IN THE COURT OF APPEALS OF IOWA

No. 6-588 / 95-1337

ORLANDO CABBELL,

Applicant-Appellant,

vs.

STATE OF IOWA,

Respondent-Appellee.

FILED
DEC 20 1996
CLERK SUPREME COURT

Appeal from the Iowa District Court for Jones County, David M. Remley, Judge.

A prison inmate appeals the district court's order denying him relief from a prison disciplinary action. **AFFIRMED.**

Kelly A. Phipps of Mears Law Office, Iowa City, for appellant.

Thomas J. Miller, Attorney General, Forrest Guddall, Assistant Attorney General, and Kristin W. Ensign, Assistant Attorney General, for appellee.

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

PER CURIAM

This is an appeal by a prisoner claiming the district court should have granted his request for postconviction relief from prison disciplinary action. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Orlando Cabbell is an inmate of the Iowa Men's Reformatory in Anamosa. On January 1, 1994, a prison official explained to Cabbell the reformatory rules prohibiting gang activities and the consequences of violating these rules. On March 27, 1994, during a routine search, prison officials found a drawing of a T-shirt in Cabbell's cell. The T-shirt had the phrase "OG to DA HEART," on the front, the initials GP or GD on the sleeves, and the phrase "AINTS TO BE FUCKED WIT" on the back.

Cabbell was charged with violating prison rule 16, unauthorized possession, and rule 42, unauthorized group/gang conduct. Cabbell admitted the initials OG stood for Original Gangster. A prison official testified this is a phrase used by members of the Black Gangster Disciple Nation. The prison disciplinary committee found Cabbell had violated rules 16 and 42. Cabbell exhausted his administrative remedies. The district court denied Cabbell's application for postconviction relief.

Cabbell now appeals. He claims he is entitled to postconviction relief because the prison disciplinary committee failed to make a finding that he knew the drawing was gang-related. He received the drawing in the mail, and he states he did not

realize the drawing contained gang symbolism. He asserts there is no evidence to show he had personal knowledge the drawing was contraband.

Under the some evidence standard, the relevant legal question is whether there is any evidence in the record that could support the disciplinary committee's decision. *James v. State*, 541 N.W.2d 864, 874 (Iowa 1995). William Soupene, the administrative law judge who served on the prison disciplinary committee, testified the committee specifically found Cabbell knew the drawing was gang-related. This finding was based on Cabbell's admission he knew OG stood for Original Gangster, which was gang terminology. We find there was some evidence in the record to support the committee's conclusion that Cabbell knew the drawing was gang-related, and therefore impermissible under prison rules.

We affirm the decision of the district court denying Cabbell's application for postconviction relief. Costs of this appeal are assessed to Cabbell.

AFFIRMED.