

SUPREME COURT OF IOWA

State of Iowa v. Wayne Samuel Barnes

791 N.W.2d 817 (Iowa 2010) · No. No. 08-0519 · Decided December 23, 2010

SUMMARY

The Iowa Supreme Court vacated the court of appeals’ decision and affirmed Wayne Samuel Barnes’s convictions for third-degree burglary and second-degree theft as a habitual offender. The court held that, even assuming trial counsel should have requested an accomplice-corroboration instruction, Barnes failed to establish a reasonable probability of a different result because the accomplice testimony was substantially corroborated and other evidence strongly supported guilt. The court preserved for postconviction proceedings a separate ineffective-assistance claim concerning counsel’s elicitation of evidence about a tire theft and upheld the consecutive sentences.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                    |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Iowa                                                                                                                                                                                                                                                                              |
| WRITING FOR THE COURT | Ternus, Chief Justice                                                                                                                                                                                                                                                                              |
| JURISDICTION          | Iowa                                                                                                                                                                                                                                                                                               |
| DECIDED               | December 23, 2010                                                                                                                                                                                                                                                                                  |
| DOCKET                | No. 08-0519                                                                                                                                                                                                                                                                                        |
| DISPOSITION           | vacated                                                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | The State sought further review of the Iowa Court of Appeals' decision reversing Barnes's convictions for third-degree burglary and second-degree theft on ineffective-assistance grounds. The Iowa Supreme Court vacated the court of appeals' decision and affirmed the district court judgment. |
| STANDARD OF REVIEW    | Ineffective-assistance claims were analyzed under the essential-duty and prejudice framework. The sentence was reviewed for abuse of discretion. Evidentiary issues were analyzed under the relevance, materiality, and unfair-prejudice standards applicable to other-bad-acts evidence.          |
| PRECEDENTIAL VALUE    | Published Iowa Supreme Court opinion; precedential                                                                                                                                                                                                                                                 |
| PARTIES               | Wayne Samuel Barnes v. State of Iowa                                                                                                                                                                                                                                                               |

TOPICS

ineffective assistance

criminal procedure

evidence

sentencing

appellate procedure

## PRACTICE AREAS

criminal law

criminal procedure

appellate procedure

evidence

sentencing

## QUESTIONS PRESENTED

1. Whether trial counsel was ineffective for failing to request a jury instruction requiring corroboration of alleged accomplice testimony.
2. Whether trial counsel was ineffective for eliciting and failing to object to evidence concerning Barnes's alleged involvement in stealing a tire and rim.
3. Whether trial counsel was ineffective for failing to object to testimony that Barnes said, in substance, that he would burn his sister's house down if he could.
4. Whether the district court imposed consecutive sentences without adequately stating its reasons.
5. Whether the district court applied the wrong standard to Barnes's motion for new trial; the Supreme Court did not further consider this issue because Barnes did not continue to challenge the district court's finding.

## HOLDINGS

1. Even assuming Rex and Sayer were accomplices and counsel had a duty to request a corroboration instruction, Barnes failed to establish a reasonable probability that the trial outcome would have been different. The substantial corroborating evidence and the remaining persuasive evidence defeated the prejudice prong of the ineffective-assistance claim.
2. The ineffective-assistance claim based on counsel's elicitation of the tire-and-rim evidence was preserved for postconviction relief because the existing record did not establish whether counsel's conduct was a reasonable strategic decision or deficient performance.
3. Counsel was not ineffective for failing to object to Rex's testimony about Barnes's statement that, if he could, he would burn his sister's house. The testimony was admissible because it was relevant to motive, and its probative value was not substantially outweighed by unfair prejudice.
4. The district court adequately stated reasons for imposing consecutive fifteen-year sentences. Its explanation concerning Barnes's criminal history, lack of work experience, lack of rehabilitation, need to protect society, and need to remove him from society sufficiently encompassed the decision to impose consecutive terms.

