

IN THE UTAH COURT OF APPEALS

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State of Utah,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	
)	Case No. 20061137-CA
v.)	
)	F I L E D
Amador Santonio,)	(March 29, 2007)
)	
Defendant and Appellant.)	2007 UT App 108

Fourth District, Provo Department, 031402469
The Honorable Claudia L. Laycock

Attorneys: Amador Santonio, Spanish Fork, Appellant Pro Se¹
Mark L. Shurtleff and Kris C. Leonard, Salt Lake
City, for Appellee

Before Judges Bench, Orme, and Thorne.

PER CURIAM:

Amador Santonio appeals the trial court's order dated November 13, 2006, which ruled on various pretrial motions and objections, primarily regarding competency proceedings. This is before the court on its own motion for summary disposition based upon 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. "In a criminal case, 'it is the sentence itself which constitutes a final judgment from which appellant has the right to appeal.'" State v. Bowers, 2002 UT 100, ¶4, 57 P.3d 1065 (quoting State v. Gerrard, 584 P.2d 885, 886 (Utah 1978)). The order appealed here is an interlocutory pretrial

1. As we read the record, Santonio is actively seeking private counsel and has not unequivocally elected to represent himself for the entirety of these proceedings. Until he retains counsel, however, Santonio is validly acting pro se.

order.² It is not a final order from which Santonio has a right to appeal. See id. As a result, this court lacks jurisdiction and must dismiss the appeal. See Bradbury, 2000 UT 50 at ¶8.

Accordingly, this appeal is dismissed without prejudice to the filing of a timely notice of appeal from a final order.

Russell W. Bench,
Presiding Judge

Gregory K. Orme, Judge

William A. Thorne Jr., Judge

2. In fact, Santonio filed a petition for permission to appeal this same interlocutory order, which was denied. See State v. Santonio, Case No. 20061112 (Utah Ct. App. 2007).