

IN THE COURT OF APPEALS OF IOWA

No. 17-0445
Filed December 6, 2017

CODY KINZIE DITTMAR,
Applicant-Appellant,

vs.

STATE OF IOWA,
Respondent-Appellee.

Appeal from the Iowa District Court for Dubuque County, Michael J. Shubatt, Judge.

A defendant appeals the dismissal of his application for postconviction relief. **AFFIRMED.**

Taryn R. McCarthy of Clemens, Walters, Conlon, Runde & Hiatt, L.L.P., Dubuque, for appellant.

Thomas J. Miller, Attorney General, and Sharon K. Hall, Assistant Attorney General, for appellee State.

Considered by Vaitheswaran, P.J., and Potterfield and McDonald, JJ.

MCDONALD, Judge.

Cody Dittmar appeals from the denial of postconviction relief stemming from a sentence imposed as part of a plea deal. Dittmar pleaded guilty to unauthorized possession of an offensive weapon, in violation of Iowa Code sections 724.1(1)(b) and 724.3, and possession of an offensive weapon by a felon, in violation of Iowa Code section 724.26 (2011). He claims his consecutive sentences for these offenses violate the Double Jeopardy clause of the Iowa and United States Constitutions. The Iowa Supreme Court has already resolved Dittmar's claims. See *State v. Halliburton*, 539 N.W.2d 339, 345 (Iowa 1995) ("We think the legislature intended that a defendant who violates section 724.3 and section 724.26 be punished under both statutes. Consequently, [the defendant] was not subjected to double jeopardy."). "We are not at liberty to overrule controlling supreme court precedent." *State v. Beck*, 854 N.W.2d 56, 64 (Iowa Ct. App. 2014). We affirm the judgment of the district court without further opinion. See Iowa Ct. R. 21.26(1)(c), (d), (e).

AFFIRMED.