

IN THE UTAH COURT OF APPEALS

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Logan City,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	
)	Case No. 20090803-CA
v.)	
)	F I L E D
James Joseph Quinn,)	(December 10, 2009)
)	
Defendant and Appellant.)	2009 UT App 372

First District, Logan Department, 091100279
The Honorable Clint S. Judkins

Attorneys: James Joseph Quinn, Logan, Appellant Pro Se
Mark Sorenson, Logan, for Appellee

Before Judges Greenwood, Orme, and Thorne.

PER CURIAM:

James Joseph Quinn appeals his conviction for interfering with a legal arrest. The case is before the court on a sua sponte motion for summary disposition based upon lack of jurisdiction.

Utah Code section 78A-7-118(7) states that "the decision of the district court [in a case originating in a 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. § 78A-7-118(7) (2008). 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). Quinn pleaded guilty to two charges in justice court with the condition that he could appeal the case to the district court. After he was sentenced, Quinn filed a request for a trial de novo with the district court. In the district court, Quinn pleaded guilty to interfering with a legal arrest and was later sentenced on that conviction.

Quinn alleges four separate issues for review. However, Quinn does not assert that any statute or ordinance is unconstitutional. Further, the record does not demonstrate that the district court ruled on any such issue. Therefore, because this case originated in a justice court and the district court did not rule on the constitutionality of a statute or ordinance, this court lacks jurisdiction to hear the appeal. See id. 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

Gregory K. Orme, Judge

William A. Thorne Jr., Judge