

IN THE COURT OF APPEALS OF IOWA

No. 23-0707
Filed March 27, 2024

STATE OF IOWA,
Plaintiff-Appellee,

vs.

HANNAH JEAN HENNICK,
Defendant-Appellant.

Appeal from the Iowa District Court for Story County, Steven P. Van Marel,
Judge.

A defendant appeals the sentence imposed after pleading guilty to driving
while barred. **APPEAL DISMISSED.**

Christopher A. Clausen of Clausen Law Office, Ames, for appellant.

Brenna Bird, Attorney General, and Martha E. Trout, Assistant Attorney
General, for appellee.

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

CHICCHELLY, Judge.

Hannah Jean Hennick pled guilty to driving while barred as a habitual offender. As part of the plea agreement, the State and Hennick jointly recommended a two-day jail sentence. The district court accepted the guilty plea and sentenced Hennick to the two-day sentence. Hennick appeals, contending the district court abused its discretion in sentencing.

The State argues that we do not have jurisdiction to hear this appeal for three reasons: there is no good cause for the appeal, error was not preserved on this issue, and we cannot decide ineffective-assistance claims on direct appeal. We agree. First, because “the sentence imposed . . . is the agreed-upon sentence under the plea agreement,” we must dismiss the appeal for lack of good cause. See *State v. Estabrook*, No. 22-1118, 2023 WL 2671954, at *1 (Iowa Ct. App. Mar. 29, 2023). Second, Hennick concedes that she did not preserve error on her claim but argues that this failure “should be excused as she received ineffective assistance of counsel.” But we cannot consider issues on appeal that were not “both raised and decided by the district court.” *Meier v. Senecaut*, 641 N.W.2d 532, 537 (Iowa 2002). Because error was not preserved below, we cannot consider Hennick’s appeal. Further, while Hennick advances an ineffective-assistance-of-counsel argument to “bypass our typical error-preservation concerns,” see *Tournier v. State*, No. 21-0985, 2022 WL 3069288, at *1 (Iowa Ct. App. Aug. 3, 2022), we cannot decide these claims on direct appeal from a criminal proceeding. See Iowa Code § 814.7 (2022). For these reasons, we must dismiss the appeal.

APPEAL DISMISSED.