

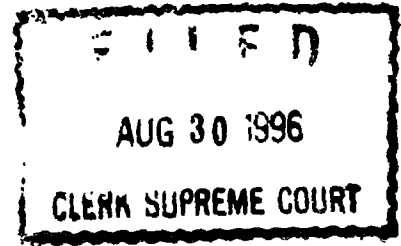
IN THE COURT OF APPEALS OF IOWA

No. 6-450 / 95-1112

JAMAR JONES,
Appellant,

vs.

STATE OF IOWA,
Appellee.



Appeal from the Iowa District Court for Jones County, Lynne E. Brady, Judge.

Jamar Jones appeals the district court's denial of his application for postconviction relief from prison disciplinary proceedings. **AFFIRMED.**

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

Thomas J. Miller, Attorney General, and Bruce Kempkes, Assistant Attorney General, for appellee.

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

PER CURIAM

In this appeal the applicant claims the district court should not have denied his application for postconviction relief from prison disciplinary proceedings. We affirm on appeal in this memorandum opinion pursuant to Iowa Supreme Court Rule 9.

On February 18, 1994, a fight broke out among several prisoners at living unit B (LUB) at the Iowa Men's Reformatory in Anamosa. Other prisoners prevented correctional officer Kester from reaching the participants. Kester identified Jamar Jones as one the prisoners who blocked her way. Correctional officers responding to Kester's call for help saw Jones running from LUB. Jones claimed he was merely standing outside LUB when the riot occurred, and that when correctional officers told him to get out of the way, he ran from the scene.

The disciplinary committee found Jones to be in violation of Rule 6 (rioting), Rule 27 (obstructive/disruptive conduct), and Rule 43 (attempt or complicity). He received sanctions, including disciplinary detention and loss of good conduct time for violating these rules. Jones exhausted the appeal process within the Department of Corrections. He then filed an application for postconviction relief, which was denied by the district court. Jones now appeals.

I. Jones contends the disciplinary committee violated his due process right to call witnesses. At the hearing, Jones asked to have correctional officer Sievers called as a witness. He believed Sievers would testify he saw Jones standing outside LUB shortly after the disturbance arose. We first question whether Jones preserved error

on this issue because it was not raised in Jones' appeals within the department, but was raised for the first time before the district court.

However, even if this issue was preserved, we find no error in the disciplinary committee's decision not to call Sievers. There was no dispute that Jones was outside LUB by the time correctional officers responded to Kester's call for assistance. We agree with the committee's conclusion that there was no need to obtain an additional statement from Sievers on this point.

II. Jones claims the confidential information in this case was unreliable, and that there was not sufficient evidence he was involved in the disturbance in LUB. We affirm a disciplinary committee's decision if there is some evidence to support the decision. *Backstrom v. Iowa District Court*, 508 N.W.2d 705, 709 (Iowa 1993). Where confidential information is relied upon, there must be some indication of the confidential informant's reliability. *James v. State*, 479 N.W.2d 287, 291 (Iowa 1991). We have examined all of the evidence in this case, including the confidential information, and find there is sufficient evidence to support the disciplinary committee's decision.

We affirm the decision of the district court. Costs of this appeal are assessed to Jones.

AFFIRMED.