

IN THE UTAH COURT OF APPEALS

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Roy Robertson,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner and Appellant,)	
)	Case No. 20050804-CA
v.)	
)	F I L E D
State of Utah,)	(November 3, 2005)
)	
Respondent and Appellee.)	2005 UT App 472

Seventh District, Price Department, 031700411
The Honorable Scott N. Johansen

Attorneys: Roy Robertson, Draper, Appellant Pro Se

Before Judges Billings, Bench, and Greenwood.

PER CURIAM:

Roy Robertson appeals from an order purportedly entered on August 19, 2005 in the criminal case that culminated in his conviction of forgery. This case is before the court on a sua sponte motion for summary disposition.

A review of the docket and record in Seventh District Court Case No. 031700411 indicates that no judgment or order was entered in that case on the date indicated. The final judgment of conviction was entered on March 2, 2004. The last order entered under that case number was an Order Denying Post-Conviction Relief entered on May 13, 2004. The notice of appeal in this case was filed on September 7, 2005, over a year after the last order in the case. Robertson also lists Case No. 031700413 on his filings in this court; however, that case is the criminal case of a co-defendant. Even assuming that an order was entered in that dismissed case, it could not be appealed by Robertson.

A notice of appeal must be filed within thirty days after entry of the judgment or order being appealed. See Utah R. App. P. 4(a). If an appeal is not timely filed, this court has no jurisdiction to consider the appeal. See Serrato v. Utah Transit Auth., 2000 UT App 299, ¶7, 13 P.3d 616. When this court determines it lacks jurisdiction, it retains only the authority

to dismiss the action. See Varian-Eimac, Inc. v. Lamoreaux, 767 P.2d 569, 570 (Utah Ct. App. 1989). Accordingly, we dismiss the appeal for lack of jurisdiction.

Judith M. Billings,
Presiding Judge

Russell W. Bench,
Associate Presiding Judge

Pamela T. Greenwood, Judge