

**IN THE COURT OF APPEALS OF IOWA**

No. 8-283 / 07-1480  
Filed June 11, 2008

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

**vs.**

**ASHLEY DIANE MAYO,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Audubon County, J.C. Irvin, Judge.

Ashley Diane Mayo appeals from a judgment and conviction entered following guilty pleas to second-degree burglary and willful injury causing serious injury. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and E. Frank Rivera, Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Jean Pettinger, Assistant Attorney General, Francine O'Brien Andersen, County Attorney, and Brian P. Andersen, Assistant County Attorney, for appellee.

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

**EISENHAUER, J.**

Ashley Diane Mayo appeals from a judgment and conviction entered following guilty pleas to second-degree burglary and willful injury causing serious injury. She contends her counsel was ineffective in allowing her to waive her right to file a motion in arrest of judgment because there was not a factual basis for her plea and because the plea was not knowingly and voluntarily given. We review these claims de novo. *State v. McBride*, 625 N.W.2d 372, 373 (Iowa Ct. App. 2001).

Ordinarily, we preserve ineffective assistance of counsel claims for postconviction proceedings to enable full development of the record and to afford trial counsel an opportunity to respond. *Berryhill v. State*, 603 N.W.2d 243, 245 (Iowa 1999). We may resolve the claim of ineffective assistance of counsel on direct appeal if we find the record is sufficient to do so. *State v. Hildebrant*, 405 N.W.2d 839, 840-41 (Iowa 1987). To show ineffective assistance of counsel, Mayo must prove (1) counsel breached an essential duty and (2) prejudice resulted from that breach. *State v. Shumpert*, 554 N.W.2d 250, 254 (Iowa 1996). Because we find the record is insufficient to address Mayo's ineffective assistance of counsel claims on direct appeal, we preserve them for possible postconviction relief proceedings.

**AFFIRMED.**