

IN THE UTAH COURT OF APPEALS

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State of Utah,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	
)	Case No. 20070833-CA
v.)	
)	F I L E D
Ronald Halfhill,)	(May 8, 2008)
)	
Defendant and Appellant.)	2008 UT App 162

Eighth District, Duchesne Department, 075800008
The Honorable A. Lynn Payne

Attorneys: Scott H. York, Salt Lake City, for Appellant

Before Judges Greenwood, Billings, and McHugh.

PER CURIAM:

Ronald Halfhill appeals his conviction for speeding. The case is before the court on a sua sponte motion for summary disposition.

Utah Code section 78-5-120(7) states that "the decision of the district court [in a case originating in justice court] is final and may not be appealed unless the district court rules on the constitutionality of a statute or ordinance." Utah Code Ann. § 78-5-120(7) (2002). Accordingly, "absent an issue regarding the constitutionality of a statute or ordinance, the decision of the district court is final and this court has no jurisdiction to hear an appeal thereof." State v. Hinson, 966 P.2d 273, 277 (Utah Ct. App. 1998). Halfhill was originally found guilty in justice court of speeding. Halfhill then filed a request for a trial de novo with the district court. The district court conducted a trial de novo, and Halfhill was again found guilty of speeding.

Halfhill admits that the district court did not enter a specific ruling concerning the constitutionality of a statute or ordinance. However, he argues that the district court implicitly ruled on the constitutionality of the posted speed limit by (1) finding him guilty and (2) denying his discovery requests, which he argues "effectively ruled against [his] objection to the

deprivation of his constitutionally protected due process." The record reveals that Halfhill filed no motions concerning the alleged lack of responsiveness to his discovery requests, nor any motion attacking the constitutionality of any statute or ordinance. The only document filed on his behalf was a "Memorandum of Facts in Support of Not Guilty Pleading." While such memorandum implied that enforcement of the speed limit as applied to Halfhill may have violated due process, it did not detail the specific statute or ordinance that was unconstitutional, offer a constitutional analysis of that statute or ordinance, or seek a ruling on the constitutionality of a statute or ordinance. Such a memorandum was ineffective in raising any constitutional argument to the district court. See State v. Briggs, 2006 UT App 448, ¶ 4, 147 P.3d 969 (stating that claimed errors must be brought to the attention of the district court to give the court an opportunity to correct any error). Accordingly, Halfhill's conviction cannot be viewed as an implicit ruling on the constitutionality of a statute or ordinance by the district court.

Therefore, because the district court did not rule on the constitutionality of a statute or ordinance, this court lacks jurisdiction to hear the appeal. See Hinson, 966 P.2d at 277. When a court lacks jurisdiction, it "retains only the authority to dismiss the action." Varian-Eimac, Inc. v. Lamoreaux, 767 P.2d 569, 570 (Utah Ct. App. 1989).

Accordingly, we dismiss the appeal.

Pamela T. Greenwood,
Presiding Judge

Judith M. Billings, Judge

Carolyn B. McHugh, Judge