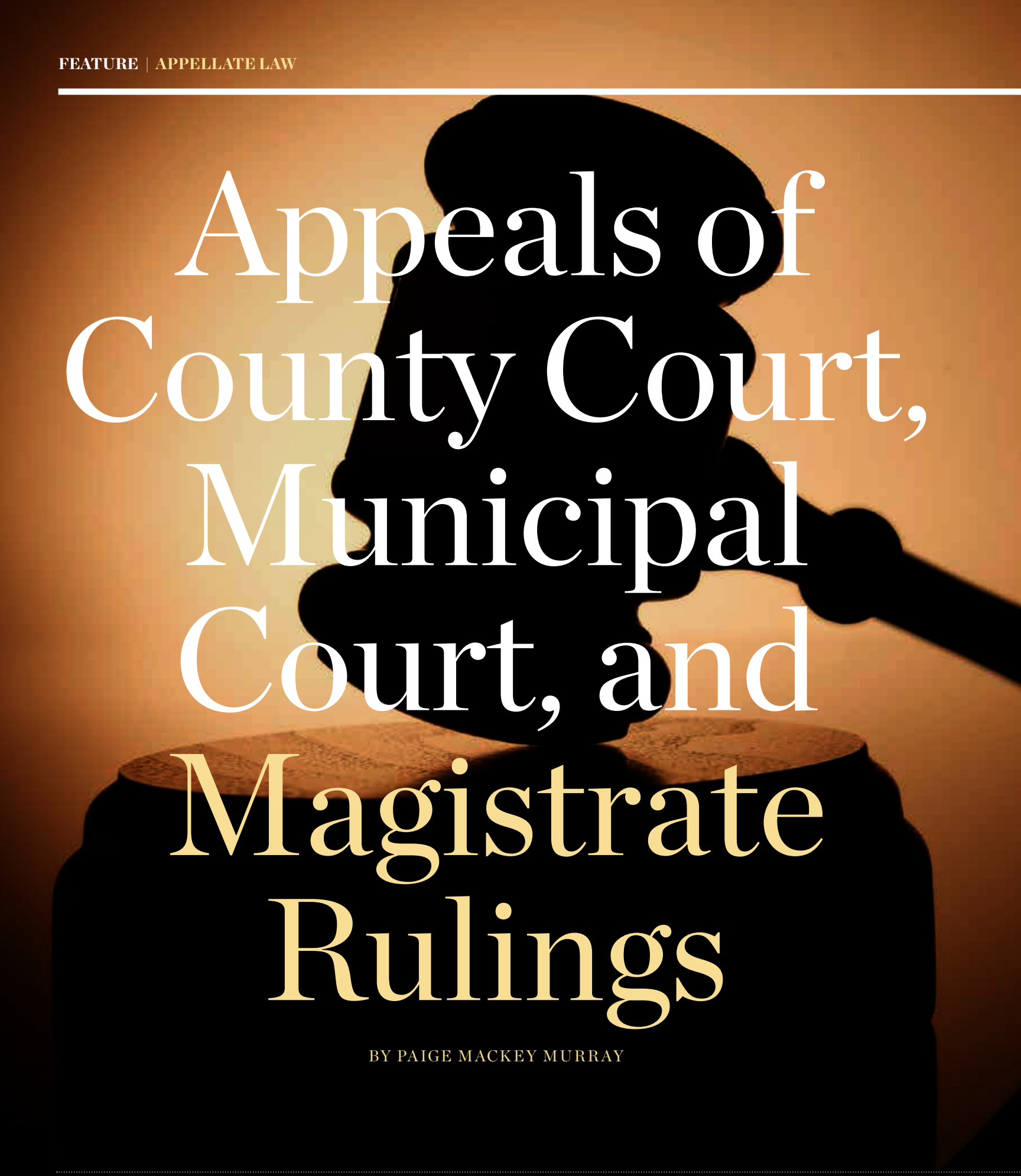

Appeals of County Court, Municipal Court, and Magistrate Rulings

BY PAIGE MACKEY MURRAY

This article outlines the key procedural requirements for appealing municipal court, county court, and magistrate rulings, with a focus on the statutes and rules that govern these appeals.

Not every appeal is before the highest court in the land, nor does every appeal start with a judgment entered by a district court judge. Many appeals are of decisions from a municipal judge, a county court judge, or a magistrate. While these appeals are usually less costly, complex, and time-consuming than appeals to higher courts, they require an understanding of complex statutory and rule frameworks. Being able to navigate these requirements and provide appellate services at the lower court level can be a meaningful means of achieving justice for clients and ensuring that any issues arising from municipal court, county court, or magistrate decisions are properly preserved for any further appeals to the Court of Appeals or Supreme Court.

