

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs March 5, 2026

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Clerk of the
Appellate Courts

DONQUISE ALEXANDER v. NECX DISCIPLINARY BOARD, ET AL.,

Appeal from the Chancery Court for Johnson County
No. 2023-CV-0085 John C. Rambo, Chancellor

No. E2025-00902-COA-R3-CV

This appeal involves prison disciplinary proceedings. The prison disciplinary board found the appellant guilty of three disciplinary offenses: assault; participation in security threat group activity; and possession of contraband. The appellant's appeals to the warden and commissioner were denied. He then filed a petition for writ of certiorari in chancery court. Upon review of the record, the chancery court dismissed the petition. The court found that the punishments imposed by the disciplinary board did not impose a significant enough hardship to trigger due process protection, but even if they had, the appellant received the minimum due process that would have been required. The chancery court also found that the board followed its procedures in conducting its proceedings, and the appellant failed to allege how any continuances resulted in substantial prejudice or denied him fair hearings. The appellant timely filed a notice of appeal. For the following reasons, we affirm the decision of the chancery court.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Chancery Court Affirmed

CARMA DENNIS MCGEE, J., delivered the opinion of the court, in which THOMAS R. FRIERSON, II, and W. NEAL MCBRAYER, JJ., joined.

Donquise Alexander, Clifton, Tennessee, pro se.

Jonathan Skrmetti, Attorney General and Reporter, and Jacobs M. Gilbert, Assistant Attorney General, for the appellees, NECX Disciplinary Board; Sgt. Adkins, Disciplinary Board Chairperson; and Brian Eller, Warden at NECX.

OPINION

I. FACTS & PROCEDURAL HISTORY

Donquise Alexander is a prisoner incarcerated in the Tennessee Department of Correction at Northeast Correctional Complex. He was charged with three disciplinary offenses due to events that occurred on June 27, 2023. According to Alexander's disciplinary reports, after an institutional investigation, Corporal A. Hensley determined that Alexander and another inmate ("Inmate B") entered the cell of a third inmate ("Inmate C") at around noon that day. The reports state that Inmate C was the only individual in the cell at the time, and when Alexander and Inmate B exited the cell, the Inmate C then followed "with visual injuries and reported to medical." Due to the injuries Inmate C received, Alexander and Inmate B were both charged with assault on an offender without a weapon. The disciplinary report for assault states that physical violence was committed and that video tape evidence existed. A separate disciplinary report states that the investigation also revealed that Alexander and Inmate B are both members of a particular gang, that "a physical altercation took place" inside the victim's cell after they entered, and that "due to the roles each played," both Alexander and Inmate B were being charged with participation in security threat group activity. Finally, the disciplinary reports reflect that a separate incident occurred at about 4:00 p.m. that day, wherein Correctional Officer B. Hoyle was performing a strip search of Alexander and found one USB flash drive on his person in the left pocket of his pants. As a result, Alexander was charged with a third offense for possession of contraband. He was placed in segregation pending his disciplinary hearings for the three offenses.

Alexander's disciplinary reports state that he was provided with copies of the reports on July 3 but refused to sign them. He was also informed of his right to be represented by an offender advisor. On July 10, his disciplinary hearings were continued per the request of the disciplinary hearing officer. On July 17, a second continuance was granted, with a notation that it was at the request of an inmate advisor and that the inmate had requested a staff advisor.¹ On July 24, a third continuance was granted, with a notation on the disciplinary continuation form that it was at the request of a staff advisor. A fourth continuance was granted on July 31, with a note that it was "needed" by the disciplinary board.

On August 2, 2023, roughly one month after the incidents, Alexander's disciplinary hearings were conducted. The record contains an inmate witness request form in which Alexander requested the presence of the inmate who was allegedly assaulted, Inmate C, whom Alexander stated would testify "[t]hat we didn't assault him." This request was denied by the board chairperson on the basis that the requested witness was the "victim" of the assault and security threat group offenses. The record also contains an inmate

¹ According to the TDOC's Uniform Disciplinary Procedures, Policy 502.01, inmate advisors are "[i]nmates appointed by the Warden/Superintendent who serve as advocates for inmates who have been charged with disciplinary infractions." 502.01(IV)(H). A staff advisor is defined as "[s]taff appointed by the Warden/Superintendent to provide assistance to inmates who have been charged with disciplinary infractions." 502.01(IV)(K).

witness request form in which Alexander requested the presence of “Sgt/Cpl Cline or Kline or Klein,” and he stated that he expected this witness would testify “[t]hat he retrieved USB flashdrive from toilet not off of my persons.” This witness request was also denied, with an explanation stating that “Officer Hoyle found the Usb not Officer Kline.” It appears that Alexander was represented by both an inmate advisor and a staff advisor at his hearings. The hearing summaries state that Alexander had been placed in segregation on June 27 and that he was given the offense citations on July 3. A box is checked “Yes” to indicate that he or his inmate advisor “had adequate time to prepare defense.”

