

**IN THE COURT OF APPEALS OF IOWA**

No. 6-963 / 06-0577  
Filed January 18, 2007

**STATE OF IOWA,**  
Plaintiff-Appellee,

**vs.**

**JOHN ANTHONY CHARLES,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Scott County, Douglas C. McDonald, District Associate Judge.

The defendant appeals following his conviction and sentence by the district court. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and James G. Tomka, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Thomas S. Tauber, Assistant Attorney General, William E. Davis, County Attorney, and Alan Havercamp, Marc Gellerman, and Thomas Fritzsche, Assistant County Attorneys, for appellee.

Considered by Huitink, P.J., Vogel, J., and Brown, S.J.\*

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

**VOGEL, J.**

John Charles appeals his waiver of a jury trial following his conviction and sentence on one count each of theft in the third degree and theft in the fourth degree, in violation of Iowa Code sections 714.2(3) and 714.2(4) (2005), respectively. Charles raises a claim of ineffective assistance of trial counsel in his appeal, regarding advice on his jury trial waiver and the lack of an in-court waiver colloquy. In our de novo review of the record and arguments of the parties, we conclude that the record is insufficient to address Charles's ineffective assistance claim on direct appeal and preserve the issue for possible postconviction relief. See *State v. DeCamp*, 622 N.W.2d 290, 296 (Iowa 2001). We affirm his conviction and sentence.

**AFFIRMED.**