Appeals of County Court Decisions

In general, the Colorado Appellate Rules do not apply to appeals in courts other than the Colorado Court of Appeals and Colorado Supreme Court.[1] CRS § 13-6-310 applies to all county court appeals, although the procedures vary for civil and criminal appeals. The procedures for appealing a civil ruling from county court are governed by County Court Civil Procedure Rule (Colo. R. Cnty. Ct. Civ. P.) 411 and CRS § 13-6-311. Criminal appeals from county court are governed by Crim. P. 37 and CRS § 16-2-114.

Both civil and criminal appeals of county court decisions are brought in the district court for the judicial district in which the county court entering the judgment is located.[2] Counsel should refer to the local rules for the county from which they wish to appeal for any additional procedural requirements.[3]

County Court Civil Appeals

A party wishing to appeal a county court civil judgment must file a notice of appeal in the county court within 14 days after the entry of judgment.[4] Within that 14 days the appellant must also file an appeal bond with the clerk of the county court.[5] Within 35 days of the filing of the notice of appeal in county court, the appellant must docket the case in the district court and pay the docket fee.[6] An extension of time for filing the transcript will not change the deadline for docketing the case in the district court.[7] Failure to timely docket the case in the district court could deprive that court of jurisdiction over the appeal.[8] It is unclear whether in a civil case the filing of the notice of appeal in the county court is jurisdictional.[9]

Colo. R. Cnty. Ct. Civ. P. 411 references a mandatory notice of appeal in Form 4.[10] Form 4 is fairly rudimentary and does not include a list of issues to be raised on appeal. However, the particular county in which the appeal will be filed may require additional information.[11]

Once the appellant has paid any required record fee,[12] the county court clerk prepares the record, including any transcripts designated by the parties.[13] The clerk must notify the parties in writing of the completion of the record, at which point the parties have 14 days to file any objections.[14] If no objections are received, the clerk will certify the record.[15] If there are objections, the county court will hold a hearing and resolve the issues, after which the record will be certified.[16]

In a civil case, it is not necessary to file a motion for new trial in the county court as a condition of appeal.[17] If a motion for new trial is filed within 14 days, the time for appeal is extended until 14 days after disposition of the motion.[18] However, in that case, only matters raised in the motion for new trial will be considered in the appeal.[19]

Stays and Bonds

A stay of the judgment is automatic once the notice of appeal and designation of record are filed, the appeal bonds are paid, and any advance fee required to prepare the record is paid.[20] When the appeal is by the plaintiff, the bond is intended to pay the costs of the appeal and the judgment on any counterclaims.[21] If the appeal is by the defendant, the bond is intended to pay the costs and any judgment if the appealing party is unsuccessful in the appeal.[22]

The bond is a precondition to proceeding with the appeal.[23] However, an indigent party is not required to post a judgment bond as a precondition to proceeding with an appeal of an adverse money judgment from county court to district court.[24] Under such circumstances, however, the execution of the judgment will not be stayed during the pendency of the appeal, and the appellant assumes the risk that the judgment creditor-appellee will execute the judgment.[25]

Briefing Deadlines

The opening brief in a civil appeal in district court is due 21 days after the filing of the record, and the answer brief is due 21 days after service of the opening brief.[26] There is

no provision for a reply brief.[27] The court may allow oral argument in its discretion.[28]

Disposition of the Appeal

On appeal of civil county court decisions, a district court may affirm, reverse, remand, or modify the judgment, and in its discretion may remand the case for a new trial with instructions or direct that the case be tried de novo before the district court.[29] However, the district court may hold a de novo trial only if the record of the proceedings in the county court has been lost or destroyed or cannot be produced for a valid reason, or if a party has shown that there is new and material evidence that was unknown and undiscoverable at the time of the county court trial and that might affect the outcome if presented de novo in the district court.[30]

County Court Criminal Appeals

In criminal proceedings, the district attorney may appeal a question of law decided by a county court, and the defendant may appeal a judgment of the county court.[31]

To appeal a criminal case from the county court, the appellant must file a notice of appeal in the county court within 35 days after the entry of judgment or the denial of post-trial motions, whichever is later.[32] The appellant must also, within the same 35 days, post the advance costs required by the county court for preparation of the record, serve a notice of the appeal upon the appellee, docket the appeal in the district court, and pay the district court docket fee.[33]

Unlike the notice of appeal in a civil case, the notice in a criminal case must state with particularity the alleged errors of the county court or other grounds relied upon for the appeal.[34] Failure to provide at least a minimal description of the issues on appeal could potentially preclude review of those issues in the district court.[35]

The notice of appeal also must include a stipulation or designation of the evidence and other proceedings the appellant desires to have included in the record certified to the district court.[36] And if the appellant intends to argue sufficiency of the evidence, the appellant must designate a transcript of all relevant evidence.[37]

In a criminal case, the docketing of the appeal in the district court is a jurisdictional requirement, although the filing of the notice of appeal in the county court is not.[38]

After being served the notice of appeal and designation of record, the appellee has 14 days to designate any additional parts of the record.[39] The appellant must post the advance cost of preparing the additional record within seven days after service of the designation or the appeal will be dismissed.[40] If the district court finds that the additional record was not necessary, it is required to order the appellee to reimburse the appellant for the cost advanced, regardless of the outcome of the appeal.[41] If for any reason an adequate record cannot be certified to the district court, the case must be tried de novo in the district court.[42]

> “Unlike in a civil appeal, a stay of execution is not automatic in a criminal appeal from a county court, but if a stay is requested before an appeal is docketed, it generally must be granted.”

