

APPELLATE TRANSMITTAL SHEET

*** (Updated May 2023)

This packet must be completed and sent to the Appellate Division within 20 days from the sentencing or the final order being appealed to insure a timely filed notice of appeal. Failure to timely submit a packet may result in the appeal being dismissed.

To submit a packet:

1. Send a brief email with the defendant's name and case number to appellate.packet@coloradodefenders.us to alert the Appellate Division that a packet is on its way; and
2. Email the completed packet and necessary attachments to appellate.packet@coloradodefenders.us or if you cannot send the information via email, you may mail or fax it to: Colorado State Public Defender Appellate Division, 1300 Broadway, Suite 300, Denver, Colorado 80203, Fax # 303-764-1479.

NOTE: If you have any questions, please feel free to contact Leslie Pesch, Alicia Thomas, Claire Francis, and Summer Chamberlin in the Appellate Division at 303-764-1400.

*****PLEASE FILL OUT COMPLETELY---THANK YOU!**

DEFENDANT NAME: _____

CASE NUMBER: _____

COUNTY: _____

The following items are included in this appellate packet (please provide all necessary documents, as we do not always have access to documents via CCEF):

_____ Appellate Data Sheet

_____ Motion In Forma Pauperis and for Appointment of Public Defender on Appeal (MANDATORY FOR FILING OF NOTICE OF APPEAL)

_____ **Signed** Written Order or Minute Order Reflecting Appointment of Public Defender on Appeal and the Granting of In Forma Pauperis (MANDATORY FOR FILING OF NOTICE OF APPEAL)

_____ **Signed** Mittimus or Conditions of Probation or Sentencing Order (MANDATORY FOR FILING OF NOTICE OF APPEAL)

- _____ Presentence Report (IF ONE WAS PREPARED)
- _____ A Complete Set of Minute Orders (IF AVAILABLE)
- _____ Dates of Trial and Motions Hearings (MANDATORY)
- _____ List of Exhibits Necessary for Appeal (MANDATORY)

IF A MOTION FOR NEW TRIAL WAS FILED

- _____ Motion for New Trial
- _____ Order Denying Motion for New Trial (MANDATORY)

IF THIS IS AN APPEAL OF THE DENIAL OF A 35(C or A) MOTION

- _____ 35(C or A) Motion (MANDATORY)
- _____ Order Denying 35(C or A) Motion (MANDATORY)

IF THIS IS AN APPEAL OF A REVOCATION

- _____ Revocation Complaint (MANDATORY)
- _____ Order Granting Revocation (MANDATORY)

IF THIS IN AN APPEAL OF RESTITUTION

- _____ Request(s) for Restitution
- _____ Response(s)/Objection(s)
- _____ Order(s)

IF A MOTION FOR APPEAL BOND WAS REQUESTED

- _____ Motion for Appeal Bond (IF WRITTEN NOTICE WAS FILED)
- _____ Order on Appeal Bond (SIGNED WRITTEN ORDER OR MINUTE ORDER)

APPELLATE DATA SHEET

TYPE OF APPEAL (Please Circle): CONVICTION & SENTENCE (**TRIAL**)
SENTENCE ONLY (**PLEA**)
DENIAL 35(C/A) MOTION
PEOPLE'S
REVOCATION:
PROBATION
DEFERRED SENTENCE
COMMUNITY CORRECTIONS
RESTITUTION
OTHER (Please Specify) _____

Appeal from the District Court of _____, County, Colorado

Honorable _____, Judge(s)

Division or Courtroom _____

District Court Case No. _____

THE PEOPLE OF THE STATE OF COLORADO

Plaintiff

v.

Defendant

GENERAL CASE AND DEFENDANT INFORMATION

ATTORNEY FOR DEFENDANT IN DISTRICT COURT: ___ PD ___ PC ___ ADC

NAME OF ATTORNEY IN DISTRICT COURT:

ADDRESS, E-MAIL ADDRESS, AND PHONE NUMBER OF ATTORNEY IN DISTRICT COURT:

DEFENDANT'S PRESENT ADDRESS:

DEFENDANT'S DATE OF BIRTH/DOC NUMBER:

DEFENDANT'S PRONOUNS:

IS DEFENDANT ENGLISH SPEAKING? YES OR NO

DEFENDANT'S PREFERRED LANGUAGE:

CONFLICT INFORMATION

IF DEFENDANT WAS REPRESENTED BY ADC IN THE DISTRICT COURT, PLEASE STATE THE NATURE OF PUBLIC DEFENDER'S CONFLICT OF INTEREST:

NAME OF CO-DEFENDANT[S] (if any):

WAS CLIENT CONVICTED OF HABITUAL CRIMINAL COUNTS? IF SO, WAS CLIENT REPRESENTED BY CURRENT PD(S) ON PRIORS? WAS INEFFECTIVE ASSISTANCE OF COUNSEL RAISED DURING HABITUAL CRIMINAL PROCEEDINGS?

