

IN THE UTAH COURT OF APPEALS

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Carl Alton Winfield,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Petitioner and Appellant,	)	
	)	Case No. 20090596-CA
v.	)	
	)	F I L E D
State of Utah,	)	(November 5, 2009)
	)	
Respondent and Appellee.	)	<span style="border: 1px solid black; padding: 2px;">2009 UT App 323</span>

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Third District, West Jordan Department, 060405679  
The Honorable Terry L. Christiansen

Attorneys: Carl Alton Winfield, Draper, Appellant Pro Se  
Mark L. Shurtleff and Brett J. Delporto, Salt Lake  
City, for Appellee

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Before Judges Orme, Thorne, and McHugh.

PER CURIAM:

Carl Alton Winfield appeals the trial court's order granting summary judgment in favor of the State and denying his petition for postconviction relief. This is before the court on its own motion for summary disposition based on the lack of a substantial question for review.

Where a court has appellate jurisdiction, "an appellant must allege the lower court committed an error that the appellate court should correct. . . . If an appellant fails to allege specific errors of the lower court, the appellate court will not seek out errors in the lower court's decision." Allen v. Friel, 2008 UT 56, ¶ 7, 194 P.3d 903. Because Winfield is seeking this court's review of a district court's decision, he must address reasons why the district court's decision denying his petition should be overturned. See id. ¶ 14. However, Winfield fails to address the trial court's ruling.

Instead, Winfield merely reasserts issues listed in his petition and argued to the trial court. In doing so, he ignores the legal basis for the trial court's ruling. Absent an actual

allegation of trial court error in its decision denying Winfield's petition, there is no substantial question for review warranting further consideration by this court.

Affirmed.

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Gregory K. Orme, Judge

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William A. Thorne Jr., Judge

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Carolyn B. McHugh, Judge