

Chapter 18a The Appeal

77-18a-1 Appeals -- When proper.

- (1) A defendant may, as a matter of right, appeal from:
 - (a) a final judgment of conviction, whether by verdict or plea;
 - (b) an order made after judgment that affects the substantial rights of the defendant;
 - (c) an order adjudicating the defendant's competency to proceed further in a pending prosecution; or
 - (d) an order denying bail, as provided in Subsection 77-20-1(8).
- (2) In addition to any appeal permitted by Subsection (1), a defendant may seek discretionary appellate review of any interlocutory order.
- (3) The prosecution may, as a matter of right, appeal from:
 - (a) a final judgment of dismissal, including a dismissal of a felony information following a refusal to bind the defendant over for trial;
 - (b) a pretrial order dismissing a charge on the ground that the court's suppression of evidence has substantially impaired the prosecution's case;
 - (c) an order granting a motion to withdraw a plea of guilty or no contest;
 - (d) an order arresting judgment or granting a motion for merger;
 - (e) an order terminating the prosecution because of a finding of double jeopardy or denial of a speedy trial;
 - (f) an order granting a new trial;
 - (g) an order holding a statute or any part of it invalid;
 - (h) an order adjudicating the defendant's competency to proceed further in a pending prosecution;
 - (i) an order finding, pursuant to Title 77, Chapter 19, Part 2, Competency for Execution, that an inmate sentenced to death is incompetent to be executed;
 - (j) an order reducing the degree of offense pursuant to Section 76-3-402; or
 - (k) an illegal sentence.
- (4) In addition to any appeal permitted by Subsection (3), the prosecution may seek discretionary appellate review of any interlocutory order entered before jeopardy attaches.

Amended by Chapter 234, 2016 General Session

77-18a-2 Capital cases.

After the resolution of an initial appeal of a capital case when the sentence of death has been imposed, a subsequent appeal may not be entertained by any court and a stay of execution of the sentence may not be granted when the appeal does not raise any new matter not previously resolved or when the new matter could have been raised at the previous appeal.

Enacted by Chapter 7, 1990 General Session