

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

ELIZABETH M. KAY,  
*Appellant.*

No. 2 CA-CR 2015-0043  
Filed September 2, 2015

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THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

*See* Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

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Appeal from the Superior Court in Pinal County  
No. S1100CR201302173  
The Honorable Bradley M. Soos, Judge

**APPEAL DISMISSED**

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COUNSEL

Mark Brnovich, Arizona Attorney General  
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By Tanja K. Kelly, Assistant Attorney General, Tucson  
*Counsel for Appellee*

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By James L. Heard  
*Counsel for Appellant*

STATE v. KAY  
Decision of the Court

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MEMORANDUM DECISION

Chief Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Miller and Judge Espinosa concurred.

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ECKERSTROM, Chief Judge:

¶1 Elizabeth Kay attempts to appeal from the trial court's order dismissing criminal charges against her without prejudice. Because this is not an appealable order, this case is dismissed.

¶2 “The Court of Appeals is a court of limited jurisdiction and has only jurisdiction specifically given to it by statute.” *State v. Eby*, 226 Ariz. 179, ¶ 3, 244 P.3d 1177, 1178 (App. 2011), quoting *Campbell v. Arnold*, 121 Ariz. 370, 371, 590 P.2d 909, 910 (1979). And “[w]e are obligated to examine our jurisdiction over an appeal.” *Id.*, quoting *Grand v. Nacchio*, 214 Ariz. 9, 12, 147 P.3d 763, 769 (App. 2006) (alteration in *Grand*). Section 13-4033, A.R.S., expressly limits the orders from which a defendant may appeal. An order of dismissal without prejudice is not appealable under the statute. *Id.*; see *State v. Paris-Sheldon*, 214 Ariz. 500, ¶ 23, 154 P.3d 1046, 1054 (App. 2007); *Duron v. Fleischman*, 156 Ariz. 189, 191, 751 P.2d 39, 41 (App. 1988) (“An order of dismissal without prejudice may not be appealed by a defendant.”). Because we lack jurisdiction over the challenged order, this appeal is dismissed.