

RULE CHANGE 2019(15)
COLORADO RULES OF CRIMINAL PROCEDURE

Rule 44. Appearance of Counsel

(a) - (d) [NO CHANGES]

(e) Termination of Representation.

(1) Unless otherwise directed by the trial court or extended by an agreement between counsel and a defendant, counsel's representation of a defendant, whether retained or appointed, shall terminate when at the conclusion of trial court proceedings have concluded. and after a final determination of restitution. Trial court proceedings ~~shall conclude~~ "have concluded" when restitution, if applicable, is finally determined and at the point in time:

(I) When dismissal is granted by the court and no timely appeal has been filed;

(II) When the parties have entered into an agreement for pretrial diversion or when an order enters granting a ~~deferred prosecution,~~ deferred sentence, or probation if no sentence to incarceration is imposed;

(III) After a sentence to incarceration is imposed upon conviction when no motion has been timely filed pursuant to Crim P. 35(b) or such motion so filed is ruled on; or

(IV) When a timely notice of appeal is filed by the defendant.

(2) At the time a pretrial diversion order is entered ~~deferred prosecution~~ or deferred sentence is granted or at the time sentence is imposed upon conviction, the court shall inform the defendants when representation shall terminate.

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(1) Unless otherwise directed by the trial court or extended by an agreement between counsel and a defendant, counsel's representation of a defendant, whether retained or appointed, shall terminate when trial court proceedings have concluded. Trial court proceedings "have concluded" when restitution, if applicable, is finally determined and at the point in time:

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(II) When the parties have entered into an agreement for pretrial diversion or when an order enters granting a deferred sentence or probation if no sentence to incarceration is imposed;

(III) After a sentence to incarceration is imposed upon conviction when no motion has been timely filed pursuant to Crim. P. 35(b) or such motion so filed is ruled on; or

(IV) When a timely notice of appeal is filed by the defendant.

(2) At the time a pretrial diversion order is entered or deferred sentence is granted or at the time sentence is imposed upon conviction, the court shall inform the defendants when representation shall terminate.

Amended and Adopted by the Court, En Banc, October 24, 2019, effective immediately.

By the Court:

**Carlos A. Samour, Jr.
Justice, Colorado Supreme Court**