

<p>COURT OF APPEALS, STATE OF COLORADO</p> <p>101 West Colfax Avenue, Suite 800 Denver, Colorado 80202</p>	<p>DATE FILED: January 17, 2012 CASE NUMBER: 2012CA120</p>
<p>Adams County District Court Honorable Francis C. Wasserman and Jill-Ellyn Straus, Judges Case Number: 10CR52</p>	
<p>THE PEOPLE OF THE STATE OF COLORADO</p> <p>Plaintiff-Appellee</p> <p>v.</p> <p>JESUS JIMENEZ-AYALA</p> <p>Defendant-Appellant</p>	<p>σ COURT USE ONLY σ</p>
<p>Douglas K. Wilson, Colorado State Public Defender Karen N. Taylor, Chief Appellate Deputy 1290 Broadway, Suite 900 Denver, Colorado 80203</p> <p>(303) 764-1400 (Telephone) appellate.pubdef@coloradodefenders.us Registration Number: 24810</p>	<p>Case Number:</p>
<p style="text-align: center;">APPELLANT'S NOTICE OF APPEAL</p>	

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: One Count First Degree Burglary-Assault/Menace; One Count First Degree Burglary-Armed with Explosives/Weapon; Two Counts Second Degree Kidnapping-Seize Victim-Weapon/Barter; Five Counts Attempted Aggravated Robbery-Menace Victim with

Weapon; Five Counts Attempted Aggravated Robbery-Confederate Intend to Wound/Kill; One Count First Degree Burglary-Assault/Menace-Conspiracy; One Count Aggravated Robbery-Menace Victim with Weapon-Conspiracy; Four Counts Violent Crime-Used Weapon; One Count Second Degree Assault-Unspecified; One Count First Degree Trespass-Auto-with Intent to Commit Crime

CHARGES FOR WHICH DEFENDANT WAS CONVICTED: One Count First Degree Burglary-Assault/Menace; One Count First Degree Burglary-Armed with Explosives/Weapon; One Count Second Degree Kidnapping-Seize Victim-Weapon/Barter; Five Counts Attempted Aggravated Robbery-Menace Victim with Weapon; Five Counts Attempted Aggravated Robbery-Confederate Intend to Wound/Kill; One Count First Degree Burglary-Assault/Menace-Conspiracy; One Count Aggravated Robbery-Menace Victim with Weapon-Conspiracy; Two Counts Violent Crime-Used Weapon; One Count Second Degree Assault-Unspecified; One Count First Degree Trespass-Auto-with Intent to Commit Crime

DATE JUDGMENT OF CONVICTION ENTERED: September 13, 2011

DATE SENTENCE IMPOSED: November 30, 2011

SENTENCE: See Mittimus

II. APPEAL BOND INFORMATION

WHETHER APPEAL BOND GRANTED: Not Requested

IF SO, AMOUNT OF BOND: Not Applicable

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 Michelle Goodbee, Carol Post, Brian Mattie, Julie Hart, Lori McKay, Deb Luse, Cindy Hudak, and Sandy Embry.

V. ATTORNEY INFORMATION

Defendant-Appellant Attorney:
DOUGLAS K. WILSON
Colorado State Public Defender
1290 Broadway, Suite 900
Denver, Colorado 80203
(303) 764-1400


Plaintiff-Appellee Attorney:
JOHN W. SUTHERS
Colorado State Attorney General
1525 Sherman Street, First Floor
Denver, Colorado 80203
(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

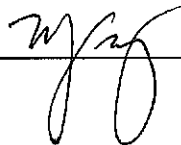


KAREN N. TAYLOR, #24810
Chief Appellate Deputy
1290 Broadway, Suite 900
Denver, Colorado 80203
(303) 764-1400

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 e-mailing a copy to AGAppellate@state.co.us).

