

**IN THE COURT OF APPEALS OF IOWA**

No. 23-0015  
Filed March 6, 2024

**RANDALL JOHN BIELFELT,**  
Applicant-Appellant,

**vs.**

**STATE OF IOWA,**  
Respondent-Appellee.

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Appeal from the Iowa District Court for Boone County, Bethany Currie,  
Judge.

Randall Bielfelt appeals the district court's denial of his application for  
postconviction relief. **AFFIRMED.**

Gary Dickey of Dickey, Campbell, & Sahag Law Firm, PLC, Des Moines, for  
appellant.

Brenna Bird, Attorney General, and Zachary Miller, Assistant Attorney  
General, for appellee State.

Considered by Greer, P.J., and Schumacher and Ahlers, JJ.

**AHLERS, Judge.**

Following a jury trial, Randall Bielfelt was convicted of four counts of sexual abuse in the second degree and four counts of sexual abuse in the third degree. The charges stemmed from allegations that Bielfelt sexually abused multiple children. On direct appeal, our court affirmed his conviction. *State v. Bielfelt*, No. 19-0201, 2020 WL 3264373, at \*4 (Iowa Ct. App. June 17, 2020).

Bielfelt then applied for postconviction relief (PCR). He claimed his trial counsel was ineffective (1) by not properly investigating a prior allegation of child sexual abuse made against Bielfelt before “opening the door” to the prosecutor questioning Bielfelt about the allegation and (2) by failing to consult an expert to help more effectively cross-examine the State’s expert that conducted forensic interviews of the children Bielfelt was accused of sexually abusing. The PCR court dismissed the first claim on summary disposition, see Iowa Code § 822.6(3) (2021), and the second claim following a trial. Bielfelt appeals.

**I. Ineffective-Assistance-of-Counsel Standards**

As a criminal defendant, Bielfelt had the right to effective counsel as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and article I, section 10, of the Iowa Constitution. See *State v. Russell*, 897 N.W.2d 717, 729 (Iowa 2017). To establish that his rights to effective counsel were violated, Bielfelt has to prove that (1) his counsel breached an essential duty, and (2) he suffered prejudice as a result. See *id.* at 729–30.

**II. Decision to Question Bielfelt about Prior Allegations**

As to his ineffective-assistance-of-counsel claim dismissed via summary disposition, we review for errors at law. See *Dewberry v. State*, 941 N.W.2d 1, 4

(Iowa 2019). We apply traditional summary judgment rules to summary disposition of PCR applications. *Id.* We view the record in the light most favorable to Bielfelt and make “every legitimate inference reasonably deduced from the record” on his behalf. *See Linn v. State*, 929 N.W.2d 717, 730 (Iowa 2019). Summary disposition is appropriate if “there is no genuine issue as to any material fact and . . . the moving party is entitled to judgment as a matter of law.” *Id.* (quoting Iowa R. Civ. P. 1.981(3)). A genuine factual dispute exists if “the record taken as a whole could lead a rational trier of fact to find for the nonmoving party.” *Id.* The State, as the moving party, bears the burden of showing it is entitled to summary disposition. *Id.*

We begin our discussion on Bielfelt’s first claim by addressing the State’s contention that the claim is barred by res judicata. Bielfelt’s first claim stems from questions Bielfelt’s counsel asked him when he testified at his criminal trial. Counsel asked Bielfelt about allegations of sexual abuse that occurred roughly twenty years earlier, because those allegations were determined to be unfounded. This questioning was a strategic decision designed to show that Bielfelt had been falsely accused in the past, just as he was claiming to be falsely accused in this case. This line of questioning opened the door to the prosecutor asking Bielfelt about a second allegation of sexual abuse also made nearly twenty years earlier—allegations about which Bielfelt testified that he had no knowledge and that were not followed up on with any additional evidence by the State.