For the charges of assault and participation in security threat group activity, the hearing summaries indicate that Alexander presented no witnesses, and the only witness against him was Corporal Hensley, the reporting officer. The hearing summaries state that Alexander pled not guilty. The summaries state that physical evidence was introduced in the form of the video and that the internal affairs report was available. Another section of the summary was pre-printed to mark “Yes” or “No” to indicate whether any written statements were submitted by either party, but it was left blank. The hearing summaries state that the disciplinary board found Alexander guilty of both offenses and that the evidence relied on included the video footage and the witness statement in the body of the write-up. For each of these offenses, Alexander was punished with a five-dollar fine, a thirty-day period of segregation, and a twelve-month package restriction. For the hearing on the contraband charge, the hearing summary states that the only witness was Officer Hoyle, the reporting official who, according to the disciplinary report, found the USB drive. According to the hearing summary, physical evidence was introduced in the form of a photograph, and the internal affairs report was also available. The board found Alexander guilty based on the body of the write up and photographic evidence. For this offense, Alexander was punished with a four-dollar fine, a nine-month package restriction, and ten days in segregation.

Alexander pursued appeals to the prison warden and the Commissioner of the TDOC, and his appeals were denied. He then filed a petition for writ of certiorari in chancery court. He alleged that the disciplinary board violated various policies found in the Uniform Disciplinary Procedures and that there were substantial errors in the decision-making process. Alexander alleged that there was no evidence of an assault taking place, and if the board had allowed him to present the testimony of the victim, he would have testified that no assault occurred. According to Alexander, the victim “was willing to testify” that his injuries were “due to a slip and fall accident where he hit the sink.” Alexander conceded that the video evidence showed him entering and exiting the cell but claimed it did not show the alleged assault. He alleged that he was “not allowed” to submit a written statement from the victim or have him testify by phone. Similarly, with respect to the contraband charge, Alexander contended that he was denied the ability to call a relevant witness, as Officer Kline “was the person that actually found [the] USB flash drive not the reporting officer Hoyle,” and he would have testified that he found the USB in the toilet of the cell and not on Alexander’s person. Alexander claimed that he had only been

present in that cell for a few moments and suggested that the USB was “likely in there” before he moved in. Alexander also argued that he was improperly segregated for 36 days pending the hearing without proper continuances in accordance with policy. He claimed that he was not assigned an advisor until the day of his hearing, he only had an opportunity to meet briefly with his staff advisor, and he had inadequate time to prepare his defense. He argued that the board violated his rights to due process and that his disciplinary convictions should be overturned.

The chancery court directed the respondents to prepare and file the record for review. The respondents then filed the administrative record for all three disciplinary proceedings. Upon review of the record, the chancery court entered an order dismissing the petition. The court explained that it could not reweigh the evidence or consider the intrinsic correctness of the board’s decision, and it found sufficient material evidence to support its findings. The court found that Alexander was not entitled to due process protections given the de minimus nature of his fines and the restrictions imposed on him, which the court found were not significant enough hardships to trigger due process. Alternatively, the court found that even if Alexander was entitled to due process, he received the minimum process that would have been required under the circumstances. The court found that he had more than 24 hours of notice of the hearing, an opportunity to present witnesses, and was given a description of the evidence and the reasons for the board’s decision. The court found that the board apparently denied the witness request for the victim due to safety concerns, and it denied the testimony of the officer on the basis of irrelevancy because he was not the officer who conducted the search. Finally, the court noted that the record showed that continuances were requested prior to the hearing and that Alexander had not alleged any prejudice as a result of the delay. As such, it found he was not entitled to any relief. Alexander timely filed a notice of appeal to this Court.

II. ISSUES PRESENTED

Alexander presents two issues on appeal, which we quote directly from his brief:

1. Whether the Trial Court erred in failing to find that the Tennessee Department of Correction’s Disciplinary Board violated Appellant’s constitutional right to due process under the Fourteenth Amendment to the United States Constitution and *Wolff v. McDonnell*, 418 U.S. 539 (1974), by:

Failing to provide Appellant with 24-hour advance notice and adequate time to prepare a defense for all three disciplinary charges;

Holding disciplinary hearings 36 days after the alleged incidents in violation of TDOC Policy #502.01’s seven-day requirement;

Denying Appellant the right to call witnesses in his defense, including

the alleged victim [] who informed investigators that Appellant did not assault him, and Correctional Officer Kline who actually located the alleged contraband and whose testimony supported Appellant's defense;

Holding Appellant in segregation pending investigation for longer than permitted by policy without proper authorization.

2. Whether the Trial Court erred in failing to recognize that Appellant's arguments concern excluded exculpatory witnesses, not a request to reweigh evidence, where:

The alleged victim [] informed investigators during the initial investigation that Appellant did not assault him, but this exculpatory statement was omitted from the record presented at the disciplinary hearing;

Correctional Officer Kline, who actually conducted the search and located the alleged contraband, was excluded from testifying solely because his testimony supported Appellant's defense and contradicted the reporting officer;

Had these key exculpatory witnesses been permitted to testify, there is a reasonable and strong likelihood of a different outcome.