A criminal defendant is not required to file a motion for new trial before appealing to the district court, and if any such motion is filed it will not limit the issues that may be raised on appeal.[43] However, if the court directs a party to file a motion for a new trial on a specific issue, the party may not appeal on that issue if he or she fails to file the motion.[44]

Stays and Bonds

Unlike in a civil appeal, a stay of execution is not automatic in a criminal appeal from a county court, but if a stay is requested before an appeal is docketed, it generally must be granted.[45] There is an exception, however, for a sentence of probation, for which the court has discretion under the probation statutes to determine whether to enter a stay.[46] Nonetheless, if the sentence of probation is from a misdemeanor conviction, a county court, upon request, must grant a stay of execution of the sentence pending appeal.[47]

If a sentence of imprisonment has been imposed, the defendant may be required to post bail, and if a fine and costs have been imposed, the court may require a deposit in the same amount.[48]

If the request for a stay is made after the appeal is docketed with the district court, the district court may take the action of ordering a stay.[49]

Briefing Deadlines

In a criminal appeal from the county court, the opening brief of the appellant is due 21 days after certification of the record, and the answer brief of the appellee is due 21 days after service of the opening brief.[50] Unlike in a civil case, the criminal appeal provisions allow an appellant to file a reply brief within 14 days after service of the answer brief.[51] However, there is no provision in the statutes or rules for oral argument in a criminal appeal.[52]

Disposition of the Appeal

As in civil appeals from county court decisions, the district court may affirm, reverse, remand, or modify the judgment, and in its discretion may remand the case for a new trial with instructions or direct that the case be tried de novo before

the district court.[53] However, the outcome of a criminal appeal to the district court cannot result in an increase in the penalty.[54]

Appeals by the Prosecutor

The prosecuting attorney may appeal a matter of law to the district court,[55] and may also bring an interlocutory appeal in the district court if the county court has granted a pretrial motion by the defendant for return of property and to suppress evidence, to suppress evidence, or to suppress an extra-judicial confession or admission.[56] The prosecuting attorney must certify to the judge who granted the motion and to the district court that the appeal is not taken for purposes of delay and that the evidence is a substantial part of the proof of the charge pending against the defendant.[57] The prosecutor has 14 days from the time of entry of the order being appealed to file the notice of appeal with the district court and pay the docket fee.[58]

In such an interlocutory appeal, the prosecutor's opening brief is due 14 days after the record has been filed in the district court, the answer brief is due 14 days after service of the opening brief, and any reply brief is due seven days after service of the answer brief.[59] The court may order oral argument, but there is no specific provision for requesting it.[60] Unless the court orders oral argument and rules on the record and in the presence of the parties, its decision must be by written opinion.[61] No petition for rehearing is permitted.[62]

Further Appeals in Both Civil and Criminal Cases

Where the district court has acted as an appellate court in reviewing a county court decision, the next appeal is to the Supreme Court upon writ of certiorari.[63] However, at least in criminal cases, where the district court directs that the case be tried de novo before the district court, it is not acting as an appellate court, and further appeal is to the Court of Appeals.[64]

A petition for writ of certiorari in the Supreme Court must be filed within 42 days after entry of the district court judgment on appeal.[65] A party may file a petition for rehearing of the district court judgment but is not required to do so.[66] If a petition for rehearing is filed, the petition for writ of certiorari must be filed within 28 days after the decision on the petition for rehearing.[67] To appeal the outcome of a criminal trial de novo in the district court, an appeal to the Court of Appeals must be filed within 49 days of the date of the entry of the judgment, decree, or order from which the party appeals.[68]

> "The procedural path of an appeal of a municipal court decision depends on whether the municipal court is a 'qualified court of record' or court 'not of record.' Thus, the first step in any municipal court appeal is to determine whether the municipal court is a qualified court of record, and what procedural filing deadlines and requirements apply in the appropriate appellate court."

