

IN THE UTAH COURT OF APPEALS

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State of Utah,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Plaintiff and Appellee,)		
)	Case No. 20070158-CA	
v.)		
)	F I L E D	
Michael Samuel Weaver,)	(June 14, 2007)	
)		
Defendant and Appellant.)	<table border="1"><tr><td>2007 UT App 207</td></tr></table>	2007 UT App 207
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Third District, Salt Lake Department, 051907570
The Honorable Deno Himonas

Attorneys: Ronald S. Fujino, Salt Lake City, for Appellant
Mark L. Shurtleff and Kris C. Leonard, Salt Lake
City, for Appellee

Before Judges Greenwood, Billings, and Davis.

PER CURIAM:

Michael Samuel Weaver appeals his conviction and sentence for forgery and burglary. 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).

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 January 12, 2007. "In a criminal case, it is the sentence itself which constitutes a final judgment from which the appellant has the right to appeal." State v. Bower, 2002 UT 100, ¶4, 57 P.3d 1065 (quotations and citation omitted). Defendant did not file his notice of appeal until February 21, 2007, more than one week 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).

The appeal is dismissed.

Pamela T. Greenwood,
Associate Presiding Judge

Judith M. Billings, Judge

James Z. Davis, Judge