

IN THE COURT OF APPEALS OF IOWA

No. 21-0481
Filed March 2, 2022

STATE OF IOWA,
Plaintiff-Appellee,

vs.

MATTHEW DAVID FELL,
Defendant-Appellant.

Appeal from the Iowa District Court for Black Hawk County, Patrice Eichman, District Associate Judge.

Matthew Fell appeals the district court's acceptance of his guilty plea and imposition of a judgment against him. **APPEAL DISMISSED.**

Patrick W. O'Bryan, Des Moines, for appellant.

Thomas J. Miller, Attorney General, and Linda J. Hines, Assistant Attorney General, for appellee.

Considered by Bower, C.J., and Vaitheswaran and Chicchelly, JJ.

VAITHESWARAN, Judge.

Matthew Fell pled guilty to first-degree harassment. He was informed of his right to challenge the plea by filing a motion in arrest of judgment, and he waived that right. The district court imposed judgment and sentence.

On appeal, Fell contends:

The trial court erred in accepting [his] guilty plea and imposing judgment in that [his] plea was not valid in that it was not knowingly, voluntarily, and intelligently entered as he received ineffective assistance of standby counsel.

Fell acknowledges he must establish good cause to appeal from a guilty plea. See Iowa Code § 814.6(1)(a)(3) (2020). He asserts “he can establish ‘good cause’ because he was innocent.”

Fell cannot establish good cause to appeal. First, Fell “waived his right to file a motion in arrest of judgment” and “[h]is failure to file a motion in arrest of judgment precludes appellate relief.” *State v. Treptow*, 960 N.W.2d 98, 109 (Iowa 2021). Second, Fell “was adequately advised of . . . the right” to file a motion in arrest of judgment. *Id.* Third, the appellate courts are “without authority to decide ineffective-assistance-of-counsel claims on direct appeal.” *Id.* (citing Iowa Code § 814.7). Finally, Fell has “an appropriate vehicle” to raise a freestanding claim of actual innocence “in chapter 822,” our postconviction-relief statute. See *Schmidt v. State*, 909 N.W.2d 778, 798 (Iowa 2018). For these reasons, we dismiss Fell’s appeal.

APPEAL DISMISSED.