IN THE COURT OF APPEALS OF IOWA

FILED
SEP 28 1988
CLERK SUPREME COURT

DENNIS LAMAR,

Petitioner-Appellant,

vs.

STATE OF IOWA,

Respondent-Appellee.

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8-158
87-1075

Appeal from the Iowa District Court for Lee County (No. CL1438(N)1086) - D. B. Hendrickson, Judge.

Lamar appeals a district court judgment rejecting Lamar's claim for relief in his application for post-conviction relief. **AFFIRMED.**

Raymond E. Rogers, Acting Chief Appellate Defender, and Linda Del Gallo, Assistant Appellate Defender, for applicant-appellant.

Thomas J. Miller, Attorney General, and Sarah J. Coats, Assistant Attorney General, for respondent-appellee.

Considered by Oxberger, C.J., and Donielson and Schlegel, JJ.

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OXBERGER, C.J.

Petitioner Lamar was a resident at the Riverview Release Center. In 1985 Lamar was involved in an armed robbery and murder while on furlough from the center. On September 14, 1985 a disciplinary notice was written up by the center charging Lamar with escape for failing to return from furlough. Lamar was later convicted on murder and armed robbery charges. Lamar's disciplinary hearing was held on May 13, 1986. Lamar lost 1,000 days good time, later reduced to 400 days, and was given fifteen days disciplinary detention and one year of administrative segregation. We affirm.

Lamar filed a pro se application for postconviction relief on October 23, 1986, alleging violation of the center's rules regarding the hearing and his punishment. Lamar admitted he had escaped from Riverview Release Center. The district court concluded that administrative segregation was not a permissible punishment. However, because Lamar had already served the penalty, no relief could be granted. Our review is for the correction of errors of law. On appeal Lamar contends all punishment should be set aside and all records of the rule violation expunged.

The State argues, and we agree, that since the Center's imposition of administrative segregation is related to the

sanction and not the rules violation, expungement is inappropriate. In Davis v. State, 345 N.W.2d 97, 101 (Iowa 1984), the court said:

> The violation of rule (failure to state reasons for punishment) . . . does not in any manner affect the adjudication of the rule violation which has been charged against the petitioner. It only affects the sanction which was imposed following the disciplinary committee's finding that petitioner was guilty of such violation.
>
> Accordingly, the application of rule 804 (e) in determining the relief to be afforded is appropriate based upon the clear language of that rule.

Similarly here, the error of the disciplinary committee in imposing unauthorized administrative sanction, related to a sanction and not the adjudicative process. Therefore the relief petitioner seeks, the expungement of the record, is not appropriate.

The punishment of one year administrative segregation has been completed, thus the issue is moot.

AFFIRMED.