Appeals of Municipal Court Decisions

The procedural path of an appeal of a municipal court decision depends on whether the municipal court is a "qualified court of record" or court "not of record." Thus, the first step in any municipal court appeal is to determine whether the municipal court is a qualified court of record, and what procedural filing deadlines and requirements apply in the appropriate appellate court. Appeals from municipal courts not of record are controlled by CRS §§ 13-10-116 through -125, and appeals from municipal courts of record are controlled by Crim. P. 37.[69]

Qualified Courts of Record Versus Courts Not of Record

A municipal court of record is typically a court of general jurisdiction that conducts its proceedings in accordance with the common law and has the ability to fine and imprison as well as hold a party in contempt.[70] The legislature has determined that the Supreme Court, Court of Appeals, district courts, county courts, and juvenile and probate courts in the city and county of Denver each "shall be a court of record," as well as "[a]ny court established by law and expressly denominated a court of record."[71] A "qualified municipal court of record" is

> a municipal court established by, and operating in conformity with, either local charter or ordinances containing provisions requiring the keeping of a verbatim record of the proceedings and evidence at trials by either electric devices or stenographic means, and requiring as a qualification for the office of judge of such court that he has been admitted to, and is currently licensed in, the practice of law in Colorado.[72]

Appeals from Qualified Municipal Courts of Record

From a qualified municipal court of record, all

appeals are brought to the district court of the county in which the municipal court is located.[73] Such appeals are treated as if they were appeals from a county court, and all provisions regarding county court appeals (rather than the rules for municipal court appeals) apply.[74] The procedural rules for appealing misdemeanor convictions from county court to district court also apply.[75]

In a qualified municipal court of record, the municipality may appeal a question of law arising from the municipal proceeding.[76]

Because the function of the district court in acting as an appellate court is the same whether the appeal originates from a municipal court of record or a county court, the district court has the same range of permissible actions: it may review the municipal court decision on the record, remand the case for a new trial with instructions, or direct that trial de novo be had before the district court.[77]

Appeals from Municipal Courts Not of Record

On the other hand, if the municipal court is a court not of record, the appeal is brought in the county court in the county in which the municipal court sits, and the appeal is de novo, with the county court applying the municipal rules of procedure.[78] In such a case, a party has 14 days to appeal to the county court.[79] The notice of appeal, which must be filed in duplicate, must contain the title of the case; the name and address of the appellant and the appellant's attorney (if any); the offense or violation of which the appellant was convicted; a statement of the judgment, its date, and any fine or sentence imposed; and a statement that the appellant appeals from the judgment.[80]

In a municipal court not of record, the municipality can maintain an action to construe, interpret, or determine the validity of any ordinance or charter provision; however, the municipality cannot appeal a judgment.[81] The taking of an appeal will not permit a retrial of any matter in which the appellant has been acquitted, or any conjoined charge from the conviction of which the appellant does not seek to appeal.[82] Additionally, rulings on motions in a municipal court not of record are not appealable.[83]

Once the appellant files the notice of appeal and pays the required $1.50 record fee, the municipal court certifies the record, which includes the original papers in the municipal court file, a transcript of the record, and a copy of the notice of appeal.[84] The appellant must pay a docket fee to the appellate court within 14 days of ordering the transcript, and failure to do so may result in dismissal of the appeal.[85]

Stays and Bonds

Stays of judgment in the municipal court during an appeal are not automatic and must be requested.[86] In a municipal court not of record, if a party desires a stay, the party must post a bond in a sum to be fixed by the municipal court and in an amount not exceeding double the amount of the judgment for fines and costs, plus an amount commensurate with any jail sentence, which "shall be not less than fifty dollars nor more than a sum equal to two dollars for each day of jail sentence imposed."[87] No stay of execution may be granted until the appellant executes the approved bond.[88] The bond is conditioned on the appellant duly prosecuting the appeal, satisfying any judgment that may be rendered by the appellate court, and surrendering himself or herself in satisfaction of the appellate judgment if required.[89] The municipality may also provide by ordinance other bond terms and conditions that are not inconsistent with the applicable statutes.[90] Thus, parties should review municipal ordinances for any further bond requirements.

Although the municipal appeal procedures of Article 10 do not govern appeals from qualified municipal courts of record, presumably the stay provisions in CRS § 13-10-120, not being limited to appeals, still apply to such cases.[91]

Further Appeal

In the case of a decision from the district court on appeal from a municipal court of record, the next appeal available is by writ of certiorari to

the Supreme Court, except that, if the district court conducts a trial de novo, the next appeal would be in the Court of Appeals.[92]

In the case of a decision from a trial de novo in the county court resulting from a decision out of a municipal court not of record, because the county court is acting in its capacity as a trial court by conducting a trial de novo, presumably the next appeal would be taken to the district court under CRS § 13-6-310, as the party's first appeal of right.[93] Then, if a further appeal is desired, it would be by writ of certiorari to the Supreme Court.[94]

Appeals of Magistrate Rulings

Magistrate rulings are becoming increasingly common, especially in the area of domestic relations. Appealing magistrate rulings can be problematic if counsel is unaware of the specific procedural path required, which is determined by whether the magistrate is acting in a matter that requires the consent of the parties. Where the parties' consent is not necessary, the party wishing to appeal must file a petition for review with the district court before appealing to the next higher court.[95] But where the consent of the parties is necessary and was given, the appeal is pursuant to the Colorado Appellate Rules in the same manner as a district court order or judgment.[96]

Note that in certain types of cases, such as juvenile, dependency and neglect, and probate proceedings, the appeal deadline may be earlier and the procedures may be different.[97] Therefore, counsel should always double-check any applicable statutes and rules before proceeding in a particular case.

