

**IN THE COURT OF APPEALS OF IOWA**

No. 2-734 / 11-0856  
Filed October 3, 2012

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

**vs.**

**BILLIE JOE CHAPMAN,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Pottawattamie County, Timothy O'Grady (motions and habeas petition), James M. Richardson (plea and sentencing), Judges.

Billie Joe Chapman contends trial counsel was ineffective for advising him to plead guilty while his petition for writ of habeas corpus was pending.

**AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Nan Jennisch, Assistant Appellate Defender, for appellant.

Billie Joe Chapman, appellant pro se.

Thomas J. Miller, Attorney General, Kevin Cmelik, Assistant Attorney General, Mary Triick, Legal Intern, Matthew D. Wilber, County Attorney, and Jon Jacobmeier, Margaret Popp-Reyes, and Shelly Sedlak, Assistant County Attorneys, for appellee.

Considered by Vaitheswaran, P.J., and Potterfield and Bower, JJ.

**POTTERFIELD, J.**

The only issue before us is whether Billie Joe Chapman's attorney rendered ineffective assistance of counsel in allowing Chapman to plead guilty to reduced charges while his writ of habeas corpus was pending.<sup>1</sup> Because the record is inadequate to evaluate his ineffectiveness claim, we preserve his claim for possible postconviction relief. See *State v. Graves*, 668 N.W.2d 860, 869 (Iowa 2003) ("Generally, ineffective-assistance claims are preserved for postconviction relief proceedings to afford the defendant an evidentiary hearing and thereby permit the development of a more complete record."). We affirm the convictions.

**AFFIRMED.**

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<sup>1</sup> Chapman contends he was improperly brought to Iowa from Nebraska. The State's brief indicates the defendant "was mistakenly transported to Iowa."