FILED
JAN 29 1986
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

RUSSELL R. LOWE,	)	
Petitioner-Appellant,	)	Filed January 29, 1986
vs.	)	**181**
STATE OF IOWA,	)	5-515 84-1878
Respondent-Appellee.	)	

Appeal from the Iowa District Court for Jones County - Paul J. Kilburg, Judge.

Petitioner appeals the denial of his postconviction relief. **AFFIRMED.**

Charles Harrington, Chief Appellate Defender, and Michael J. Laughlin, Assistant Appellate Defender, for petitioner-appellant.

Thomas J. Miller, Attorney General of Iowa, and John M. Parmeter, Assistant Attorney General, for respondent-appellee.

Considered by Oxberger, C.J., Snell, and Schlegel, JJ.

Petitioner Lowe appeals the denial of his postconviction relief. We affirm the district court.

Petitioner challenges the findings of the prison disciplinary hearing that he allegedly violated nine separate rule violations during a riot at the men's reformatory at Fort Madison in 1981. Prison officials based their findings on the reports of two correctional officers. One officer witnessed the alleged acts, while the other filed his report after watching a video tape of the riot and petitioner's purported role in it.

At petitioner's hearing, the disciplinary committee never viewed the video tapes mentioned in the officer's report and did not request either officer to testify. Petitioner was the only person who testified at the hearing which took place in the prison kitchen and lasted less than ten minutes. Petitioner asked to view the video tape upon which one of the reports was founded, but the disciplinary committee refused. Petitioner did not request any witnesses, and refused to make any statements regarding factual allegations of the report.

Based solely on the reports, the committee found petitioner guilty of at least eight violations, including escape, damaging state property, tampering with a locking device, unauthorized possession, possession of another person's property, rioting, disruptive conduct, and using equipment or machinery when not authorized.

Petitioner exhausted his administrative remedies and filed his application for postconviction relief with the district court. His application was denied and he brings this appeal. He alleges there is insufficient evidence supporting the findings of the forums below.

On prison disciplinary actions, the standard of review on the sufficiency of the evidence is "whether there exists any evidence at all, that is whether

there is any basis in fact to support the action taken by prison officials." Jackson v. McLemore, 523 F.2d 838, 839 (8th Cir. 1975); Wills v. Ciccone, 506 F.2d 1011, 1018 (8th Cir. 1974); Fichtner v. Iowa State Penitentiary, 285 N.W.2d 751, 759 (Iowa 1979). It is true, the record is not an example of painstaking efforts by the committee to support and prove the allegations against petitioner. However, there is no evidence in the record to dispute these allegations, especially those of the officer who claimed to have witnessed the events. Petitioner also refused to comment on the factual allegations at the hearing and did not request any witnesses to testify on his behalf.

We conclude therefore that there was some evidence supporting the findings of the committee and the district court and affirm their decision.

AFFIRMED.