

Colorado Revised Statutes: Title 16: Criminal Proceedings:
16-5-101: Commencement of Prosecution.

TITLE 16. CRIMINAL PROCEEDINGS. CODE OF CRIMINAL PROCEDURE.

ARTICLE 5. COMMENCEMENT OF CRIMINAL ACTION.

PART 1. GENERAL PROVISIONS

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(1) Unless otherwise provided by law,

**a criminal action for violation of any statute
may be commenced in one of the following ways:**

(a) By the return of an indictment by a grand jury;

(b) By the filing of an information in the district court;

(c) By the filing of a felony complaint in the county court;

(d) Prosecution of a misdemeanor or petty offense may be commenced in the county court by:

(I) The issuance of a summons and complaint; (II) The issuance of a summons following the filing of a complaint; (III) The filing of a complaint following an arrest; or (IV) The filing of a summons and complaint following arrest; or, in the event that the offense is a class 2 petty offense, by the issuance of a notice of penalty assessment pursuant to section 16-2-201.

**(2) The procedures governing felony complaints filed in the county court
and warrants or summons issued in connection therewith
shall be in accordance with and as required by
the applicable provisions of the rules of criminal procedure
promulgated by the supreme court of Colorado.**

(3) Where the offense charged is a misdemeanor or petty offense,
the action may be commenced in the county court
as provided in subsection (1)(d) of this section,
and the issues shall then be tried in the county court.

As to misdemeanors or petty offenses thus filed and tried in the county court, the simplified procedures enumerated in part 1 of article 2 of this title shall be applicable.

Case Notes, Annotation:

Prosecution may seek a grand jury indictment after dismissal by a county court on a preliminary hearing for lack of probable cause as an alternative to appealing to or filing a direct information in the district court. People v. Noline, 917 P.2d 1256 (Colo. 1996).

One charged with crime must be brought into court on a complaint, information, or indictment made, or found, according to the requirements of the law. Bustamante v. People, 136 Colo. 362, 317 P.2d 885 (1957) (decided under repealed § 39-4-1, CRS 53).

It was not essential for all members of a grand jury who issued a true bill to specifically observe the formal charging paper and approve its formal language. People v. Campbell, 194 Colo. 451, 573 P.2d 557 (1978).

Grand jury may properly return an indictment even after the prosecution has filed a criminal complaint. Defendant is not entitled to a preliminary hearing after a grand jury returned an indictment. People v. Huynh, 98 P.3d 907 (Colo. App. 2004).

Applied in: People v. Lopez, 41 Colo. App. 75, 587 P.2d 792 (1978); Thomas v. County Court, 198 Colo. 87, 596 P.2d 768 (1979); People v. Abbott, 638 P.2d 781 (Colo. 1981).