

1 Rule 4. Appeal as of right: when taken.

2 (a) **Appeal from final judgment and order.** In a case in which an appeal is permitted as  
3 a matter of right from the trial court to the appellate court, the notice of appeal required  
4 by Rule [3](#) shall be filed with the clerk of the trial court within 30 days after the date of  
5 entry of the judgment or order appealed from. However, when a judgment or order is  
6 entered in a statutory forcible entry or unlawful detainer action, the notice of appeal  
7 required by Rule [3](#) shall be filed with the clerk of the trial court within 10 days after the  
8 date of entry of the judgment or order appealed from.

9 (b) **Time for appeal extended by certain motions.**

10 (1) If a party timely files in the trial court any of the following, the time for all  
11 parties to appeal from the judgment runs from the entry of the dispositive order:

12 (A) A motion for judgment under Rule [50\(b\)](#) of the Utah Rules of Civil  
13 Procedure;

14 (B) A motion to amend or make additional findings of fact, whether or not  
15 an alteration of the judgment would be required if the motion is granted,  
16 under Rule [52\(b\)](#) of the Utah Rules of Civil Procedure;

17 (C) A motion to alter or amend the judgment under Rule [59](#) of the Utah  
18 Rules of Civil Procedure;

19 (D) A motion for a new trial under Rule [59](#) of the Utah Rules of Civil  
20 Procedure;

21 (E) A motion for relief under Rule [60\(b\)](#) of the Utah Rules of Civil  
22 Procedure if the motion is filed no later than 28 days after the judgment is  
23 entered;

24 (F) A motion or claim for attorney fees under Rule [73](#) of the Utah Rules of  
25 Civil Procedure; or

26 (G) A motion for a new trial under Rule [24](#) of the Utah Rules of Criminal  
27 Procedure.

28 (2) A notice of appeal filed after announcement or entry of judgment, but before  
29 entry of an order disposing of any motion listed in paragraph (b), shall be treated  
30 as filed after entry of the order and on the day thereof, except that such a notice  
31 of appeal is effective to appeal only from the underlying judgment. To appeal  
32 from a final order disposing of any motion listed in paragraph (b), a party must  
33 file a notice of appeal or an amended notice of appeal within the prescribed time  
34 measured from the entry of the order.

35 (c) **Filing prior to entry of judgment or order.** A notice of appeal filed after the  
36 announcement of a decision, judgment, or order but before entry of the judgment or  
37 order shall be treated as filed after such entry and on the day thereof.

38 (d) **Additional or cross-appeal.** If a timely notice of appeal is filed by a party, any other  
39 party may file a notice of appeal within 14 days after the date on which the first notice  
40 of appeal was filed, or within the time otherwise prescribed by paragraphs (a) and (b) of  
41 this rule, whichever period last expires.

42 (e) **Motion for extension of time.**

43 (1) The trial court, upon a showing of good cause, may extend the time for filing  
44 a notice of appeal upon motion filed before the expiration of the time prescribed  
45 by paragraphs (a) and (b) of this rule. Responses to such motions for an extension  
46 of time are disfavored and the court may rule at any time after the filing of the  
47 motion. No extension shall exceed 30 days beyond the prescribed time or 14 days  
48 beyond the date of entry of the order granting the motion, whichever occurs  
49 later.

50 (2) The trial court, upon a showing of good cause or excusable neglect, may  
51 extend the time for filing a notice of appeal upon motion filed not later than 30  
52 days after the expiration of the time prescribed by paragraphs (a) and (b) of this

53 rule. The court may rule at any time after the filing of the motion. That a movant  
54 did not file a notice of appeal to which paragraph (c) would apply is not relevant  
55 to the determination of good cause or excusable neglect. No extension shall  
56 exceed 30 days beyond the prescribed time or 14 days beyond the date of entry of  
57 the order granting the motion, whichever occurs later.

58 (f) Motion to reinstate period for filing a direct appeal in criminal cases. ~~Upon a~~  
59 ~~showing that~~

60 (1) If no timely appeal is filed in a criminal case, a defendant was deprived of the  
61 ~~right to appeal, the trial court shall reinstate the thirty-day period for filing a~~  
62 ~~direct appeal. A defendant seeking such reinstatement shall may~~ file a ~~written~~  
63 ~~motion in the sentencing court and serve the prosecuting entity.~~ trial court to  
64 reinstate the time to appeal. The motion must be filed within one year, or within  
65 a reasonable time, whichever is later, from the day on which the defendant  
66 personally knew, or should have known in the exercise of reasonable diligence,  
67 of evidentiary facts forming the basis of the claim that the defendant was  
68 deprived of the right to appeal.

69 (2) If the defendant is not represented by counsel and is indigent, the trial court  
70 ~~shall~~must appoint counsel.

71 (3) The motion must be served on the prosecuting entity. The prosecutor shall  
72 ~~have 30 days after service of the motion to may~~ file a ~~written~~ response. ~~If the~~  
73 ~~prosecutor opposes to~~ the motion within 28 days after being served.

74 (4) If the motion to reinstate the time to appeal is opposed, the trial court  
75 ~~shall~~must set a hearing at which the parties may present evidence.

76 (5) The defendant must show that the defendant was deprived of the right to  
77 appeal through no fault of the defendant.

78 (6) If the trial court finds by a preponderance of the evidence that the defendant  
79 has ~~demonstrated that the defendant was~~been deprived of the right to appeal, ~~it~~

80 | ~~shall~~the court must enter an order reinstating the ~~time for~~right to appeal. The  
81 | defendant's notice of appeal must be filed with the clerk of the trial court within  
82 | 30 days after the date of entry of the order.

83 | **(g) Motion to reinstate period for filing a direct appeal in civil cases.**

84 | (1) The trial court shall reinstate the thirty-day period for filing a direct appeal if  
85 | the trial court finds by a preponderance of the evidence that:

86 | (A) The party seeking to appeal lacked actual notice of the entry of  
87 | judgment at a time that would have allowed the party to file a timely  
88 | motion under paragraph (e) of this rule;

89 | (B) The party seeking to appeal exercised reasonable diligence in  
90 | monitoring the proceedings; and

91 | (C) The party, if any, responsible for serving the judgment under Rule  
92 | 58A(d) of the Utah Rules of Civil Procedure did not promptly serve a copy  
93 | of the signed judgment on the party seeking to appeal.

94 | (2) A party seeking such reinstatement shall file a written motion in the trial  
95 | court within one year from the entry of judgment. The party shall comply with  
96 | Rule 7 of the Utah Rules of Civil Procedure and shall serve each of the parties in  
97 | accordance with Rule 5 of the Utah Rules of Civil Procedure.

98 | (3) If the trial court enters an order reinstating the time for filing a direct appeal,  
99 | a notice of appeal must be filed within 30 days after the date of entry of the  
100 | order.