## KEY QUOTATIONS

*“To prevail on an ineffective-assistance-of-counsel claim, a defendant must show: “(1) counsel failed to perform an essential duty; and (2) prejudice resulted.””* (at 823)

*“Although the reasons need not be detailed, at least a cursory explanation must be provided to allow appellate review of the trial court’s discretionary action.”* (at 832)

## FACTUAL BACKGROUND

Barnes kept pigs at his sister and brother-in-law's rural Calhoun County acreage before abandoning the pigs and moving to Kansas. After returning to Iowa, a riding lawn mower was stolen from the acreage and later pawned by Barnes's girlfriend, Brandi Rex, who testified that Barnes participated in taking and pawning it. Another witness, Brian Sayer, testified that Barnes asked for help stealing the mower and later helped arrange its pawn. Nonaccomplice evidence corroborated the testimony, including evidence concerning the mower's location, the damaged shed, Barnes's claimed debt involving the pigs, and the description of the man accompanying Rex at the pawnshop.

## PROCEDURAL HISTORY

A jury convicted Barnes of third-degree burglary and second-degree theft, both as a habitual offender, and imposed consecutive fifteen-year indeterminate sentences. The district court denied a motion for new trial. The court of appeals initially remanded for reconsideration of the new-trial motion, after which the district court found the conviction was not contrary to the weight of the evidence; the court of appeals then reversed and remanded for a new trial based on counsel's failure to request an accomplice-corroboration instruction. The Supreme Court of Iowa granted further review, vacated the court of appeals decision, and affirmed the district court.

## DISPOSITION

vacated

## REMAND INSTRUCTIONS

The court of appeals decision was vacated. The ineffective-assistance claim concerning counsel's elicitation of the tire-and-rim evidence was preserved for postconviction-relief proceedings; the district court judgment was otherwise affirmed.

## CASES CITED

- State v. Maxwell, 743 N.W.2d 185, 195 (Iowa 2008)
- State v. Dudley, 766 N.W.2d 606, 620 (Iowa 2009)
- State v. Vance, 790 N.W.2d 775, 785 (Iowa 2010)
- State v. Lyman, 776 N.W.2d 865, 878 (Iowa 2010)
- State v. Artzer, 609 N.W.2d 526, 531 (Iowa 2000)
- State v. Graves, 668 N.W.2d 860, 882-83 (Iowa 2003)
- Strickland v. Washington, 466 U.S. 668, 695-96 (1984)
- State v. Reynolds, 746 N.W.2d 837, 845 (Iowa 2008)
- State v. Shanahan, 712 N.W.2d 121, 141 (Iowa 2006)
- State v. Berney, 378 N.W.2d 915, 917-18 (Iowa 1985)
- State v. Johnson, 318 N.W.2d 417, 440 (Iowa 1982)

- State v. Douglas, 675 N.W.2d 567, 571-72 (Iowa 2004)
- State v. Lane, 743 N.W.2d 178, 184 (Iowa 2007)
- State v. Reynolds, 765 N.W.2d 283, 289 (Iowa 2009)
- State v. Taylor, 689 N.W.2d 116, 124 (Iowa 2004)
- State v. Carey, 709 N.W.2d 547, 553 (Iowa 2006)
- Anfinson v. State, 758 N.W.2d 496, 501 (Iowa 2008)
- Ledezma v. State, 626 N.W.2d 134, 143 (Iowa 2001)
- State v. Johnson, 784 N.W.2d 192, 198 (Iowa 2010)
- State v. Horness, 600 N.W.2d 294, 298 (Iowa 1999)
- State v. Evans, 672 N.W.2d 328, 331-32 (Iowa 2003)
- State v. Laffey, 600 N.W.2d 57, 62 (Iowa 1999)
- State v. Johnson, 445 N.W.2d 337, 342-43 (Iowa 1989)
- State v. Jacobs, 607 N.W.2d 679, 690 (Iowa 2000)
- State v. Keopasaeth, 645 N.W.2d 637, 642 (Iowa 2002)
- State v. Jacobs, 644 N.W.2d 695, 700 (Iowa 2001)