

IN THE COURT OF APPEALS OF IOWA

No. 7-482 / 06-1357
Filed October 24, 2007

STATE OF IOWA,
Plaintiff-Appellee,

vs.

RICHARD WAYNE GUIDRY,
Defendant-Appellant.

Appeal from the Iowa District Court for Pocahontas County, Joel E. Swanson, Judge.

Richard Guidry appeals his convictions and sentences for two counts of attempted murder, three counts of willful injury, one count of child endangerment, and one count of assault with intent to inflict serious injury. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Patricia Reynolds, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Cristen Douglass and Charles Thoman, Assistant Attorneys General, and Ann Beneke, County Attorney, for appellee.

Heard by Sackett, C.J., and Huitink and Vogel, JJ.

HUITINK, J.

Richard Guidry appeals his convictions and sentences for two counts of attempted murder in violation of Iowa Code section 707.11, three counts of willful injury in violation of section 708.4, one count of child endangerment in violation of section 726.6, and one count of assault with intent to inflict serious injury in violation of section 708.2 (2005).¹ Guidry contends he is entitled to a new trial because he was denied effective assistance of trial counsel.

I. Standard of Review

We review ineffective assistance of counsel claims de novo. *State v. Bergmann*, 600 N.W.2d 311, 313 (Iowa 1999).

II. Ineffective Assistance of Trial Counsel

Guidry argues that he has been denied effective assistance of trial counsel because counsel failed to object to the prosecutor's improper cross-examination concerning Guidry's explanation of conflicting testimony by the State's witnesses. Ordinarily, we preserve an ineffective assistance of counsel claim for postconviction proceedings to enable full development of the record and to afford trial counsel an opportunity to respond. *Berryhill v. State*, 603 N.W.2d 243, 245 (Iowa 1999). Because we find that the record is insufficient to address Guidry's ineffective assistance of counsel claim on direct appeal, we preserve his claim for possible postconviction relief proceedings.

Because Guidry raises no other issues necessitating reversal of his convictions and sentences, we affirm the judgment of the district court.

AFFIRMED.

¹ Guidry was also convicted of one count of intimidation with a dangerous weapon in violation of section 708.6; however, Guidry does not appeal this conviction.