

IN THE UTAH COURT OF APPEALS

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State of Utah,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Plaintiff and Appellee,	)	
	)	Case No. 20050936-CA
v.	)	
	)	F I L E D
Lester Chet Thomas,	)	(December 22, 2005)
	)	
Defendant and Appellant.	)	<span style="border: 1px solid black; padding: 2px;">2005 UT App 559</span>

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Fourth District, Provo Department, 041402173  
The Honorable Samuel McVey

Attorneys: Sheldon R. Carter, Provo, for Appellant  
Mark L. Shurtleff and Matthew D. Bates, Salt Lake  
City, for Appellee

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Before Judges Davis, McHugh, and Orme.

PER CURIAM:

Lester Chet Thomas appeals from his conviction on drug possession charges. This is before the court on its own motion for summary disposition. Thomas did not respond to the motion.

In his docketing statement, Thomas identifies the issue on appeal as whether the trial court erred in denying his motion to suppress evidence. However, Thomas did not file a motion to suppress in the underlying case below, although he did file such a motion in a related case. Furthermore, Thomas pleaded guilty unconditionally to the charge, thus waiving his right to challenge the admissibility of evidence. A guilty plea constitutes a waiver of the right to appeal all nonjurisdictional issues. See State v. Smith, 833 P.2d 371, 372 (Utah Ct. App. 1992). The general rule in criminal proceedings is that by pleading guilty, a defendant is deemed to have admitted all of the essential elements of the crime charged and thereby waives all nonjurisdictional defects, including alleged pre-plea constitutional violations. See State v. Parsons, 781 P.2d 1275, 1277 (Utah 1989).

Thomas's guilty plea extinguished his right to challenge the admissibility of evidence on appeal. No other issue has been

identified. As a result, there is no substantial question for review warranting further consideration by this court.

Accordingly, Thomas's conviction is affirmed.

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James Z. Davis, Judge

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Carolyn B. McHugh, Judge

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Gregory K. Orme, Judge