Whether Consent is Necessary

Colorado Rules for Magistrates (CRM) 6 governs whether consent is necessary for a magistrate to preside over a specific proceeding.

In criminal cases, consent is not necessary except for the entry of guilty pleas, the entry of deferred prosecution and deferred sentence pleas, the modification of terms and conditions of probation or deferred prosecutions and deferred sentences, and the imposition of stipulated sentences to probation in cases assigned to problem-solving courts.[98]

In domestic matters arising under Title 14, consent is required when a magistrate is presiding over contested hearings that result in permanent orders concerning property division, maintenance, child support, or allocation of parental responsibilities.[99] However, consent is not required for a magistrate to preside over motions to modify permanent orders concerning these same types of matters.[100] Consent is also not required for a magistrate to determine an order concerning child support filed pursuant to CRS §§ 26-13-101 et seq. or for any other function authorized by statute.[101]

> "Appealing magistrate rulings can be problematic if counsel is unaware of the specific procedural path required, which is determined by whether the magistrate is acting in a matter that requires the consent of the parties."

But whether a case is proceeding pursuant to Title 14 is not always clear. For instance, the Court of Appeals has recognized that issues regarding common law marriage may arise in a variety of cases and has held that where the issues arise in the dissolution of marriage context the case remains a "family law case" rather than a "civil case" for purposes of the consent requirements and appeal provisions.[102]

In other civil cases, no consent is necessary for a magistrate to

- conduct settlement conferences;
- conduct default hearings, enter judgments pursuant to CRCP 55, and conduct post-judgment proceedings;
- conduct hearings and enter orders authorizing a sale pursuant to CRCP 120;
- conduct hearings as a master pursuant to CRCP 53;
- hear and rule on motions relating to disclosure, discovery, and all CRCP 16 and 16.1 matters;
- conduct proceedings involving protection orders pursuant to CRS §§ 13-14-101 et seq.; and
- conduct any other function authorized by statute. [103]

Consent is necessary in all other civil matters, except that a magistrate may not (even with consent) preside over jury trials.[104]

In juvenile cases, the magistrate's powers are pursuant to Title 19, Article 1, and unless otherwise provided in the statute, consent is required.[105]

Finally, in probate and mental health cases, no consent is necessary for a magistrate to perform duties that may be delegated to or performed by a probate registrar, magistrate, or clerk pursuant to Colorado Rules of Probate Procedure (CRPP) 34 and 35; to hear and rule on petitions for emergency protective orders and petitions for temporary orders; and to conduct any other function authorized by statute.[106] Consent is required, however, for hearings and rulings on matters filed pursuant to CRS Titles 15, 25, and 27.[107]

A magistrate is required to specify in any appealable order whether consent was neces-

sary and whether the party is required to file a petition for review or appeal directly to the appellate court.[108] But counsel cannot rely on such notice. If the magistrate includes erroneous language in an order where consent was not necessary and the party fails to timely seek district court review as a result, that error will not confer jurisdiction on the Court of Appeals, although the district court may have grounds to review the untimely petition.[109] And divisions of the Court of Appeals are in disagreement as to whether the Court may apply the unique circumstances doctrine to extend the deadline for filing a notice of appeal, where the party received erroneous notice from the magistrate.[110] Moreover, where the proceeding is one that does not require consent of the parties, the fact that the parties did consent to the proceeding does not eliminate the requirement of a petition for review before appeal.[111]

Appeals Where Consent was Necessary

Orders or judgments by a magistrate issued when consent is necessary and was given are *not* subject to review in the district court, but rather are appealed in the same manner as an order or judgment of a district court.[112] Thus, appeal in these cases is usually directly to the Court of Appeals under the Colorado Appellate Rules.[113]

Petitions for Review Where Consent was Not Necessary

Where consent of the parties is not necessary, a party wishing to appeal a final magistrate order or judgment must file with the district court a petition for review within 14 days if the parties are present when the order or judgment is entered, or within 21 days if the order or judgment is mailed or otherwise transmitted to the parties.[114]

Any request for an extension of time to file a petition for review must be made with the reviewing judge within the 21-day time limit.[115] The rules do not authorize any motions that would toll the time for seeking review in the district court,[116] nor do they authorize a magistrate to act on a motion for reconsideration. But if a motion for reconsideration is filed within the 21-day time limit, it may (but will not always) be treated as petition for review by the district court.[117] And a motion to correct a clerical error filed with the magistrate pursuant to CRCP 60(a) does not constitute a petition for review and does not extend the time for filing such a petition.[118]

