

# IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

## DIVISION II

In re the Personal Restraint Petition of  
NANAMBI I. GAMET,  
Petitioner.

No. 52363-9-II

ORDER DISMISSING PETITION

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STATE OF WASHINGTON  
DIVISION II  
APPEALS  
BY DEPUTY

Nanambi Gamet seeks relief from the sanctions imposed<sup>1</sup> following the Department of Corrections' determination that he had violated WAC 137-25-030(709) (being in an area without permission). We review prison disciplinary proceedings to determine whether the Department's action was so arbitrary and capricious as to deny the petitioner a fundamentally fair proceeding. *In re Reismiller*, 101 Wn.2d 291, 294, 678 P.2d 323 (1984). In doing so, we look to whether petitioner received the due process protections afforded him under *Wolff v. McDonnell*, 418 U.S. 539, 563-65, 41 L. Ed. 2d 935, 94 S. Ct. 2963 (1974). These protections include: (1) advance written notice of the charged violations; (2) the opportunity to present documentary evidence and call witnesses when not unduly hazardous to institutional safety and correctional goals; and (3) a written statement of the evidence relied on and the reasons for the disciplinary action. Gamet received all of these protections.

Gamet argues that he was denied due process when the hearing officer did not allow him to request additional witness statements after the hearing closed. But he has no such

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<sup>1</sup>.Twenty days of cell confinement and 30 days loss of good conduct time.

due process right. He could have asked for a continuance of the hearing, but did not. He also appears to argue that because Officer Westerfield's statement contradicts his testimony, the evidence of the infraction was insufficient. When there is "some evidence" in the record, we will affirm the Department's disciplinary decision. *Superintendent v. Hill*, 472 U.S. 445, 86 L. Ed. 2d 356, 105 S. Ct. 2768 (1985); *In re Johnston*, 109 Wn.2d 493, 497, 745 P.2d 864 (1987). The record contains "some evidence" in the form of Officer Westerfield's statement that he found Gamet out of the law library without permission or a callout. We therefore affirm the Department's disciplinary decision.

Accordingly, it is hereby

ORDERED that Gamet's petition is dismissed under RAP 16.11(b). Gamet's request for appointment of counsel is denied.



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Acting Chief Judge Pro Tempore

cc: Nanambi I. Gamet  
Candie M. Dibble