

IN THE COURT OF APPEALS OF IOWA

No. 8-517 / 07-1073
Filed August 13, 2008

ALF FREDDY CLARK,
Applicant-Appellant,

vs.

STATE OF IOWA,
Respondent-Appellee.

Appeal from the Iowa District Court for Polk County, Glenn E. Pille, Judge.

A postconviction relief applicant appeals from the district court's order denying the application. **AFFIRMED.**

John Heinicke, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Richard Bennett, Assistant Attorney General, John P. Sarcone, County Attorney, and Daniel C. Voogt, Assistant County Attorney, for appellee State.

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

VOGEL, J.

Alf Clark appeals from the district court's dismissal of his application for postconviction relief. We affirm.

In 2000, a jury found Clark guilty of attempted murder and terrorism with intent and the district court sentenced Clark to concurrent terms of twenty-five and ten years in prison. Clark appealed and this court affirmed his convictions. *State v. Clark*, No. 00-1317 (Iowa Ct. App. Feb. 20, 2002). After his direct appeal, Clark filed an application for postconviction relief. Following a hearing, the district court denied Clark's application. Clark appealed and this court affirmed the denial of his application. *Clarke v. State*, No. 04-1331 (Iowa Ct. App. Mar. 29, 2006). Clark then filed a second application for postconviction relief. The State moved for summary disposition and following a hearing, the district court granted the State's motion and dismissed Clark's application for postconviction relief. Clark appeals.

On appeal, Clark asserts that the district court erred in granting the State's motion for summary disposition because his application was not time barred and he provided a sufficient reason for failure to previously raise the claims. Additionally, Clark contends the district court erred in concluding "any claim now made by the applicant has been raised and ruled upon in earlier proceedings, or, alternatively, is a claim which could have been raised or should have been previously raised." We find no merit in Clark's claims. As the district court found, all of Clark's claims are time barred and no exception is found in Iowa Code

chapter 822. Therefore, we affirm pursuant to Iowa Court Rule 21.29(1)(a), (c), (d), (e).

AFFIRMED.