FILED
APR 2 0 1988
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

HARLAN RICKY ELLIOTT,	)	
Applicant-Appellant,	)	
vs.	)	Filed April 20, 1988
STATE OF IOWA,	)	8-144 / 87-853
Resister-Appellee.	)	

Appeal from the Iowa District Court for Marshall County (No. 36103) - Carl E. Peterson, Judge.

Defendant appeals the denial of postconviction relief after a jury found him guilty of second-degree arson for burning a car. **AFFIRMED.**

Kevin M. O'Hare, of Johnson, Sudenga, Carter, Latham & Peglow, Marshalltown, for the applicant-appellant.

Thomas J. Miller, Attorney General; Julie Ann Halligan, Assistant Attorney General; Diann Wilder-Tomlinson, County Attorney; and Peter Grady, Assistant County Attorney, for resister-appellee.

Considered by Schlegel, P.J., and Sackett and Habhab, JJ.

PER CURIAM

Applicant, Harlan Ricky Elliott, appeals the denial of postconviction relief after a jury found him guilty of second-degree arson, a class C felony, for burning a car. Appellant contends he was denied effective assistance of counsel because his trial counsel did not object to the admission of testimony by two expert State witnesses, who had never seen the car, that the value of the car was over $500. A finding by the jury that the value of the car was less than $500 would have lowered the class of the offense to an aggravated misdemeanor. See Iowa Code § 712.4. Appellant also contends he was denied effective assistance of counsel on direct appeal because of counsel's failure to raise the issue of ineffective assistance of trial counsel. We affirm.

The general test applied to a claim of ineffective assistance of counsel is "whether under the entire record and totality of the circumstances counsel's performance was within the range of normal competency." Mott v. State, 407 N.W.2d 581, 582 (Iowa 1987) (quoting Snethen v. State, 308 N.W.2d 11, 14 (Iowa 1981)). When the claim is grounded on counsel's failure to take some action, the claimant must show that (1) counsel failed to perform an essential duty, and (2) prejudice resulted. Id. Munz v. State, 382 N.W.2d 683, 697 (Iowa App. 1985). In examining counsel's conduct we review de novo the totality of relevant circumstances. Pettes v. State, 418 N.W.2d 53, 55 (Iowa 1988).

Appellant admits the two State witnesses, both experienced car dealers, had adequate qualifications to testify as to the value of motor vehicles in general. He contends trial counsel should have objected as to the admissibility of the experts' opinion testimony regarding the value of the car that was burned. On cross-examination counsel actively and persistently demonstrated the weakness of the experts' testimony and emphasized the fact the witnesses had never

seen the vehicle in question. Trial counsel also argued this point in closing arguments. Where an objection goes to sufficiency of data upon which an expert bases his opinion as distinguished from facts which qualified him or her to state an opinion at all, the objection goes to weight but not admissibility of the expert's testimony. See DeBolt v. Daggett, 416 N.W.2d 102, 106 (Iowa App. 1987). Value testimony is to be liberally received with its weight to be determined by the factfinder. See State v. Scott, 405 N.W.2d 829, 833 (Iowa 1987); State v. Savage, 288 N.W.2d 502, 504 (Iowa 1980). We find trial counsel's decision to attack the weight of the expert testimony rather than to object to its admissibility was a reasonable tactical decision.

The record does not support appellant's claim his trial counsel failed to perform an essential duty. See Fryer v. State, 325 N.W.2d 400, 413 (Iowa 1982); Bear v. State, 417 N.W.2d 467, 472 (Iowa App. 1987).

Because we find trial counsel rendered effective assistance, we conclude appellate counsel did not render ineffective assistance by failing to raise the ineffective assistance issue on direct appeal. Schrier v. State, 347 N.W.2d 657, 667 (Iowa 1984). Finding no ground for reversal, we affirm.

AFFIRMED.