

**IN THE COURT OF APPEALS OF IOWA**

No. 15-0162  
Filed April 27, 2016

**JACK L. LOSEE JR.,**  
Applicant-Appellant,

**vs.**

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

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Appeal from the Iowa District Court for Polk County, Jeanie K. Vaudt,  
Judge.

An applicant appeals the district court's denial of his application for  
postconviction relief. **AFFIRMED.**

Magdalena Reese of Cooper, Goedicke, Reimer & Reese, West Des  
Moines, for appellant.

Thomas J. Miller, Attorney General, and Darrel Mullins, Assistant Attorney  
General, for appellee State.

Considered by Danilson, C.J., and Vogel and Potterfield, JJ.

**VOGEL, Judge.**

Jack Losee Jr. was convicted of two counts of first-degree murder in 1983. His conviction was affirmed by the supreme court in 1984. See *State v. Losee*, 354 N.W.2d 239, 240 (Iowa 1984). Losee filed the current application for postconviction relief (PCR) in 2005, and the matter proceeded to a trial in 2014. He argued newly discovered evidence should entitle him to a new trial, and alternatively, if the evidence was not newly discovered, his trial counsel was ineffective in failing to present it. In a thorough and exhaustive decision, the district court determined the information Losee presented was not newly discovered, and thus, his PCR application was barred by the three-year statute of limitations. See Iowa Code § 822.3 (2005). In addition, the court concluded Losee's ineffective-assistance claim failed because the evidence complained of was impeaching, cumulative, or not material. The court likewise rejected Losee's pro se claims of ineffective assistance that addressed the trial testimony of a clinical psychologist.

On appeal, Losee again asserts he is entitled to a new trial based on newly discovered evidence and, alternatively, if it was not newly discovered then he should be granted a new trial because of counsel's ineffectiveness. Having reviewed the record and the district court's decision, we affirm the court's denial of Losee's PCR application pursuant to Iowa Court Rule 21.26(1)(d) and (e).

**AFFIRMED.**