Essentially, Alexander's first issue alleges various ways in which he claims he was denied due process, and his second issue challenges the exclusion of the witnesses.²

² We note that Alexander's brief on appeal is a bit difficult to follow because its organization does not precisely track the issues listed above. However, we will address the issues in the manner presented in Alexander's issue statement and deem waived any issues not listed therein. "An item not listed as an issue presented for review is considered waived as this Court is under no obligation to search for, or derive, issues that are not specifically stated in accordance with Rule 27(a)(4)." *Tennison Bros., Inc. v. Thomas*, 556 S.W.3d 697, 731-32 (Tenn. Ct. App. 2017) (quoting *PNC Multifamily Capital Institutional Fund XXVI Ltd. P'ship v. Bluff City Cmty. Dev. Corp.*, No. W2012-01611-COA-R3-CV, 2013 WL 3806345, at *5 n.3 (Tenn. Ct. App. July 18, 2013)). "[A]n issue may be deemed waived when it is argued in the brief but is not designated as an issue in accordance with Tenn. R. App. P. 27(a)(4)." *Hodge v. Craig*, 382 S.W.3d 325, 335 (Tenn. 2012); see, e.g., *Justice v. Bd. of Prof'l Responsibility*, 693 S.W.3d 225, 253 (Tenn. 2024) ("Mr. Justice did not properly raise these issues, as he did not list them in the 'Questions Presented' section of his brief. As a result, Mr. Justice has waived these issues."); *Regions Bank v. Thomas*, 532 S.W.3d 330, 353 (Tenn. 2017) ("Guarantors failed to state this as an issue in their 'Statement of Appellants' Issues,' although they did address it in a subsection of one section of the argument portion of their brief. This is insufficient to properly preserve the issue for appeal, and the issue is waived."); *Mobley v. State*, 397 S.W.3d 70, 104 (Tenn. 2013) ("We have recently had occasion to emphasize the importance of properly presenting issues for review, noting that rather than searching for hidden questions, appellate courts prefer to know immediately what questions they are supposed to answer. . . . Because Mr. Mobley failed to properly

For the following reasons, we affirm the decision of the chancery court.

III. DISCUSSION

A. *Due Process*

We begin with Alexander's issue regarding various ways he alleges the board violated his due process rights. At the outset, however, we note that "in disciplinary hearings, prisoners have only very limited due process rights." *Williams v. Tenn. Dep't of Corr.*, No. M2018-01375-COA-R3-CV, 2019 WL 994177, at *3 (Tenn. Ct. App. Mar. 1, 2019) (citing *Wolff v. McDonnell*, 418 U.S. 539, 555 (1974)). "The minimum requirements for satisfaction of a prisoner's due process rights for a disciplinary hearing are satisfied if: (1) the prisoner receives notice of the charges; (2) the prisoner has the opportunity to be heard; and (3) the factfinders make a written statement concerning the evidence relied on and the reasons for the disciplinary action." *Id.* (citing *Wolff*, 418 U.S. at 563-69).

In *Willis v. Tenn. Dep't of Corr.*, 113 S.W.3d 706, 709 (Tenn. 2003), the Tennessee Supreme Court considered a prisoner's claim that he was denied due process after a prison disciplinary board found him guilty of a disciplinary offense and punished him with "a thirty-day sentence of punitive segregation, involuntary administrative segregation, and a five-dollar fine." The Court explained:

The Due Process Clause of the Fourteenth Amendment provides that no State shall "deprive any person of life, liberty, or property, without due process of law." U.S. Const. amend. XIV, § 1. Consequently, a claim of denial of due process must be analyzed with a two-part inquiry: (1) whether the interest involved can be defined as "life," "liberty" or "property" within the meaning of the Due Process Clause; and if so (2) what process is due in the circumstances. *See Bd. of Regents v. Roth*, 408 U.S. 564, 569-70, 92 S.Ct. 2701, 33 L.Ed.2d 548 (1972); *Rowe v. Bd. of Educ.*, 938 S.W.2d 351, 354 (Tenn. 1996). Deprivation of an interest which is neither liberty nor property does not trigger the procedural safeguards of the Due Process Clause. *See Sandin [v. Conner]*, 515 U.S. 472, 483-84, 115 S.Ct. 2293 (1995)]; *Rowe*, 938 S.W.2d at 354.

The United States Supreme Court has addressed, on several occasions, the issue of when a prisoner is deemed to have been deprived of a liberty interest. In *Sandin*, the Court held that a liberty interest is not created unless the disciplinary restraints being imposed on a prisoner are atypical in comparison to the "ordinary incidents of prison life." *Sandin*, 515 U.S. at

designate as an issue his contention that the trial court denied him the effective assistance of counsel by calling Mr. Rice as a witness, we deem it waived.") (quotation omitted).

483-84, 115 S.Ct. 2293. In that case, the Court held that thirty days of punitive segregation was not a dramatic departure from the basic conditions of the prisoner's indeterminate sentence, and therefore, the prisoner was not entitled to due process protection. *Sandin*, 515 U.S. at 486, 115 S.Ct. 2293.

Thus, pursuant to *Sandin*, we find that Tharpe was not deprived of a liberty interest when he was punished with punitive and administrative segregation. However, Tharpe argues that *Sandin* does not control the outcome of this case because unlike the prisoner in *Sandin*, he was not only punished with segregation, but was also assessed a monetary fine of five dollars.

