IN THE COURT OF APPEALS OF IOWA

No. 0-430 / 99-1701
Filed August 30, 2000

FILED
AUG 30 2000
CLERK SUPREME COURT

STATE OF IOWA,
Plaintiff-Appellee,

vs.

CHARLES EDWARD FORD,
Defendant-Appellant.

Appeal from the Iowa District Court for Des Moines County, R. David Fahey, Judge.

Charles Ford appeals his conviction and sentence for possession of a controlled substance with intent to deliver. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and David Arthur Adams, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Christen C. Odell, Assistant Attorney General, Patrick C. Jackson, County Attorney, and Mona Clarkson, Assistant County Attorney, for appellee.

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

HUITINK, P.J.

I. Background Facts and Proceedings.

Charles Ford and Tina Moehn were jointly charged with possession of a controlled substance with intent to deliver and habitual criminal activity following the search of a Burlington residence. Moehn's motion to sever their joint trial was initially granted. At the State's request the court reconsidered its severance order. The court noted that a joint trial would result in the introduction of irrelevant and highly prejudicial evidence against Ford and offered to sustain a motion to sever should Ford make such a request. Ford declined and was jointly tried with Moehn. Ford was convicted and sentenced accordingly.

On appeal Ford contends he was denied effective assistance of counsel. He cites counsel's failure to move for severance of his joint trial with Moehn and the resulting admission of Moehn's testimony of Ford's prior drug use, arrests, treatment, and domestic abuse.

II. Ineffective Assistance of Counsel.

We review claims of ineffective assistance of counsel de novo. *State v. Allison*, 576 N.W.2d 371, 373 (Iowa 1998). Ordinarily, we preserve claims of ineffective assistance of counsel raised on direct appeal for postconviction proceedings to allow full development of the facts surrounding counsel's conduct. *State v. Atley*, 564 N.W.2d 817, 833 (Iowa 1997).

In the absence of counsel's response to Ford's allegations, we find the record inadequate to resolve Ford's ineffective assistance of counsel claims and therefore preserve them in their entirety for postconviction relief.

AFFIRMED.