

IN THE UTAH COURT OF APPEALS

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State of Utah,	)	PER CURIAM DECISION
	)	
Plaintiff and Appellee,	)	Case No. 20110438-CA
	)	
v.	)	FILED
	)	(September 15, 2011)
Richard A. Bash,	)	
	)	
Defendant and Appellant.	)	2011 UT App 316

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Second District, Ogden Department, 091901018  
The Honorable Pamela G. Heffernan

Attorneys: Richard A. Bash, Gunnison, Appellant Pro Se  
Mark L. Shurtleff and Marian Decker, Salt Lake City, for Appellee

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Before Judges McHugh, Thorne, and Christiansen.

¶1 Richard A. Bash seeks to appeal the district court's order entered on July 9, 2009.<sup>1</sup> This matter is before the court on a sua sponte motion for summary disposition. We dismiss the appeal for lack of jurisdiction.

¶2 Rule 4 of the Utah Rules of Appellate Procedure requires that 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 matter, the sentence itself constitutes the final, appealable order. See *State v. Bowers*, 2002 UT 100, ¶ 4, 57 P.3d 1065. If a notice of

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<sup>1</sup>The sentencing hearing was held on June 30, 2009. The sentence was entered on July 9, 2009.

appeal is not timely filed, this court lacks jurisdiction to consider the appeal. *See Serrato v. Utah Transit Auth.*, 2000 UT App 299, ¶ 7, 13 P.3d 616. If the court lacks jurisdiction over an appeal, it has only the authority to dismiss the appeal. *See Varian-Eimac, Inc. v. Lamoreaux*, 767 P.2d 569, 570 (Utah Ct. App. 1989).

¶3 Bash was sentenced on July 9, 2009. On May 18, 2011, Bash filed his notice of appeal in the district court. Because the notice of appeal was not timely filed, this court lacks jurisdiction to consider the appeal. *See Serrato*, 2000 UT App 299, ¶ 7. Thus, we are required to dismiss the appeal for lack of jurisdiction. *See Varian-Eimac, Inc.*, 767 P.2d at 570.

¶4 Accordingly, the appeal is dismissed.

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Carolyn B. McHugh,  
Associate Presiding Judge

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William A. Thorne Jr., Judge

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Michele M. Christiansen, Judge