State prisoners in Tennessee have a property interest in the funds in their prison trust fund accounts. *Jeffries v. Tenn. Dep't of Corr.*, 108 S.W.3d 862, 872 (Tenn. Ct. App. 2002); *see also Hampton v. Hobbs*, 106 F.3d 1281, 1287 (6th Cir. 1997) (holding that prisoners have a protected interest in their money). It would follow, therefore, that the imposition of a monetary fine to be paid from that trust fund account would constitute a deprivation of a property interest. If a property interest has been implicated, we must then determine what process is due under the circumstances. The answer to that question is situational because due process is a flexible concept that calls for only those procedural protections that the particular situation demands. *See Mathews v. Eldridge*, 424 U.S. 319, 335, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976); *Wilson v. Wilson*, 984 S.W.2d 898, 902 (Tenn. 1998); *Phillips v. State Bd. of Regents of State Univ. & Cmty. Coll. Sys. of Tenn.*, 863 S.W.2d 45, 50 (Tenn. 1993).

Three factors must be considered in determining the procedural protections demanded by a particular situation:

- (1) the private interest at stake; (2) the risk of erroneous deprivation of the interest through the procedures used and the probable value, if any, of additional or substitute procedural safeguards; and finally (3) the government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

State v. Culbreath, 30 S.W.3d 309, 317-18 (Tenn. 2000) (citing *Wilson*, 984 S.W.2d at 902); *see also Wolff v. McDonnell*, 418 U.S. 539, 556, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974) (recognizing the need for "mutual accommodation between institutional needs and objectives and the provisions of the Constitution that are of general application").

The relative weight of a property or liberty interest is relevant to the extent of due process to which one is entitled. However, where the interest is truly de minimis, procedural rights can be dispensed with altogether. *See*

Goss v. Lopez, 419 U.S. 565, 576, 95 S.Ct. 729, 42 L.Ed.2d 725 (1975); *Carter v. Western Reserve Psychiatric Habilitation Ctr.*, 767 F.2d 270, 272 n. 1 (6th Cir. 1985) (two day suspension was considered “*de minimis* and not deserving of due process consideration”).

In the case under consideration, Tharpe was fined five dollars, to be paid from his prison trust account. The government’s interests, including fiscal and administrative burdens of providing additional process, outweigh the petitioner’s interest in his five dollars. The *de minimis* nature of the fine makes it immune from procedural due process requirements. At the very least, the amount of the fine certainly does not warrant any more process than Tharpe actually received. For these reasons, Tharpe failed to state a claim for violation of his due process rights.

Id. at 710-12 (footnotes omitted). Thus, “the fate of the due process claims of a prisoner seeking judicial review of internal disciplinary proceedings depends upon the punishment the prisoner received.” *Jeffries*, 108 S.W.3d at 871.

For the offenses of assault and participation in security threat group activity, Alexander was punished with a five-dollar fine, a thirty-day period of segregation, and a twelve-month package restriction for each offense. For the contraband offense, Alexander was punished with a four-dollar fine, a nine-month package restriction, and ten days in segregation. Tennessee courts have held that similar restrictions on privileges and small fines do not impose a significant enough hardship to trigger due process concerns. In *Howard v. Turney Center Disciplinary Board*, No. M2017-00230-COA-R3-CV, 2018 WL 625115, at *1 (Tenn. Ct. App. Jan. 30, 2018), a prisoner who had discipline imposed consisting of “five days in punitive segregation, a nine-month package restriction, and a four dollar fine” argued that procedural defects at his hearing violated his due process rights. We explained that “[o]n numerous occasions, this Court has followed the principles set forth in *Willis* and *Sandin* to hold that disciplinary restraints such as those imposed on Howard in this case do not implicate a liberty interest because they are not ‘atypical in comparison to the ordinary incidents of prison life.’” *Id.* at *2 (quoting *Willis*, 113 S.W.3d at 711).

Many other courts have reached the same conclusion. *See, e.g., Walton v. Tenn. Dep’t of Corr.*, No. W2015-01336-COA-R3-CV, 2016 WL 3078838, at *7 (Tenn. Ct. App. May 23, 2016) *perm. app. denied* (Tenn. Oct. 21, 2016) (“[W]e have previously determined that placement in maximum security [and] small fines, . . . either separately or in combination, do not impose a significant enough hardship to trigger due process concerns.”); *Bonner v. Cagle*, No. W2015-01609-COA-R3-CV, 2016 WL 97648, at *6 (Tenn. Ct. App. Jan. 7, 2016) (holding that the imposition of ten days segregation, a nine-month package restriction, and a four-dollar fine did not deprive the inmate “of either a protected property or liberty interest,” so “due process was not implicated”); *Himes v. Tenn. Dep’t of Corr.*, No. M2011-02546-COA-R3-CV, 2012 WL 7170480, at *4 (Tenn.

