

IN THE COURT OF APPEALS OF IOWA

No. 5-479 / 94-1490

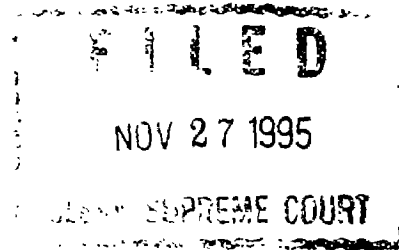
JOHN D. KEGLEY, JR.,

Appellant.

vs.

STATE OF IOWA,

Appellee.



Appeal from the Iowa District Court for Jones County, Thomas L. Koehler,
Judge.

John Kegley, a prison inmate, appeals from a denial of his application for
postconviction relief. **AFFIRMED.**

Philip B. Mears of Mears Law Office, Iowa City, for appellant.

Thomas J. Miller, Attorney General, and Suzie A. Berregaard Thomas,
Assistant Attorney General, for appellee.

Considered by Donielson, C.J., and Sackett and Cady, JJ.

CADY, J.

This is an appeal by John Kegley from the district court's denial of his request for postconviction relief based on action taken against him by a prison disciplinary committee. We affirm the district court.

On April 13, 1993, Kegley was at the front of the line at the commissary pop window at the Iowa Men's Reformatory in Anamosa. Another inmate pushed his way through the line, and then pushed Kegley. Words were exchanged between Kegley and the other inmate. Kegley then pushed the inmate. The inmate knocked Kegley's hat off. Kegley threw a punch at the other inmate, but missed. The other inmate hit Kegley, knocking him to the ground and causing a cut below his left eye.

When a prison guard appeared on the scene, Kegley stated he had hit his face against the commissary wall. When questioned further, he stated an inmate had hit him.

Due to this incident, Kegley was accused of violating prison rules against fighting and making false statements. At a hearing before the prison disciplinary committee, Kegley testified the other inmate first pushed him and he pushed the other inmate away. Kegley stated he did not remember swinging at the other inmate and did not remember being knocked down. The committee also received the official report of the incident and confidential information.

The committee found Kegley guilty of fighting and making false statements. The committee's decision was based on information in the report, Kegley's statements

at the hearing, and information from confidential sources which confirmed there was a fight and Kegley was a participant. Kegley was given forty days of disciplinary detention and lost sixteen days good conduct time. He was also required to pay one-half of any medical costs.

Kegley unsuccessfully appealed the decision to the warden and director of corrections. After exhausting his administrative remedies, he filed an application for postconviction relief in district court. Kegley claimed there was insufficient evidence to support the prison disciplinary committee's decision. He claimed he did not start the fight, and should not have been disciplined for acting in self-defense. The district court found there was sufficient evidence in the record to support the disciplinary action taken in the case. The court denied Kegley's application for postconviction relief. Kegley appeals.

Our review in prison disciplinary actions is for the correction of errors of law. *Giles v. State*, 511 N.W.2d 622, 626 (Iowa 1994). On appellate review of a prisoner's challenge of the evidentiary support of a disciplinary matter, we ask whether the committee had "some evidence" to support its decision. *Backstrom v. Iowa District Court*, 508 N.W.2d 705, 709 (Iowa 1993). Thus, we largely defer to the committee's findings, refraining from a de novo review of the proceedings. *Id.* We do require, however, that the inculpatory evidence provide specific details of the activity at issue. *Id.*

Confidential information statements may provide sufficient evidence for prison disciplinary action. *James v. State*, 479 N.W.2d 287, 291 (Iowa 1991). When inmates are disciplined on the basis of confidential information, their interest in a fair hearing requires that there be some indication of the confidential informant's reliability. *Howard v. State*, 439 N.W.2d 193, 195 (Iowa 1989). The reliability of confidential information may be established by in camera review of material documenting an investigator's assessment of the credibility of a confidential informant. *James*, 479 N.W.2d at 291.

Kegley claims there was insufficient evidence presented to the disciplinary committee to support a finding he was fighting. He asks us to review the confidential information to determine whether there was sufficient evidence his actions went beyond what was permissible as a matter of self-defense.

We find sufficient information in the record to show the disciplinary committee properly considered the confidential information and correctly concluded it was credible and reliable. The information came from several bystanders, who were separately questioned shortly after the incident. The information supplied was consistent, and revealed that Kegley threw the first punch, after some pushing and an exchange of words. The investigator documented his belief that the informants were credible.

We conclude there is sufficient evidence in the record to support the decision of the disciplinary committee. We affirm the decision of the district court.

AFFIRMED.