

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

State of Utah,	)	MEMORANDUM DECISION
	)	(Not For Official Publication
Plaintiff and Appellee,	)	
	)	Case No. 20050799-CA
v.	)	
	)	F I L E D
Daniel Allen Cunningham,	)	(June 8, 2006)
	)	
Defendant and Appellant.	)	2006 UT App 234

-----

Fourth District, Fillmore Department, 051700040  
The Honorable Donald J. Eyre

Attorneys: Milton T. Harmon, Nephi, for Appellant  
Mark L. Shurtleff and Christine F. Soltis, Salt Lake  
City, for Appellee

-----

Before Judges Billings, Davis, and Thorne.

PER CURIAM:

Daniel Allen Cunningham appeals the district court's order denying his motion to withdraw his guilty plea. This case is before the court on the State's motion for summary dismissal for lack of jurisdiction due to the absence of a final, appealable order or judgment. See Utah R. App. P. 3(a).

This court does not have jurisdiction to consider an appeal unless it is taken from a final judgment or order, see id., or qualifies for an exception to the final judgment rule. See Loffredo v. Holt, 2001 UT 97, ¶¶10, 15, 37 P.3d 1070. Here, the order denying Cunningham's motion is an unsigned minute entry. It is well settled that an unsigned minute entry is not a final order for purposes of appeal. See Ron Shepard Ins. v. Shields, 882 P.2d 650, 653 (Utah 1994).

Because the order appealed from is not final, this court lacks jurisdiction to hear this appeal. When this court lacks jurisdiction it must dismiss the appeal. See Loffredo, 2001 UT 97 at ¶11.

Accordingly, this appeal is dismissed, without prejudice, to the filing of a timely notice of appeal after the entry of a final order or judgment.

---

Judith M. Billings, Judge

---

James Z. Davis, Judge

---

William A. Thorne Jr., Judge