Ct. App. Dec. 6, 2012) (holding that twenty days punitive segregation, administrative segregation placement, and a five-dollar fine did not constitute an atypical and significant hardship); *Patterson v. Tenn. Dep't of Corr.*, No. W2009-01733-COA-R3-CV, 2010 WL 1565535, at *3 (Tenn. Ct. App. Apr. 20, 2010) (holding that ten days punitive segregation, a five-dollar fine, twelve months of package restriction, and involuntary administrative segregation placement did not impose an atypical and significant hardship); *Keen v. Tenn. Dep't of Corr.*, No. M2007-00632-COA-R3-CV, 2008 WL 539059, at *4 (Tenn. Ct. App. Feb. 25, 2008) (“The penalties imposed upon Mr. Keen in this case were the same as those imposed on the petitioners in *Sandin* and *Willis*. Mr. Keen’s due process claims are precluded by the holdings in *Sandin* and *Willis*.”); *Anglin v. Turner*, No. E2006-01764-COA-R3-CV, 2007 WL 914708, at *3 (Tenn. Ct. App. Mar. 28, 2007) (“a 10 day segregation and limits on visitors/packages is not sufficiently harsh to be ‘atypical’ of or a ‘significant hardship . . . in relation to the ordinary incidents of prison life’”); *Coffelt v. Tenn. Dep't of Corr.*, No. M1999-02269-COA-R3-CV, 2000 WL 1473860, at *3 (Tenn. Ct. App. Oct. 5, 2000) (holding that punishment for three offenses including punitive segregation and fines “fails to rise to the level of imposing an atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life”); *Nevills v. S. Cent. Corr. Disciplinary Bd.*, No. M2000-02324-COA-R3-CV, 2001 WL 1117066, at *5 (Tenn. Ct. App. Sept. 25, 2001) (finding that a prisoner sanctioned with two days segregation and a five-dollar fee was not “entitled to any of the limited due process rights provided to prisoners in *Wolff*”).

Alexander alleges in his brief that the board’s disciplinary decisions also resulted in “loss of behavior credits and program credits” and “elevation of security classification.” However, the only record citation he provides does not confirm this assertion. All three of the hearing summaries for Alexander’s hearings contained a space for the board’s “disposition,” and handwritten notations list the fines, segregation periods, and package restrictions the board imposed for each offense. Immediately below this section of the forms is a space with boxes to be checked if there was a “Recommendation of Loss of” either “Good/Honor Time,” “Good Conduct,” “Incentive Time,” “Prisoner Performance Sentence Credits (PPSC),” or “Prisoner Sentence Reduction Credits (PSRC).” None of those boxes are checked on any of the hearing summaries for Alexander’s offenses, and nothing was written in the corresponding sections for any “Amount.” Thus, the administrative record does not support Alexander’s suggestion that he lost previously earned sentence credits.³

³ “[T]he loss of *previously earned* sentence reduction credits has been found to implicate an interest sufficient to invoke due process.” *Hanley v. Turney Ctr. Disciplinary Bd.*, No. M2016-01223-COA-R3-CV, 2016 WL 6995481, at *9 (Tenn. Ct. App. Nov. 30, 2016) *perm. app. denied* (Tenn. Mar. 9, 2017) (quoting *Seals v. Bowlen*, No. M1999-00997-COA-R3-CV, 2001 WL 840271, at *6 (Tenn. Ct. App. July 26, 2001)) (emphasis added). However, “there is no cognizable interest in unearned sentence credits.” *Ahkeen v. Campbell*, No. M2000-02411-COA-R3-CV, 2001 WL 1346250, at *4 (Tenn. Ct. App. Nov. 2, 2001), *abrogated on other grounds as recognized by* *Gore v. Tenn. Dep't of Corr.*, 132 S.W.3d 369, 378 (Tenn. Ct. App. 2003); *see, e.g., Williams v. Parker*, No. 18-1150-JDT-CGC, 2018 WL 5986761, at *4

Alexander's brief also fails to cite any location in the record indicating that his security classification was impacted. In any event, "[i]t is well settled that an inmate has no constitutionally protected liberty interest in a particular security classification[.]" *Higgins v. White*, No. M2004-00412-COA-R3-CV, 2006 WL 1763648, at *3 (Tenn. Ct. App. June 27, 2006) (citing *Olim v. Wakinekona*, 461 U.S. 238, 245, 103 S.Ct. 1741, 1745, 75 L.Ed.2d 813 (1983); *Newell v. Brown*, 981 F.2d 880, 883 (6th Cir.1992); *Beard v. Livesay*, 798 F.2d 874, 876 (6th Cir.1986)).

Because Alexander has not identified a liberty or property interest that would trigger due process requirements, the trial court correctly dismissed his due process claims. The deficiencies he alleges in the disciplinary hearing process were not unconstitutional.

B. Review under Common law Writ of Certiorari

We now turn to Alexander's second issue, regarding the exclusion of witnesses. "[E]ven if a state prisoner is not entitled to due process protections in a disciplinary proceeding, the inmate may nevertheless assert a claim under a common-law writ of certiorari that the prison disciplinary board otherwise acted illegally or arbitrarily in failing to follow TDOC's Uniform Disciplinary Procedures." *Irwin v. Tenn. Dep't of Corr.*, 244 S.W.3d 832, 835 (Tenn. Ct. App. 2007). After resolution of the due process claims in *Willis*, our Supreme Court went on to explain the nature of review of a prison disciplinary proceeding pursuant to the common law writ of certiorari:

The common-law writ of certiorari serves as the proper procedural vehicle through which prisoners may seek review of decisions by prison disciplinary boards, parole eligibility review boards, and other similar administrative tribunals. *See Rhoden v. State Dep't of Corr.*, 984 S.W.2d 955, 956 (Tenn. Ct. App. 1998) (citing *Bishop v. Conley*, 894 S.W.2d 294 (Tenn. Crim. App. 1994)). By granting the writ, the reviewing court orders the lower tribunal to file its record so that the court can determine whether the petitioner is entitled to relief.

