

IN THE UTAH COURT OF APPEALS

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Salt Lake City,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	
)	Case No. 20060480-CA
v.)	
)	F I L E D
Stormy S. Romero,)	(November 9, 2006)
)	
Defendant and Appellant.)	<u>2006 UT App 452</u>

Third District, Salt Lake Department, 055900028
The Honorable Robin W. Reese

Attorneys: Samuel P. Newton and Lori J. Seppi, Salt Lake City,
 for Appellant
 Simarjit S. Gill and Bernadette M. Gomez, Salt Lake
 City, for Appellee

Before Judges Bench, Billings, and McHugh.

PER CURIAM:

Stormy S. Romero appeals her conviction for a class A misdemeanor. This case is before the court on the City's "stipulated motion for summary dismissal." See Utah R. App. P. 10(a)(2)(B). Pursuant to the City's motion, Romero's appeal brief, and Utah Code section 76-1-402(5), see Utah Code Ann. § 76-1-402(5) (2002), the parties agree that this court should set aside the jury's verdict of driving while under the influence of alcohol or drugs (DUI), a class A misdemeanor, see id. § 41-6-44(3)(a)(ii)(B) (Supp. 2004), and enter a conviction for the lesser included offense, DUI, a class B misdemeanor, see id. § 41-6-44(2), (3)(a)(i).

Based upon the City's motion, Romero's appeal brief, and our review of the record, we set aside the jury's verdict of DUI, a

class A misdemeanor, and enter the conviction of DUI, a class B misdemeanor. See id.

Russell W. Bench,
Presiding Judge

Judith M. Billings, Judge

Carolyn B. McHugh, Judge