

IN THE COURT OF APPEALS OF IOWA

No. 7-645 / 06-1976
Filed September 19, 2007

STATE OF IOWA,
Plaintiff-Appellee,

vs.

TONYA RANEE SALLIS,
Defendant-Appellant.

Appeal from the Iowa District Court for Black Hawk County, Thomas N. Bower (guilty plea) and Jon C. Fister (motion in arrest of judgment), Judges.

The defendant appeals from her conviction, following a guilty plea, to willful injury causing bodily injury. **AFFIRMED.**

Daniel Vondra of Cole, Vondra, & Thompson, Iowa City, for appellant.

Thomas J. Miller, Attorney General, Robert Ewald, Assistant Attorney General, Thomas J. Ferguson, County Attorney, and James J. Katcher, Assistant County Attorney, for appellee.

Considered by Huitink, P.J., and Vogel and Baker, JJ.

VOGEL, J.

Based on an incident in which she struck an individual in the face with a beer bottle, Tonya Sallis was charged with willful injury causing serious injury. On the morning of trial, the State and Sallis engaged in plea negotiations. Sallis subsequently chose to give an *Alford* plea¹ to the reduced charge of willful injury causing bodily injury. The day following the entry of the guilty plea, Sallis filed a motion in arrest of judgment, contending the plea lacked a sufficient factual basis. After a hearing, the court rejected this claim and sentenced Sallis to a period of imprisonment of no more than five years.

On appeal from this ruling, Sallis maintains her

plea to willful injury was not knowing and voluntary, the district court failed to properly inquire into the factual basis for the charge, and defendant's attorney was ineffective for failing to ensure a proper factual basis.

We review the district court's denial of Sallis's motion in arrest of judgment for an abuse of discretion. *State v. Myers*, 653 N.W.2d 574, 581 (Iowa 2002). We review her ineffective assistance of counsel claim de novo. *State v. McBride*, 625 N.W.2d 372, 373 (Iowa Ct. App. 2001).

We first conclude a factual basis exists for the plea. The minutes of testimony indicate that Sallis confronted the victim at a bar and smashed a beer bottle over her face. The victim suffered severe lacerations to the face and eye, which caused protracted impairment of vision and serious permanent disfigurement. We further conclude the plea was entered knowingly and voluntarily. The trial court substantially complied with the colloquy procedures

¹ *North Carolina v. Alford*, 400 U.S. 25, 37, 91 S. Ct. 160, 167, 27 L. Ed. 2d 162, 171 (1970).

provided in Iowa Rule of Criminal Procedure 2.8(2)(b). Sallis acknowledged an awareness of the rights she was waiving by pleading guilty, and she affirmed the voluntariness of her action and that no one had threatened her into entering the plea. Her second thoughts do not entitle her to a withdrawal of her guilty plea. *See State v. Boge*, 252 N.W.2d 411, 413-14 (Iowa 1977) (finding bare allegations of coercion do not overcome record showing adequate colloquy by trial court). Finally, as we have concluded an adequate factual basis exists for the plea, we reject Sallis's remaining contention that counsel provided ineffective assistance in allowing her to plead to a charge that lacked a factual basis.

AFFIRMED.