

2007 Rule Change (16)

CHAPTER 29

COLORADO RULES OF CRIMINAL PROCEDURE

RULE 32. SENTENCE AND JUDGMENT

and

RULE 49. SERVICE AND FILING OF PAPERS

Rule 32. Sentence and Judgment

(a) Presentence or Probation Investigation.

(1) **When and How Made.** In any felony case where the court has discretion as to the punishment and on court order in any misdemeanor case, the probation officer shall make an investigation and written report to the court before the imposition of sentence or granting of probation.

An application for probation shall be in writing upon forms furnished by the court, but when the defendant has been convicted of a misdemeanor or class 1 petty offense, the court, in its discretion, may waive the written application for probation.

The court, upon its own motion or upon the petition of the probation officer, may order any defendant who is subject to presentence investigation or who has made application for probation to submit to a mental and physical examination.

The court, with the concurrence of the defendant and the prosecuting attorney, may dispense with the presentence examination and report unless a presentence report is required by statute, including but not limited to the requirements of section 16-11-102(1)(b).

RULE 49. Service and Filing of Papers

(a) Service -- When Required. Written motions other than those which are heard ex parte, written notices, and similar papers shall be served upon the adverse parties. A motion or other pleading that includes a claim alleging a state statute or municipal ordinance is unconstitutional shall also be served upon the Attorney General.

(b) Service -- How Made. Whenever under these Rules or by court order service is required or permitted to be made upon a party represented by an attorney, the service shall be made upon

the attorney unless service upon the party himself is ordered by the court. Service upon the attorney or upon a party shall be made in the manner provided for civil actions unless otherwise ordered by the court.

(c) Notice of Orders. Immediately upon entry of any order made out of the presence of the parties after the information or indictment is filed, the clerk shall mail to each party affected a notice of the order and shall note the mailing in the docket.

Amended and Adopted by the Court, En Banc October 18, 2007, effective immediately.

BY THE COURT:

Alex J. Martinez
Justice