1/17/12



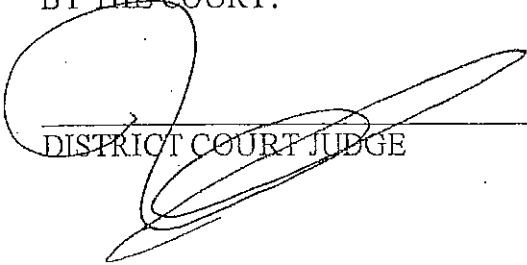
District Court, Adams County, Colorado Court Address: 1 100 Judicial Center Drive Brighton, CO 80601	 σ COURT USE ONLY σ
THE PEOPLE OF THE STATE OF COLORADO Plaintiff v. JESUS JIMENEZ-AYALA, Defendant	
Douglas K. Wilson, Colorado State Public Defender LISA HERBST, No. 37284 Deputy State Public Defender Brighton Regional Public Defenders 4710 East Bromley Lane Brighton, CO 80601 Phone: (303) 659-4274 Fax: (303) 659-6935 E-mail: brighton.pubdef@state.co.us	Case Number: 10CR52 Division: L
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 in this case. Application, therefore, is hereby approved and Defendant-Appellant shall be entitled to prosecute this appeal in forma pauperis. The Court further appoints the Colorado State Public Defender to represent Defendant-Appellant on appeal.

SO ORDERED this 7 day of December, 2011.

BY THE COURT:



 DISTRICT COURT JUDGE

The Defendant was sentenced on: 11/30/2011

People represented by...: HARTFORD, BENJAMIN WILLIAM

Defendant represented by: LANZEN, RACHEL L

UPON DEFENDANT'S CONVICTION this date of: 9/13/2011

COPY SENT

The defendant was found guilty after trial of:

