

**IN THE COURT OF APPEALS OF IOWA**

No. 6-183 / 04-1983  
Filed April 26, 2006

**ISAAC L. NEAL, JR.,**  
Applicant-Appellant,

**vs.**

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

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Appeal from the Iowa District Court for Scott County, J. Hobart Darbyshire and Nancy S. Tabor, Judges.

Isaac Neal, Jr. appeals the district court's summary dismissal of his application for postconviction relief. **AFFIRMED.**

Jack E. Dusthimer, Davenport, for appellant.

Thomas J. Miller, Attorney General, Thomas W. Andrews, Assistant Attorney General, and William E. Davis, County Attorney, for appellee State.

Considered by Sackett, C.J., and Vogel and Mahan, JJ.

**MAHAN, J.**

Isaac Neal, Jr. appeals the district court's summary dismissal of his application for postconviction relief. He argues his right to due process was violated when (1) the prosecutor engaged in misconduct and (2) the State failed to disclose exculpatory evidence during his trial. We affirm.

Neal was originally convicted of the offense of first-degree kidnapping in 1983. He subsequently filed two postconviction relief actions in 1987 and 1991, respectively. Neal filed this third postconviction action on June 24, 2002.

We have carefully reviewed the record in this matter and conclude that the summary dismissal entered by the district court must be affirmed. It is clear that Neal's first claim is time-barred under Iowa Code section 822.3 (2001). It is also clear that Neal's claim of newly discovered exculpatory evidence must fail. Newly discovered evidence must be "relevant, and likely to change the result of the case." *Harrington v. State*, 659 N.W.2d 509, 520-21 (Iowa 2003). The two documents referred to by Neal are neither newly discovered evidence nor exculpatory. Said documents do not undermine confidence in either the verdict or the fairness of the trial. See *Cornell v. State*, 430 N.W.2d 384, 386 (Iowa 1988). The decision of the district court is affirmed.

**AFFIRMED.**