

IN THE UTAH COURT OF APPEALS

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State of Utah,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	
)	Case No. 20070468-CA
v.)	
)	F I L E D
Lonn Boyd Porter,)	(October 18, 2007)
)	
Defendant and Appellant.)	2007 UT App 344

Eighth District, Vernal Department, 061800413
The Honorable John R. Anderson

Attorneys: Lonn Boyd Porter, Vernal, Appellant Pro Se

Before Judges Bench, Billings, and Thorne.

PER CURIAM:

Defendant Lonn Boyd Porter appeals his convictions for burglary of a vehicle. This case is before the court on its own motion for summary disposition based upon lack of jurisdiction due to the failure to file a timely notice of appeal. See Utah R. App. P. 4(a), 10(e). Neither party responded to the court's sua sponte motion.

A notice of appeal must be filed "with the clerk of the trial court within 30 days after the date of entry of the judgment or order appealed from." Utah R. App. P. 4(a). If an appeal is not timely filed, this court lacks jurisdiction to hear the appeal and must dismiss. See Serrato v. Utah Transit Auth., 2000 UT App 299, ¶ 7, 13 P.3d 616.

The district court entered its sentence, judgment, and commitment on April 26, 2007. Defendant did not file a notice of appeal until June 8, beyond the time limitation set forth in rule 4(a). See Utah R. App. P. 4(a). Because Defendant did not timely file his notice of appeal, this court lacks jurisdiction to hear the appeal and must dismiss. See Varian-Eimac, Inc. v. Lamoreaux, 767 P.2d 569, 570 (Utah Ct. App. 1989) (stating that

if the court lacks jurisdiction over an appeal, it has only the authority to dismiss the action).

The appeal is dismissed.

Russell W. Bench,
Presiding Judge

Judith M. Billings, Judge

William A. Thorne Jr., Judge