

**IN THE COURT OF APPEALS OF IOWA**

No. 3-285 / 10-2084  
Filed July 10, 2013

**HANI W. KHOURI,**  
Applicant-Appellant,

**vs.**

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

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Appeal from the Iowa District Court for Linn County, Ian K. Thornhill,  
Judge.

Applicant appeals the district court's dismissal of his postconviction action  
on the ground of untimeliness. **AFFIRMED.**

Hani Khouri, Coralville, pro se.

Thomas J. Miller, Attorney General, Kevin Cmelik, Assistant Attorney  
General, Harold L. Denton, County Attorney, and Todd D. Tripp, Assistant  
County Attorney, for appellee State.

Considered by Danilson, P.J., Mullins, J., and Huitink, S.J.\*

\*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2013).

**HUITINK, S.J.**

Hani Khouri was convicted of first-degree murder, in violation of Iowa Code sections 707.1 and 707.2 (1991). That conviction was affirmed on direct appeal. See *State v. Khouri*, 503 N.W.2d 393 (Iowa 1993). *Procedendo* was issued August 12, 1993.

Khouri filed the present application for postconviction relief August 17, 2010. The State filed a pre-answer motion to dismiss, asserting Khouri's petition was untimely under section 822.3 (2009). Khouri resisted the State's motion. The district court granted the motion to dismiss, finding:

To the extent that the Applicant has stated any new claim, the Court finds that the claim is barred by the provisions of Iowa Code § 822.3, since the pending Application was filed more than three years from the date the writ of *procedendo* was issued in the criminal case, and because the Applicant has not set forth any ground of fact or law that could not have been raised within the applicable time period.

The district court denied Khouri's motion to reconsider. Khouri now appeals the decision of the district court.

We review the dismissal of an application for postconviction relief for the correction of errors at law. *Lopez-Penaloza v. State*, 804 N.W.2d 537, 540 (Iowa Ct. App. 2011). We conclude the decision of the district court may be affirmed without further opinion because the court's decision is correct and no error of law appears. See Iowa R. App. P. 6.1203(a), (d).

**AFFIRMED.**