Count # 1 Charge: BURGLARY 1-ASSAULT/MENACE

C.R.S # 18-4-202(1) Class: F3

Date of offense(s): 1/04/2010 to 1/04/2010 Date of finding(s): 9/13/2011

Count # 2 Charge: BURGLARY 1-ARMED W/ EXPLOSIVES/WEAPON

MERGED WITH COUNT 1

C.R.S # 18-4-202(1) Class: F3

Date of offense(s): 1/04/2010 to 1/04/2010 Date of finding(s): 9/13/2011

Count # 3 Charge: KIDNAPPING 2-SEIZE VICT-WEAPON/BARTER

C.R.S # 18-3-302(1), (4) Class: F3

Date of offense(s): 1/04/2010 to 1/04/2010 Date of finding(s): 9/13/2011

Count # 5 Charge: ROBBERY/AGG-MENACE VICTIM W/WEAPON-ATT

C.R.S # 18-4-302(1) (b) Class: F4

Date of offense(s): 1/04/2010 to 1/04/2010 Date of finding(s): 9/13/2011

Count # 6 Charge: ROBBERY/AGG-MENACE VICTIM W/WEAPON-ATT

C.R.S # 18-4-302(1) (b) Class: F4

Date of offense(s): 1/04/2010 to 1/04/2010 Date of finding(s): 9/13/2011

Count # 7 Charge: ROBBERY/AGG-MENACE VICTIM W/WEAPON-ATT

C.R.S # 18-4-302(1) (b) Class: F4

Date of offense(s): 1/04/2010 to 1/04/2010 Date of finding(s): 9/13/2011

Count # 8 Charge: ROBBERY/AGG-MENACE VICTIM W/WEAPON-ATT

C.R.S # 18-4-302(1) (b) Class: F4

Date of offense(s): 1/04/2010 to 1/04/2010 Date of finding(s): 9/13/2011

Count # 9 Charge: ROBBERY/AGG-MENACE VICTIM W/WEAPON-ATT

C.R.S # 18-4-302(1) (b) Class: F4

Date of offense(s): 1/04/2010 to 1/04/2010 Date of finding(s): 9/13/2011

Count # 10 Charge: ROBBERY/AGG-CONFED INTEND WOUND/KILL-ATT

MERGED WITH COUNT 5

C.R.S # 18-4-302(1) (c) Class: F4

Date of offense(s): 1/04/2010 to 1/04/2010 Date of finding(s): 9/13/2011

Count # 11 Charge: ROBBERY/AGG-CONFED INTEND WOUND/KILL-ATT

C.R.S # 18-4-302(1) (c) Class: F4

Date of offense(s): 1/04/2010 to 1/04/2010 Date of finding(s): 9/13/2011

Count # 12 Charge: ROBBERY/AGG-CONFED INTEND WOUND/KILL-ATT

C.R.S # 18-4-302(1) (c) Class: F4

Date of offense(s): 1/04/2010 to 1/04/2010 Date of finding(s): 9/13/2011

Count # 13 Charge: ROBBERY/AGG-CONFED INTEND WOUND/KILL-ATT

C.R.S # 18-4-302(1) (c) Class: F4

Date of offense(s): 1/04/2010 to 1/04/2010 Date of finding(s): 9/13/2011

Count # 14 Charge: ROBBERY/AGG-CONFED INTEND WOUND/KILL-ATT

C.R.S # 18-4-302(1) (c) Class: F4

Date of offense(s): 1/04/2010 to 1/04/2010 Date of finding(s): 9/13/2011

Count # 15 Charge: BURGLARY 1-ASSAULT/MENACE-CSP

C.R.S # 18-4-202(1) Class: F4

Date of offense(s): 1/04/2010 to 1/04/2010 Date of finding(s): 9/13/2011

Count # 16 Charge: ROBBERY/AGG-MENACE VICTIM W/WEAPON-CSP

MERGED WITH COUNT 15

C.R.S # 18-4-302(1) (b) Class: F4

Date of offense(s): 1/04/2010 to 1/04/2010 Date of finding(s): 9/13/2011

District Court, Adams County, State of Colorado

Case #: 2010 CR 52 Div/Room: L

JUDGMENT OF CONVICTION, SENTENCE Original

The People of Colorado vs JIMENEZ-AYALA, JESUS

Count # 21 Charge: VIOLENT CRIME-USED WEAPON
C.R.S # 18-1.3-406(2)(a)(I)(A) Class: SE
Date of offense(s): 1/04/2010 to 1/04/2010 Date of finding(s): 9/13/2011
Count # 22 Charge: VIOLENT CRIME-USED WEAPON
C.R.S # 18-1.3-406(2)(a)(I)(A) Class: SE
Date of offense(s): 1/04/2010 to 1/04/2010 Date of finding(s): 9/13/2011
Count # 25 Charge: ASSAULT 2-UNSPECIFIED
C.R.S # 18-3-203 Class: F4
Date of offense(s): 1/04/2010 to 1/04/2010 Date of finding(s): 9/13/2011
Count # 26 Charge: TRESPASS 1-AUTO-W/INTENT TO COMMIT CRIME
LESSER INCLUDED
C.R.S # 18-4-502 Class: F5
Date of offense(s): 1/04/2010 to 1/04/2010 Date of finding(s): 9/13/2011

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	16.00 YEARS	COUNT	1
Credit for Time Served	674.00 DAYS	COUNT	1
Department of Corrections	12.00 YEARS	COUNT	3
CONSECUTIVE TO COUNT 1	CASE NUMBER: 2010CR 52	Adams County	
Department of Corrections	10.00 YEARS	COUNT	5
Department of Corrections	10.00 YEARS	COUNT	6
CONSECUTIVE TO COUNT 5	CASE NUMBER: 2010CR 52	Adams County	
CONCURRENT WITH COUNT 3	CASE NUMBER:	Adams County	
Department of Corrections	10.00 YEARS	COUNT	7
CONSECUTIVE TO COUNT 5	CASE NUMBER: 2010CR 52	Adams County	
CONSECUTIVE TO COUNT 6	CASE NUMBER: 2010CR 52	Adams County	
Department of Corrections	10.00 YEARS	COUNT	8
CONSECUTIVE TO COUNT 7	CASE NUMBER: 2010CR 52	Adams County	
CONSECUTIVE TO COUNT 6	CASE NUMBER: 2010CR 52	Adams County	
CONSECUTIVE TO COUNT 5	CASE NUMBER: 2010CR 52	Adams County	
Department of Corrections	10.00 YEARS	COUNT	9
CONSECUTIVE TO COUNT 6	CASE NUMBER: 2010CR 52	Adams County	
CONSECUTIVE TO COUNT 7	CASE NUMBER: 2010CR 52	Adams County	
CONSECUTIVE TO COUNT 8	CASE NUMBER: 2010CR 52	Adams County	
CONSECUTIVE TO COUNT 5	CASE NUMBER: 2010CR 52	Adams County	
Department of Corrections	10.00 YEARS	COUNT	11
CONCURRENT WITH COUNT 6	CASE NUMBER:	Adams County	
Department of Corrections	10.00 YEARS	COUNT	12
CONCURRENT WITH COUNT 7	CASE NUMBER:	Adams County	
Department of Corrections	10.00 YEARS	COUNT	13
CONCURRENT WITH COUNT 8	CASE NUMBER:	Adams County	
Department of Corrections	10.00 YEARS	COUNT	14
CONCURRENT WITH COUNT 9	CASE NUMBER:	Adams County	
Department of Corrections	12.00 YEARS	COUNT	15
CONCURRENT WITH COUNT 1	CASE NUMBER:	Adams County	
Department of Corrections	8.00 YEARS	COUNT	25
CONSECUTIVE TO COUNT 5	CASE NUMBER: 2010CR 52	Adams County	
Department of Corrections	3.00 YEARS	COUNT	25
CONCURRENT WITH COUNT 1	CASE NUMBER:	Adams County	

