

IN THE UTAH COURT OF APPEALS

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State of Utah,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Plaintiff and Appellee,	)	Case No. 20100616-CA
	)	
v.	)	F I L E D
	)	(November 18, 2010)
Cody Gross,	)	
	)	<span style="border: 1px solid black; padding: 2px;">2010 UT App 325</span>
Defendant and Appellant.	)	

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Second District, Ogden Department, 081902381  
The Honorable Michael D. Lyon

Attorneys: Randall W. Richards, Ogden, for Appellant  
Mark L. Shurtleff and Marian Decker, Salt Lake City,  
for Appellee

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Before Judges Orme, Roth, and Christiansen.

PER CURIAM:

Cody Gross seeks to appeal from his conviction after entering a guilty plea. We dismiss for lack of jurisdiction.

Gross's sentence was entered on June 2, 2010. He filed a motion to withdraw his plea on June 22. Pursuant to Utah Code section 77-3-6(2)(b), a motion to withdraw a guilty plea must be made prior to the announcement of sentence. See Utah Code Ann. § 77-13-6(2)(b) (2008).

It is well settled that this court lacks jurisdiction to consider a challenge to a guilty plea absent a timely motion to withdraw the plea. See State v. Merrill, 2005 UT 34, ¶ 20, 114 P.3d 585; State v. Reyes, 2002 UT 13, ¶ 3, 40 P.3d 630. Such a challenge to a guilty plea is precluded even if the ground asserted is ineffective assistance of counsel. See State v. Rhinehart, 2007 UT 61, ¶ 14, 167 P.3d 1046; State v. Briggs, 2006 UT App 448, ¶ 6, 147 P.3d 969 (mem.). Accordingly, this court lacks jurisdiction to consider Gross's assertion that he received ineffective assistance of counsel in entering his plea. Gross's counsel concedes that we lack jurisdiction to consider Gross's

plea. In sum, there is no issue over which this court has jurisdiction.

Dismissed.

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Gregory K. Orme, Judge

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Stephen L. Roth, Judge

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Michele M. Christiansen, Judge