

IN THE COURT OF APPEALS OF IOWA

No. 3-899 / 12-2232
Filed October 2, 2013

STATE OF IOWA,
Plaintiff-Appellee,

vs.

NARCISO JARA,
Defendant-Appellant.

Appeal from the Iowa District Court for Dubuque County, Randall J. Nigg,
District Associate Judge.

Claiming ineffective assistance of counsel, Narciso Jara appeals from his
guilty plea and conviction for assault with intent to commit sexual abuse.

AFFIRMED.

Dan Vondra of Cole & Vondra, PC, Iowa City, for appellant.

Thomas J. Miller, Attorney General, Thomas S. Tauber, Assistant Attorney
General, Ralph Potter, County Attorney, and Christine O. Corken, Assistant
County Attorney, for appellee.

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

DOYLE, J.

Following plea negotiations, Narcisco Jara entered a written plea of guilty to assault with intent to commit sexual abuse, without injury, in violation of Iowa Code section 709.11 (2011), an aggravated misdemeanor. The trial court accepted Jara's plea and imposed a two-year suspended sentence and probation. On appeal, Jara claims trial counsel was ineffective because he "was not properly advised about the clear and inevitable immigration consequences he would incur by pleading guilty."

We review claims of ineffective assistance of counsel de novo. *State v. Utter*, 803 N.W.2d 647, 651 (Iowa 2011). A claim of ineffective assistance of counsel may be considered on direct appeal only where the record below is sufficient for our review. *State v. Fountain*, 786 N.W.2d 260, 263 (Iowa 2010).

The record below provides no information regarding the advice given to Jara by his counsel. Absent this information, we cannot even begin to address whether Jara's counsel was effective. We therefore affirm Jara's conviction, and we preserve his claim for possible postconviction relief proceedings where an adequate record of Jara's claim can be developed and the attorney charged with providing ineffective assistance may have an opportunity to respond to the claim. See *State v. Biddle*, 652 N.W.2d 191, 203 (Iowa 2002).

AFFIRMED.