

**IN THE COURT OF APPEALS OF IOWA**

No. 1-121 / 10-1095  
Filed March 7, 2011

**MICHAEL LEROY ALLIE,**  
Applicant-Appellant,

**vs.**

**STATE OF IOWA,**  
Respondent-Appellee.

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Appeal from the Iowa District Court for Story County, Dale E. Ruigh,  
Judge.

Applicant appeals the district court's denial of his application for  
postconviction relief from his conviction, based on his guilty plea, to second-  
degree theft. **AFFIRMED.**

Susan R. Stockdale, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Thomas W. Andrews, Assistant  
Attorney General, Stephen Holmes, County Attorney, and Brian Barker, Assistant  
County Attorney, for appellee State.

Considered by Sackett, C.J., Potterfield, J., and Mahan, S.J.\* Tabor, J.,  
takes no part.

\*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2011).

**MAHAN, S.J.**

On January 12, 2009, Michael Allie entered a plea of guilty to theft in the second degree, a class D felony, in violation of Iowa Code sections 714.1(1), 714.2(2), 703.1, and 703.2 (2007). Said plea was entered as a result of plea negotiations. Allie was later sentenced to a term not to exceed five years, to run consecutive to any previous sentence of confinement Allie was serving.

Allie appealed his conviction and sentence. That appeal was dismissed as frivolous pursuant to Iowa Rule of Appellate Procedure 6.1005. Thereafter, Allie filed the present postconviction relief action. Following trial, the district court denied and dismissed Allie's application for postconviction relief. Allie appealed.

We agree with the district court's fact finding, reasoning, and application of the law. We therefore affirm pursuant to Iowa Court Rule 21.29(1)(a), (c), (d), and (e).

**AFFIRMED.**