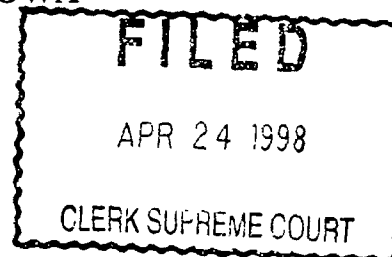


IN THE COURT OF APPEALS OF IOWA

No. 8-067 / 96-2204
Filed April 24, 1998



STATE OF IOWA,
Appellee,

vs.

TIMOTHY DELANO FRIEDRICH,
Appellant.

Appeal from the Iowa District Court for Des Moines County, John C. Miller,
Judge.

Defendant appeals the judgment and sentence entered upon his conviction of
first-degree murder. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and John P. Messina, Assistant
State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Thomas S. Tauber, Assistant Attorney
General, Patrick C. Jackson, County Attorney, and Scott D. Brown, Assistant County
Attorney, for appellee.

Considered by Cady, C.J., and Huitink and Streit, JJ.

HUITINK, J.

This is an appeal by a defendant challenging his conviction for first-degree murder, in violation of Iowa Code sections 707.1 and 707.2 (1995). We affirm.

In September 1995, Timothy Friedrich got into an argument with Robert Daniels when Daniels accused Friedrich of sexually assaulting his nephew. Ricky Lillie testified he saw Friedrich hit Daniels in the head with a baseball bat. While Daniels was unconscious, Friedrich and Lillie loaded him into the trunk of Friedrich's car and drove him to a rural area where they placed him on the ground. Friedrich told Lillie to stay in the car while he went back to the area with a shotgun. Lillie heard a shot. Friedrich returned to the car alone. Friedrich subsequently gave the shotgun to his step-son, junked the car, and moved to California.

A jury found Friedrich guilty of murder in the first degree. He was sentenced to life in prison. Friedrich now appeals.

Friedrich contends he received ineffective assistance of counsel at his criminal trial because his counsel: (1) failed to object to evidence of his refusal to waive extradition; and (2) elicited evidence of his prior assault convictions.

We generally preserve ineffective assistance of counsel claims for postconviction relief actions under chapter 822, in order to allow an opportunity to fully develop the record and provide counsel with an opportunity to respond to the claim. *State v. Goodson*, 503 N.W.2d 395, 399 (Iowa 1993). We determine

defendant's claims of ineffective assistance of counsel should be preserved for postconviction relief.

We affirm defendant's conviction for first-degree murder. Costs of this appeal are assessed to defendant.

AFFIRMED.