

IN THE UTAH COURT OF APPEALS

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Lehi City,	)	PER CURIAM DECISION
	)	
Plaintiff and Appellee,	)	Case No. 20110139-CA
	)	
v.	)	FILED
	)	(April 28, 2011)
	)	
Saundra Young,	)	2011 UT App 131
	)	
Defendant and Appellant.	)	

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Fourth District, American Fork Department, 101101702  
The Honorable Christine S. Johnson

Attorneys: Saundra Young, Lehi, Appellant Pro Se  
John A. Boden, Lehi, for Appellee

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Before Judges Orme, Roth, and Christiansen.

¶1 Saundra Young appeals her class B misdemeanor convictions. This appeal is before the court on a sua sponte motion for summary disposition based upon lack of jurisdiction. We dismiss the appeal for lack of jurisdiction.

¶2 Utah Code section 78A-7-118 provides that when a justice court decision is appealed to the district court for a trial de novo, “[t]he decision of the district court is final and may not be appealed unless the district court rules on the constitutionality of a statute or ordinance.” Utah Code Ann. § 78A-7-118(7) (2008). Absent a ruling on the constitutionality of a statute or ordinance, the decision of the district court is final and this court lacks jurisdiction to consider an appeal therefrom. *See State v. Hinson*, 966 P.2d 273, 277 (Utah Ct. App. 1998).

¶3 Young was convicted of class B misdemeanors in the Lehi City Justice Court. Young appealed the justice court's decision to the district court for a de novo trial pursuant to Utah Code section 78A-7-118(1). *See* Utah Code Ann. § 78A-7-118(1). On January 14, 2011, the district court granted Lehi City's motion to dismiss the de novo appeal. The district court did not rule on the constitutionality of a statute or ordinance. Thus, this court lacks jurisdiction to consider Young's appeal. *See Hinson*, 966 P.2d at 277. When a court lacks jurisdiction, it "retains only the authority to dismiss the action." *Varian-Eimac, Inc. v. Lamoreaux*, 767 P.2d 569, 570 (Utah Ct. App. 1989).

¶4 Accordingly, the appeal is dismissed for lack of jurisdiction.

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Gregory K. Orme, Judge

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Stephen L. Roth, Judge

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Michele M. Christiansen, Judge