

IN THE UTAH COURT OF APPEALS

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Manti City,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	
)	Case No. 20080656-CA
v.)	
)	F I L E D
Bryce G. Coates,)	(October 23, 2008)
)	
Defendant and Appellant.)	2008 UT App 384

Sixth District, Manti Department, 085600003
The Honorable Wallace A. Lee

Attorneys: Bryce G. Coates, Mt. Pleasant, Appellant Pro Se

Before Judges Greenwood, Davis, and McHugh.

PER CURIAM:

Bryce G. Coates appeals the district court's order finding him guilty of an infraction. This is before the court on its own motion for summary disposition based on lack of jurisdiction because the case originated in justice court.

Utah Code section 78A-7-118 provides for criminal appeals from justice courts. See Utah Code Ann. § 78A-7-118 (Supp. 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).

Coates's case originated in justice court. He had his appeal by a trial de novo in district court. The district court did not rule on the constitutionality of a statute or ordinance.

As a result, the decision of the district court is final and this court has no jurisdiction over the appeal. See id.

Dismissed.

Pamela T. Greenwood,
Associate Presiding Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge