

IN THE COURT OF APPEALS OF IOWA

No. 6-610 / 05-1305
Filed August 23, 2006

STATE OF IOWA,
Plaintiff-Appellee,

vs.

JOHN QUENTIN BUFFINGTON,
Defendant-Appellant.

Appeal from the Iowa District Court for Cerro Gordo County, James Drew (bench trial) and Stephen Carroll (posttrial motions), Judges.

John Buffington appeals from his conviction and sentence for the offenses of lascivious acts with a child and indecent contact with a child. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and Dennis Hendrickson, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Sharon K. Hall, Assistant Attorney General, and Paul L. Martin, County Attorney, for appellee.

Considered by Huitink, P.J., and Mahan and Zimmer, JJ.

ZIMMER, J.

John Buffington was convicted and sentenced following a bench trial for the offenses of lascivious acts with a child and indecent contact with a child. Following his convictions, Buffington's trial attorney filed a motion for new trial and a motion in arrest of judgment. Before the motions were ruled upon, trial counsel withdrew. Later, a new attorney appeared for Buffington and filed an amended motion for new trial and an amended motion in arrest of judgment. In ruling on the various issues presented by Buffington's motions, the district court declined the defendant's invitation to litigate the claims of ineffective assistance of trial counsel which Buffington raised in his amended motions. The court limited its consideration to the issues presented in Buffington's original motions.

In this direct appeal, Buffington requests that we preserve the claims of ineffective assistance of counsel which he raised in his posttrial motions for possible postconviction relief proceedings. The State concurs that such claims should be preserved, to the extent Buffington raised them in his motions for new trial and the district court ruled that those claims should be preserved.

Upon our review of the record, we affirm Buffington's convictions. We preserve any ineffective assistance of counsel claims raised in his original and amended posttrial motions that the district court declined to address. We do not preserve any issues which were raised in Buffington's posttrial motions and rejected by the district court after consideration on the merits.

AFFIRMED.