**IN THE COURT OF APPEALS OF IOWA**

000419

No. 8-001 / 96-1120

**STATE OF IOWA,**

Appellee,

**vs.**

**CHAD LEE ARNDT,**

Appellant.

FILED
MAR 27 1998
CLERK SUPREME COURT

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Appeal from the Iowa District Court for Cerro Gordo County, Carolynn D. Grupp, District Associate Judge.

Chad Arndt appeals the judgment and sentence entered upon his conviction of assault causing injury. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and Tricia A. Johnston, Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Richard J. Bennett, Assistant Attorney General, Paul L. Martin, County Attorney, and Carlyle D. Dalen, Assistant County Attorney, for appellee.

Considered by Cady, C.J., and Sackett, and Mahan, JJ.

**CADY, C.J.**

This is an appeal by a defendant challenging his conviction for assault causing injury, in violation of Iowa Code sections 708.1 and 708.2 (1995). He claims he received ineffective assistance of counsel. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

On August 12, 1995, Chad and Amy Arndt were driving in Mason City. Cathy Lawson was driving another car. Allison Stone and Amanda Riggan were passengers in the Lawson vehicle. Amy believed someone in Cathy's car called her a "bitch." At a stop light, Amy exited her car, leaned inside the Lawson car, and engaged in a fight with Amanda. When the light changed, Cathy began to drive forward. Amy was still partly inside the car fighting with Amanda. Chad pulled his vehicle in front of Cathy's car, forcing her to stop. He then got out of his car, pulled his wife away, and hit Amanda on the nose. Amanda suffered a broken nose.

Chad was charged with the crime of assault resulting in injury. A jury found him guilty. He now appeals.

Chad contends he received ineffective assistance because his trial counsel did not object to the absence of a jury instruction on the defense of justification or request such an instruction. Chad asserts he was using reasonable force to protect his wife.

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 assault causing bodily injury. Costs of this appeal are assessed to defendant.

**AFFIRMED.**