

IN THE UTAH COURT OF APPEALS

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State of Utah,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	
)	Case No. 20080349-CA
v.)	
)	F I L E D
Grant Joel Hildreth,)	(June 26, 2008)
)	
Defendant and Appellant.)	2008 UT App 243

Fourth District, American Fork Department, 071101036
The Honorable David N. Mortensen

Attorneys: Carolyn E. Howard, Orem, for Appellant
Mark L. Shurtleff and Laura B. Dupaix, Salt Lake
City, for Appellee

Before Judges Bench, Davis, and McHugh.

PER CURIAM:

Grant Joel Hildreth appeals the district court's March 25, 2008 jury verdict. This matter is before the court on its own motion for summary disposition for lack of jurisdiction due to the absence of a final order.

Generally, "[a]n appeal is improper if it is taken from an order or judgment that is not final." Bradbury v. Valencia, 2000 UT 50, ¶ 9, 5 P.3d 649. "[U]nder Utah law, a trial court must impose a sentence in order to create a final, appealable order." State v. Walker, 2002 UT App 290, ¶ 11, 55 P.3d 1165. Until a criminal defendant has been sentenced, there is no final, appealable order and this court lacks jurisdiction to consider his or her appeal. See id. ¶ 12.

Hildreth concedes that he must be sentenced before this court has jurisdiction to consider his appeal. Accordingly, this

appeal is dismissed without prejudice to the filing of a timely appeal from a final order.

Russell W. Bench, Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge