

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2022 ND 112

State of North Dakota, Plaintiff and Appellee

v.

Gina Marie Kelly, Defendant and Appellant

No. 20210342

State of North Dakota, Plaintiff and Appellee

v.

Gina Kelly, Defendant and Appellant

No. 20210350

Appeal from the District Court of Barnes County, Southeast Judicial District,
the Honorable Jay A. Schmitz, Judge.

AFFIRMED.

Per Curiam.

Tonya Duffy, State's Attorney, Valley City, ND, for plaintiff and appellee;
submitted on brief.

Kiara C. Kraus-Parr, Grand Forks, ND, for defendant and appellant.

**State v. Kelly
No. 20210342**

**State v. Kelly
No. 20210350**

Per Curiam.

[¶1] Gina Marie Kelly appeals from criminal judgments entered after she pleaded guilty to driving under the influence, fourth or greater offense, in two separate cases. Kelly argues her guilty pleas were not knowingly, intelligently, and voluntarily entered; her due process rights were violated and manifest injustice requires withdrawal of her pleas; and her sentence was imposed in violation of North Dakota law.

[¶2] Kelly did not move at the district court to withdraw either of her guilty pleas. The issues related to whether Kelly’s guilty pleas were knowingly, intelligently, and voluntarily entered, and whether manifest injustice requires withdrawal of her pleas for that reason, are not preserved for appeal. *State v. Cox*, 2017 ND 23, ¶ 8, 889 N.W.2d 848 (“Cox’s motions to withdraw his guilty plea were not filed and are not included in the record. No motions are pending. Any arguments related to withdrawing the guilty plea are raised for the first time on appeal. This Court does not address issues raised for the first time on appeal. *State v. Chatman*, 2015 ND 296, ¶ 22, 872 N.W.2d 595.”). We summarily affirm under N.D.R.App.P. 35.1(a)(7).

[¶3] Kelly argues the district court relied on an illegal factor in sentencing her. Kelly failed to provide any supporting authority for her assertion, and we summarily affirm under N.D.R.App.P. 35.1(a)(8).

[¶4] Jon J. Jensen, C.J.
Gerald W. VandeWalle
Daniel J. Crothers
Lisa Fair McEvers
Jerod E. Tufte