

IN THE UTAH COURT OF APPEALS

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State of Utah,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Plaintiff and Appellee,)		
)	Case No. 20060549-CA	
v.)		
)	F I L E D	
Rocendo R. Borraro,)	(December 14, 2006)	
)		
Defendant and Appellant.)	<table border="1"><tr><td>2006 UT App 503</td></tr></table>	2006 UT App 503
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Third District, Salt Lake Department, 991912815, 991913591
The Honorable Paul G. Maughan

Attorneys: Rocendo R. Borraro, Arcadia, California, Appellant
 Pro Se
 Mark L. Shurtleff and Brett J. Delporto, Salt Lake
 City, for Appellee

Before Judges Davis, McHugh, and Orme.

PER CURIAM:

Rocendo R. Borraro appeals the district court's denial of his motion to reconsider a petition to reduce sentence. We affirm.

On July 26, 2005, the district court denied Borraro's petition to reduce sentence pursuant to a signed minute entry (the minute entry). On August 23, 2005, Borraro filed a motion to reconsider this ruling. Borraro filed a notice of appeal before an order was entered on his motion to reconsider. This court held that the minute entry was a final order, that Borraro did not file his notice of appeal within thirty days after entry thereof, and that Borraro's appeal of the minute entry was untimely. See State v. Borraro, 2006 UT App 84 (mem.) (per curiam). However, this court also held that, to the extent Borraro appealed the denial of his motion to reconsider, his appeal was premature as the district court had not entered a final order disposing of the motion to reconsider. See id. The district court has now entered a final order denying this motion.

Borrayo sets out two arguments on appeal. Neither argument addresses why this court should consider, let alone reverse, the denial of Borrayo's motion to reconsider. Instead, Borrayo argues that he was provided ineffective assistance at his plea hearing in 1999. As the State notes, this argument is not only irrelevant, but the time for this argument has long since passed. Borrayo's argument would have been appropriate on a direct appeal of his sentence or a timely petition under rule 65B of the Utah Rules of Civil Procedure, see Utah R. Civ. P. 65B, rather than a motion for reduction in sentence filed nearly six years after sentencing. Borrayo's only other argument, one sentence in length, suggests that the district court improperly sentenced Borrayo. As set forth above, this court has already held that Borrayo may not directly appeal the denial of his petition to reduce sentence. See Borrayo, 2006 UT App 84.

Affirmed.

James Z. Davis, Judge

Carolyn B. McHugh, Judge

Gregory K. Orme, Judge