The petition for review must state with particularity the alleged errors in the magistrate's order or judgment and may be accompanied by a memorandum brief.[119] Within 14 days after being served with a petition for review, a party may file a memorandum brief in opposition.[120] There is no specific provision allowing for a reply brief. A party petitioning for review is not required to prepare and file the transcripts with the district court, but failure to do so results in a presumption that the record would support the magistrate's order.[121]

On petition for review, the reviewing judge may rule solely on the petition and briefs or may conduct further proceedings, take additional evidence, or order a trial de novo in the district court.[122] A reviewing judge cannot alter findings of fact unless they are clearly erroneous.[123] The reviewing judge must adopt, reject, or modify the magistrate's order or judgment in a written order, which becomes the order or judgment of the district court.[124] Petitions for review, if not addressed by the district court, are not deemed denied under CRCP 59(j).[125]

Further Appeal

Failure to timely seek review by the district court when required results in a waiver of the right to appeal to the higher court.[126] If a party wishes to appeal a district court's decision on a petition for review, the appeal is pursuant to the Colorado Appellate Rules in the same manner as any other order or judgment of a district court.[127] Issues not raised in the petition for review are generally viewed as not preserved for purposes of any further appeals.[128]

Conclusion

Appealing rulings from municipal and county courts and from magistrates may be critical to ensuring that justice is achieved in a particular case. Yet the statutes and rules governing such appeals are replete with potential procedural pitfalls. While this article provides an overview of the appellate framework for lower court appeals, it does not address every procedural nuance that may arise in a particular case, so counsel must carefully review the statutes and rules to determine the appropriate procedural avenue for appeal. CL

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NOTES

1. *See* CAR 1(a)(1) ("An appeal to the appellate court may be taken from . . . [a] final judgment of any district, probate, or juvenile court in all actions or special proceedings whether governed by these rules or by the statutes."); CAR Ch. 32, Refs & Annos, Cmt. 2 ("Rules 1 through 48, except where specifically noted otherwise, apply to appeals to either the supreme court or to the court of appeals."). One exception is for interlocutory appeals by a prosecutor under Crim. P. 37.1(g) ("If no procedure is specifically prescribed by this rule, the court shall look to the Rules of Appellate Procedure for guidance.").

2. CRS § 13-6-310(1).

3. For instance, currently Denver County requires a $200 transcript deposit to be filed with any appeal. www.denvercountycourt.org/how-and-where-to-file-an-appeal.

4. CRS § 13-6-311(1)(a); Colo. R. Cnty. Ct. Civ. P. 411(a).

5. *Id.*

6. Colo. R. Cnty. Ct. Civ. P. 411(a).

7. *Tumbarello v. Superior Court*, 575 P.2d 431, 433 (Colo. 1978).

8. Although Crim. P. 37 does not expressly state that filing in district court is jurisdictional, the Court in *Peterson v. People*, 113 P.3d 706, 712 (Colo. 2005), looked to CAR 3(a) and held that filing in the district court invokes the court's appellate jurisdiction. By extension, failure to timely file in the district court under Colo. R. Cnty. Ct. Civ. P. 411 and CRS § 13-6-311 could likewise deprive the district court of jurisdiction over the appeal.

9. The Supreme Court in *Peterson* held that in a criminal case under Crim. P. 37 filing the notice of appeal in county court is not jurisdictional. *Peterson*, 113 P.3d 706, 713. Because the Court relied in part on the principle that "the right to direct appeal of a criminal conviction is fundamental," *id.* at 708, it is unclear whether this holding would be extended to civil appeals.

10. Colo. R. Cnty. Ct. Civ. P. 411(a) requires that the notice be in the form appearing in the Appendix to Chapter 25, Form 4.

11. For instance, the Denver County Court has a required Notice of Appeal and Designation of Record form available on its website, www.denvercountycourt.org/notice-of-appeal-and-designation-of-record-civil.

12. Neither Colo. R. Cnty. Ct. Civ. P. 411 nor CRS § 13-6-311 provides a deadline for paying any fee required for preparation of the record. However, under Rule 411, the lodging of the transcript must occur within 42 days after filing the notice of appeal. Colo. R. Cnty. Ct. Civ. P. 411(b); CRS § 13-6-311(2)(a).

13. Colo. R. Cnty. Ct. Civ. P. 411(b). Both CRS § 13-6-311(2)(a) and Rule 411(b) delineate a different process for stenographic recordings versus electronic recordings. There is no specific requirement that the appellant file a designation of record, other than for specific transcripts, although the county court may require a formal designation of record.

