

IN THE UTAH COURT OF APPEALS

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Sandy City,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Plaintiff and Appellee,)		
)	Case No. 20050760-CA	
v.)		
)	F I L E D	
R. Rob Haertel,)	(February 16, 2006)	
)		
Defendant and Appellant.)	<table border="1"><tr><td>2006 UT App 60</td></tr></table>	2006 UT App 60
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Third District, West Jordan Department, 055400020
The Honorable Royal I. Hansen

Attorneys: R. Rob Haertel, Murray, Appellant Pro Se
 Douglas A. Johnson, Sandy, for Appellee

Before Judges Bench, Greenwood, and McHugh.

PER CURIAM:

Rob Haertel seeks to appeal his district court conviction of speeding. This is before the court on Sandy City's motion to dismiss for lack of jurisdiction.

Haertel was first convicted in justice court and then appealed to the district court pursuant to Utah Code section 78-5-120. An appeal from justice court takes the form of a trial de novo in the district court. See Utah Code Ann. § 78-5-120(1) (2002). "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." Id. § 78-5-120(7).

It is well established that Utah appellate courts have no jurisdiction "to hear an appeal from proceedings in the district court held pursuant to an appeal from the justice court unless the issues raised in the justice court 'involve the validity or constitutionality of an ordinance or statute.'" State v. Hinson, 966 P.2d 273, 276 (Utah Ct. App. 1998) (quoting State v. Matus, 789 P.2d 304, 305 (Utah Ct. App. 1990) (per curiam)). By enacting section 78-5-120, the Utah Legislature "specifically and intentionally limited the issues that may be appealed from a district court's judgment." Id. The limitation applies to preclude consideration of even those issues raised for the first

time in the district court. See id. "'[C]onventional' appellate jurisdiction is limited to only those issues attacking the validity or constitutionality of an ordinance or statute." Id. at 277.

Haertel has not challenged the constitutionality or validity of an ordinance or statute. Thus, the statutory limitation on appeals from proceedings originating in justice court precludes this court from considering his appeal.

Accordingly, this appeal is dismissed for lack of jurisdiction.

Russell W. Bench,
Presiding Judge

Pamela T. Greenwood,
Associate Presiding Judge

Carolyn B. McHugh, Judge