

IN THE COURT OF APPEALS OF IOWA

No. 2-1056 / 11-1817
Filed January 9, 2013

STATE OF IOWA,
Plaintiff-Appellee,

vs.

TRAVIS COLEMAN,
Defendant-Appellant.

Appeal from the Iowa District Court for Scott County, Mary E. Howes,
Judge.

Travis Coleman appeals from his guilty plea, judgment, and sentence for
driving while barred and eluding. **AFFIRMED.**

Jack E. Dusthimer, Davenport, for appellant.

Thomas J. Miller, Attorney General, Elisabeth S. Reynoldson, Assistant
Attorney General, Michael J. Walton, County Attorney, and Melisa Zaehringer,
Assistant County Attorney, for appellee.

Considered by Potterfield, P.J., and Danilson and Tabor, JJ.

POTTERFIELD, P.J.

Travis Coleman appeals from his guilty plea, judgment, and sentence for driving while barred and eluding. He contends the district court improperly determined his plea was voluntary and intelligent. We affirm, finding the issue was not preserved for our review.

I. Facts and Proceedings

June 2, 2011, police officers attempted to conduct a traffic stop of Travis Coleman's vehicle. Coleman would not stop as officers continued their attempts, during which Coleman exceeded the speed limit by over twenty-five miles per hour. Coleman finally stopped his car, ran on foot, and was apprehended. A driver's license check revealed his license was barred for habitual offenses.

Coleman was charged with driving while license barred as a habitual offender and felony eluding. He was offered a plea agreement. In exchange for his plea to both counts, the second count would be reduced to eluding as an aggravated misdemeanor. He would also plead guilty to four pending simple misdemeanors. Coleman signed a written guilty plea reflecting this agreement; he also signed a waiver of appearance and waiver of motion in arrest of judgment. The court sentenced him to incarceration not to exceed two years on each count to run concurrently. Coleman appeals from these proceedings. He argues it is "not clear" that he knowingly and intelligently pleaded guilty; he does not refer to anything in the record to support his argument.

II. Analysis

We review claims of error in a guilty plea proceeding for the correction of error at law. *State v. Meron*, 675 N.W.2d 537, 540 (Iowa 2004). "Generally, a

defendant must file a motion in arrest of judgment to preserve a challenge to a guilty plea on appeal.” *Id.*; see also Iowa R. Crim. P. 2.24(3)(a) (“A defendant’s failure to challenge the adequacy of a guilty plea proceeding by motion in arrest of judgment shall preclude the defendant’s right to assert such challenge on appeal.”). Exception exists to this rule where a defendant is not apprised of the consequences of failing to file a motion in arrest of judgment. *Meron*, 675 N.W.2d at 540.

Coleman was repeatedly informed of the consequences of failing to file a motion in arrest of judgment. First he was informed in his guilty plea, then again in his consent to waive presence, and finally in his written application to waive motion in arrest of judgment. He did not file a motion in arrest of judgment; therefore, his argument is not preserved for our review. Iowa R. Crim. P. 2.24(3)(a).

AFFIRMED.