

IN THE COURT OF APPEALS OF IOWA

No. 0-161 / 09-0362
Filed April 8, 2010

STEVEN RAY WYCOFF,
Applicant-Appellant,

vs.

STATE OF IOWA,
Respondent-Appellee.

Appeal from the Iowa District Court for Lee (North) County, Mary Ann Brown, Judge.

Steven Wycoff appeals the dismissal of his application for postconviction relief. **AFFIRMED.**

Steven Wycoff, Fort Madison, pro se appellant.

Mark C. Smith, State Appellate Defender, and Patricia Reynolds, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Thomas Andrews, Assistant Attorney General, Michael Short, County Attorney, and Robert J. Glaser, Assistant County Attorney, for appellee State.

Considered by Vogel, P.J., Eisenhauer, J., and Mahan, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2009).

VOGEL, P.J.

Steven Wycoff appeals the dismissal of his application for postconviction relief, claiming newly discovered evidence should have resulted in the postconviction court granting him a new trial. This is based on his assertion the evidence revealed both a conflict of interest and prosecutorial misconduct stemming from his 1976 trial and conviction for first-degree murder.

When the district court has dismissed an application for postconviction relief as untimely, we review for correction of errors of law. *State v. Harrington*, 659 N.W.2d 509, 519 (Iowa 2003).

The district court discussed each of Wycoff's claims, and found no exception to the statute of limitations requiring a postconviction relief application to be timely filed pursuant to Iowa Code section 822.3 (2007).¹ We agree with the district court's fact findings, application of the law, and legal conclusions. As such, we affirm pursuant to Iowa Court Rule 21.29(1)(a), (b), (c), (d), and (e).

AFFIRMED.

¹ Wycoff and similarly situated defendants were allowed a grace period of an additional three years, as those convictions predated the enactment of section 822.3 in 1984.