

IN THE UTAH COURT OF APPEALS

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State of Utah,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Plaintiff and Appellee,	)	
	)	Case No. 20080462-CA
v.	)	
	)	F I L E D
Vear L. Brooks,	)	(August 7, 2008)
	)	
Defendant and Appellant.	)	<span style="border: 1px solid black; padding: 2px;">2008 UT App 299</span>

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Third District, Salt Lake Department, 071902046  
The Honorable Sheila K. McCleve

Attorneys: Vear L. Brooks, Draper, Appellant Pro Se  
Mark L. Shurtleff and Kris C. Leonard, Salt Lake  
City, for Appellee

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Before Judges Bench, Davis, and Orme.

PER CURIAM:

Vear L. Brooks appeals from an April 29, 2008 jury verdict. This matter is before the court on its own motion for summary disposition for lack of jurisdiction due to the absence of a final order.

Generally, "[a]n appeal is improper if it is taken from an order or judgment that is not final." Bradbury v. Valencia, 2000 UT 50, ¶ 9, 5 P.3d 649. "[U]nder Utah law, a trial court must impose a sentence in order to create a final, appealable order." State v. Walker, 2002 UT App 290, ¶ 11, 55 P.3d 1165. Until a criminal defendant has been sentenced, there is no final, appealable order, and this court lacks jurisdiction to consider his or her appeal. See id. ¶ 12.

Brooks was convicted of sexual abuse of a child on April 29, 2008. However, Brooks has not yet been sentenced. In fact, the record demonstrates that new counsel has recently appeared on his behalf and sentencing has been continued until August 21, 2008. Accordingly, because Brooks has not yet been sentenced, there is no final, appealable order, and this court lacks jurisdiction to consider the appeal. See id. Therefore, this appeal is

dismissed without prejudice to the filing of a timely appeal from a final order.

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Russell W. Bench, Judge

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James Z. Davis, Judge

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Gregory K. Orme, Judge