

IN THE COURT OF APPEALS OF IOWA

No. 8-771 / 07-2073
Filed October 15, 2008

STATE OF IOWA,
Plaintiff-Appellee,

vs.

PATRICIA JEAN CLIFTON,
Defendant-Appellant.

Appeal from the Iowa District Court for Black Hawk County, Jon Fister,
Judge.

Defendant appeals from the judgment and sentence entered upon her
conviction of possession of marijuana with intent to deliver. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Dennis Hendrickson,
Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Jean Pettinger, Assistant Attorney
General, Thomas J. Ferguson, County Attorney, and Brad Walz, Assistant
County Attorney, for appellee.

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

HUITINK, P.J.

Following a bench trial, Patricia Clifton was convicted of possession of marijuana with intent to deliver. On direct appeal Clifton claims she was denied effective assistance of counsel, citing counsel's failure to challenge the admissibility of inculpatory statements she made following her arrest. Clifton accordingly requests her conviction be reversed and that we remand for a new trial. Because we find the record is insufficient to resolve Clifton's ineffective assistance of counsel claims, we affirm her conviction and preserve her ineffective assistance of counsel claims for possible postconviction proceedings. *See State v. Biddle*, 652 N.W.2d 191, 203 (Iowa 2002) ("We preserve such claims for postconviction relief proceedings where an adequate record of the claim can be developed and the attorney charged with ineffective assistance may have an opportunity to respond to defendant's claim.").

AFFIRMED.