

August 13, 2020

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

In re the Personal Restraint of

SCOTT WESLEY HUMPHREYS,

Petitioner.

No. 54635-3-II

ORDER DISMISSING PETITION

Scott Humphreys seeks relief from the sanctions imposed¹ following the Department of Corrections' determination that he had violated WAC 137-25-030(557) (refusing to participate in available work). He contends that he has medical issues and that he could not be required to work.

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 Pers. Restraint of Grantham*, 168 Wn.2d 204, 215, 227 P.3d 285 (2010). In doing so, we look to whether the petitioner received the due process protections afforded him under *Wolff v. McDonnell*, 418 U.S. 539, 563-66, 94 S. Ct. 2963, 41 L. Ed. 2d 935 (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. *Id.*

¹ Fifteen days loss of good time credit, thirty days loss of recreation privileges, and one month of earned time not earned.

Humphreys received all of these protections. He did not submit a current health status report to support his claim that medical issues affect his ability to work. When there is “some evidence” in the record, we will affirm the department’s disciplinary decision. *Superintendent v. Hill*, 472 U.S. 445, 455, 105 S. Ct. 2768, 86 L. Ed. 2d 356 (1985); *In re Pers. Restraint of Johnston*, 109 Wn.2d 493, 497, 745 P.2d 864 (1987). The incident reports constitute “some evidence” of the infraction and Humphreys has failed to rebut them.

Humphreys does not demonstrate grounds for relief from restraint.² Accordingly, it is hereby

ORDERED that Humphreys’s petition is dismissed under RAP 16.11(b). His request for appointment of counsel is denied.


Acting Chief Judge Pro Tempore

cc: Scott W. Humphreys
Candie M. Dibble

² Humphreys submitted numerous documents that appear to pertain to his underlying conviction. He does not show how they are pertinent to his infraction.