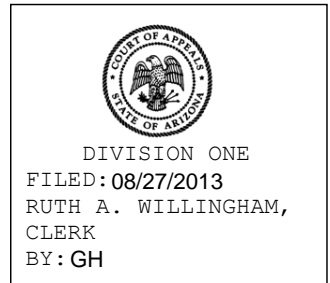


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



CITY OF SEDONA,) 1 CA-CR 12-0817
)
Appellee,) DEPARTMENT E
)
v.) Yavapai County
) Superior Court
ROBERT J. PERDRIZET, JR,) No. V1300CR201280135
)
Appellant.) **DECISION ORDER**
)
_____)

This matter was scheduled for conference and oral argument on September 3, 2013 before Presiding Judge Samuel A. Thumma, Judge Jon W. Thompson, and Judge Kent E. Cattani. The panel has determined, however, that the court lacks jurisdiction over this appeal and therefore dismisses the appeal and vacates the September 3, 2013 oral argument.

Robert Perdrizet, Jr. filed a notice of appeal from the superior court's judgment affirming a municipal court decision finding Perdrizet guilty of violating a Sedona ordinance prohibiting advertisement of a prohibited short-term (less than 30 days) vacation rental. See Sedona City Code ("S.C.C.") § 8-4-5 (2008). Perdrizet argues the superior court erred by affirming the conviction because the Sedona ordinance could not apply to his activities (internet use) conducted outside of the

municipal boundaries. In its Answering Brief, the State asserted that this court lacks jurisdiction and that the issue raised is in any event meritless.

The subject matter jurisdiction of this court is defined by statute, and the court has an independent duty to address the question of jurisdiction. See *Sorensen v. Farmers Ins. Co.*, 191 Ariz. 464, 465, 957 P.2d 1007, 1008 (App. 1997). We have jurisdiction "in all actions and proceedings originating in or permitted by law to be appealed from the superior court." A.R.S. § 12-120.21(A).¹ As this case originated in the Sedona Municipal Court and not in the superior court, our appellate jurisdiction must be "permitted by law."

Where, as here, a case arose in a municipal court and was appealed to the superior court, A.R.S. § 22-375(A) permits a subsequent appeal to this court only "if the action involves the validity of a tax, impost, assessment, toll, municipal fine or statute." Our jurisdiction under this statute is limited to determining the facial validity of the municipal ordinance. *E.g.*, *State v. Lindner*, 227 Ariz. 69, 70, ¶ 2, 252 P.3d 1033, 1034 (App. 2010). Because Perdrizet does not challenge the facial validity of the Sedona ordinance, rather the ordinance as

¹ Absent material revisions after the relevant date, statutes cited refer to the current version unless otherwise indicated.

applied to him, as a matter of law he is not entitled to appeal the superior court's judgment.

Accordingly,

IT IS ORDERED dismissing this appeal and vacating the oral argument set for September 3, 2013.

/S/
SAMUEL A. THUMMA, Presiding Judge