

IN THE UTAH COURT OF APPEALS

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State of Utah,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	Case No. 20060567-CA
)	
v.)	F I L E D
)	(July 28, 2006)
Jimmy Dean Meinhard,)	2006 UT App 320
)	
Defendant and Appellant.)	

Third District, Tooele Department, 971300122
The Honorable Randall N. Skanchy

Attorneys: Jimmy Dean Meinhard, Draper, Appellant Pro Se
Mark L. Shurtleff and Kris C. Leonard, Salt Lake
City, for Appellee

Before Judges Greenwood, Davis, and Orme.

PER CURIAM:

Jimmy Dean Meinhard appeals the trial court's denial of his motion to vacate his convictions pursuant to rule 60(b) of the Utah Rules of Civil Procedure. This is before the court on its own motion for summary disposition based on the lack of a substantial question for review. See Utah R. App. P. 10(e).

Meinhard was convicted in 1999. His convictions were affirmed on direct appeal in 2000. In 2006, he filed a rule 60(b) motion in the trial court, asserting that the criminal court lacked jurisdiction because the information was defective, and thus, his convictions were void. See Utah R. Civ. P. 60(b). The trial court denied the motion, noting that a rule 60(b) motion is not an appropriate post-conviction remedy.

Even if the rule 60(b) motion were appropriately filed in a criminal court, which is not determined here, Meinhard's motion would fail.¹ Any objection based on defects in the information

¹Appellate courts may affirm a trial court's judgment on any
(continued...)

must be raised at least five days before trial. See Utah R. Crim. P. 12(c)(1)(A). "[F]ailure to make a timely objection to defects in the information constitutes a waiver." State v. Smith, 700 P.2d 1106, 1109 (Utah 1985). Meinhard did not timely raise any alleged defects in the information and has thus waived any defects.

Accordingly, the trial court's denial of Meinhard's rule 60(b) motion is affirmed.

Pamela T. Greenwood,
Associate Presiding Judge

James Z. Davis, Judge

Gregory K. Orme, Judge

¹(...continued)
ground, even if not relied on by the trial court. See State v. Rynhart, 2005 UT 84, ¶10, 125 P.3d 938.