

IN THE COURT OF APPEALS OF IOWA

No. 9-232 / 08-1227
Filed April 8, 2009

STATE OF IOWA,
Plaintiff-Appellee,

vs.

CHARLES F. UNERTL, JR.,
Defendant-Appellant.

Appeal from the Iowa District Court for Delaware County, Alan L. Pearson,
Judge.

Defendant appeals from judgment and sentence entered upon his
conviction of assault with intent to commit sexual abuse. **AFFIRMED.**

Paul D. Miller of Miller Law Office, Iowa City, for appellant.

Thomas J. Miller, Attorney General, Thomas S. Tauber, Assistant Attorney
General, and John Bernau, County Attorney, for appellee.

Considered by Sackett, C.J., and Potterfield and Mansfield, JJ.

POTTERFIELD, J.

Charles Unertl Jr. appeals from judgment and sentence entered upon his conviction of assault with intent to commit sexual abuse following a bench trial. He asserts two claims of ineffective assistance of counsel: first, that counsel was ineffective in failing to obtain a proper waiver of jury trial; second, that counsel was ineffective in failing to object to improper rebuttal witness testimony. We conclude the record is inadequate to resolve these claims and we, therefore, preserve them for postconviction proceedings. See *State v. Keller*, 760 N.W.2d 451 (Iowa 2009).

AFFIRMED.