DID THE CLIENT MAKE ANY ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF COUNSEL OR OF A CONFLICT WITH TRIAL COUNSEL TO THE COURT? IF YES, PLEASE EXPLAIN. IF YES AND A WRITTEN MOTION WAS FILED, PLEASE ALSO SEND WITH THE PACKET.

**DESCRIPTION OF NATURE OF CASE AND DISPOSITION IN
TRIAL COURT**

ORIGINAL CHARGES FOR WHICH DEFENDANT WAS TRIED:

CHARGES FOR WHICH DEFENDANT WAS CONVICTED OR PLED GUILTY:

DATE JUDGMENT OF CONVICTION ENTERED OR DATE OF PLEA:

DATE SENTENCE IMPOSED:

SENTENCE:

RESTITUTION:

Has the DA requested Restitution?

Has the Court ordered Restitution?

Are you filing an objection to Restitution?

PROSECUTION COSTS:

Has the DA requested Prosecution Costs?

Has the Court ordered Prosecution Costs?

Are you objecting to Prosecution Costs?

**COURT COSTS/FEES/SURCHARGES (Total Amount of Money Owed that is
Listed on the Financial Summary in Minute Orders):**

Did you or are you filing a Motion to Waive?

MOTION FOR NEW TRIAL:

WAS MOTION FOR NEW TRIAL FILED?

DATE MOTION FOR NEW TRIAL FILED:

DATE MOTION FOR NEW TRIAL DENIED:

APPEAL BOND INFORMATION

WAS AN APPEAL BOND REQUESTED:
WAS AN APPEAL BOND GRANTED:
IF GRANTED, IN WHAT AMOUNT:

APPEALS OF DENIAL OF 35(C) MOTIONS

NOTE: If this is an appeal of the denial of a 35(c) motion, please complete the following questions and please send all 35(c) motions/responses/orders. If this is not an appeal of the denial of a 35(c) motion, please go on to the next section.

DATE 35(C) MOTION WAS FILED:
DATE 35(C) MOTION WAS DENIED:
WAS MOTION FILED PRO SE BY DEFENDANT?

EVALUATION OF APPELLATE ISSUES

NOTE: List issues in order of priority, **NOT** in chronological order.

DESIGNATION OF RECORD INFORMATION

(**TRANSCRIPTS WILL NOT BE ORDERED UNLESS DATES ARE LISTED)

Were there any problems with recording or virtual hearings that might lead to an incomplete transcript?

DATES OF MOTIONS HEARINGS:

DATE OF PROVIDENCY HEARING (if defendant entered a guilty plea):

DATES OF TRIAL:

DATE OF SENTENCING:

In order to ensure that a complete record on appeal is designated and filed, please note whether any of the following occurred in your case and whether you believe the action could be the basis of an issue on appeal:

_____ Challenge for Cause After Exhaustion of
Peremptory Challenges---POSSIBLE ISSUE? YES OR NO

_____ Objection to Prosecution's Closing
Argument---POSSIBLE ISSUE? YES OR NO

_____ Refused Defense Instructions
POSSIBLE ISSUE? YES OR NO

_____ Jury Misconduct---POSSIBLE ISSUE? YES OR NO

_____ Aggravated Sentence---POSSIBLE ISSUE? YES OR NO

_____ Denial of Change of Venue---POSSIBLE ISSUE? YES OR NO

_____ Prosecution PowerPoint --- POSSIBLE ISSUE? YES OR NO

WERE THERE ANY SPECIAL HEARINGS, REPORTS OR OTHER DOCUMENTS THAT NEED TO BE SPECIFICALLY DESIGNATED FOR INCLUSION IN THE RECORD ON APPEAL?

IF YOU HAVE TRANSCRIPTS OF ANY AUDIO OR VIDEO-TAPED INTERVIEWS WHERE THE INTERVIEWS WERE ADMITTED INTO EVIDENCE AT TRIAL BUT THE TRANSCRIPTS WERE NOT, PLEASE ATTACH THE TRANSCRIPTS.

IN THIS PARTICULAR CASE, WOULD YOU LIKE THE APPELLATE ATTORNEY TO CONTACT YOU TO DISCUSS THE ISSUES WHICH WILL BE RAISED ON APPEAL?