

**IN THE COURT OF APPEALS OF IOWA**

No. 6-778 / 05-1877  
Filed February 14, 2007

**EARL FREEMAN,**  
Applicant-Appellant,

**vs.**

**STATE OF IOWA,**  
Respondent-Appellee.

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Appeal from the Iowa District Court for Polk County, Douglas F. Staskal,  
Judge.

Earl Freeman appeals the district court's denial of his application for  
postconviction relief. **AFFIRMED.**

Kent A. Gummert of Gaudineer, Comito & Comito, L.L.P., West Des Moines,  
for appellant.

Thomas J. Miller, Attorney General, Richard J. Bennett, Assistant Attorney  
General, John P. Sarcone, County Attorney, and Joseph Weeg, Assistant County  
Attorney, for appellee.

Considered by Sackett, C.J., Vaitheswaran, J., and Brown, S.J.\*

\*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2005).

**SACKETT, C.J.**

Earl Freeman appeals from the district court ruling denying his application for postconviction relief based on ineffective assistance of trial counsel. We affirm.

Our review of a claim of ineffective assistance of counsel is de novo. *Nguyen v. State*, 707 N.W.2d 317, 322-23 (Iowa 2005). To establish ineffective assistance of counsel, a defendant must show that (1) counsel failed to perform an essential duty, and (2) prejudice resulted. *State v. Biddle*, 652 N.W.2d 191, 203 (Iowa 2002). We may look to either prong to dispose of an ineffective assistance claim. *Ledezma v. State*, 626 N.W.2d 134, 142 (Iowa 2001). There is a strong presumption counsel performed competently. *Brewer v. State*, 444 N.W.2d 77, 83 (Iowa 1989).

On our review of the record we affirm.

**AFFIRMED.**