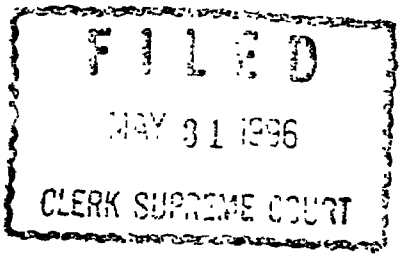
IN THE COURT OF APPEALS OF IOWA

No. 6-237 / 95-699



JEFFREY A. GOODWIN,

Applicant-Appellant.

vs.

STATE OF IOWA,

Respondent-Appellee.

Appeal from the Iowa District Court for Lee County, D. B. Hendrickson, Judge.

Prison inmate Jeffrey Goodwin appeals from a denial of his application for postconviction relief. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and Patricia Reynolds, Assistant State Appellate Defender, for appellant.

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

Considered by Sackett, P.J., and Cady and Streit, JJ. Vogel, J., takes no part.

PER CURIAM.

This is an appeal by a prisoner claiming he should have been granted postconviction relief because the disciplinary notice he received for violating a prison rule did not comply with due process. The district court denied the request for postconviction relief. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

On January 25, 1994, Jeffrey Goodwin received a disciplinary notice alleging he had violated prison rule 41, which prohibits an attempt to violate another rule. The notice alleged Goodwin had placed his foot on the leg of a female staff member in a sexual manner. At the disciplinary hearing, Goodwin testified his foot had accidentally come in contact with the staff member's leg. The disciplinary committee found Goodwin had violated rule 41 by attempting to violate rule 15, which prohibits sexual misconduct.

Goodwin exhausted his prison appeals, and filed a petition for postconviction relief in district court. He claimed he was denied his right to due process because the disciplinary notice did not specifically state he was charged with an attempt to violate rule 15. The court denied his request for relief. Goodwin now appeals.

The due process clause of the fourteenth amendment of the federal constitution requires that prison officials give an inmate subject to discipline proper notice of the charges against him. *Backstrom v. Iowa District Court,* 508 N.W.2d

705, 707-708 (Iowa 1993). We apply this requirement in light of the totality of the circumstances. *Id.* at 708. The notice should apprise the prisoner of the time, place, and nature of the alleged activity. *Id.*

We have previously determined that prison rule 41 provides fair and adequate notice that an attempt to violate other prison rules may be treated as though the inmate had actually violated another prison rule and is punishable by appropriate sanctions. *Winnett v. State*, 472 N.W.2d 625, 627 (Iowa App. 1991).

We believe the disciplinary notice given in this case presented enough information to apprise Goodwin of the charges alleged against him and to give him an opportunity to defend himself against those charges. The notice gave adequate detail regarding the time, place, and nature of the activities in question, even though rule 15, regarding sexual misconduct, was not mentioned. As the district court stated, Goodwin was found guilty of violating rule 41, not rule 15. We conclude the notice given comported with the requirements of due process.

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

AFFIRMED.