

IN THE COURT OF APPEALS OF IOWA

No. 14-1531
Filed June 10, 2015

JEREMY WILLIAM LILLICH,
Applicant-Appellant,

vs.

STATE OF IOWA,
Respondent-Appellee.

Appeal from the Iowa District Court for Woodbury County, Jeffrey L. Poulson, Judge.

An applicant appeals the district court's grant of summary judgment to the State which dismissed his PCR action. **AFFIRMED.**

Matthew R. Metzgar of Rhinehart Law, P.C., Sioux City, for appellant.

Thomas J. Miller, Attorney General, Darrel Mullins, Assistant Attorney General, Patrick Jennings, County Attorney, and Mark Campbell, Assistant County Attorney, for appellee.

Considered by Vogel, P.J., and Potterfield and Mullins, JJ.

MULLINS, J.

Jeremy William Lillich filed an application for postconviction relief (PCR) raising various claims. The State filed a motion for summary judgment. After a hearing, the district court granted the motion and dismissed the PCR action. Lillich appeals, claiming trial counsel was ineffective for failing to mail him a letter informing him of a plea offer made by the State.

Lillich gave trial counsel the telephone numbers of two females and told trial counsel to call them if she wanted to contact him. Trial counsel's records showed numerous phone call attempts to the numbers Lillich provided that were never successful in contacting Lillich. He claims trial counsel should have mailed him a letter to a post office box, but he offers no evidence that he regularly retrieved mail from that box. He does not deny that trial counsel attempted to contact him in the manner he had directed—by phone calls to his female friends—but he claims she was ineffective for failing to mail a letter.

Upon our examination of the record and briefs, we conclude the district court identified and considered all the issues presented. The district court found trial counsel had acted reasonably in attempting to contact Lillich by phone as instructed by Lillich, especially given the limited time frame provided by the State within which to respond to the plea offer. We approve of the reasons and conclusions in the district court's opinion and affirm pursuant to Iowa Court Rule 21.26(1)(d) and (e).

AFFIRMED.