

IN THE COURT OF APPEALS OF IOWA

No. 2-962 / 11-1542
Filed December 12, 2012

RICHARD ALLEN HEIEN,
Applicant-Appellant,

vs.

STATE OF IOWA,
Respondent-Appellee.

Appeal from the Iowa District Court for Plymouth County, Edward A. Jacobson, Judge.

Richard Heien appeals the district court's dismissal of his second application for postconviction relief. **AFFIRMED.**

Robert B. Brock II, Le Mars, for appellant.

Thomas J. Miller, Attorney General, Jean C. Pettinger, Assistant Attorney General, and Darin J. Raymond, County Attorney, for appellee.

Considered by Doyle, P.J., and Mullins and Bower, JJ.

DOYLE, P.J.

Richard Heien was convicted of homicide by vehicle, involuntary manslaughter and leaving the scene of a personal injury accident. His convictions were affirmed by this court on direct appeal. See *State v. Heien*, No. 06-0883, 2007 WL1062937, at *1(Iowa Ct. App. Apr., 11, 2007). His first application for postconviction relief was denied by the district court. The State filed a motion for summary judgment and/or motion to dismiss Heien's second application for postconviction relief. After hearing, the district court granted the State's motion and dismissed Heien's second application. After a thorough review and consideration of the record and the parties' arguments, we affirm the district court's ruling without opinion pursuant to Iowa Rule of Appellate Procedure 6.1203(a) and (d).

AFFIRMED.