	Assessed		Balance
\$	2,710.50	\$	2,710.50

District Court, Adams County, State of Colorado

Case #: 2010 CR 52 Div/Room: L

JUDGMENT OF CONVICTION, SENTENCE Original

The People of Colorado vs JIMENEZ-AYALA, JESUS

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 DOC

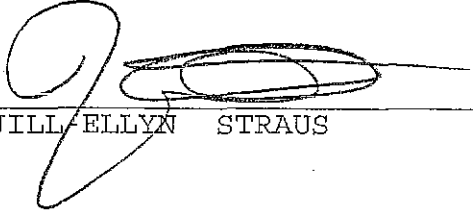
ADDITIONAL REQUIREMENTS

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.

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

DATE 6/1/11 NPT _____

JUDGE/MAGISTRATE _____


JILL ELLYN STRAUS

CERTIFICATE OF SHERIFF

I CERTIFY THAT I EXECUTED THIS ORDER AS DIRECTED

DATE _____

SHERIFF _____

BY DEPUTY _____

<input type="checkbox"/> District Court, Adams County, Colorado Court Address: 1100 Judicial Center Drive Brighton, Colorado 80601	
THE PEOPLE OF THE STATE OF COLORADO Plaintiff v. JESUS JIMENEZ-AYALA Defendant	σ COURT USE ONLY σ
Douglas K. Wilson, Colorado State Public Defender Karen N. Taylor, Chief Appellate Deputy 1290 Broadway, Suite 900 Denver, Colorado 80203 Phone: (303) 764-1400 Fax: (303) 764-1479 e-mail: appellate.pubdef@coloradodefenders.us Attorney Registration #: 24810	Case Number: 10CR52 Division: L
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, up to the filing of the record on appeal, including all motions, judgments, orders of the court, presentence report, minute orders, and, if applicable, all restitution motions and orders.

2. The reporters' original transcript of all hearings on pre and post trial motions, in their entirety, including, but not limited to, evidence, argument of counsel and rulings of the court, which were held on: June 8, 2010 (MG), August 6, 2010 (CP), October 29, 2010 (BM), November 19, 2010 (CP), December 3, 2010 (CP), March 11, 2011 (JH), March 18, 2011 (JH), March 28, 2011 (MG), April 1, 2011 (MG), July 29, 2011 (LM), August 12, 2011 (DL), August 31, 2011 (CH), and November 10, 2011 (SE).

3. The reporters' original transcript of trial (occurring on September 6 (SE), 7 (SE), 8 (SE), 9 (SE), 12 (MG), 13 (SE), 2011), 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 the juror 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: November 30, 2011 (JH).
9. The court reporters in this matter are: Michelle Goodbee, Carol Post, Brian Mattie, Julie Hart, Lori McKay, Deb Luse, Cindy Hudak, and Sandy Embry.

Pursuant to C.A.R. 11, the record on appeal must be transmitted to the clerk of the court April 17, 2012. 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



KAREN N. TAYLOR, #24810
Chief Appellate Deputy
1290 Broadway, Suite 900
Denver, Colorado 80203
(303) 764-1400

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 e-mailing a copy to AGAppellate@state.co.us), and the court reporters, Michelle Goodbee, Carol Post, Brian Mattie, Julie Hart, Lori McKay, Deb Luse, Cindy Hudak, and Sandy Embry.

1/17/12

