

IN THE COURT OF APPEALS OF IOWA

No. 8-366 / 07-0205
Filed June 17, 2009

STEVEN RAY WYCOFF,
Applicant-Appellant,

vs.

STATE OF IOWA,
Respondent-Appellee.

Appeal from the Iowa District Court for Lee County, David B. Hendrickson and Richard J. Vogel, Judges.

Applicant-appellant, Steven Wycoff, appeals from the summary disposition of his application for postconviction relief. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Patricia Reynolds, Assistant State Appellate Defender, for appellant.

Steven Ray Wycoff, Fort Madison, pro se.

Thomas J. Miller, Attorney General, Thomas W. Andrews, Assistant Attorney General, Michael Short, County Attorney, and Robert Glaser, Assistant County Attorney, for appellee.

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

SACKETT, C.J.

Applicant-appellant, Steven Wycoff, appeals from the summary disposition of his application for postconviction relief. He contends the court erred in not allowing him to amend his application and in granting the State's motion for summary disposition. In his pro se supplemental brief he also claims the court erred in denying him full discovery, in denying his motion for summary judgment, in granting the State's motion, and in failing to grant relief based on a due process violation and newly-discovered evidence. We affirm.

Wycoff was convicted of first-degree murder in 1976. The supreme court upheld the judgment and sentence on direct appeal. *State v. Wycoff*, 255 N.W.2d 116, 119 (Iowa 1977). The denial of postconviction relief in his first application was affirmed on appeal. See *Wycoff v. State*, 382 N.W.2d 462, 473 (Iowa 1986). The denial of postconviction relief in his second application was affirmed on appeal. *Wycoff v. State*, No. 92-0786 (Iowa Aug. 2, 1993). The denial of postconviction relief in his third application was affirmed on appeal. *Wycoff v. State*, No. 99-0383 (Iowa Ct. App. May 31, 2000).

In 2003 Wycoff filed his fourth application for postconviction relief. After numerous subsequent pleadings and three unsuccessful interlocutory appeals by Wycoff, the district court granted the State's motion for summary disposition, determining the "newly discovered" evidence consisted of forged documents and evidence or witnesses that were available or should have been discovered at the time of trial. "These claims do not constitute newly-discovered evidence nor do they establish a claim of incompetent counsel." Wycoff appeals.

Our review of postconviction relief proceedings is for correction of errors at law. *Taylor v. State*, 752 N.W.2d 24, 27 (Iowa Ct. App. 2008). An applicant must file the application for postconviction relief within three years of the conviction or disposition on appeal. Iowa Code § 822.3 (2005). “However, this limitation does not apply to a ground of fact or law that could not have been raised within the applicable time period.” *Id.* The application must include “[a]ll grounds for relief available to an applicant” under chapter 822. *Id.* § 822.8.

Any ground finally adjudicated or not raised, or knowingly, voluntarily, and intelligently waived in the proceeding that resulted in the conviction or sentence, or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief which for sufficient reason was not asserted or was inadequately raised in the original, supplemental, or amended application.

Id. The district court may grant summary disposition in a postconviction action “when it appears from the pleadings, depositions, answers to interrogatories, and admissions and agreements of fact, together with any affidavits” that “there is no genuine issue of fact and the moving party is entitled to judgment as a matter of law.” Iowa Code § 822.6 (2005).

From our review of the extensive record, we agree with the conclusions of the district court that all of Wycoff’s claims are barred, either because they are not based on newly-discovered evidence or because they have been or could have been raised in a prior proceeding. See *id.* §§ 822.3, 822.8. Finding no error, we affirm. See Iowa Ct. Rule 21.29(1)(c), (d), (e).

AFFIRMED.