

IN THE COURT OF APPEALS OF IOWA

No. 9-831 / 08-0730
Filed December 30, 2009

LARY LANE MORGAN,
Applicant-Appellant,

vs.

STATE OF IOWA,
Respondent-Appellant.

Appeal from the Iowa District Court for Lee (North) County, Mary Ann Brown, Judge.

Lary Lane Morgan challenges the district court's denial of his second postconviction relief action. **AFFIRMED.**

William Monroe, Burlington, for appellant.

Lary Morgan, Anamosa, pro se.

Thomas J. Miller, Attorney General, Mary Tabor, Assistant Attorney General, Michael Short, County Attorney, and Gordon Liles, Assistant County Attorney, for appellee.

Considered by Vogel, P.J., and Doyle and Mansfield, JJ.

VOGEL, P.J.

Lary Lane Morgan appeals the district court's dismissal of his second postconviction relief action, asserting multiple issues through his appellate counsel and pro se. We affirm.

On January 30, 1995, Morgan was convicted and sentence was entered on the jury's findings that he was guilty of murder in the first degree, kidnapping in the first degree, and sexual abuse in the first degree. On direct appeal, January 22, 2000, the supreme court affirmed his convictions but vacated the sentence on the kidnapping conviction, finding it merged with the greater offense. *State v. Morgan*, 559 N.W.2d 603, 612 (Iowa 1997). Morgan's first application for postconviction relief was, in part, summarily dismissed, and the remaining issues were tried with the district court denying his application on March 26, 2003. Morgan's appeal of that ruling was dismissed by our supreme court on June 9, 2005, as frivolous.

On February 15, 2005, Morgan filed his second postconviction relief action. After a hearing, the district court carefully addressed each issue raised, and finding Morgan's issues to be time barred, previously decided, or lacking in merit, dismissed his application. It is from this ruling and the court's denial of Morgan's motion to reconsider that this appeal is brought.

We review this appeal of Morgan's denial of his second postconviction relief application, de novo. *Ledezma v. State*, 626 N.W.2d 134, 141 (Iowa 2001).

We agree with the district court that Morgan's entire application raises issues that were previously litigated and decided against him, or issues that are time barred or which lack in merit.

We find the district court recited the relevant facts and applied the appropriate law in its detailed, twenty-five page opinion that fully disposed of Morgan's second application for postconviction relief. We therefore affirm pursuant to Iowa Court Rule 21.29(1)(a), (c), (d), and (e).

AFFIRMED.