

**RULE CHANGE 2019(15)**  
**COLORADO RULES OF CRIMINAL PROCEDURE**

## Rule 44. Appearance of Counsel

(a) - (d) [NO CHANGES]

### (e) Termination of Representation.

(1) Unless otherwise directed by the trial court or extended by an agreement between counsel and a defendant, counsel's representation of a defendant, whether retained or appointed, shall terminate when at the conclusion of trial court proceedings have concluded. and after a final determination of restitution. Trial court proceedings shall conclude "have concluded" when restitution, if applicable, is finally determined and at the point in time:

(I) When dismissal is granted by the court and no timely appeal has been filed;

(II) When the parties have entered into an agreement for pretrial diversion or when an order enters granting a ~~deferred prosecution~~, deferred sentence, or probation if no sentence to incarceration is imposed;

(III) After a sentence to incarceration is imposed upon conviction when no motion has been timely filed pursuant to Crim P. 35(b) or such motion so filed is ruled on; or

(IV) When a timely notice of appeal is filed by the defendant.

(2) At the time a pretrial diversion order is entered ~~deferred prosecution~~ or deferred sentence is granted or at the time sentence is imposed upon conviction, the court shall inform the defendants when representation shall terminate.

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(I) When dismissal is granted by the court and no timely appeal has been filed;

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(III) After a sentence to incarceration is imposed upon conviction when no motion has been timely filed pursuant to Crim. P. 35(b) or such motion so filed is ruled on; or

(IV) When a timely notice of appeal is filed by the defendant.

(2) At the time a pretrial diversion order is entered or deferred sentence is granted or at the time sentence is imposed upon conviction, the court shall inform the defendants when representation shall terminate.

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

**By the Court:**

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