IN THE COURT OF APPEALS OF IOWA

No. 6-583 / 95-1130

GREG NEWSOME,

Applicant-Appellant,

vs.

STATE OF IOWA,

Respondent-Appellee.

FILED
DEC 20 1996
CLERK SUPREME COURT

Appeal from the Iowa District Court for Lee County, John C. Miller, Judge.

Greg Newsome appeals the district court's denial of his application for postconviction relief from his prison discipline. **AFFIRMED.**

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

Thomas J. Miller, Attorney General, and Layne M. Lindebak, Assistant Attorney General, for appellee.

Considered by Habhab, P.J., and Huitink and Vogel, JJ.

PER CURIAM

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

Prison officials alleged Greg Newsome violated prison rule 42, unauthorized group/gang conduct, while he was an inmate at the Iowa State Reformatory in Anamosa. Based on confidential information, the prison disciplinary committee found Newsome had violated this rule. Newsome appealed, claiming he was innocent, and exhausted his administrative remedies.

Newsome filed an application for postconviction relief. The district court found there was sufficient evidence to support the committee's determination that Newsome had engaged in gang activity. The court determined Newsome failed to exhaust his administrative remedies concerning other claims he attempted to raise. The request for postconviction relief was denied. Newsome now appeals.

I. Newsome claims the notice he received was insufficient to allow him to raise a defense. He also claims he should have been provided with counsel-substitute because prison officials withheld all relevant specifics of his alleged misconduct. We conclude Newsome has not preserved error on these claims because they were not raised in his administrative appeals. *See Bonds v. State*, 447 N.W.2d 135, 136 (Iowa 1989). In addition, claims similar to those raised by Newsome in this case were

rejected by the supreme court in *James v. State*, 541 N.W.2d 864, 870-873 (Iowa 1995).

II. Newsome contends there was insufficient evidence to support the committee's determination that he violated the gang conduct rule. The committee relied on confidential information, deemed reliable, which indicated Newsome had conducted Gangster Disciple meetings and given directions to other Gangster Disciple members. Furthermore, Newsome told prison officials "some of my boys are Gangster Disciples". He also stated that he had been called upon to resolve disputes between members of Vice Lords and Gangster Disciples.

Under the same evidence standard, the relevant legal question is whether there is any evidence in the record that could support the disciplinary committee's decision. *James*, 541 N.W.2d at 874. Where confidential information is relied upon, the committee must determine the credibility and reliability of the confidential information. *Id.* We conclude that in examining the confidential information in this case, and Newsome's admissions, there is sufficient evidence Newsome violated the prison rule regarding participation in gang activities.

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

AFFIRMED.