

**Rule Change #2000(8)**

**CHAPTER 29. COLORADO RULES OF CRIMINAL PROCEDURE**

**VII. JUDGMENT**

**Rule 33. New Trial**

**(a) Motions for New Trial or Other Relief Optional.**

The party claiming error in the trial of any case may move the trial court for a new trial or other relief. The party, however, need not raise all the issues it intends to raise on appeal in such motion to preserve them for appellate review. If such a motion is filed, the trial court may dispense with oral argument on the motion after it is filed.

**(b) Motions for New Trial or Other Relief Directed by the Court.**

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.

**(c) Motion; Contents; Time.**

The court may grant a defendant a new trial if required in the interests of justice. The motion for a new trial shall be in writing and shall point out with particularity the defects and errors complained of. A motion based upon newly discovered evidence or jury misconduct shall be supported by affidavits. A motion for a new trial based upon newly discovered evidence shall be filed as soon after entry of judgment as the facts supporting it become known to the defendant, but if a review is pending the court may grant the motion only on remand of the case. A motion for new trial other than on the ground of newly discovered evidence shall be filed within fifteen days after verdict or finding of guilt or within such additional time as the court may fix during the fifteen-day period.

**(d) Appeal by Prosecution. The order of the trial court granting the motion is a final order reviewable on appeal.**

**Amended and Adopted by the Court, En Banc, April 20, 2000, effective July 1, 2000.**

**BY THE COURT:**

**Alex J. Martinez  
Justice, Colorado Supreme Court**