

IN THE COURT OF APPEALS OF IOWA

No. 17-0434
Filed January 10, 2018

DAVID McCULLOUGH,
Applicant-Appellant,

vs.

STATE OF IOWA,
Respondent-Appellee.

Appeal from the Iowa District Court for Humboldt County, Kurt J. Stoebe,
Judge.

David McCullough appeals the dismissal of his postconviction-relief
application on statute-of-limitations grounds. **AFFIRMED.**

Charles J. Kenville of Kenville Law Firm, P.C., Fort Dodge, for appellant.

Thomas J. Miller, Attorney General, and Tyler J. Buller, Assistant Attorney
General, for appellee State.

Considered by Danilson, C.J., and Doyle and Mullins, JJ.

MULLINS, Judge.

David McCullough appeals the dismissal of his postconviction-relief application on statute-of-limitations grounds. He requests that we apply the doctrine of equitable tolling to exempt him from the three-year statutory time bar contained in Iowa Code section 822.3 (2016). Bypassing the State's error-preservation concerns, we repeat our position that the doctrine of equitable tolling does not apply to section 822.3. See, e.g., *Long v. State*, No. 16-1220, 2017 WL 2684345, at *2 (Iowa Ct. App. June 21, 2017); *Harrington v. State*, No. 16-0953, 2017 WL 2684340, at *1 (Iowa Ct. App. June 21, 2017); *James v. State*, 858 N.W.2d 32, 33 (Iowa Ct. App. 2014).

We affirm the ruling of the district court without further opinion pursuant to Iowa Court Rule 21.26(1)(a), (c), and (e).

AFFIRMED.