

**IN THE COURT OF APPEALS OF IOWA**

No. 15-1494  
Filed December 21, 2016

**LUIS CARLOS CENICEROS,**  
Applicant-Appellant,

**vs.**

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

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Appeal from the Iowa District Court for Scott County, John D. Telleen,  
Judge.

Luis Carlos Cenicerros appeals the denial of his postconviction-relief  
application. **AFFIRMED.**

Courtney T. Wilson of Gomez May L.L.P., Davenport, for appellant.

Thomas J. Miller, Attorney General, and Louis S. Sloven, Assistant  
Attorney General, for appellee State.

Considered by Danilson, C.J., and Mullins and Bower, JJ.

**MULLINS, Judge.**

Luis Carlos Cenicerros appeals the denial of his postconviction-relief (PCR) application in which he claimed his trial counsel was ineffective in failing to adequately advise him of the immigration consequences of his guilty plea. Cenicerros concedes his trial counsel told him his plea might have some effect on his immigration status but contends he was not fully apprised of the likelihood of any effect coming to pass. Prior to the hearing on Cenicerros's PCR action, Cenicerros's trial counsel was deposed. Cenicerros's counsel testified, in relevant part, to the following: she was well aware of her duties under *Padilla v. Kentucky*, 559 U.S. 356 (2010), and had helped organize a seminar on the case in 2010; she determined and told Cenicerros that, based on his status and the crimes with which he was charged, "he would be removed from the country and very likely, if not definitely, not be allowed to return through legal immigration"; she had advised Cenicerros to speak to his consulate and retain an immigration attorney; she had spoken to the immigration attorney retained by Cenicerros's family and relayed the information received from this immigration attorney to Cenicerros; and she provided Cenicerros a checklist entitled "Immigration Consequences of Crimes Checklist." The record also reflects Cenicerros initialed a provision of the written plea of guilty that provided: "For persons who are not U.S. citizens: I understand that a criminal conviction or deferred judgment may result in my deportation or have other adverse immigration consequences if I am not a U.S. Citizen. I have had the opportunity to discuss this with my attorney and consulate."

In denying Cenicerros's claim, the PCR court found the testimony of Cenicerros's counsel "could scarcely have been more in conflict from that of Mr. Cenicerros" and determined Cenicerros's counsel's testimony was more credible. On appeal, Cenicerros contends the PCR court erred in finding his counsel more credible. On our de novo review, giving weight to the credibility findings of the district court, see *Ledezma v. State*, 626 N.W.2d 134, 141 (Iowa 2001), we affirm the district court's finding Cenicerros's counsel did not fail to perform an essential duty.

We affirm the district court's denial of Cenicerros's PCR application without further opinion. See Iowa Ct. R. 21.26(1)(d), (e).

**AFFIRMED.**