

**IN THE COURT OF APPEALS OF IOWA**

No. 2-1153 / 11-2107  
Filed January 24, 2013

**RALPH D. SAGER,**  
Applicant-Appellant,

**vs.**

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

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Appeal from the Iowa District Court for Davis County, James Q. Blomgren,  
Judge.

Applicant appeals from the denial of his application for postconviction  
relief. **AFFIRMED.**

Ryan J. Mitchell of Osborn, Milani, Mitchell & Goedken, L.L.P., Ottumwa,  
for appellant.

Thomas J. Miller, Attorney General, Jean C. Pettinger, Assistant Attorney  
General, Rick Lynch, County Attorney, and Ashley Lyeda, Assistant County  
Attorney, for appellee.

Considered by Eisenhauer, C.J., and Vogel and Vaitheswaran, JJ.

**VOGEL, J.**

Ralph Sager appeals from the district court's denial of his application for postconviction relief (PCR). He asserts the district court erred in finding his trial counsel was not ineffective when counsel failed to have him undergo psychiatric, urological, and medical examinations prior to trial. While the trial court ordered the examinations at defense counsel's request, the examinations never occurred. He claims this failure eliminated his ability to assert a diminished capacity defense or a medical impossibility defense to the charges against him. Because we find the district court correctly denied the PCR application, we affirm.

Sager was convicted of three counts of sexual abuse in the second degree and fourteen counts of sexual abuse in the third degree. He was sentenced to consecutive terms of incarceration totaling 215 years. At his PCR trial he asserted he needed a medical evaluation because "they were just hoping that the doctor can—you know, would have been able to get on the stand and raise some reasonable doubts as to this astronomical number of 3 to 500 times." Sager asserted he had an inability to perform some of the alleged acts due to his weight, his very low testosterone, and his gout. He also asserted he was suffering from severe depression while in jail, and he "didn't understand, you know, the importance of what was going on."

The district court denied Sager's PCR application in part because there was no evidence presented that any of the examinations would have made any difference in trial. In other words Sager failed to prove he suffered prejudice as a result of counsel's alleged failures. See *Ennenga v. State*, 812 N.W.2d 696, 701 (Iowa 2012) (detailing our standard of review for PCR actions and explaining an

applicant's burden of proof). We agree with the district court, and affirm the dismissal of Sager's PCR application pursuant to Iowa Court Rule 21.29(1)(d) and (e). See *Ledezma v. State*, 626 N.W.2d 134, 142 (Iowa 2001) (stating that if an ineffective-assistance claim lacks prejudice, the claim can be decided on that ground alone without deciding whether the attorney performed deficiently).

**AFFIRMED.**