

Rule Change 2010(08)

CHAPTER 32 -- COLORADO APPELLATE RULES

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

(a) - (c) [No change]

(d) Appeals of Cases in Which a Sentence of Death Has Been Imposed.

(1) [No change]

(2) Procedure ~~and Conditions.~~ The procedure for pursuing appeals in cases in which a sentence of death has been imposed is as set forth in Rule 32.2 of the Colorado Rules of Criminal Procedure.

~~(I) The trial court, at the time of imposition of a sentence of death, shall enter an order staying execution of the judgment and sentence until further order of the Supreme Court, and shall direct the clerk of the trial court to mail to the Supreme Court, within seven days of imposition of sentence, a copy of the judgment, sentence, and mittimus.~~

~~(II) The record, as described in subsection (3) of this Rule, shall be prepared in the same form as any other record to be presented to the Supreme Court and shall be transmitted by the clerk of the trial court within forty days of imposition of sentence, or such additional time as may be allowed by the Supreme Court.~~

~~(III) Except as provided by subsection (e) of this Rule, the Colorado Appellate Rules governing criminal appeals shall apply to appellate review of sentences.~~

(3) [No change]

(e) [No change]

Amended by the Court, En Banc May 10, 2010, effective immediately.

By the Court:

Nancy E. Rice
Justice, Colorado Supreme Court