

**Rule Change #2002(8)**

**CHAPTER 32. THE COLORADO APPELLATE RULES**

**Rule 4. Appeal as of Right--When Taken**

(a) No Change.

**(b) Appeals in Criminal Cases.**

(1) No Change.

(2) No Change.

**(3)** An appeal by the state or the people from an order dismissing one or more but less than all counts of a charging document prior to trial, including a finding of no probable cause at a preliminary hearing, shall be filed in the court of appeals unless the order is based on a determination that a statute, municipal charter provision, or ordinance is unconstitutional, in which case the appeal shall be filed in the supreme court. Appeals of orders dismissing one or more but less than all counts of a charging document shall otherwise be conducted pursuant to the procedures set forth in Rule 4.1, except petitions for rehearing and certiorari shall be permitted, and mandates shall issue, as provided by these rules."

**Rule 21. Procedure in Original Actions**

(a) No Change.

(b) No Change.

(c) No Change.

**(d) Number of Copies to be Filed and Served.** An original and ten copies of each petition, motion, brief or other paper shall be filed. One set of supporting documents shall be filed. If the court issues a Rule to Show Cause, the Petitioner shall file an additional ten copies of supporting documents no later than the date on which any reply is due.

## Rule 26 Computation and Extension of Time

(a) **Computation of time.** In computing any period of time prescribed by these rules, by an order of court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period extends until the end of the next day which is not a Saturday, Sunday or a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in these Rules, "legal holiday" includes the first day of January, observed as New Year's Day; the third Monday in January, observed as Martin Luther King Day; the third Monday in February, observed as Washington-Lincoln Day ~~Lincoln's Birthday, Washington's Birthday;~~ the last Monday in May, observed as Memorial Day; the fourth day of July, observed as Independence Day; the first Monday in September, observed as Labor Day; the second Monday in October, observed as Columbus Day; the 11<sup>th</sup> day of November, observed as Veteran's Day; the fourth Thursday in November, observed as Thanksgiving Day; the twenty-fifth day of December, observed as Christmas Day, and any other day designated as a holiday pursuant to Colorado statute.

## Rule 35. Determination of Appeal

(a) No Change.  
(b) No Change.  
(c) No Change.  
(d) No change.  
(e) No Change.  
(f) **Published Opinions of Court of Appeals.** A majority of all of the judges of the Court of Appeals shall determine which opinions of that court shall be ~~selected~~designated for official publication. They shall be published in whatever official publication is designated by the Supreme Court. Those opinions ~~selected~~designated for official publication shall be followed as precedent by the trial judges of the state of Colorado.

No opinion of the Court of Appeals shall be ~~selected~~designated for official publication unless it satisfies one or more of the following standards: (1) the opinion lays down a new rule of law, or alters or modifies an existing rule, or applies an established rule to a novel fact situation; (2)

the opinion involves a legal issue of continuing public interest; (3) the opinion directs attention to the shortcomings of existing common law or inadequacies in statutes; (4) the opinion resolves an apparent conflict of authority.

An opinion of the Court of Appeals not ~~selected~~designated for official publication shall bear, on the title page, the legend, "NOT ~~SELECTED FOR PUBLICATION.~~" PUBLISHED PURSUANT TO C.A.R. 35(f)."

If the Supreme Court grants certiorari to a Court of Appeals opinion not ~~selected~~designated for official publication, and if the Supreme Court announces an opinion in the case, the Court of Appeals' opinion shall not be published unless otherwise ordered by the Supreme Court.

Denial of certiorari by the Supreme Court shall not necessarily be taken as approval of any opinion of the Court of Appeals.

**Amended and Adopted by the Court, En Banc, June 27, 2002, effective July 1, 2002.**

**BY THE COURT:**

**Nancy E. Rice  
Justice, Colorado Supreme Court**