FILED
APR 23 1991
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 1-95 / 90-467

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CONRAD TAYLOR,

Applicant-Appellant,

vs.

STATE OF IOWA,

Respondent-Appellee.

Appeal from the Iowa District Court for Jones County, Kristin L. Hibbs, Judge.

Taylor appeals a district court order denying his petition for postconviction relief and upholding the discipline imposed on him by the prison adjustment committee. **AFFIRMED.**

Philip B. Mears of Mears, Zimmerman & Mears, Iowa City, for appellant.

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

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

PER CURIAM

In October 1988, applicant Taylor, an inmate at Fort Madison, was given a disciplinary notice charging him with violations of several prison rules.

Prior to the hearing, Taylor filed a response to the charges and asked that several staff people appear as witnesses. The committee did take a written statement from one person who also testified. No other requested witnesses were called. Following the hearing, the committee found Taylor guilty and disciplined him for essentially using and dealing in drugs. Taylor exhausted his administrative appeals and then filed this postconviction action. Following trial, the district court upheld the imposition of discipline against Taylor. Taylor has filed this appeal.

I.

Taylor contends the disciplinary notice he received was constitutionally insufficient. The notice provided:

> During the period of time that inmate Taylor had been assigned to janitorial services without custody he has used marijuana and he has sold marijuana to other inmates. Inmate Taylor has also consumed quantifies of nutmeg in order to achieve an altered state of mind. This nutmeg was stolen from the dietary storeroom for consumption as a drug. The identities of persons providing confidential information during the course of this investigation have been deleted from his report in order to preserve the security, tranquility and good order of the institution.

A disciplinary notice must provide an inmate with notice of disciplinary rule violations sufficient to enable him or her to marshall the facts and prepare a defense. Wolff v. McDonnell, 418 U.S. 539, 564, 94 S. Ct. 2963, 2978, 41 L. Ed. 2d 935, 936 (1974). Where a violation is based on confidential information, prison officials are not required to disseminate that information if doing so would jeopardize the security of the institution. See Freitas v. Auger, 837 F.2d 806 (8th Cir. 1988); Allen v. State, 418 N.W.2d 67, 70 (Iowa 1988); Morris v. Auger, 414 N.W.2d 858, 860 (Iowa App. 1987).

The notice here provides sufficient information. See Freitas v. Auger, 837 F.2d 806, 809 (8th Cir. 1988); Rinehart v. Brewer, 483 F. Supp. 165, 169 (N.D. Iowa 1980); Morris v. Auger, 414 N.W.2d 858, 859 (Iowa App. 1987).

Additionally, the defense Taylor presented to the committee indicated he understood the nature of the charges against him. We find no error.

II.

Taylor next contends he was denied due process because substitute counsel was not appointed. The district court found this issue was not raised through the appeal to the warden and the director of corrections and was thus not properly before the court. See Bonds v. State, 447 N.W.2d 135 (Iowa 1989). Taylor's brief does not show how this issue was preserved. We affirm on this issue.

III.

Taylor contends he was deprived of his right to call witnesses and present evidence. An inmate has no constitutional right to confront or cross-examine witnesses. Wolff v. McDonnell, 418 U.S. 539, 566-67, 94 S. Ct. 2963, 2979-80, 41 L. Ed. 2d 935, 956-57 (1974); Maher v. State, 437 N.W.2d 565, 567 (Iowa 1989); Fichtner v. Iowa State Penitentiary, 285 N.W.2d 751, 757 (Iowa 1979). The hearing officer testified Taylor told the committee what the witnesses would say and that the committee believed the witnesses would have so testified. The committee accepted Taylor's statement that his witnesses would testify that prior urinalysis results were negative. The hearing officer testified the testimony, while relevant, would not have made a difference in the committee's decision. We find no error on this issue.

IV.

Taylor contends confidential documents were withheld from counsel at the postconviction hearing. Confidential information used by prison disciplinary committees is subject to their utilization of appropriate procedures to safeguard the inmate's rights. In cases involving confidential information, those procedures are reviewed in camera by the district court and the appellate court. Howard v. State, 439 N.W.2d 193, 194 (Iowa 1989). We find no error here.

AFFIRMED.