

IN THE UTAH COURT OF APPEALS

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Roosevelt City,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Plaintiff and Appellee,	)	
	)	Case No. 20070115-CA
v.	)	
	)	F I L E D
Dawn Woodin,	)	(April 19, 2007)
	)	
Defendant and Appellant.	)	<span style="border: 1px solid black; padding: 2px;">2007 UT App 136</span>

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Eighth District, Roosevelt Department, 061000301  
The Honorable John R. Anderson

Attorneys: Robert W. Horn, Jackson Hole, Wyoming, for Appellant  
            Clark B. Allred, Vernal, for Appellee

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Before Judges Greenwood, Billings, and Orme.

PER CURIAM:

Dawn Woodin seeks to appeal her conviction of writing a false statement. This is before the court on its own motion for summary disposition based on lack of jurisdiction due to an untimely notice of appeal.

Rule 4(a) of the Utah Rules of Appellate Procedure requires a notice of appeal to be filed within thirty days after the entry of the final judgment. See Utah R. App. P. 4(a). Woodin was sentenced on January 4, 2007. Her notice of appeal was not filed in the trial court until February 6, 2007, thirty-one days after the entry of the final judgment. Thus, her notice of appeal was untimely filed.

It is well established that the thirty-day period for filing an appeal in a criminal case is jurisdictional. See State v. Bowers, 2002 UT 100, ¶5, 57 P.3d 1065. "[I]t is 'axiomatic in this jurisdiction that failure to perfect an appeal is a jurisdictional failure requiring dismissal of the appeal.'" Id. (citation omitted). Because Woodin's notice of appeal was untimely filed, this court lacks jurisdiction over the appeal and must dismiss it. See id.

Woodin requests this court to reinstate her right to appeal pursuant to Manning v. State, 2005 UT 61, 122 P.3d 628. This court, however, cannot grant such relief. Woodin must instead seek such relief in the trial court. See State v. Cox, 2006 UT 32, ¶1,11, 137 P.3d 806.

Dismissed.

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Pamela T. Greenwood,  
Associate Presiding Judge

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Judith M. Billings, Judge

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Gregory K. Orme, Judge