

IN THE UTAH COURT OF APPEALS

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State of Utah,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Plaintiff and Appellee,	)	
	)	Case No. 20060805-CA
v.	)	
	)	
Laun Heaton,	)	F I L E D
	)	(December 7, 2006)
	)	
Defendant and Appellant.	)	<span style="border: 1px solid black; padding: 2px;">2006 UT App 484</span>

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Fifth District, St George Department, 041501226  
The Honorable Eric A. Ludlow

Attorneys: Margaret P. Lindsay, Orem, for Appellant  
Mark L. Shurtleff and Kris C. Leonard, Salt Lake  
City, for Appellee

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Before Judges Bench, Billings, and Thorne.

PER CURIAM:

This case is before the court on a motion for ruling on jurisdiction.

Appellant Laun Heaton filed a notice of appeal on August 31, 2006, seeking to appeal a judgment entered on August 15, 2006. However, this case has not been active since the filing of the stipulated conditions of supervised probation on May 3, 2006. There is no final appealable order in the case corresponding to the description in the notice of appeal. In fact, the only order corresponding to the date stated in the notice of appeal is an order revoking Heaton's probation and reinstating his sentence in a separate case.<sup>1</sup>

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1. Heaton's trial counsel also filed a notice of appeal in a Fourth District case, no. 041501139, which was resolved at the same time as the present case. Heaton's probation was revoked in that district court case by a ruling following an August 15, 2006 hearing. That appeal was assigned case no. 20060806-CA, and we later entered an order of dismissal based upon failure to prosecute.

Without a final appealable order, we lack jurisdiction and must dismiss the appeal. See Varian-Eimac, Inc. v. Lamoreaux, 767 P.2d 569, 570 (Utah Ct. App. 1989) ("When a matter is outside the court's jurisdiction, it retains only the authority to dismiss the action.").

We dismiss this appeal for lack of jurisdiction.

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Russell W. Bench,  
Presiding Judge

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Judith M. Billings,  
Associate Presiding Judge

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William A. Thorne Jr., Judge