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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 1-101 / 90-594

200

JERRY LEE WILLIAMS, SR.,

Appellant,

vs.

STATE OF IOWA,

Appellee.

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

Prison inmate Williams appeals the denial of his postconviction relief application. **AFFIRMED.**

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

Bonnie J. Campbell, Attorney General, Gordon E. Allen, Deputy Attorney General, and Layne M. Lindebak, Assistant Attorney General, for appellee.

Considered by Oxberger, C.J., and Hayden and Habhab, JJ.

HAYDEN, J.

Prison inmate Jerry Williams allegedly refused to report to the prison infirmary after he was ordered to do so by correctional officers. A prison disciplinary committee found that Williams had violated prison rule 23 by disobeying a lawful order. Disciplinary sanctions were imposed on Williams.

Williams challenged the prison disciplinary action by filing this application for postconviction relief. The district court denied postconviction relief, and Williams has appealed. Williams contends the disciplinary committee denied him due process by refusing to let him call certain witnesses.

Williams also contends prison rule 23, which permits disciplinary sanctions for disobeying a lawful order, is unconstitutionally vague as applied to these facts. He argues that rule 23 is in contradiction with prison health services policy 82.305 which permits inmates to refuse certain health services. He argues the contradiction renders rule 23 unintelligible, and hence unconstitutionally vague, as applied to the present situation.

As this case raises constitutional issues, our review is de novo. Guy v. State, 396 N.W.2d 197, 199-200 (Iowa App. 1986).

The supreme court recently discussed prison rule 23 in Harper v. State, 463 N.W.2d 418, 420-21 (Iowa 1990). In

Harper, as in Wilson v. Farrier, 372 N.W.2d 499, 501 (Iowa 1985), the supreme court has required there be evidence that an order was given by a person in authority and that the order was communicated to the inmate. These elements are satisfied in this case because Williams knew he was required to accompany the prison officials to the infirmary. He admitted this throughout the proceedings, and he admits having disobeyed the order of a prison official. This evidence was cited by the disciplinary committee.

I. **Due Process.** There appears to be no dispute Williams violated prison rule 23, disobeying a lawful order. Williams, however, contends his due process rights were violated because all his listed witnesses were not called. Williams requested the presence of twenty-three witnesses at his disciplinary hearing.

> Prison officials must have the necessary discretion to keep the hearing within reasonable limits and to refuse to call witnesses that may create a risk of reprisal or undermine authority, ... it would be useful for the Committee to state its reason for refusing to call a witness, whether it be for irrelevance, lack of necessity, or the hazards presented in individual case.

Wolff v. McDonnell, 418 U.S. 539, 566, 94 S. Ct. 2963, 2979, 41 L. Ed. 2d 935, 957 (1974).

Due process is satisfied if some evidence in the record supports the decision of the disciplinary committee. Rushing v. State, 382 N.W.2d 141, 144 (Iowa 1986). The disciplinary committee found the statements requested from

twenty of the twenty-three requested witnesses to be irrelevant to the sole issue involved: Did Williams disobey a lawful order?

In the postconviction relief hearing, the district court accepted the committee's findings regarding the witnesses. We agree with the district court. Our review of the facts of this case shows the testimony of the twenty witnesses the committee did not call was being sought for matters other than whether Williams disobeyed a lawful order. Their testimony therefore would be irrelevant on this issue. We affirm the district court on this issue.

II. **Void for Vagueness.** Williams next argues prison rule 23 and health services policy 82.305, when read together, are void for vagueness. Health services policy 82.305 provides prison inmates may elect to refuse medical treatment.

We will not consider constitutional issues if we may decide the case on another ground. Renda v. Polk County, 319 N.W.2d 250, 253 (Iowa 1982) (quoting Dubuque & Dakota Railway v. Diehl, 64 Iowa 635, 640, 21 N.W. 117, 120 (1884)). Again, the only issue is whether Williams disobeyed a lawful order. There is no evidence or contention Williams was forced to undergo medical procedures against his will. We find Williams' void for vagueness argument to be without merit as applied to the facts of this case.

We affirm the trial court on all issues.

AFFIRMED.