

IN THE COURT OF APPEALS OF IOWA

No. 2-304 / 11-1429
Filed May 9, 2012

STATE OF IOWA,
Plaintiff-Appellee,

vs.

ANDRE CARLOS BONNER,
Defendant-Appellant.

Appeal from the Iowa District Court for Webster County, Thomas J. Bice,
Judge.

Defendant appeals contending his guilty plea was without adequate
factual basis. **AFFIRMED.**

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

Thomas J. Miller, Attorney General, Kevin Cmelik, Assistant Attorney
General, Ricki N. Osborn, County Attorney, and Devin Kelly, Assistant County
Attorney, for appellee.

Considered by Vaitheswaran, P.J., and Doyle and Danilson, JJ.

DANILSON, J.

Andre Bonner pled guilty to willful injury and now appeals contending his plea lacked a factual basis. We review challenges to guilty pleas on error. Iowa R. App. P. 6.907; *State v. Martin*, 778 N.W.2d 201, 203 (Iowa Ct. App. 2009) (noting a district court may not accept a guilty plea without first determining a plea has a factual basis and it matters not whether error was properly preserved or we analyze the claim as one of ineffective assistance of counsel).

A review of the plea proceeding shows Bonner admitted all but one element of the offense, and conceded the minutes of testimony and the videotape of the assault were sufficient to establish all elements of the offense. See *North Carolina v. Alford*, 400 U.S. 25, 32-38 (1970) (holding that an accused may consent to the imposition of a sentence even if he is unwilling or unable to admit his participation in the acts constituting the crime). There is a factual basis for willful injury. See *State v. Hilpipre*, 395 N.W.2d 899, 903 (Iowa 1986) (noting criminal intent is “rarely susceptible to direct proof”). We affirm Bonner’s conviction. See Iowa R. App. P. 6.1203(d).

AFFIRMED.