A common-law writ of certiorari limits the scope of review to a determination of whether the disciplinary board exceeded its jurisdiction or acted illegally, fraudulently, or arbitrarily. *Turner v. Tenn. Bd. of Paroles*, 993 S.W.2d 78, 80 (Tenn. Ct. App. 1999); *South v. Tenn. Bd. of Paroles*, 946

(W.D. Tenn. Aug. 10, 2018) ("Although the loss of good time sentence credits imposed as punishment for a disciplinary infraction generally will implicate a liberty interest, . . . Williams does not allege that he lost any good time credits; he alleges only that he was unable to *earn* good time credits while in segregation. 'The fact that the administrative segregation placement may have a negative implication on [the prisoner's] opportunity to earn sentence credits ... is a collateral consequence of ... placement in administrative segregation that is insufficient to create a liberty interest.'") (quoting *Randolph v. Campbell*, 25 F.App'x 261, 263 (6th Cir. 2001)).

S.W.2d 310, 311 (Tenn. Ct. App. 1996). The petition does not empower the courts to inquire into the intrinsic correctness of the board’s decision. *Arnold v. Tenn. Bd. of Paroles*, 956 S.W.2d 478, 480 (Tenn. 1997); *Robinson v. Traughber*, 13 S.W.3d 361, 364 (Tenn. Ct. App. 1999). Previously, we have specifically approved the use of a common-law writ of certiorari to remedy (1) fundamentally illegal rulings; (2) proceedings inconsistent with essential legal requirements; (3) proceedings that effectively deny a party his or her day in court; (4) decisions beyond the lower tribunal’s authority; and (5) plain and palpable abuses of discretion. *State v. Willoughby*, 594 S.W.2d 388, 392 (Tenn. 1980).

...

The Uniform Disciplinary Procedures exist “[t]o provide for the fair and impartial determination and resolution of all disciplinary charges placed against inmates.” TDOC Policy No. 502.01(II). While it “is not intended to create any additional due process guarantees for inmates beyond those which are constitutionally required,” deviations from the policy will warrant dismissal of the disciplinary offense if the prisoner demonstrates “some prejudice as a result and the error would have affected the disposition of the case.” TDOC Policy No. 502.01(V).

Willis, 113 S.W.3d at 712. Thus, “[t]he inmate may be entitled to relief under a common-law writ of certiorari if he demonstrates that the disciplinary board failed to adhere to the Uniform Disciplinary Procedures *and* that its failure to do so resulted in substantial prejudice to the inmate.” *Irwin*, 244 S.W.3d at 835 (emphasis added).⁴

With respect to his second issue on appeal, Alexander concedes that a reviewing court is not permitted to reweigh the evidence, and he insists that he is not requesting such

⁴ See, e.g., *Lindberg v. TCIX Disciplinary Bd.*, No. M2024-01642-COA-R3-CV, 2025 WL 2642211, at *4 (Tenn. Ct. App. Sept. 15, 2025) *perm. app. denied* (Tenn. Feb. 25, 2026) (“Mr. Lindberg further contends that Defendants violated TDOC Policy No. 502.01(VI)(F)(3), which identifies circumstances in which inmates must be segregated. Mr. Lindberg argues that Defendants violated this policy by placing him in segregation because none of the listed circumstances applied to him. We pretermitt this issue because Mr. Lindberg has articulated no significant prejudice caused by the alleged violation.”); *Howard*, 2018 WL 625115, at *4 (recognizing that the board erroneously allowed only 21 hours between the notice of charges and an inmate’s hearing rather than the mandated 24 hours but concluding that “the deviation was relatively minor, and the error did not cause substantial prejudice to Howard, nor did it deny him a fair hearing,” so he was not entitled to relief); *Braden v. Tenn. Dep’t of Corr.*, No. M2010-01958-COA-R3-CV, 2011 WL 2520210, at *4-5 (Tenn. Ct. App. June 23, 2011) (“[N]o evidence suggests that the extended date of the hearing deprived Braden of a fair hearing. Nothing in the record even suggests that any of the alleged deviations from the Uniform Disciplinary Procedures in this case either substantially prejudiced Braden or affected the disposition of his case.”); *Jackson v. Tenn. Dep’t of Corr.*, No. W2005-02240-COA-R3-CV, 2006 WL 1547859, at *6 (Tenn. Ct. App. June 8, 2006) (“Petitioner has failed to show that this procedural error by the Board affected the disposition of the case.”).

a review.⁵ Rather, Alexander explains that he “challenges the procedural violations that prevented critical exculpatory evidence from being presented at all.” Alexander claims that the board improperly excluded his exculpatory witnesses and that the result “would likely have been different had that evidence been presented.”

