

IN THE UTAH COURT OF APPEALS

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| Vernal City, |) | MEMORANDUM DECISION |
| |) | (Not For Official Publication) |
| Plaintiff and Appellee, |) | |
| |) | Case No. 20080746-CA |
| v. |) | |
| |) | F I L E D |
| Don Glen Sadlier, |) | (November 6, 2008) |
| |) | |
| Defendant and Appellant. |) | 2008 UT App 403 |

Eighth District, Vernal Department, 085800011
The Honorable A. Lynn Payne

Attorneys: Don Glen Sadlier, Vernal, Appellant Pro Se
Clark A. McClellan and Clark B. Allred, Vernal, for
Appellee

Before Judges Billings, Davis, and McHugh.

PER CURIAM:

Don Glen Sadlier appeals from his conviction on traffic charges after a trial de novo in the district court. This is before the court on its own motion for summary disposition based on lack of jurisdiction because the case originated in justice court.

Utah Code section 78A-7-118 provides for criminal appeals from justice courts. See Utah Code Ann. § 78A-7-118 (Supp. 2008). If a defendant files a timely notice of appeal from a justice court conviction, "a defendant is entitled to a trial de novo in the district court." Id. § 78A-7-118(1). "The right to an 'appeal' from a court not of record is satisfied by provision for a trial de novo in a court of record." Dean v. Henriod, 1999 UT App 50, ¶ 9, 975 P.2d 946. "The decision of the district 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).

Sadlier's case originated in justice court. He had his appeal by a trial de novo in the district court. The district court did not rule on the constitutionality of a statute or

ordinance. As a result, the decision of the district court is final and this court has no jurisdiction over the appeal.

Dismissed.

Judith M. Billings, Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge