

IN THE UTAH COURT OF APPEALS

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State of Utah,	)	MEMORANDUM DECISION	
	)	(Not For Official Publication)	
Plaintiff and Appellee,	)		
	)	Case No. 20080029-CA	
v.	)		
	)	F I L E D	
Scott William Liston Jr.,	)	(March 13, 2008)	
	)		
Defendant and Appellant.	)	<table border="1"><tr><td>2008 UT App 93</td></tr></table>	2008 UT App 93
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Second District, Ogden Department, 061901718  
The Honorable Parley R. Baldwin

Attorneys: Scott William Liston Jr., Gunnison, Appellant Pro Se  
Mark L. Shurtleff and Kris C. Leonard, Salt Lake  
City, for Appellee

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Before Judges Davis, McHugh, and Orme.

PER CURIAM:

Scott William Liston Jr. appeals the district court's conviction and sentence entered July 10, 2006. This is before the court on its own motion for summary disposition on the ground that the notice of appeal was not timely filed.

Liston filed his notice of appeal on December 31, 2007. Pursuant to rule 4 of the Utah Rules of Appellate Procedure, a notice of appeal must be filed within thirty days of the entry of the final order or judgment appealed. See Utah R. App. P. 4(a). In a criminal case, the sentence constitutes a final judgment from which an appellant has the right to appeal. See State v. Bowers, 2002 UT 100, ¶ 4, 57 P.3d 1065.

Liston's notice of appeal was filed more than thirty days after the entry of the final order and is thus untimely. If an

appeal is not timely filed, this court lacks jurisdiction to consider the appeal and must dismiss it. See id. ¶ 5.

Accordingly, this appeal is dismissed.

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James Z. Davis, Judge

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Carolyn B. McHugh, Judge

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Gregory K. Orme, Judge