

IN THE COURT OF APPEALS OF IOWA

No. 3-752 / 12-1777
Filed August 21, 2013

JOEL KRAMERSMEIER,
Applicant-Appellant,

vs.

STATE OF IOWA,
Respondent-Appellee.

Appeal from the Iowa District Court for Polk County, Arthur E. Gamble,
Judge.

A defendant has appealed the denial of his second application for
postconviction relief. **AFFIRMED.**

Matthew G. Sease of Kemp & Sease, Des Moines, for appellant.

Joel Kramersmeier, Anamosa, appellant pro se.

Thomas J. Miller, Attorney General, Thomas S. Tauber, Assistant Attorney
General, John Sarcone, County Attorney, and Frank Severino, Assistant County
Attorney, for appellee.

Considered by Potterfield, P.J., and Mullins and Bower, JJ.

MULLINS, J.

Joel Kramersmeier was convicted of first-degree murder and his conviction was affirmed by this court in *State v. Kramersmeier*, No. 04-1700, 2005 WL 3115758, at *3 (Iowa Ct. App. Nov. 23, 2005). He filed an application for postconviction relief, which was denied in 2009, and his appeal from that decision was dismissed as frivolous. He then filed a second application for postconviction relief alleging his appellate counsel was ineffective in his direct appeal for failing to raise the issues that were subsequently decided in the case of *State v. Heemstra*, 721 N.W.2d 549 (Iowa 2006). The supreme court in *Heemstra* changed existing law concerning the use of willful injury as a predicate felony for felony murder purposes. 721 N.W.2d at 558. The district court denied his second application, and Kramersmeier has appealed.

The district court's ruling filed August 24, 2012, thoroughly addressed the issues presented and correctly found that counsel was not ineffective for relying on existing law in presenting Kramersmeier's direct appeal. See *State v. Schoelerman*, 315 N.W.2d 67, 72 (Iowa 1982) (stating counsel "need not be a 'crystal gazer' who can predict future changes in established rules of law in order to provide effective assistance to a criminal defendant."). Pursuant to Iowa Court Rule 21.26(1)(a), (d), and (e), this court affirms the district's denial of said application.

AFFIRMED.