

**IN THE COURT OF APPEALS OF IOWA**

No. 8-661 / 07-1777  
Filed October 15, 2008

**IN THE INTEREST OF T.R.,  
Minor Child,**

**T.R., Minor Child,  
Appellant.**

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Appeal from the Iowa District Court for Scott County, John G. Mullen,  
District Associate Judge.

A minor appeals from the dispositional order finding her delinquent.

**AFFIRMED.**

Jack E. Dusthimer, Davenport, for appellant minor child.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney  
General, Michael J. Walton, County Attorney, and Gerda Lane, Assistant County  
Attorney, for appellee State.

Considered by Huitink, P.J., and Vogel and Eisenhauer, JJ.

**VOGEL, J.**

T.R. was involved in two separate physical altercations in July 2007 and August 2007 and was adjudged delinquent.<sup>1</sup> T.R. appeals following her adjudication of delinquency and subsequent dispositional order.

T.R. raises several vague ineffective assistance of counsel claims. In order to establish ineffective assistance, a party must show counsel's performance was deficient and actual prejudice resulted. *In re J.P.B.*, 419 N.W.2d 387, 392 (Iowa 1988). However, T.R.'s claims generally assert that her counsel was not adequate but she fails to identify how these alleged deficiencies worked to her prejudice such that they changed the outcome of the proceedings. *See Dunbar v. State*, 515 N.W.2d 12, 15 (Iowa 1994) (requiring a defendant to state the specific ways in which counsel's performance was inadequate and identify how competent representation would have changed the outcome). Additionally, we note that T.R. does not challenge the delinquency adjudication stemming from the July 2007 altercation and does not challenge the sufficiency of the evidence regarding the delinquency adjudication stemming from either the July 2007 or August 2007 altercations. Thus, while we could order a limited remand for the juvenile court to consider T.R.'s claims of ineffective assistance of counsel, we conclude that T.R.'s arguments are insufficient to establish a breach of duty with resulting prejudice. Iowa R. App. P. 6.12(7) (providing for a limited remand); *see In re J.D.F.*, 553 N.W.2d 585, 587 (Iowa 1996) (stating that juvenile

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<sup>1</sup> The district court found that in July 2007, T.R. had committed two counts of assault with a dangerous weapon in violation of Iowa Code section 708.2(3) (2007), and in August 2007, T.R. had committed assault with a dangerous weapon in violation of Iowa Code section 708.2(3) and going armed with intent in violation of Iowa Code section 708.8.

proceedings are reviewed de novo); *cf. Dunbar*, 515 N.W.2d at 15 (refusing to preserve claims of a general nature stemming from a criminal conviction for postconviction relief).

T.R. also contends that the district court erred in not granting a continuance at either the adjudication hearing or disposition hearing. We review a motion for a continuance under an abuse of discretion standard and will only reverse if injustice will result to the party desiring the continuance. *In re C.W.*, 554 N.W.2d 279, 281 (Iowa Ct. App. 1996). T.R. requested a continuance at the adjudication hearing. However, when the district court questioned the necessity of a continuance, counsel could not specify what benefit T.R. would gain. Again, T.R. requested a continuance at the dispositional hearing based upon her intention to appeal the delinquency adjudication stemming from the August 2007 altercation. However, as T.R. was not planning on appealing the delinquency adjudication stemming from the July 2007 altercation, the district court denied her request. We find no abuse of discretion in denying T.R.'s requests for a continuance. Thus, we affirm pursuant to Iowa Court Rules 21.29(1)(a), (c), and (e).

**AFFIRMED.**