

IN THE COURT OF APPEALS OF IOWA

No. 20-1339
Filed August 18, 2021

BRANDON LEROY STOCKDALL,
Petitioner-Appellant,

vs.

STATE OF IOWA,
Respondent-Appellee.

Appeal from the Iowa District Court for Polk County, Lawrence P. McLellan,
Judge.

Brandon Stockdall appeals the summary disposition of his application for
postconviction relief. **AFFIRMED.**

Raya D. Dimitrova of Carr Law Firm, P.L.C., Des Moines, for appellant.

Thomas J. Miller, Attorney General, and Benjamin Parrott, Assistant
Attorney General, for appellee State.

Considered by Mullins, P.J., and May and Ahlers, JJ.

MULLINS, Judge.

Sentence was imposed upon Brandon Stockdall's criminal conviction in July 2015. No appeal was taken. He filed an application for postconviction relief (PCR) in May 2020. The State moved for summary disposition based on the expiration of the three-year statute of limitations contained in Iowa Code section 822.3 (2020). In his resistance, Stockdall argued "the court should find that equitable tolling applies to this case," but acknowledged appellate courts "have consistently rejected equitable tolling under Iowa Code chapter 822," while asserting "that should change." He additionally asserted he was not aware of his ability to pursue PCR "until the spring of 2020," and he pursued said ability as soon as he became aware.

Following a brief hearing, the court granted the State's motion for summary disposition, finding the matter time-barred and rejecting the request for the applicability of equitable tolling. On appeal, Stockdall argues we "should adopt equitable tolling to actions arising under Iowa Code chapter 822." "[T]his court has frequently held that equitable tolling does not apply to section 822.3." *Smith v. State*, No. 19-0384, 2020 WL 110398, at *1 (Iowa Ct. App. Jan. 9, 2020); *id.* at *1 n.2 (collecting cases); see *Lang v. State*, No. 20-0510, 2021 WL 1400074, at *1 (Iowa Ct. App. Apr 14, 2021) (repeating the same holding); *Johnson v. State*, No. 19-1949, 2021 WL 210700, at *4 (Iowa Ct. App. Jan. 21, 2021) (same); see also *Khouanmany v. State*, No. 19-0966, 2021 WL 616125, at *2 (Iowa Ct. App. Feb. 17, 2021) (noting *Allison v. State*, 914 N.W.2d 866, 891 (Iowa 2019) "did not adopt equitable tolling").

We see no reason to change course, so we affirm the entry of summary disposition.

AFFIRMED.