

**IN THE COURT OF APPEALS OF IOWA**

No. 2-167 / 11-0450  
Filed April 11, 2012

**ROBERT JOHNSTON JR.,**  
Applicant-Appellant,

**vs.**

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

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Appeal from the Iowa District Court for Polk County, Carla T. Schemmel,  
Judge.

Robert Johnston Jr. appeals the district court's denial of postconviction  
relief. **AFFIRMED.**

Jared C. Harmon of Carr & Wright, P.L.C., Des Moines, for appellant.

Thomas J. Miller, Attorney General, Bridget A. Chambers, Assistant  
Attorney General, John P. Sarcone, County Attorney, and Mark Taylor, Assistant  
County Attorney, for appellee.

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

**DOYLE, J.**

Robert Johnston Jr. appeals the district court's denial of postconviction relief.<sup>1</sup> He asserts the postconviction court erred in finding that the trial court need not have conducted a competency hearing. He also contends the postconviction court erred in finding his trial counsel was not ineffective in failing to (1) request a competency hearing, (2) investigate witnesses, and (3) pursue a change of venue. The postconviction court's ruling was thorough and thoughtful. Because we agree with the postconviction court's reasoning, its conclusions under the facts presented, and its application of the law, we affirm pursuant to Iowa Rule of Appellate Procedure 6.1203(a) and (d).

**AFFIRMED.**

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<sup>1</sup> In his brief, Johnston states error was preserved by the filing of his notice of appeal. "While this is a common statement in briefs, it is erroneous, for the notice of appeal has nothing to do with error preservation." Thomas A. Mayes & Anuradha Vaitheswaran, *Error Preservation in Civil Appeals in Iowa: Perspectives on Present Practice*, 55 Drake L. Rev. 39, 48 (Fall 2006) (footnote omitted) (explaining that "[a]s a general rule, the error preservation rules require a party to raise an issue in the trial court and obtain a ruling from the trial court."). Nevertheless, upon our review we considered all claims of error raised by Johnston.