

Kim Bowers  
 Name  
493 S. JOE  
 Address  
PAYSON, UT 84657  
 City, State, Zip  
385-224-1080  
 Phone  
kim3337777@gmail.com  
 Email

I am the  Appellant  
 Appellee  
 Attorney for the  Appellant  Appellee and my Utah Bar number is \_\_\_\_\_

**SUPREME COURT OF THE UNITED STATES**  
**WASHINGTON DC 2053-0001**

<p><u>Kim Bowers</u> Appellant</p> <p>v.</p> <p><u>PAYSON CITY</u> Appellee</p>	<p>Motion for Extension of Time in the</p> <p><u>20220933-CA</u> Appellate Court Case Number</p> <p>_____ Trial Court Case Number</p>
---	---

- (1) I request an extension of time to file WRIT OF CERTIORARI (document name).
- (2) The document is due on DEC. 7, 2023 (date).
- (3) I cannot file this document by the due date because:  
I am a disabled SENIOR CITIZEN IN POOR HEALTH  
I ask FOR 30 DAY EXTENSION
- (4) Choose one:  
 I have not been granted a previous extension of time to file this document.  
 I have been granted \_\_\_\_\_ (number) previous extensions of time to file this document.

**CERTIFICATE OF SERVICE**  
 THIS WAS EMAILED TO THE PROSECUTING ATTORNEY

The Order of the Court is stated below:

Dated: September 08, 2023 /s/ John A. Pearce  
05:18:52 PM Justice



IN THE SUPREME COURT OF THE STATE OF UTAH

----ooOoo----

---

Payson City,  
Respondent,  
v.  
Kimra Bowers,  
Petitioner.

ORDER

Supreme Court No. 20230551-SC

Court of Appeals No. 20220933-CA

Trial Court No. 221300201

---

----ooOoo----

This matter is before the Court upon a Petition for Writ of Certiorari, filed on June 26, 2023.

IT IS HEREBY ORDERED that the Petition for Writ of Certiorari is denied.

**End of Order - Signature at the Top of the First Page**

FEB 27 2023

## IN THE UTAH COURT OF APPEALS

PAYSON CITY, Appellee, <i>v.</i> KIMRA BOWERS, Appellant.	ORDER OF SUMMARY DISMISSAL  Case No. 20220933-CA
---	--

Before Judges Harris, Tenney, and Luthy.

Kimra Bowers appeals after being convicted of disorderly conduct in the district court. This matter is before the court on its own motion for summary disposition on the basis that this court lacks jurisdiction because the decision of the district court was final and could not be appealed.

Utah Code section 78A-7-118(8) states that “[t]he decision of the district court [in a case originating in a justice court] is final and may not be appealed unless the district court rules on the constitutionality of a statute or ordinance.” Accordingly, if the district court does not rule on the constitutionality of a statute or ordinance, “the decision of the district court is final and this court has no jurisdiction to hear an appeal thereof.” *State v. Hinson*, 966 P.2d 273, 277 (Utah Ct. App. 1998). Here, Bowers was originally convicted of disorderly conduct in the Payson City Justice Court. Bowers then appealed that decision seeking de novo review by the district court.

The record does not demonstrate that the district court ruled on the constitutionality of any statute or ordinance. Because this case originated in a justice court and the district court did not rule on the constitutionality of a statute or ordinance, this court lacks jurisdiction to hear the appeal. *See id.* When a court lacks jurisdiction, it “retains only the authority to dismiss the action.” *Varian-Eimac, Inc. v. Lamoreaux*, 767 P.2d 569, 570 (Utah Ct. App. 1989).

Therefore, IT IS HEREBY ORDERED THAT the appeal is dismissed.

Dated this 27<sup>th</sup> day of February, 2023.

FOR THE COURT:

A handwritten signature in black ink that reads "Ryan D. Tenney". The signature is written in a cursive style with a horizontal line underneath it.

Ryan D. Tenney, Judge

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2023, a true and correct copy of the foregoing ORDER was deposited in the United States mail or was sent by electronic mail to be delivered to:

Kimra Bowers  
kim33377778@gmail.com

JAY DALLEY  
BRANDOND@PAYSON.ORG

FOURTH DISTRICT, SPANISH FORK  
ATTN: JENNY HUGHES/ MORGAN BOWSER  
775 W CENTER ST BX 0474  
SPANISH FORK UT 84660-2074  
jennyh@utcourts.gov, morganb@utcourts.gov

By *Hannah Hunter*  
Hannah Hunter  
Judicial Assistant

Case No. 20220933  
FOURTH DISTRICT, SPANISH FORK, 221300201

IN THE UTAH COURT OF APPEALS

----ooOoo----

	)	
	)	REMITTITUR
PAYSON CITY,	)	
Appellee,	)	Appellate Case No. 20220933-CA
v.	)	
KIMRA BOWERS,	)	FOURTH DISTRICT, SPANISH FORK
Appellant.	)	Trial Court Case No.: 221300201
	)	
	)	

The above-entitled case was submitted to the court for decision and the decision has been issued.

Decision Issued: February 27, 2023

Notice of Remittitur Issued: September 13, 2023

\_\_\_\_\_  
Lisa A. Collins  
Clerk of Court

By: Hannah Hunter  
Hannah Hunter  
Judicial Assistant

Date: September 13th 2023