On direct appeal, Bielfelt argued his trial counsel was ineffective for failing to object to the prosecutor’s questions about the prior allegations of sexual abuse. *Bielfelt*, 2020 WL 3264373, at \*3. Our court found that counsel’s performance was

not deficient, and even if it had been, Bielfelt suffered no prejudice because “the brief evidence of never-confirmed allegations” that were made nearly twenty years before trial “had very little, if any, effect on the jury’s verdict.” *Id.*

In this PCR action, Bielfelt again takes issue with trial counsel’s conduct regarding the decision to question Bielfelt about the prior allegations. This time, he repackages the issue by arguing counsel’s performance was deficient, not just by asking the questions that opened the door to the prosecutor’s questions, but for failing to investigate the claims of abuse before doing so. Before going into this line of questioning, Bielfelt’s trial counsel conferred with the judge and the prosecutor and became aware that two allegations had been made, not just the one about which he intended to question Bielfelt. Counsel chose to continue with this strategy even after being informed of the second allegation about which he had no prior knowledge. Bielfelt contends that going forward with this strategy constituted ineffective assistance of counsel.

We recognize that Bielfelt’s argument on the breach-of-duty prong of the ineffective-assistance-of-counsel framework is slightly different in this PCR action than it was on direct appeal. So, as to that prong, Bielfelt is not hamstrung by our court’s ruling on direct appeal. But he is dispositively hamstrung by our court’s ruling on the prejudice prong. On direct appeal, our court addressed Bielfelt’s ineffective-assistance-of-counsel claim regarding the admission of this evidence and determined Bielfelt was not prejudiced by its admission. *Id.* Even though Bielfelt has come up with a new theory of how counsel breached the duty of effective representation by permitting the admission of the challenged evidence, the prejudice prong has already been decided in the State’s favor regarding this

evidence, so Bielfelt's ineffective-assistance-of-counsel claim necessarily fails. See *Wycoff v. State*, 382 N.W.2d 462, 465 (Iowa 1986) ("Issues that have been raised, litigated, and adjudicated on direct appeal cannot be relitigated in a postconviction proceeding."). The district court properly granted the State's motion for summary disposition regarding this claim.

### **III. Not Hiring an Expert in Forensic Psychology**

Bielfelt's second claim of ineffective assistance of counsel is that his trial counsel should have consulted an expert in forensic psychology to better equip him to cross-examine the State's expert witness—a forensic interviewer who interviewed the children. Because it is a constitutional issue, we review Bielfelt's claim of ineffective assistance of counsel de novo. *State v. Lorenzo Baltazar*, 935 N.W.2d 862, 868 (Iowa 2019).

In support of his PCR challenge, Bielfelt presented testimony from an expert in forensic psychology during the PCR trial. The expert expressed opinions that the forensic interviewer that conducted the interviews of the children failed to follow best practices several times during the interviews. Bielfelt contends his counsel could have used such an expert's consulting ideas or testimony to undermine the effectiveness of the State's expert.

The problem with Bielfelt's claim is that it ignores the fact that the forensic interviewer called as an expert by the State in his criminal trial did not testify about the statements the children made during their interviews or any details about the interviews themselves. Nor did the State introduce any recordings of the interviews as evidence. Without such evidence about the forensic interviews, there was no basis for Bielfelt's counsel to attack the way the interviews were conducted.

In fact, to attack the way the interviews were conducted, Bielfelt would have had to introduce videos of the interviews or question the interviewer about details of the interviews—a tactic counsel was not interested in pursuing based on his assessment that the videos and details of the interviews were harmful to Bielfelt.

As the sole basis for Bielfelt's claim that his criminal trial counsel should have consulted an expert was to help him attack the State's expert about topics about which the State's expert did not testify—and about which Bielfelt would not have reasonably wanted the State's expert to testify—Bielfelt's counsel did not breach any duty of effective representation, and Bielfelt did not suffer any prejudice. On our de novo review, we conclude the district court properly denied Bielfelt's application for PCR on this claim.

#### **IV. Conclusion**

Bielfelt's first claim of ineffective assistance of counsel was properly dismissed because the prejudice prong of the claim was already resolved on direct appeal. As to his second claim, Bielfelt failed to prove both prongs. Accordingly, we affirm dismissal of his application for PCR.

**AFFIRMED.**