

RULE CHANGE 2019(02)
COLORADO RULES OF CRIMINAL PROCEDURE

Rule 5. Preliminary Proceedings

(a) Felony Proceedings.

(1) [NO CHANGE]

(2) Appearance Before the Court. At the first appearance of the defendant in court, it is the duty of the court to inform the defendant and make certain that the defendant understands the following:

- (I) The defendant need make no statement and any statement made can and may be used against the defendant;
- (II) The right to counsel;
- (III) If indigent, the defendant has the right to request the appointment of counsel or consult with the public defender before any further proceedings are held;
- (IV) Any plea the defendant makes must be voluntary and not the result of undue influence or coercion;
- (V) The right to bail, if the offense is bailable, and the amount of bail that has been set by the court;
- (VI) The nature of the charges;
- (VII) The right to a jury trial;
- (VIII) The right to demand and receive a preliminary hearing within a reasonable time to determine whether probable cause exists to believe that the offense charged was committed by the defendant;
- (IX) If currently serving in the United States armed forces or if a veteran of such forces, the defendant may be entitled to receive mental health treatment, substance use disorder treatment, or other services as a veteran.

(3) through (5) [NO CHANGE]

(b) [NO CHANGE]

(c) through (c)(1) [NO CHANGE]

(2) Appearance Before the Court. At the first appearance in the county court the defendant shall be advised in accordance with the provisions set forth in subparagraphs (a)(2)(I) through (VII) and (IX) of this Rule.

(3) Appearance in the County Court Not Issuing the Warrant. If the defendant is taken before a county court which did not issue the arrest warrant, the court shall inform the defendant of the matters set out in subsection (a)(2) (I through VII and IX) of this Rule and, allowing time for travel, set bail returnable not less than 14 days thereafter before the court which issued the arrest warrant, and shall transmit forthwith a transcript of the proceedings and all papers in the case to the court which issued the arrest warrant. In the event the defendant does not make bail within forty-eight hours, the sheriff of the county in which the arrest warrant was issued shall return the defendant to the court which issued the warrant.

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Amended and Adopted by the Court, En Banc, January 24, 2019, effective immediately.

By the Court:

**Carlos A. Samour, Jr.
Justice, Colorado Supreme Court**