

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE**

In the Matter of the Personal Restraint  
of:

KIRK LAMAR WILLIAMS,

Petitioner.

No. 81544-0-I

ORDER OF DISMISSAL

Kirk Williams is restrained pursuant to his convictions for first degree burglary, second degree rape, third and fourth degree assault, and violation of a court order in King County Superior Court No. 09-1-07479-4 SEA. Williams filed this personal restraint petition challenging the sanctions imposed in a November 2019 prison disciplinary hearing. In order to obtain relief in this setting, Williams must demonstrate that he is being “restrained under RAP 16.4(b) and that the restraint is unlawful under RAP 16.4(c).” In re Pers. Restraint of Grantham, 168 Wn.2d 204, 212, 227 P.3d 285 (2010). Because Williams presents no facts or legal arguments that support his claim for relief, his petition must be dismissed.

This court will not disturb the result of a prison disciplinary proceeding unless the action taken was “so arbitrary and capricious as to deny the petitioner a fundamentally fair proceeding.” In re Pers. Restraint of Reismiller, 101 Wn.2d 291, 294, 678 P.2d 323 (1984). A disciplinary proceeding is not arbitrary and capricious if the petitioner was afforded the applicable minimum due process protections and the decision was supported by at least some evidence. In re Pers. Restraint of Krier, 108 Wn. App. 31, 38, 29 P.3d 720 (2001). Due process requires that an

No. 81544-0-I/2

inmate facing a disciplinary hearing receive (1) adequate notice of the alleged violation, (2) an 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 upon and the reasons for the disciplinary action. In re pers. Restraint of Gronquist, 138 Wn.2d 388, 396-97, 978 P.2d 1083 (1999).

Here, the Department of Corrections (DOC) issued Williams a serious infraction for violation of WAC 137-25-030(740), committing fraud to obtain anything of value under false pretense. DOC served him with notice of the disciplinary hearing. DOC granted Williams a continuance of that hearing for the purpose of allowing him more time to obtain a witness statement. At the hearing, the hearing officer heard Williams's testimony and considered Williams's witness statement and the written testimony of DOC's staff members. In its written findings, the hearing officer found Williams guilty of fraud and sanctioned him to five days of cell confinement. Williams appealed the hearing officer's findings, which the Associate Superintendent affirmed.

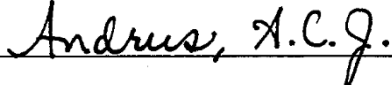
In this petition, Williams does not allege any specific due process violation related to this infraction. Instead, he generally asserts that the hearing officer's decision was arbitrary and capricious. But a review of the record shows that Williams's claim is frivolous. Williams makes no showing that he was denied a fundamentally fair proceeding or that he was prejudiced by the process that he received. Because he has not presented any facts or legal argument to

No. 81544-0-I/3

demonstrate that he is being unlawfully restrained, the petition must be dismissed.

Now, therefore, it is hereby

ORDERED that the personal restraint petition is dismissed under RAP 16.11(b).

  
\_\_\_\_\_  
Acting Chief Judge