14. CRS § 13-6-311(2)(b); Colo. R. Cnty. Ct. Civ. P. 411(b).

15. *Id.*

16. *Id.*

17. CRS § 13-6-311(1)(b).

18. *Id.*

19. *Id.* Note that in criminal cases a party is not precluded from raising on appeal issues it did not raise in a motion for new trial. Colo. R. Crim. P. 33(b) ("The court may direct a party to file a motion for a new trial or other relief on any issue. The failure of the party to file such a motion when so ordered shall preclude appellate review of the issues ordered to be raised in the motion. The party, however, need not raise all the issues it intends to raise on appeal in such motion to preserve them for appellate review.").

20. CRS § 13-6-311(1)(b); Colo. R. Cnty. Ct. Civ. P. 411(a).

21. CRS § 13-6-311(1)(a); Colo. R. Cnty. Ct. Civ. P. 411(a).

22. *Id.*

23. *Id.*

24. *O'Donnell v. State Farm Mut. Auto. Ins. Co.*, 186 P.3d 46, 54 (Colo. 2008).

25. *Id.*

26. Colo. R. Cnty. Ct. Civ. P. 411(d); CRS § 13-6-311(4).

27. *Id.*

28. Colo. R. Cnty. Ct. Civ. P. 411(d).

29. CRS § 13-6-310(2).

30. Colo. R. Cnty. Ct. Civ. P. 411(d).

31. CRS § 16-2-114(1); Crim. P. 37(a).

32. *Id.*

33. *Id.*

34. Crim. P. 37(b).

35. *See Waltemeyer v. People ex rel. City of Arvada*, 658 P.2d 264, 265 (Colo. 1983) ("the notice of appeal provided sufficient notice to the parties and the district court of the basis for the appeal").

36. CRS § 16-2-114(2); Crim. P. 37(b).

37. *Id.*

38. *Peterson*, 113 P.3d 706, 708.

39. CRS § 16-2-114(2); Crim. P. 37(b).

40. *Id.*

41. *Id.*

42. CRS § 16-2-114(7); Crim. P. 37(g).

43. Crim. P. 33(a) and (b), 37(a).

44. Crim. P. 33(b).

45. CRS § 16-2-114(6); Crim. P. 37(f).

46. CRS § 18-1.3-202(1)(a) (an order placing a defendant on probation "shall take effect upon entry and, if any appeal is brought, shall remain in effect pending review by an appellate court unless the court grants a stay of probation pursuant to section 16-4-201"); CRS § 18-1.3-§ 201(1)(a) ("A person who has been convicted of an offense, other than a class 1 felony or a class 2 petty offense, is eligible to apply to the court for probation.").

47. *People v. Steen*, 318 P.3d 487, 494 (Colo. 2014).

48. CRS § 16-2-114(6); Crim. P. 37(f).

49. *Id.* It is unclear whether the trial court retains jurisdiction to order a stay after the appeal is docketed. It is also unclear whether, after an appeal is docketed, the district court must order a stay when requested or does so in its discretion.

50. CRS § 16-2-114(5); Crim. P. 37(e).

51. *Id.*

52. *Id.*

53. CRS § 13-6-310(2).

54. CRS § 16-2-114(7); Crim. P. 37(g).

55. Crim. P. 37(a).

56. Crim. P. 37.1(a).

57. *Id.*

58. Crim. P. 37.1(b).

59. Crim. P. 37.1(d).

60. Crim. P. 37.1(e).

61. *Id.*

62. *Id.*

63. CRS § 13-6-310(4).

64. *See Bovard v. People*, 99 P.3d 585, 586 (Colo. 2004) (holding, in a criminal case, that "when the district court operates within the sphere of its trial court authority by conducting a trial de novo, the defendant has an appeal of right to the court of appeals from the final judgment of the district court"). This principle likely applies in civil cases as well. *See generally* Colo. R. Cnty. Ct. Civ. P. 411(e) ("upon trials de novo held in the district court or in cases in which the judgment is modified . . . the judgment shall be that of the district court and enforced therefrom").

65. CAR 52(b)(1).

66. CAR 52(a). No petition for rehearing is allowed for an interlocutory appeal by a prosecutor under Crim. P. 37.1(e).

67. CAR 52(b)(1). The comments to the 2018 revised rule state: "C.A.R. 52 has been revised to recognize that petitions for rehearing of a district court's review of a county court judgment are permissible, and if a petition for rehearing is filed, the petition for writ of certiorari must be filed within 28 days after the district court's denial of the petition for rehearing."

68. CAR 4(b)(1) (prescribing deadline for notice of appeal); CRS § 13-4-102(1) (jurisdiction of court of appeals over final judgments of district courts).

69. Colo. Muni. Ct. R. Proc. 237.

70. *People v. Rodriguez*, 112 P.3d 693, 703–04 (Colo. 2005).

