

IN THE COURT OF APPEALS OF IOWA

No. 1-754 / 10-2074
Filed December 21, 2011

TONY GOODSON,
Applicant-Appellant,

vs.

STATE OF IOWA,
Respondent-Appellee.

Appeal from the Iowa District Court for Black Hawk County, Thomas N. Bower, Judge.

An applicant appeals from the district court's dismissal of his postconviction relief application. **AFFIRMED.**

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

Thomas J. Miller, Attorney General, Thomas W. Andrews, Assistant Attorney General, Thomas Ferguson, County Attorney, and Kim Griffith, Assistant County Attorney, for appellee.

Considered by Eisenhauer, P.J., and Doyle and Mullins, JJ.

MULLINS, J.

In September 1993, Tony Goodson pleaded guilty to several crimes that he committed over a three-year period: two counts of delivery of a controlled substance (cocaine); possession of a controlled substance (cocaine) with intent to deliver; failure to affix a drug tax stamp; terrorism; possession of a controlled substance (marijuana) with intent to deliver; going armed with intent; assault causing bodily injury; assault by the display of a dangerous weapon; and carrying weapons. Pursuant to a plea agreement, the district court sentenced Goodson to concurrent sentences on all the convictions, resulting in Goodson receiving a term of imprisonment not to exceed ten years. After Goodson's release from prison, he committed federal drug-related crimes in 2007, for which he was sentenced in 2008.

In June 2010, Goodson filed an application for postconviction relief. He argued that in 1993, his trial counsel should have advised him that if he later committed and was convicted of federal drug offenses, he could potentially be sentenced under the three-strikes provisions of federal law. The State moved for summary dismissal arguing Goodson's application was time barred. See Iowa Code § 822.3 (2009) ("All other applications must be filed within three years from the date the conviction or decision is final or, in the event of an appeal, from the date the writ of procedendo is issued. However, this limitation does not apply to a ground of fact or law that could not have been raised within the applicable time period."). Goodson resisted, arguing that the three-year limitations period did not apply because he was raising a ground of law that could not have been raised

within the applicable time period and cited to *Padilla v. Kentucky*, 130 U.S. ____, 130 S. Ct. 1473, 176 L. Ed. 2d 284 (2010). In December 2010, the district court found Goodson's application was time barred and dismissed it. Goodson appeals.

Our review is for correction of errors at law. *Harrington v. State*, 659 N.W.2d 509, 520 (Iowa 2003). As the district court found, we hold that *Padilla* does not apply to Goodson's ineffective-assistance-of-counsel claim, see *Padilla*, 130 U.S. at ____, 130 S. Ct. at 1484, 176 L. Ed. 2d at ____ (holding that counsel must inform her client whether a guilty plea to an offense carries a risk of deportation), and Goodson does not cite to any ground of law indicating a trial attorney should advise of the consequences of future illegal behavior. See *State v. Christensen*, 201 N.W.2d 457, 459 (Iowa 1972) (“[The defendant] also argues he should have been made aware of the effect of a conviction here on any future conviction. No such warning by the trial court is required.”); *State v. Hallock*, 765 N.W.2d 598, 605 (Iowa Ct. App. 2009) (indicating “there are numerous collateral consequences of a guilty plea that need not be stated by the court or discussed by counsel” including the “effect of [the] conviction upon future convictions”). Consequently, Goodson's application does not raise a ground of law that could not have been timely raised and his application was time barred. The district court properly dismissed Goodson's application and we affirm.

AFFIRMED.