

INFORMATION ON SEALING RECORDS and APPEALS FROM THE WELLINGTON MUNICIPAL COURT TO THE LARIMER COUNTY 8th JUDICIAL DISTRICT COURT

Sealing of records

– Dismissals

You may be eligible to seal certain records pursuant to C.R.S. 24-72-702 when charges are dismissed. Please consult the statutes or legal counsel with respect to these matters. Certain limitations and time limits may apply. The court staff is not able to answer questions about these matters.

- Convictions

Certain records involving non-traffic convictions may be eligible for sealing through the District Court not less than three years after completing your sentence in this case pursuant to C.R.S. 24-72-703 and 24-72-708. Please consult the statutes or legal counsel with respect to these matters. Certain limitations and time limits may apply. The court staff is not able to answer questions about these matters.

Appeals:

WARNING: THIS IS NOT A COMPLETE ADVISEMENT OF YOUR RIGHTS, OR ALL PROCEDURES YOU MUST FOLLOW TO PROPERLY APPEAL YOUR CASE. QUESTIONS OF A LEGAL NATURE MUST BE DIRECTED TO AN ATTORNEY. COURT CLERKS, BY LAW, CANNOT PROVIDE LEGAL ADVICE.

An appeal in the Wellington Municipal Court is a request for the Larimer County 8th Judicial District Court to review the ruling of a Wellington Municipal Court judge. The review is based solely on the record of the hearing or trial made in the municipal court and is not a new trial. Appeals must follow state statutes and Colorado Rules of Criminal Procedure, Rule 37, and Colorado Municipal Court Rules of Procedure, Rule 237. Rules and forms can be obtained from the Larimer County 8th Judicial District Court at the address below:

Larimer County Justice Center
201 La Porte Ave, Suite 100
Fort Collins, CO 80522
970-498-6100

Or from the State website at www.courts.state.co.us choose forms, choose appeals.

PROCEDURE:

Any sentence imposed at trial may be deferred if a bond in the amount of fines and costs is posted for the appeal. A \$100.00 deposit is required for the transcription of the record in your appeal. This amount is separate from the fines and costs. If the cost of the transcript does not exceed the deposit, the remainder will be refunded to you. If the cost does exceed the deposit, you will be billed. The cost of the transcript is not refundable whether your appeal is granted or denied. The appeal will not be certified to District Court if the balance is not paid.

A Notice of Appeal, Designation of Record on Appeal, and the deposit must be filed with the Municipal Court at Town Hall, located at 3735 Cleveland Avenue, PO Box 127, Wellington, CO 80549, within thirty five (35) days from the date of sentencing, stating the alleged errors of the proceedings. You must also file a copy of the notice and designation with the Town Attorney either by mail or hand delivery to March, Olive and Pharris, LLC attn. J. Bradford March, 1312 S. College Avenue Fort Collins, CO 80524, at the same time it is filed with the Municipal Court.

Further, you must also docket the appeal in the District Court, and pay a District Court docket fee within the same thirty five (35) days or the appeal may be dismissed by the Municipal Court Judge.

After the transcript has been completed, (in approximately 40 days), the Court Clerk will give written notice to you, the Town, and District Court. You and the Town then have fourteen (14) days to file any written objections to the record. If objections are filed, a hearing will generally be held before the Municipal Court Judge to be ruled on, or if no objections are presented, the record will be certified to the District Court.

Within twenty-one (21) days after the record has been certified in District Court, you MUST file a written Brief in the District Court outlining the alleged errors made in your case. You must also give a copy of this brief to the Town Attorney at the same time, either by mail or hand delivery. The city then has twenty-one (21) days from receipt to file an Answer Brief of which you will receive a copy. You then may file a Reply Brief within fourteen (14) days of your receipt of the Answer Brief.

After review of the record and briefs, the District Court Judge will issue a ruling on your case. This may consist of reversal of the Municipal Court decision, granting a new trial before the Municipal Court, modification of the Municipal Court decision, or affirmation of the Municipal Court decision. The District Court will rule only on the record. They will not hold an entirely new trial.