

IN THE COURT OF APPEALS OF IOWA

No. 1-735 / 10-1525
Filed November 23, 2011

STATE OF IOWA,
Plaintiff-Appellee,

vs.

JEREMY NIKODIJEVIC BATES,
Defendant-Appellant.

Appeal from the Iowa District Court for Henry County, Mary Ann Brown,
Judge.

A defendant appeals his judgment and sentence for two counts of delivery of a controlled substance, contending trial counsel was ineffective in failing to object to the scope of the State's cross-examination of him regarding prior convictions. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Rachel C. Regenold,
Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Richard J. Bennett, Assistant Attorney
General, Darin R. Stater, County Attorney, and Edward G. Harvey, Assistant
County Attorney, for appellee.

Considered by Sackett, C.J., and Vaitheswaran and Tabor, JJ.

VAITHESWARAN, J.

Jeremy Bates appeals his judgment and sentence for two counts of delivery of a controlled substance (cocaine). See Iowa Code § 124.401(1)(c)(3) (2009). He contends his trial attorney was ineffective in “failing to object to the scope of the State’s cross-examination of [him] regarding his prior conviction.” He specifically asserts he “was prejudiced by the State introducing details of the circumstances of his prior conviction and that prejudice was compounded by trial counsel eliciting more information about the prior conviction on redirect.” He also contends his trial attorney was ineffective in “failing to request a jury instruction to caution the jury on the use of the testimony it heard about [his] prior felony.”

Ineffective-assistance-of-counsel claims are rarely decided on direct appeal. See *State v. Tate*, 710 N.W.2d 237, 240 (Iowa 2006) (“Only in rare cases will the trial record alone be sufficient to resolve the claim on direct appeal.”). We believe the arguments raised here should be preserved for postconviction relief to afford Bates’s trial attorney an opportunity to address them. See *State v. Johnson*, 784 N.W.2d 192, 198 (Iowa 2010) (preserving ineffective-assistance-of-counsel claim for postconviction relief proceedings).

We affirm Bates’s judgment and sentence and preserve his two-pronged ineffective-assistance-of-counsel claim for postconviction relief.

AFFIRMED.