FILED
MAY 22 1984
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

GARY R. BEAR, )
Petitioner-Appellant, ) Filed May 22, 1984
vs. )
STATE OF IOWA, ) 4-104
Respondent-Appellee. ) 83-861

Appeal from the Iowa District Court for Lee County - L. Vern Robinson, Judge.

Petitioner, a prison inmate, appeals from denial of his application for post-conviction relief to challenge punishment imposed by prison authorities. AFFIRMED.

Gregory A. Johnson of Johnson, Phelan & Skewes, Fort Madison, for petitioner-appellant.

Thomas J. Miller, Attorney General, and Mark Hunacek, Assistant Attorney General, for respondent-appellee.

Considered by Donielson, P.J., and Snell and Sackett, JJ.

Petitioner, a prison inmate, appeals from denial of his application for post-conviction relief to challenge punishment imposed by prison authorities. He alleges the prison disciplinary committee failed to obtain a statement from a correctional officer named by the petitioner as a witness to the events which led to the disciplinary proceeding. He contends this failure denied him his due process right to present witnesses and also violated the prison's written guidelines. We affirm.

Petitioner was involved in an incident in which he saw prison guards take some legal materials from a fellow inmate's cell. Petitioner told the inmate what happened which resulted in a disturbance for which petitioner was disciplined. His only arguments raised before the postconviction court were that the guards should not have taken the legal materials and that they were just as guilty of provoking the disturbance since they allegedly told the other inmate that they had taken the materials. In this appeal, however, the only issue he raises is an entirely different one; i.e., whether the State failed to investigate and obtain a statement from one of his witnesses. Petitioner's failure to raise this issue below results in waiver of that issue; we therefore have nothing left for our review. Hahn v. State, 306 N.W.2d 764, 767 (Iowa 1981). The ruling below is affirmed.

AFFIRMED.