

1 **WECHSLER, Judge.**

2 {1} Defendant appeals her conviction, pursuant to a guilty plea [RP 94], for one
3 count of intentional child abuse (no death or great bodily harm). [RP 113] Our notice
4 proposed to affirm and Defendant filed a memorandum in opposition. Unpersuaded
5 by Defendant's arguments, we affirm.

6 {2} Defendant continues to argue that she was coerced into entering a guilty plea
7 in order to be released from custody. [DS 2; MIO 2, 5] Defendant emphasizes that trial
8 counsel contributed to such asserted coercion and was ineffective by failing to procure
9 documentation for an alibi defense and by failing to file a motion to withdraw her plea
10 prior to appeal. [DS 2; MIO 3, 6] In support of her continued arguments, Defendant
11 refers to *State v. Franklin*, 1967-NMSC-151, 78 N.M. 127, 428 P.2d 982, and *State*
12 *v. Boyer*, 1985-NMCA-029, 103 N.M. 655, 712 P.2d 1. [MIO 3, 4, 7]

13 {3} For the reasons extensively detailed in our notice, we affirm. In doing so, we
14 emphasize as we did in our notice that the necessary facts to support Defendant's
15 claims of ineffective assistance of counsel were not developed in the record. However,
16 Defendant is not precluded from pursuing her claims of ineffective assistance of
17 counsel in habeas proceedings. [MIO 7] *See State v. Herrera*, 2001-NMCA-073, ¶ 37,
18 131 N.M. 22, 33 P.3d 22 (expressing a preference for habeas corpus proceedings over
19 remand when the record on appeal does not support the factual basis for an issue on

1 appeal).

2 {4} For the reasons provided in our notice and above, we affirm.

3 {5} **IT IS SO ORDERED.**

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JAMES J. WECHSLER, Judge

6 **WE CONCUR:**

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8 **MICHAEL D. BUSTAMANTE, Judge**

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10 **J. MILES HANISEE, Judge**