

IN THE UTAH COURT OF APPEALS

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State of Utah,	)	PER CURIAM DECISION
	)	
Plaintiff and Appellee,	)	Case No. 20100946-CA
	)	
v.	)	FILED
	)	(April 14, 2011)
Roger Fuller Collins,	)	
	)	
Defendant and Appellant.	)	2011 UT App 119

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Seventh District, Price Department, 001700076  
The Honorable Douglas B. Thomas

Attorneys: Samuel P. Chiara and Don M. Torgerson, Price, for Appellant  
Mark L. Shurtleff and Marian Decker, Salt Lake City, for Appellee

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Before Judges Orme, Thorne, and Christiansen.

¶1 Roger Fuller Collins filed a notice of appeal in November 2010. This is before the court on its own motion for summary disposition based on the lack of jurisdiction due to the absence of a final order.

¶2 Generally, appeals may be taken only from final orders. See Utah R. App. P. 3; *Bradbury v. Valencia*, 2000 UT 50, ¶ 9, 5 P.3d 649. If the order appealed is not final, this court lacks jurisdiction and must dismiss the appeal. See *Bradbury*, 2000 UT 50, ¶ 8. In a criminal case, the sentence constitutes the final order. See *State v. Bowers*, 2002 UT 100, ¶ 4, 57 P.3d 1065.

¶3 Oddly enough, given how long ago he pleaded guilty, Collins has not been sentenced in the underlying case. As a result, there is no final order from which to appeal, *see id.*, and this court lacks jurisdiction. *See Bradbury*, 2000 UT 50, ¶ 8.

¶4 Accordingly, this appeal is dismissed without prejudice to the filing of a timely notice of appeal after the entry of a final order.

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Gregory K. Orme, Judge

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William A. Thorne Jr., Judge

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Michele M. Christiansen, Judge