

IN THE UTAH COURT OF APPEALS

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State of Utah,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Plaintiff and Appellee,)		
)	Case No. 20060182-CA	
v.)		
)	F I L E D	
Jimmie Butler and Anita Mae)	(April 27, 2006)	
Butler,)		
)	<table border="1"><tr><td>2006 UT App 172</td></tr></table>	2006 UT App 172
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Defendants and Appellants.)		

Fifth District, Cedar City Department, 021501175
The Honorable John J. Walton

Attorneys: Michael W. Isbell, Indio, California, for Appellants
Mark L. Shurtleff and Kris C. Leonard, Salt Lake
City, for Appellee

Before Judges Bench, Billings, and Thorne.

PER CURIAM:

This matter is before the court on its sua sponte motion for summary disposition based upon the lack of a final appealable order. See Utah R. App. P. 10.

This court does not have jurisdiction to consider an appeal unless it is taken from a final judgment or order, see Utah R. App. P. 3(a), or qualifies for an exception to the final judgment rule, see Loffredo v. Holt, 2001 UT 97, ¶¶10, 15, 37 P.3d 1070. The judgment or order appealed must be signed by the trial court. See Ron Shepard Ins. v. Shields, 882 P.2d 650, 653 (Utah 1994) (stating that an unsigned minute entry is not a final judgment for purposes of appeal); State v. Griffin, 750 P.2d 194, 194 (Utah Ct. App. 1988) (per curiam).

The Butlers purportedly appeal from the district court's denial of their motion for a new trial under rule 24 of the Utah Rules of Criminal Procedure. However, while the district court verbally denied such motion, there is no signed final order from the district court denying the motion. Accordingly, this court lacks jurisdiction to consider the appeal. When this court lacks

jurisdiction, it must dismiss the appeal. See Loffredo, 2001 UT 97 at ¶11.

Therefore, the appeal is dismissed without prejudice to the filing of a timely notice of appeal after the entry of a final order.

Russell W. Bench,
Presiding Judge

Judith M. Billings, Judge

William A. Thorne Jr., Judge