Prisoners have a “qualified right to introduce evidence and call witnesses in disciplinary proceedings.” *Willis*, 113 S.W.3d at 713. The Uniform Disciplinary Procedures provide that an inmate shall be permitted “[t]he right to present the testimony of relevant witness(es), unless allowing the witness to appear would pose a threat to institutional safety or order.” 502.01(VI)(L)(4)(c)(6). “An inmate who wishes to have witness(es) (inmate or staff) present to testify on his/her behalf at the hearing shall complete an Inmate Witness Request, CR-3511, and submit it to the hearing officer at least 24 hours prior to the hearing.” 502.01(VI)(L)(4)(d)(1). “If an inmate fails to request a witness on CR-3511 prior to the hearing, the hearing officer may still allow the witness to testify,” considering various factors. 502.01(VI)(L)(4)(d)(2). Thus, “[i]f an inmate does not complete the witness form, the hearing officer has discretion to deny the live witness.” *Williams*, 2019 WL 994177, at *4. “An inmate may submit a written witness statement when the personal appearance of a witness has been denied.” 502.01(VI)(L)(4)(d)(3).

Ultimately, however, courts have recognized that the TDOC Uniform Disciplinary Procedures “afford prisoners facing disciplinary charges with a limited right to present exculpatory evidence.” *Jeffries*, 108 S.W.3d at 874. “Courts have repeatedly referred to the prisoner’s right to present exculpatory evidence as a ‘qualified’ or ‘limited’ right.” *Adams v. Tenn. Dep’t of Corr.*, No. M2008-02475-COA-R3-CV, 2009 WL 4931367, at *4 (Tenn. Ct. App. Dec. 21, 2009). Thus,

Prisoners do not have an unqualified right to call witnesses at disciplinary hearings. They should be allowed to call witnesses and present documentary evidence in their defense but only as long as doing so will not be unduly hazardous to either institutional safety or other valid correctional goals. Accordingly, prison officials may, in their discretion, control a

⁵ His brief states,

The State may argue that Appellant is asking this Court to reweigh the evidence presented at the disciplinary hearings. This characterization is intentionally misplaced and fundamentally misunderstands Appellant’s arguments. Appellant is not asking this Court to substitute its judgment for that of the Disciplinary Board regarding the weight or credibility of evidence that was actually presented. Rather, Appellant challenges the procedural violations that prevented critical exculpatory evidence from being presented at all. This is a fundamentally different inquiry, and one that falls squarely within the scope of certiorari review under both *Wolff* and Tennessee law.

He explains that he notes the absence of material evidence “not because this Court should reweigh evidence, but because it demonstrates the prejudice resulting from procedural violations.”

prisoner's right to call witnesses to assure that the prisoner does not threaten institutional safety or undermine institutional goals. *Wolff v. McDonnell*, 418 U.S. 539, 566, 94 S.Ct. 2963, 2979-80, 41 L.Ed.2d 935 (1974); *Davis v. Campbell*, No. 01A01-9712-CH-00755, 1998 WL 812533, at *3 (Tenn. Ct. App. Nov. 25, 1998) (No Tenn. R. App. P. 11 application filed).

Horton v. Tenn. Dep't of Corr., No. M1999-02798-COA-R3-CV, 2002 WL 31126656, at *5 (Tenn. Ct. App. Sept. 26, 2002).

Here, the record contains the witness request forms submitted by Alexander, but he did not sign and date them, so it is not clear when they were completed. On the day of the hearing, the board denied the request for testimony from Officer Kline, for the stated reason that "Officer Hoyle found the Usb not Officer Kline." We discern no error or illegality in that decision. "The Uniform Disciplinary Procedures give an inmate who pleads not guilty the 'right to present the testimony of *relevant witness(es)*['." *White v. Ray*, No. W2009-01766-COA-R3-CV, 2010 WL 1711772, at *5 (Tenn. Ct. App. Apr. 29, 2010) (quoting TDOC Policy No. 502.01(VI)(L)(4)(c)(6) (emphasis added)). In *White*, for instance, we found no error in the board's decision to deny a witness request for "Sgt. Smith" for the stated reason that he had "nothing to do with [the] hearing." *Id.* Even though the inmate wanted to question the sergeant about a statement he made about him during a hearing involving another inmate, we found "no error in the disciplinary board's decision to exclude as irrelevant the testimony of Sgt. Smith, who was not involved in these disciplinary proceedings." *Id.*; see also *Williams*, 2019 WL 994177, at *4 ("[T]here is no basis for a finding that Mr. Williams' request for Counselor Setzer's testimony was denied arbitrarily; rather, the reason given was that Counselor Setzer had no training to read lab tests."); *Seals*, 2001 WL 840271, at *8 (finding no abuse of the board's discretion regarding evidentiary matters "in its refusal to hear testimony about an unrelated event" from a requested witness). With respect to the witness request for Officer Kline, Alexander has not shown that the board failed to adhere to the Uniform Disciplinary Procedures *or* that its failure to do so resulted in substantial prejudice. Thus, he has not shown that he is entitled to relief under a common-law writ of certiorari for the disciplinary hearing board's alleged failure to allow him to call Officer Kline as a witness.

