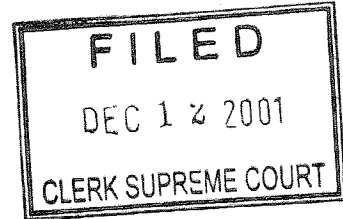


IN THE COURT OF APPEALS OF IOWA

No. 1-799 / 01-0134
Filed December 12, 2001



STATE OF IOWA,
Plaintiff-Appellee,

vs.

CHRISTOPHER LEE FLATT,
Defendant-Appellant.

Appeal from the Iowa District Court for Polk County, Richard G. Blane II
(motion) and Scott D. Rosenberg (trial and sentencing), Judges.

Christopher Flatt appeals from his conviction and sentence for solicitation
of a felony. **AFFIRMED.**

Michael D. Blazek of the Blazek Law Firm, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Sharon K. Hall, Assistant Attorney
General, John P. Sarcone, County Attorney, and Stephanie L. Cox, Assistant
County Attorney, for appellee.

Considered by Huitink, P.J., and Zimmer and Vaitheswaran, JJ.

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HUITINK, P.J.

Christopher Flatt appeals from the judgment and sentence entered upon a jury verdict finding him guilty of soliciting the delivery of a controlled substance in violation of Iowa Code section 705.1 (1999). Flatt argues the district court erred in failing to grant his motion for judgment of acquittal because there was insufficient evidence to support a conviction of solicitation. In particular, he relies on *State v. Anderson*, 618 N.W.2d 369 (Iowa 2000), in asserting that only affirmative actions of the defendant, and not corroborative circumstances, should be considered in determining whether there was an attempt to persuade another to commit a felony. Flatt also asserts that his trial counsel was ineffective in failing to (1) move to sever his trial from that of his codefendants; (2) file a motion in limine to suppress "certain irrelevant and prejudicial physical evidence" taken from the crime scene; (3) further consider having Flatt testify; and (4) have a record made concerning proposed jury instructions.

Flatt's reliance on *State v. Anderson* is misplaced. See *Anderson*, 618 N.W.2d at 373-74 (acquiescence in suggestion of criminal activity does not constitute solicitation). Unlike in *Anderson*, no one suggested to Flatt that he participate in illegal activity. Rather, he independently approached a known drug house and requested "a 20," which police officers testified in street parlance commonly refers to a twenty-dollar rock of crack cocaine. Based on this testimony and surrounding facts disclosed by other evidence, a jury could reasonably conclude Flatt intended to solicit the delivery of a controlled substance. See *State v. Kirchner*, 600 N.W.2d 330, 334 (Iowa Ct. App. 1999)

(substantial evidence is that which could convince a rational fact finder the defendant is guilty beyond a reasonable doubt). We conclude Flatt's conviction is supported by substantial evidence and affirm.

Our standard for reviewing ineffective assistance of counsel claims is well settled and will not be repeated here. See *State v. Martin*, 587 N.W.2d 606, 609 (Iowa Ct. App. 1998). Flatt neither explains how counsel failed in an essential duty, nor specifies how an act or omission on the part of trial counsel would have affected the result. In the absence of greater specificity, we are unable to address the ineffective assistance of counsel claims on direct appeal or preserve them for future postconviction relief proceedings. See *Dunbar v. State*, 515 N.W.2d 12, 15 (Iowa 1994) (defendant must state specific ways counsel's performance was inadequate and how competent representation would have changed the outcome); *State v. Risdal*, 404 N.W.2d 130, 131-32 (Iowa 1987) (burden of proof is on appellant to establish his counsel was ineffective).

The district court is accordingly affirmed in its entirety.

AFFIRMED.