

IN THE COURT OF APPEALS OF IOWA

No. 8-242 / 07-1197
Filed April 30, 2008

STATE OF IOWA,
Plaintiff-Appellee,

vs.

SUSAN MICHELLE CONNOR,
Defendant-Appellant.

Appeal from the Iowa District Court for Black Hawk County, James D. Coil,
Judge.

The defendant appeals her conviction and sentence by the district court.

AFFIRMED.

Mark C. Smith, State Appellate Defender, and David Adams, Assistant
Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Elisabeth S. Reynoldson, Assistant
Attorney General, Thomas J. Ferguson, County Attorney, and Brook Jacobsen,
Assistant County Attorney, for appellee.

Considered by Mahan, P.J., and Eisenhauer and Baker, JJ.

MAHAN, P.J.

Susan Connor appeals her conviction and sentence following a jury trial and guilty verdict for assault on a peace officer causing bodily injury, in violation of Iowa Code sections 708.1 and 708.3A (2005). Connor argues the district court erroneously admitted hearsay evidence from Officer Dustin Yates concerning drug use, or in the alternative, that her attorney was ineffective for failing to object to such evidence, which prejudiced the outcome of her trial. We conclude error was not preserved on the evidentiary question due to counsel's failure to timely object to the alleged hearsay statement; therefore we address Connor's claim as one of ineffective assistance of counsel on de novo review. *State v. Elston*, 735 N.W.2d 196, 198 (Iowa 2007).

We usually preserve ineffective assistance claims for postconviction proceedings, but we will resolve such a claim on direct appeal "when the record adequately presents the issues." *State v. Thornton*, 498 N.W.2d 670, 675 (Iowa 1993). The record must be sufficient for the court to determine both ineffectiveness and the resulting prejudice. *State v. Reynolds*, ___ N.W.2d ___, ___ (Iowa 2008). Preserving the matter for postconviction relief allows the facts to be developed and gives the allegedly ineffective attorney an opportunity to explain his or her conduct, strategies, and tactical decisions. See *State v. DeCamp*, 622 N.W.2d 290, 296 (Iowa 2001); *State v. Coil*, 264 N.W.2d 293, 296 (Iowa 1978). We conclude the record is inadequate to address Connor's claim of ineffectiveness and preserve it for possible postconviction relief proceedings.

AFFIRMED.