The second witness request form submitted by Alexander was for the testimony of the inmate he allegedly assaulted. The board denied this request as well, simply stating that the "[inmate] was victim." Again, we discern no error or illegality in that decision. "[T]he right of an inmate to obtain the presence of witnesses in a disciplinary proceeding is limited by the 'necessary discretion' of prison officials, who must balance due process against the requirements of institutional safety and valid correctional goals." *Seals*, 2001 WL 840271, at *7 (quoting *Davis*, 1998 WL 812533, at *3). "Prison officials 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, as well as to limit access to other inmates to collect statements or to compile other documentary evidence." *Id.*

(quoting *Wolff*, 418 U.S. at 566, 94 S.Ct. at 2979-80). The board apparently concluded that the victim of this alleged assault and gang activity should not testify under the circumstances. It is reasonable to conclude that a risk of reprisal may have resulted. *See, e.g., Willis*, 113 S.W.3d at 714 (recognizing the possibility that when confidential informants are involved, “prisoners may be denied the opportunity to confront and cross-examine their accusers when prison officials are concerned about reprisals or other security issues”). Again, although his request for this witness was denied, Alexander has not shown that the board violated TDOC policies in doing so. *Cf. Patterson*, 2010 WL 1565535, at *5 (finding no violation of any policy where an inmate claimed he was denied the right to call “the assault victim” but he failed to complete the necessary form prior to the hearing and the chairperson had discretion to disallow the testimony).

Next, Alexander notes that TDOC policies provide methods for obtaining testimony by speakerphone or written statement, and he argues that the board did not “offer any of the alternative methods for obtaining testimony.” He claims the Board violated policy by excluding the victim “without offering alternative methods” of obtaining the testimony because “the inmate must still be permitted to present the witness’s testimony through alternative means such as speakerphone.” Thus, Alexander suggests that he did not have a fair hearing because “alternative methods of obtaining testimony [were] not offered.” “When a witness cannot be physically present at a hearing, the hearing officer may allow the testimony to be given by telephone, provided a speaker telephone is used so that all participants can hear the testimony.” 502.01(VI)(L)(4)(d)(4). However, the Uniform Disciplinary Procedures do not impose on the board any mandatory duty of “offering” this option in the absence of any request by the inmate. *See, e.g., Ross v. Tenn. Dep’t of Corr.*, No. W2008-00422-COA-R3-CV, 2008 WL 4756873, at *4 (Tenn. Ct. App. Oct. 30, 2008) (“the hearing officer was under no affirmative duty to contact Officer Hankins by telephone or continue the hearing until Officer Hankins was available, especially absent a request by Appellant that such measures be taken”).

Alexander also argues that the alleged victim “informed staff” during the initial investigation that Alexander did not assault him, “but this exculpatory statement was omitted from the record presented at the disciplinary hearing.” Alexander argues that the board’s “refusal to allow” the written statement prevented him from presenting the most probative evidence of his innocence. However, it is not clear from the record that the board ever “refused” to accept a written statement or that Alexander offered one at the hearing. The section of the hearing summary that contained spaces to mark if written statements were submitted was left blank. Alexander attached to his petition for writ of certiorari, filed in chancery court, a handwritten “Sworn Affidavit Given by Witness,” in which the victim of the assault provided a short description of what occurred on the date of the incident. It is not dated, but it was not notarized until August 17, 2023, two weeks after the disciplinary hearings. Alexander also attached an “Inmate Inquiry – Information Request” submitted to his staff advisor, who stated that the hearing officer “disallowed the testimony and/or statement of requested witnesses.”

In *White v. Ray*, 2010 WL 1711772, at *4-5, a prisoner argued on appeal that the disciplinary board had improperly denied him an opportunity to present the written testimony of his fellow inmate, but the record did not support his contention. The inmate's written statement was included in the certified record, although it was not entirely clear whether the presiding officer may have orally denied the prisoner's attempt to enter the statement of his fellow inmate into the record. *Id.* at *5 n.5. "Without more," we explained, we were unwilling to conclude that the board refused to allow the prisoner to submit the written statement. *Id.* Based on the state of the record before us, we were unable to conclude that the board violated the Uniform Disciplinary Procedures or acted illegally, fraudulently, or arbitrarily. *Id.* at *5.

Likewise, we have denied relief to a prisoner who claimed that he was not allowed to call witnesses when "[t]he record before us show[ed] *by omission* that appellant did not make a request to put on a witness to testify in his defense.'" *Holmes v. Tenn. Dep't of Corr.*, No. E2008-00894-COA-R3-CV, 2009 WL 1065941, at *3 (Tenn. Ct. App. Apr. 21, 2009) (emphasis added). Based on the administrative record before us, and the fact that the written statement Alexander provided is dated after the hearing, we decline to find that the board refused to allow a written statement from the victim. Again, Alexander has failed to demonstrate that the board violated the Uniform Disciplinary Procedures.

IV. CONCLUSION

For the aforementioned reasons, the decision of the chancery court is affirmed. Costs of this appeal are taxed to the appellant, Donquise Tremont Alexander, for which execution may issue if necessary.

s/ Carma Dennis McGee
CARMA DENNIS MCGEE, JUDGE