IN THE COURT OF APPEALS OF IOWA

No. 5-034 / 94-0298

FILED
FEB 28 1995
CLERK SUPREME COURT

DAVID ALAN LENOX,

Applicant-Appellant,

vs.

STATE OF IOWA,

Respondent-Appellee.

Appeal from the Iowa District Court for Wapello County, Dan F. Morrison, Judge.

David Alan Lenox appeals from the district court's summary disposition of his application for postconviction relief. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Thomas G. Fisher, Jr., Assistant Attorney General, and William H. Appel, County Attorney, for appellee.

Considered by Donielson, C.J., and Sackett and Habhab, JJ.

PER CURIAM

On October 26, 1992, David Alan Lenox was adjudged guilty of second-degree robbery following a guilty plea. He was sentenced to a term of imprisonment not to exceed ten years. He did not appeal.

On July 26, 1993, Lenox filed a pro se application for postconviction relief raising a number of ineffective assistance of counsel claims. The State responded with an answer followed by a motion for summary disposition. The State claimed Lenox's claims were barred due to his failure to file a motion in arrest of judgment and failure to show sufficient reason for not raising the ineffectiveness claims on direct appeal. Lenox's counsel filed a resistance.

Lenox sent a letter to the court requesting his appointed counsel be discharged. Counsel was permitted to withdraw. Lenox then filed a pro se resistance to the motion for summary disposition.

The district court granted the motion for summary disposition on January 14, 1994. Lenox appeals.

The standard of review for postconviction relief actions is for errors at law. Kane v. State, 436 N.W.2d 624, 626 (Iowa 1989).

Ordinarily, a claim of ineffective assistance of trial counsel must be preserved on direct appeal in order for it to be heard in postconviction proceedings. Collins v. State, 477 N.W.2d 374, 376 (Iowa 1991). Such a claim may

be raised in postconviction proceedings, even if not raised on direct appeal, if the applicant can show by a preponderance of the evidence: (1) "sufficient reason" or "cause" for not having raised the issue at trial and on direct appeal; and (2) prejudice resulting from the alleged errors. Id.; Kane, 436 N.W.2d at 626-27.

Lenox has failed to prove "sufficient reason" or "cause" for not having raised the issue of ineffective assistance of trial counsel on direct appeal. No reason has been advanced by Lenox as to why these claims were not raised on direct appeal. Lenox's only contention in this regard is a statement he made in a letter to the district court that his trial counsel did not discuss a motion in arrest of judgment or an appeal. We find Lenox's assertion does not provide sufficient reason or cause for not raising an issue on direct appeal since the district court made Lenox aware of his right to appeal and the requirements for doing so.

We conclude the district court properly granted the State's motion for summary dismissal pursuant to Iowa Code section 822.6 (1993). We affirm.

AFFIRMED.