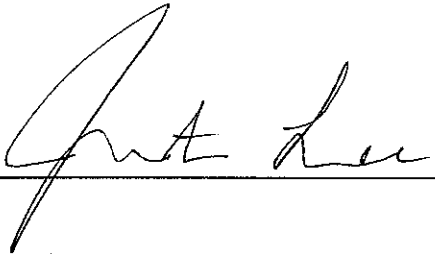
CERTIFICATE OF SERVICE

This is to certify that I have duly served the above and foregoing **NOTICE OF APPEAL** by placing a true and correct copy of same in the United States mail, postage prepaid, this 2nd day of November 2006, addressed to the following:

Office of the District Attorney
Arapahoe County
7305 S. Potomac Street, Suite 300
Centennial, CO 80112

Clerk of the District Court
Arapahoe County
7325 S. Potomac Street
Centennial, CO 80112

ATTORNEY GENERAL'S OFFICE
1525 Sherman Street, 5th Floor
Denver, Colorado 80203



District Court, Arapahoe County, State of Colorado

Case#:D0032004CR002316 Div/Room: 207

JUDGMENT OF CONVICTION, SENTENCE Original

The People of Colorado vs RAY, ROBERT KEITH

DOB 8/28/1985 SID 1526631

AKA: RAY, ROBERT

AKA: RAY RAY, RAY

The Defendant was sentenced on: 10/05/2006

People represented by...: HOWER, JOHN A

Defendant represented by: STEINBERG, HARVEY ABE

UPON DEFENDANT'S CONVICTION this date of: 1/05/2006

The defendant pled guilty to:

Count # 1 Charge: Weapon-Poss/Prev Juv Offend-any prior fe

C.R.S # 18-12-108(3) Class: F6

Date of offense(s): 7/13/2004 to 7/13/2004 Date of finding(s): 1/05/2006

Count # 2 Charge: CARRYING A CONCEALED WEAPON-KNIFE/GUN

C.R.S # 18-12-105(1) (a), (b) Class: M2

Date of offense(s): 7/13/2004 to 7/13/2004 Date of finding(s): 1/05/2006

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 15.00 MONTHS COUNT 1

Credit for Time Served 466.00 DAYS COUNT 1

COUNT 1 - 15 MONTHS DOC. 466 DAYS PRESENTENCE CONFINEMENT. 1 YEAR MANDATORY

PAROLE. COUNT 2 - 1 YEAR COUNTY JAIL. COUNTS 1 & 2 TO RUN CONCURRENT. DEFT IS

FOUND TO BE INDIGENT AND MAY PROCEED IN FORMA PAUPERIS. NO RESTITUTION. COURT

ORDERS DEFT TO BE HELD IN ARAPAHOE COUNTY JAIL UNTIL FURTHER ORDER OF THE

COURT.DO NOT TRANSPORT TO DOC. /SSS

Jail 1.00 YEARS COUNT 2

Plus a mandatory period of parole as required by statute.

Months on parole 0012

	Assessed		Balance
\$	347.50	\$	347.50

THEREFORE, IT IS ORDERED the Sheriff of ARAPAHOE 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

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

DATE 10/19/06 NPT 10/5/06 JUDGE/MAGISTRATE Michael Spear MICHAEL JAMES SPEAR

CERTIFICATE OF SHERIFF

I CERTIFY THAT I EXECUTED THIS ORDER AS DIRECTED

DATE STATE OF COLORADO } DISTRICT COURT SHERIFF

Arapahoe County. } ss. BY DEPUTY

CERTIFIED to be a full, true and correct copy of the original in my custody.

OCT 19 2006



DATED TAMERA HERIVEL A.D.

Clerk of the District Court

By Deputy