

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

JOHN THOMAS BRALY, JR.,  
*Petitioner,*

*v.*

OREGON DEPARTMENT OF CORRECTIONS,  
*Respondent.*

Department of Corrections  
A174144

Submitted May 7, 2021.

John Thomas Braly Jr. filed the brief *pro se*.

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Denise G. Fjordbeck, Assistant Attorney General, filed the brief for respondent.

Before DeVore, Presiding Judge, and DeHoog, Judge, and Mooney, Judge.

PER CURIAM

OAR 291-100-0110(1)(d)(A) held valid.

**PER CURIAM**

Under ORS 183.400, petitioner challenges OAR 291-100-0110(1)(d)(A), a rule adopted by the Oregon Department of Corrections (DOC) that provides guidance in the implementation of a sentencing statute, ORS 137.635. According to petitioner, the rule is invalid because “it exceeds DOC’s statutory authority and violates express constitutional provisions and prohibitions to the contrary and the plain language of the statute, ORS 137.635.” Having reviewed the parties’ arguments, we reject petitioner’s contentions and conclude that the challenged rule is valid. *See* ORS 183.400(4) (court shall declare a rule invalid only if the rule violates constitutional provisions, exceeds the statutory authority of the agency that adopted the rule, or was adopted without compliance with applicable rulemaking procedures).

OAR 291-100-0110(1)(d)(A) held valid.