

IN THE COURT OF APPEALS OF IOWA

No. 6-902 / 05-1796
Filed January 31, 2007

STATE OF IOWA,
Plaintiff-Appellee,

vs.

REBECCA DAWN ROBERTSON,
Defendant-Appellant.

Appeal from the Iowa District Court for Wapello County, Daniel P. Wilson,
Judge.

Rebecca Dawn Robertson appeals her conviction and sentence for willful
injury causing a serious injury, assault while participating in a felony, and going
armed with intent. **AFFIRMED.**

Patricia Reynolds, Acting State Appellate Defender, and Shellie Knipfer,
Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Sharon Hall, Assistant Attorney
General, and Mark Tremmel, County Attorney, for appellee.

Considered by Mahan, P.J., and Miller and Vaitheswaran, JJ.

MAHAN, P.J.

Rebecca Dawn Robertson appeals her conviction and sentence for willful injury causing a serious injury in violation of Iowa Code section 708.4 (2003), assault while participating in a felony in violation of sections 708.1 and 708.3, and going armed with intent in violation of section 708.8. She argues her trial counsel rendered ineffective assistance when he failed to object to testimony concerning alleged prior bad acts. Specifically, she alleges her attorney should have objected when a police officer testified that witnesses identified her out of a line-up of “prior mug shots.”

In order to establish ineffective assistance of counsel, Robertson must show both that her counsel breached a duty and that the breach prejudiced her defense. *Strickland v. Washington*, 433 U.S. 668, 687, 104 S. Ct. 2052, 2064, 80 L. Ed. 2d 674, 693 (1984). Generally, we preserve ineffective assistance of counsel claims for postconviction relief actions. *State v. Tate*, 710 N.W.2d 237, 240-41 (Iowa 2006). This practice ensures both that an adequate record of the claim is developed and that the attorney charged with ineffectiveness has an opportunity to respond. *State v. Biddle*, 652 N.W.2d 191, 203 (Iowa 2002). We conclude the record here is inadequate to address Robertson’s claims. It is unclear as to what the officer meant by “prior mug shots.” Because Robertson makes no other challenge to her convictions and sentences, we affirm and preserve her ineffective assistance claim for possible postconviction relief proceedings.

AFFIRMED.