

IN THE UTAH COURT OF APPEALS

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West Valley City,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	
)	Case No. 20050965-CA
v.)	
)	F I L E D
Thomas B. Ginter Jr.,)	(December 30, 2005)
)	
Defendant and Appellant.)	2005 UT App 569

Third District, Salt Lake Department, 055900192
The Honorable William W. Barrett

Attorneys: Thomas B. Ginter Jr., South Jordan, Appellant Pro Se

Before Judges Davis, McHugh, and Orme.

PER CURIAM:

Thomas B. Ginter Jr. appeals the decision of the district court in an action originating in the West Valley City Justice Court. At the trial de novo, the district court dismissed the charges against Ginter. This case is before the court on a sua sponte motion for summary disposition.

Utah Code section 78-5-120(7) states that "[t]he decision of the district court [in a case originating in a justice court] is final and may not be appealed unless the district court rules on the constitutionality of a statute or ordinance." Utah Code Ann. § 78-5-120(7) (2002). "By enacting [section 78-5-120] the Utah Legislature . . . specifically and intentionally limited the issues that may be appealed from a district court's judgment." State v. Hinson, 966 P.2d 273, 276 (Utah Ct. App. 1998). Accordingly, "absent an issue regarding the constitutionality of a statute or ordinance, the decision of the district court is final and this court has no jurisdiction to hear an appeal thereof." Id. at 277.

Ginter was convicted in justice court on charges of license plate/registration card violation, no proof of insurance, and no vehicle safety inspection -- all class C misdemeanors. Ginter appealed to the district court. At the time set for the trial de

novo, West Valley City moved for dismissal of all charges and the district court dismissed the charges in an unsigned minute entry.

The district court did not rule on the constitutionality of a statute or ordinance, and we lack subject matter jurisdiction to consider an appeal under section 78-5-120. In addition, an unsigned minute entry is not a final, appealable judgment. See, e.g., Gallardo v. Bolinder, 800 P.2d 816, 817 (Utah 1990) (per curiam). Finally, while a defendant has a right to appeal from "a final judgment of conviction," there is no right to a direct appeal of a dismissal. Utah Code Ann. § 77-18a-1(1)(a) (Supp. 2005).

We dismiss the appeal for lack of jurisdiction.

James Z. Davis, Judge

Carolyn B. McHugh, Judge

Gregory K. Orme, Judge