

**IN THE COURT OF APPEALS OF IOWA**

No. 2-139 / 11-1053  
Filed March 14, 2012

**STATE OF IOWA,**  
Plaintiff-Appellee,

**vs.**

**EUGENIO MARES CARRANZA,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Henry County, John G. Linn and  
Mary Ann Brown, Judges.

Eugenio Mares Carranza contends counsel was ineffective in not advising  
him of the possible immigration consequences of his drug-related guilty plea.

**AFFIRMED.**

Rachel C. B. Antonuccio of Cole & Vondra, L.L.P., Iowa City, for appellant.

Thomas J. Miller, Attorney General, Elisabeth S. Reynoldson, Assistant  
Attorney General, Darin R. Stater, County Attorney, and Ed Harvey, Assistant  
County Attorney, for appellee.

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

**DOYLE, J.**

On March 28, 2011, the State charged Eugenio Mares Carranza with three counts of delivery of 100 grams or less of cocaine. On April 25, 2011, a pretrial conference was held before district court judge John Linn. There, Carranza withdrew his previously-entered plea of not guilty and entered a plea of guilty to one count of delivery of 100 grams or less of cocaine. Before accepting Carranza's guilty plea, the court conducted a colloquy, asking Carranza, among other things:

Q. Do you understand a criminal conviction or deferred judgment or deferred sentence may affect your status under federal immigration laws? A. Yes, Your Honor.

The court ultimately accepted Carranza's guilty plea.

On June 6, 2011, Carranza was sentenced by district court judge Mary Ann Brown to a prison term not to exceed ten years, all of which the court suspended. The court placed Carranza on probation for a period of five years, and it assessed a fine, costs, and surcharges to Carranza. Carranza now appeals, asserting his counsel was ineffective in failing to advise him of the immigration consequences associated with his guilty plea.

"Generally, we do not resolve claims of ineffective assistance of counsel on direct appeal." *State v. Biddle*, 652 N.W.2d 191, 203 (Iowa 2002). We prefer to leave ineffective-assistance-of-counsel claims for postconviction relief proceedings where an adequate record of the claim can be developed. *Id.*

To establish his claim of ineffective assistance of counsel, Carranza "must demonstrate (1) his trial counsel failed to perform an essential duty, and (2) this failure resulted in prejudice." *State v. Straw*, 709 N.W.2d 128, 133 (Iowa 2006).

“Under the first prong of this test, counsel’s performance is measured against the standard of a reasonably competent practitioner with the presumption that the attorney performed his duties in a competent manner.” *Id.* (internal quotation omitted). We conclude the record is not adequate to decide this issue on direct appeal. Aside from limited information contained in Carranza’s guilty plea, the record contains no information about the advice counsel gave Carranza regarding the risk of adverse immigration consequences. We conclude this issue would best be preserved for postconviction relief.

Further, the record is inadequate to determine whether Carranza can show he was prejudiced by his counsel’s alleged error. To prove prejudice, Carranza “must show that there is a reasonable probability that, but for counsel’s errors, he . . . would not have pleaded guilty and would have insisted on going to trial.” *Id.* at 138. We cannot make a determination on the required prejudice element based on the limited record on direct appeal. “[C]laims of ineffective assistance of counsel should normally be raised through an application for postconviction relief. In only rare cases will the defendant be able to muster enough evidence to prove prejudice without a postconviction relief hearing.” *Id.*

We conclude the record is inadequate for us to rule on direct appeal. We therefore preserve Carranza’s ineffective-assistance claim for postconviction relief proceedings.

**AFFIRMED.**