

IN THE DISTRICT COURT OF IOWA
IN AND FOR LINCOLN COUNTY

DEVOSS MANNING, Applicant,)
vs.) PCR Case No. **LACV12345**
STATE OF IOWA, Respondent.)

RESPONDENT'S ANSWER

Respondent, pursuant to Iowa Code §§ 822.2, 822.3, 822.6, and 822.8, states:

1. Respondent admits the following numbered paragraphs: 1 to 11 and 13 to 17.
2. Respondent denies the following numbered paragraphs: 12 and all subparts and subparagraphs thereof. By way of further answer, Respondent notes [insert a synopsis of the State's theory of the case with relevant facts showing defendant's guilt]. Applicant has also failed to pay his filing fee.
3. By way of further answer and defense, Respondent notes:
 - a. Applicant pled guilty; no motion in arrest of judgment was filed nor was any direct appeal taken by Applicant and thus Applicant's claims are waived and subject to summary dismissal. Iowa Code §§ 822.2, 822.8.
 - b. Applicant's claims are time-barred. Iowa Code § 822.3.
 - c. Applicant's claims are frivolous, fail to state a claim, and without merit. See Iowa Code §§ 610A.2(1)(b) and (2)(a)-(f).
4. Applicant's statements in his postconviction application directly contradict his representations to this Court in his guilty plea colloquy, such that it appears applicant has perjured himself before this Court with false and fabricated testimony. *See generally State v. Hawkins*, 620 N.W.2d 256 (Iowa 2000) (postconviction applicant committed perjury while seeking postconviction relief); Iowa Code § 610A.2(1)(c).
5. Respondent is filing contemporaneous with this Answer a Motion to Dismiss pursuant to Iowa Code section 822.6.
6. Respondent relies upon Iowa Code sections 822.8, as well as Iowa Code sections 822.2 and 822.3, 610A.2(1)(b) and (2)(a)-(f), and 610A.2(1)(c), in seeking summary dismissal.

WHEREFORE, Respondent urges that all claims and issues raised in the postconviction application -- and that the case itself and the action represented by the application -- be summarily dismissed with prejudice as time-barred, waived, and frivolous, or, absent that, denied for lack of merit.