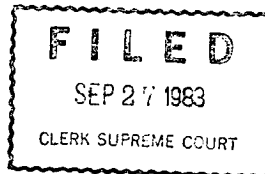


IN THE COURT OF APPEALS OF IOWA

**WILLIAM EUGENE LAMBERT,**

)

Petitioner-Appellant,

)

Filed September 27, 1983

vs.

)

STATE OF IOWA,

)

3-239
2-68874

Respondent-Appellee.

)

Appeal from Polk District Court - Joel D. Novak, Judge.

Petitioner appeals from the ruling of the trial court denying his application for postconviction relief under Iowa Code ch. 663A. REVERSED AND REMANDED WITH DIRECTIONS.

Fern Shupeck, Assistant Appellate Defender, for petitioner-appellant.

Thomas J. Miller, Attorney General, and Michael K. Jordan, Assistant Attorney General, for respondent-appellee.

Considered by Oxberger, C.J., and Donielson, Snell, Schlegel, and Hayden,
 J. Sackett, J., takes no part.

DONIELSON, J.

Petitioner appeals from the ruling of the trial court denying his application for postconviction relief under Iowa Code ch. 663A. He claims that his trial counsel rendered ineffective assistance by misinforming him about the length of a mandatory minimum sentence under Iowa Code § 902.7. We reverse and remand with directions.

The record indicates that petitioner's attorney informed him that, if he were convicted and sentenced under Iowa Code § 902.7 (minimum sentence—use of a firearm), he would have to serve five full calendar years before being eligible in any way for release. This advice was erroneous since good time or honor time may serve to reduce even a statutory minimum sentence. Iowa Code §§ 246.38, 246.39, and 246.43. The supreme court recently held that misstatements such as occurred here amount to ineffective assistance of counsel where petitioner's decision to plead guilty was based on that misinformation. Meier v. State, ___ N.W.2d ___ (Iowa 1983). We must, therefore, reverse the trial court's ruling and remand for entry of judgment vacating petitioner's guilty plea, conviction, and sentence, and allowing petitioner to plead anew.

REVERSED AND REMANDED WITH DIRECTIONS.