

IN THE COURT OF APPEALS OF IOWA

No. 23-0251
Filed March 6, 2024

MUZAMMIL ALI,
Applicant-Appellant,

vs.

STATE OF IOWA,
Respondent-Appellee.

Appeal from the Iowa District Court for Polk County, David Porter, Judge.

Muzammil Ali appeals the denial of his application for postconviction relief.

AFFIRMED.

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

Brenna Bird, Attorney General, and Genevieve Reinkoester, Assistant
Attorney General, for appellee State.

Considered by Tabor, P.J., and Badding and Chicchelly, JJ.

CHICCHELLY, Judge.

Muzammil Ali appeals the denial of his application for postconviction relief (PCR). He contends his trial counsel was ineffective by allowing him to plead guilty without ensuring the plea was knowing and intelligent. Because Ali has not shown his trial counsel breached a duty, we affirm the denial of his PCR application.

In 2018, the State charged Ali with four class “D” felonies: two counts of forgery and two counts of second-degree theft. When Ali failed to appear for trial, the State charged him with failure to appear, another class “D” felony. Ali agreed to plead guilty to failure to appear as a serious misdemeanor in exchange for the State dismissing the felony charges. He also agreed to a thirty-day sentence with credit for time served.

Several months after he pled guilty, the United States notified Ali that he was the subject of an ongoing criminal investigation. That investigation resulted in his trial and conviction for conspiracy to distribute THC. The federal court sentenced Ali to 235 months in prison. Ali then filed this PCR action, claiming his trial counsel was ineffective by failing to inform him that his guilty plea would disqualify him from the federal pretrial release program. He argues that his pretrial incarceration impaired his ability to meet and confer with counsel, resulting in his conviction. Ali also testified that his guilty plea added one point to his criminal history, increasing the length of his federal sentence under the sentencing guidelines.

We review PCR proceedings for correction of errors at law, *Linn v. State*, 929 N.W.2d 717, 729 (Iowa 2019), and claims of ineffective assistance of counsel de novo, *Goode v. State*, 920 N.W.2d 520, 523 (Iowa 2018). To secure PCR based

on ineffective assistance of counsel, Ali must prove two elements. *Lado v. State*, 804 N.W.2d 248, 251 (Iowa 2011). One, he must show his trial counsel breached an essential duty, which occurs when “counsel’s representation [falls] below an objective standard of reasonableness.” *Id.* at 251 (alteration in original) (quoting *Strickland v. Washington*, 466 U.S. 668, 688 (1984)). Two, he must show that counsel’s deficient performance prejudiced him. *Id.* Because Ali pled guilty, he must show “a reasonable probability that, but for counsel’s errors, [he] would not have pleaded guilty and would have insisted on going to trial.” *Doss v. State*, 961 N.W.2d 701, 709 (Iowa 2021) (citation omitted). We may affirm if Ali fails to prove either element. See *Lado*, 804 N.W.2d at 251.

A guilty plea “is valid only if it is given voluntarily, knowingly, and intelligently.” *State v. Meron*, 675 N.W.2d 537, 542 (Iowa 2004). To ensure a plea is voluntary and intelligent, the district court must inform the defendant of the mandatory minimum and maximum possible punishment for the crime. *Doss*, 961 N.W.2d at 709. Although the court must ensure a defendant understands the direct consequences of pleading guilty, it need not inform a defendant of all indirect and collateral consequences of the plea. *Id.* at 709–10. The same is true of defense counsel. See *Stevens v. State*, 513 N.W.2d 727, 728 (Iowa 1994) (per curiam) (“The rule is well established that defense counsel does not have a duty to inform a defendant about the collateral consequences of a guilty plea . . .”).¹ “The

¹ While counsel need not inform a defendant about the collateral consequences of a guilty plea, misinforming a defendant about those consequences is reversible error. *Stevens*, 513 N.W.2d at 728. But Ali concedes “that trial counsel provided no advice about the collateral consequences of a failure to appear guilty plea in terms of negative impact on future criminal cases.”

distinction between direct and collateral consequences is whether the result of the consequence represents a definite, immediate and largely automatic effect on the range of defendant's punishment." *Doss*, 961 N.W.2d at 710 (cleaned up).

Ali concedes that the denial of pretrial release is a collateral consequence of his guilty plea rather than a direct consequence. See *State v. Roby*, No. 19-0551, 2020 WL 1548514, at *6 (Iowa Ct. App. Apr. 1, 2020) (finding that the effect of a defendant's guilty plea on a pending federal indictment was purely speculative, so counsel had no duty to inform the defendant of it), *aff'd*, 951 N.W.2d 459 (Iowa 2020); *Dillon v. State*, No. 12-1200, 2013 WL 4011062, at *2 (Iowa Ct. App. Aug. 7, 2013) ("It has been held, and remains the law, that there are numerous collateral consequences of a guilty plea that need not be pointed out by the court or counsel, including what effect a plea might have on future criminal activity or a conviction."). He urges that we adopt the approach advocated by Justice Appel in *Doss*, which would "focus on the defendant and whether, under all the facts and circumstances, his assent to a plea can fairly be characterized as knowing and voluntary." *Doss*, 961 N.W.2d at 731 (Appel, J., specially concurring). But as we often note, any change in established law must come from the Iowa Supreme Court. See, e.g., *State v. Miller*, 841 N.W.2d 583, 584 n.1 (Iowa 2014) ("Generally, it is the role of the supreme court to decide if case precedent should no longer be followed."); *State v. Hastings*, 466 N.W.2d 697, 700 (Iowa Ct. App. 1990) ("We are not at liberty to overturn Iowa Supreme Court precedent.").

The PCR court properly applied the law when it found counsel did not breach any duty to Ali by failing to inform him of the impact his guilty plea would

have on a future federal indictment. Because Ali has not shown his trial counsel provided ineffective assistance,² we affirm the denial of his PCR application.

AFFIRMED.

² Because trial counsel had no duty to advise Ali of the collateral consequences of his guilty plea, we do not address Ali's claim that his PCR counsel provided ineffective assistance by failing to present evidence of prejudice.