

IN THE UTAH COURT OF APPEALS

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Lindon City,	)	PER CURIAM DECISION
	)	
Plaintiff and Appellee,	)	Case No. 20110036-CA
	)	
v.	)	F I L E D
	)	(March 10, 2011)
Raymond Stewart,	)	
	)	
Defendant and Appellant.	)	2011 UT App 63

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Fourth District, American Fork Department, 105106251  
The Honorable Thomas Low

Attorneys: Raymond Stewart, Draper, Appellant Pro Se  
Brian K. Haws, Pleasant Grove, for Appellee

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Before Judges McHugh, Thorne, and Christiansen.

¶1 Raymond Stewart seeks to appeal his conviction for speeding after a trial de novo in district court. This is before the court on Lindon City's motion to dismiss for lack of jurisdiction.

¶2 Utah Code section 78A-7-118 provides for criminal appeals from justice courts. See Utah Code Ann. § 78A-7-118 (2008). If a defendant files a timely notice of appeal from a justice court conviction, "a defendant is entitled to a trial de novo in the district court." *Id.* § 78A-7-118(1). "The right to an 'appeal' from a court not of record is satisfied by provision for a trial de novo in a court of record." *Dean v. Henriod*, 1999 UT App 50, ¶ 9, 975 P.2d 946. "The 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).

¶3 This case originated in justice court. The district court did not rule on the constitutionality of a statute or ordinance in convicting Stewart after a trial de novo. Accordingly, the district court's decision is final and this court lacks jurisdiction over this appeal.

¶4 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