IN THE COURT OF APPEALS OF IOWA

No. 19-1918
Filed August 19, 2020

STATE OF IOWA,
Plaintiff-Appellee,

vs.

ALONZO LEROY JEFFREY,
Defendant-Appellant.

Appeal from the Iowa District Court for Johnson County, Lawrence P. McLellan (appointment of standby counsel) and Jeffrey Farrell (plea and sentencing), Judges.

Alonzo Jeffrey appeals his criminal convictions, following guilty pleas, and the imposition of consecutive sentences on those convictions. **AFFIRMED.**

John C. Heinicke of Kragnes & Associates, P.C., Des Moines, for appellant.

Thomas J. Miller, Attorney General, and Zachary Miller, Assistant Attorney General, for appellee.

Considered by Doyle, P.J., and Mullins and Greer, JJ.

MULLINS, Judge.

Alonzo Jeffrey appeals his criminal convictions, following guilty pleas, and the imposition of consecutive sentences on those convictions. He argues the court violated his constitutional right to self-representation by appointing standby counsel prior to his guilty pleas and abused its discretion in imposing consecutive sentences.

The State counters that Jeffrey has no right to appeal because judgment and sentence were entered after the effective date of the amendments to Iowa Code section 814.6 (2019), and Jeffrey has not established good cause to appeal. Effective July 1, 2019, that statute provided a defendant a right of appeal following a guilty plea only "where the defendant establishes good cause."[1] Iowa Code § 814.6(1)(a)(3); *see State v. Macke*, 933 N.W.2d 226, 228 (Iowa 2019) (implying the amendment applies to a direct appeal from judgment and sentence entered after July 1, 2019). The State also points out that Jeffrey makes no claim that he has or can establish good cause.

It is true that Jeffrey "bears the burden of establishing good cause to pursue an appeal of h[is] conviction based on a guilty plea." *State v. Damme*, 944 N.W.2d 98, 104 (Iowa 2020). "Good cause" means "[a] legally sufficient reason." *Id.* (alteration in original) (quoting *Good Cause*, *Black's Law Dictionary* (11th ed. 2019)). Jeffrey essentially claims counsel was impermissibly forced upon him before he tendered his guilty pleas. Our supreme court has previously considered

[1] Section 814.6(1)(a)(3) also allows a right of appeal when the guilty plea is to a class "A" felony.

the same claim. *See State v. Spencer*, 519 N.W.2d 357, 359 (Iowa 1994). There, our supreme court recognized the United States Supreme Court's position that

> [a]lthough the defendant may elect to represent himself (usually to his detriment), the trial court "may—*even over objection by the accused*—appoint a 'standby counsel' to aid the accused if and when the accused requests help, and to be available to represent the accused in the event that termination of the defendant's self-representation is necessary."

Id. (quoting *Faretta v. California*, 422 U.S. 806, 807 (1975)). In light of that recognition, Jeffrey agrees, "It is clear that the trial court can appoint standby counsel even over the defendant's objection." He asks us to overrule *Spencer* and adopt its dissenting opinion instead. But "[w]e are not at liberty to overrule controlling supreme court precedent," *State v. Beck*, 854 N.W.2d 56, 64 (Iowa Ct. App. 2014), so we conclude Jeffrey's constitutional challenge is not a legally sufficient reason giving rise to good cause to appeal following his guilty plea. *See Damme*, 944 N.W.2d at 104.

We turn to the sentencing challenge. As the State points out, while Jeffrey makes clear that he preferred suspended sentences and probation, he makes no specific claim as to how the court abused its discretion in denying the preference and imposing consecutive prison sentences. Although sentencing errors arising after a guilty plea may be sufficient to establish good cause to challenge the sentence on direct appeal, *see id.* at 105, Jeffrey's deficient argument would require us to come up with a reason or reasons how the court exercised its discretion on unreasonable grounds or to an extent clearly unreasonable. That is not our role, and we decline to do so. *Hyler v. Garner*, 548 N.W.2d 864, 876 (1996) ("[W]e will not speculate on the arguments [a party] might have made and then

search for legal authority and comb the record for facts to support such arguments."); *Inghram v. Dairyland Mut. Ins. Co.*, 215 N.W.2d 239, 240 (Iowa 1974) ("To reach the merits of this case would require us to assume a partisan role and undertake the appellant's research and advocacy. This role is one we refuse to assume."). Absent a sufficient argument on appeal, we find Jeffrey has failed to meet his burden to establish good cause to appeal. Alternatively, the argument is insufficient to facilitate our review, and we are unable to consider it. We affirm the sentences imposed.

AFFIRMED.