

IN THE COURT OF APPEALS OF IOWA

No. 3-834 / 12-2194
Filed October 2, 2013

DAVID HALSTEAD,
Applicant-Appellant,

vs.

STATE OF IOWA,
Respondent-Appellee.

Appeal from the Iowa District Court for Woodbury County, John Ackerman, Judge.

A defendant appeals the denial of his application for postconviction relief.

AFFIRMED.

Daniel P. Vakulskas of Vakulskas Law Firm, P.C., Sioux City, for appellant.

Thomas J. Miller, Attorney General, Sharon K. Hall, Assistant Attorney General, Patrick Jennings, County Attorney, and Drew H. Bockenstedt, Assistant County Attorney, for appellee.

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

MULLINS, J.

David Halstead was charged with second-degree robbery, first-degree theft, and assault while participating in a felony. A jury convicted him of second-degree robbery, fifth-degree theft, and assault while participating in a felony. On direct appeal, the Iowa Supreme Court reversed the conviction of assault while participating in a felony,¹ and remanded for sentencing as a result of the unchallenged convictions for fifth degree theft and second degree robbery. *State v. Halstead*, 791 N.W.2d 805 (Iowa 2010). Halstead filed an application for postconviction relief, which the district court denied on November 27, 2012. Halstead appeals, raising the same issues he raised before the district court. He alleges his trial counsel provided ineffective assistance by failing to raise an intoxication defense and by failing to call Halstead's brother, a co-defendant, as a witness.

The district court's detailed ruling thoroughly addressed the issues presented and correctly found that counsel was not ineffective. Halstead was unable to show trial counsel breached a professional duty on either ground. Pursuant to Iowa Court Rule 21.26(1)(a), (d), and (e), this court affirms the district court's denial of Halstead's application.

AFFIRMED.

¹ The assault while participating in a felony conviction was reversed because Halstead had been acquitted of the underlying predicate felony charge of first-degree theft. *State v. Halstead*, 791 N.W.2d 805, 815–16 (Iowa 2010).