



LOCHBUIE MUNICIPAL COURT GENERAL INFORMATION ABOUT APPEALS

The information contained here is for informational purposes only and does not constitute legal advice about your case. Appeals from the Municipal Court are very complicated; we recommend you consult with an attorney. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney. It is the responsibility of the Defendant to obtain the necessary information to complete the Appeal process.

An appeal in the Lochbuie Municipal Court is a request for the Weld County District Court to review the findings/judgment of the Lochbuie Municipal Court. The review is based solely on the record of the trial made in the municipal court and is not a new trial.

Rules and forms can be obtained on-line at: www.courts.state.co.us select "Forms" from the navigation bar across the top of the page, select "Appeals" from the list, select "Criminal Appeal". The Lochbuie Municipal Court and the Weld County District Court do NOT have forms or instructions on how to file an appeal.

THE BURDEN IS ON THE DEFENDANT TO PROCEED WITH AN APPEAL

Appeals must follow State Statutes and Colorado Rules of Criminal Procedure, Rule 37, and, Colorado Municipal Court Rules of Procedure Rule 237(b).

An appeal must be filed within 35 days of judgment in the Weld County District Court, located at 901 9th Avenue in Greeley, Colorado. The following must be filed with the Lochbuie Municipal Court:

- a) A copy of the notice of appeal filed in the District Court, dated and case number added by the District Court.
- b) Transcript deposit, cash, money order or certified funds, within 10 days of filing a notice of appeal:
\$250.00 if your case was a trial to the court (Judge).
\$500.00 if your case was a trial to a jury.
The deposit is contingent upon the length of the proceeding, if the cost of the transcript exceeds the deposit; you are required to pay the balance prior to any further action in your case. If the cost of the transcript is less than the deposit, the balance will be refunded to you.
The original transcript will be sent to the Weld County District Court as part of your appeal. If you would like a copy of the completed transcript for your records you must pay 25 cents per page plus sales tax.
- c) Appeal Bond – the amount of the appeal bond will be set by the court upon receipt of a notice of appeal. If a jail sentence, suspended jail sentence or if no fine was imposed, the Judge will set the amount of the appeal bond.
- d) The appeal bond must be paid in cash, money order, certified funds or posted by a professional bail bondsperson, within 10 days of filing a notice of appeal. The defendant must be present to sign the appeal bond.

By law, court staff is not allowed to give instructions regarding appeals.

If you do not understand this information, please contact an attorney.