

**IN THE COURT OF APPEALS OF IOWA**

No. 8-974 / 07-2100  
Filed December 31, 2008

**JOHN DEERING,**  
Applicant-Appellant,

**vs.**

**STATE OF IOWA,**  
Respondent-Appellee.

---

Appeal from the Iowa District Court for Polk County, Robert J. Blink,  
Judge.

Appeal from the summary disposition of the appellant's application for  
postconviction relief. **AFFIRMED.**

Christopher Kragnes of Kragnes & Associates, P.C., Des Moines, for  
appellant.

Thomas J. Miller, Attorney General, Karen Doland, Assistant Attorney  
General, John Sarcone, County Attorney, and Stephanie Cox, Assistant County  
Attorney, for appellee.

Considered by Sackett, C.J., and Eisenhauer and Doyle, JJ.

**SACKETT, C.J.**

The appellant, John Deering, appeals from the district court's summary disposition of his application for postconviction relief. He contends the court erred in "finding there was no material fact to litigate." We affirm.

The appellant asserts the postconviction court erred in granting the State's motion for summary disposition without holding an evidentiary hearing on what he claims are material issues of fact. The State asserts the appellant's guilty plea waives all defenses and objections not intrinsic to the plea itself. See *Speed v. State*, 616 N.W.2d 158, 159 (Iowa 2000).

Ineffective assistance claims that are not "a circumstance that bears on the knowing and voluntary nature of a plea" are not considered intrinsic or fundamental to the claim itself and do not survive the entry of a guilty plea. *Speed*, 616 N.W.2d at 159. We find that the appellant's claim of ineffective assistance based on defense counsel's alleged failure to file a motion to suppress evidence is not a circumstance that bears on the knowing and voluntary nature of his plea. See *id.* His bare assertion that "he felt he had no choice" but to accept an Alford plea is insufficient. We conclude his ineffective assistance claim did not survive his plea. With no material fact in issue, the postconviction court properly granted the State's motion for summary disposition. See Iowa Code § 822.6 (2005).

**AFFIRMED.**