

IN THE COURT OF APPEALS OF IOWA

No. 0-594 / 90-484

FILED

APR - 2 1991

CLERK SUPREME COURT

ALLEN SHOWENS,

Applicant-Appellant,

vs.

STATE OF IOWA,

Respondent-Appellee.

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Appeal from the Iowa District Court for Lee County,
D.B. Hendrickson, Judge.

Prison inmate Showens sought postconviction to challenge a prison disciplinary action. The district court denied postconviction relief, and Showens has appealed. He challenges the sufficiency of the evidence to prove he violated prison rules. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and Andi S. Lipman, Assistant State Appellate Defender, for appellant.

Bonnie J. Campbell, Attorney General, Gordon E. Allen, Deputy Attorney General, and Layne M. Lindebak, Assistant Attorney General, for appellee.

Considered by Oxberger, C.J., and Hayden and Sackett,
JJ.

PER CURIAM

Prison inmate Allen Showens allegedly (1) told a prison officer to "quit hiding behind that badge and be a man"; and (2) jerked his hands away from a prison officer while being escorted to his cell, and then kicked the door flap when placed in the cell. Showens was accused of violating two institutional rules by assaulting a prison employee and by engaging in "threats or intimidation" directed toward a prison employee. He was disciplined for these infractions.

After exhausting his administrative remedies, Showens filed the present application for postconviction relief to challenge the disciplinary action. The district court denied postconviction relief, and Showens has appealed. We affirm.

Showens challenges the sufficiency of the evidence to prove that any of the conduct sketched above constituted an assault, a threat, or intimidation.

The question is whether there is some evidence to support the finding. Wilson v. Farrier, 372 N.W.2d 499, 501 (Iowa 1985). The officers' reports constitute some evidence in the record to support the decision. Mahers v. State, 437 N.W.2d 565, 569 (Iowa 1989); Pierce v. State, 433 N.W.2d 38, 39 (Iowa App. 1988).

Showens argues the record of the disciplinary proceeding is confined to the findings of fact made by the committee. The record includes the finding of fact and the

evidence relied upon for the decision. The officers' reports are incorporated into the finding. In Brown v. Frey, 807 F.2d 1407, 1412-13 (8th Cir. 1986), the court upheld the decision of a prison disciplinary committee that failed to specify which allegations in the reports they found as fact. The court found:

The reports referenced in the adjustment board's written statement undoubtedly qualify as "evidence" -- documentary evidence relied upon by the board in concluding that Brown committed "riot." Both reports -- the conduct violation report and the joint memorandum are extremely short in length and an examination of the reports makes it immediately apparent what statements in them were relied on by the board in reaching the decision.

Brown, 807 F.2d at 1413.

The decision here, while not a model of clarity, sufficiently informs the inmate of the reasons for the decision and the evidence utilized to write the decision. See Brown, F.2d at 1413. We affirm the trial court.

AFFIRMED.