71. CRS § 13-1-111.

72. CRS § 13-10-102(3). *See Normandin v. People*, 91 P.3d 383, 385 (Colo. 2004) (such courts have been described as those "which are presided over by an attorney judge and are required to maintain an official record of in-court proceedings" and courts not of record as "the balance of municipal courts").

73. CRS § 13-10-116(2).

74. *Id. See Normandin*, 91 P.3d 383, 388 (CRS § 13-10-117 deadline for filing a notice of appeal does not apply to appeals out of qualified municipal courts of record).

75. CRS § 13-10-116(2).

76. CRS § 13-10-116(3).

77. *People v. Anderson*, 492 P.2d 844, 845 (Colo. 1972); CRS § 13-6-310(2).

78. CRS § 13-10-116(1); *Rainwater v. Cnty. Court*, 604 P.2d 1195, 1197 (Colo.App. 1979).

79. CRS § 13-10-117.

80. CRS § 13-10-118(1).

81. CRS § 13-10-116(3).

82. CRS § 13-10-118(2).

83. Colo. Muni. Ct. R. Proc. 237(a).

84. CRS §§ 13-10-117 and -119.

85. CRS § 13-10-122.

86. CRS § 13-10-120(1).

87. CRS § 13-10-120(3).

88. CRS § 13-10-117.

89. CRS § 13-10-121(1).

90. CRS § 13-10-121(3).

91. CRS § 13-10-116(2) (municipal court "appeal

procedures" do not apply to appeals from municipal courts of record).

92. *See Bovard*, 99 P.3d at 586 (in a criminal case, "when the district court operates within the sphere of its trial court authority by conducting a trial de novo, the defendant has an appeal of right to the court of appeals from the final judgment of the district court").

93. By extension, *see Bovard*, 99 P.3d 585, 586.

94. CRS § 13-6-310(4).

95. CRM 7(a)(5).

96. CRM 7(b).

97. *See, e.g.*, CRS 19-1-108(5.5); CRPP 34(c).

98. CRM 6(a)(1) and (2).

99. CRM 6(b)(1) and (2).

100. CRM 6(b)(1)(B).

101. CRM 6(b)(1)(C) and (D).

102. *In re Marriage of Phelps & Robinson*, 74 P.3d 506, 509 (Colo.App. 2003).

103. CRM 6(c)(1).

104. CRM 6(c)(2).

105. CRM 6(d).

106. CRM 6(e)(1).

107. CRM 6(e)(2).

108. CRM 7(a) and (b).

109. *See In re Marriage of Stockman*, 251 P.3d 541, 543 (Colo.App. 2010) ("The Colorado Rules for Magistrates create a 'confusing appellate labyrinth' perplexing both counsel and pro se parties alike, leading to the dismissal of a 'significant, and perhaps unacceptable' number of appeals . . . . [T]he district court should carefully consider the unique circumstances presented by the magistrate's erroneous and misleading language in determining whether to accept the untimely appeal.") (citation omitted).

110. *See In re Heotis*, 375 P.3d 1232, 1236–38 (Colo.App. 2016); *In re C.A.B.L.*, 221 P.3d 433, 438–41 (Colo.App. 2009); *id.* at 444–47 (Gabriel, J., dissenting).

111. *In re Marriage of Roosa*, 89 P.3d 524, 528–29 (Colo.App. 2004); *Phelps & Robinson*, 74 P.3d 506, 509.

112. CRM 7(b).

113. *Id.*; CRS § 13-4-102(1) (conferring jurisdiction on the court of appeals over final judgments of district courts).

114. CRM 7(a)(5). *See In re Marriage of Tonn*, 53 P.3d 1185, 1186 (Colo.App. 2002) ("where a family law magistrate's order is entered outside the presence of the parties and later mailed to them, the fifteen-day period in C.R.M. 7(a)(1) for filing a motion for review begins to run on the date order is mailed").

115. CRM 7(a)(6).

116. *Tonn*, 53 P.3d 1185, 1187.

117. *See Phelps & Robinson*, 74 P.3d 506, 509.

118. CRM 7(a)(6).

119. CRM 7(a)(7).

120. *Id.*

121. CRM 7(a)(9). *See In re Marriage of Rivera*, 91 P.3d 464, 466 (Colo.App. 2004) ("a party seeking review of a magistrate's order shoulders the burden of providing a record justifying the rejection or modification of that order," and "[a]bsent such a record, the district court may presume the regularity of the magistrate's proceedings").

122. CRM 7(a)(8).

123. CRM 7(a)(9).

124. CRM 7(a)(10).

125. *In re Marriage of Moore*, 107 P.3d 1150, 1151 (Colo.App. 2005).

126. CRM 7(a)(12).

127. CRM 7(a)(11) and (12).

128. *People ex rel. K.L-P.*, 148 P.3d 402, 403 (Colo.App. 2006).