

OREGON COURT OF APPEALS

DeLaine Johdon Jones v. Board of Parole and Post-Prison
Supervision

350 Or. App. 432 (2026) · No. A184843 (Control), A184844; No. 519 · Decided June 10, 2026

SUMMARY

The Oregon Court of Appeals affirmed two orders of the Board of Parole and Post-Prison Supervision concerning a dual juvenile and parole consideration hearing. The court held that the board acted within its authority, provided constitutionally sufficient process, and adequately supported its findings with substantial evidence and reasoning. The court also rejected challenges based on the Governor’s commutation and equal protection.

CASE DETAILS

COURT	Oregon Court of Appeals
WRITING FOR THE COURT	Kamins, J.; Tookey, Presiding Judge; Kamins, Judge; Jacquot, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	June 10, 2026
DOCKET	A184843 (Control), A184844; No. 519
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner sought judicial review of two final orders of the Oregon Board of Parole and Post-Prison Supervision arising from consolidated juvenile and parole consideration hearings. The Oregon Court of Appeals reviewed the orders for legal error, substantial evidence, and substantial reason.
STANDARD OF REVIEW	The court reviewed for legal error, substantial evidence, and substantial reason. Substantial evidence exists when the record viewed as a whole would permit a reasonable person to make the finding; the court defers to reasonable agency inferences and does not reweigh the evidence. Substantial reason requires a rational connection between the facts and the legal conclusions.
PRECEDENTIAL VALUE	published and precedential
PARTIES	DeLaine Johdon Jones v. Board of Parole and Post-Prison Supervision

TOPICS

judicial review of agency action

administrative law

agency adjudication

procedural due process

equal protection

PRACTICE AREAS

administrative law

parole

constitutional law

appellate procedure

post-conviction relief

QUESTIONS PRESENTED

1. Whether the petition for judicial review was timely and whether the board's administrative review response concerning the planned dual hearing was a final order subject to immediate judicial review.
2. Whether holding a juvenile hearing and a parole consideration hearing concurrently violated the terms of the governor's commutation or made Jones's sentence more severe.
3. Whether the concurrent hearing procedure denied Jones procedural due process by failing to provide adequate notice and a fair hearing.
4. Whether the board had statutory or implied authority to hold the two hearings concurrently.
5. Whether the concurrent hearing violated Jones's state or federal equal protection rights.
6. Whether the board exceeded its authority by adopting and applying substantive factors in OAR 255-033-0030(5).
7. Whether the board failed to give substantial weight to Jones's diminished culpability and youth-related circumstances under ORS 144.397(5).
8. Whether the board's findings that Jones failed to demonstrate maturity and rehabilitation and remained dangerous were supported by substantial evidence and substantial reason, including whether the Hamilton psychological evaluation was improperly admitted or relied upon.

HOLDINGS

1. The administrative review response stating that the board intended to hold a dual hearing was not a final order because it was preliminary, the board itself characterized its action as nonfinal, and the board remained able to reconsider the plan. Jones's petition for judicial review was therefore timely.
2. The board did not violate the governor's commutation by holding the juvenile and parole consideration hearings concurrently. The commutation added an opportunity for a juvenile hearing without replacing other avenues of release or making Jones's sentence more severe.
3. The board provided constitutionally sufficient procedural due process because Jones received notice of the concurrent hearings and applicable standards, an opportunity to object and present evidence and testimony, and written reasons supporting the board's decisions.
4. The board had implied statutory authority to hold the juvenile and parole consideration hearings concurrently, even though no statute expressly authorized hearings to occur on the same day or at the same time.

5. Jones failed to establish a state or federal equal protection violation because his unsupported assertion that other similarly situated individuals were not subjected to dual hearings did not demonstrate intentional differential treatment lacking a rational basis.
6. The board acted within its statutory authority in adopting and applying the substantive factors in OAR 255-033-0030(5) to determine maturity and rehabilitation at a juvenile hearing.
7. The board complied with ORS 144.397(5) by considering and giving substantial weight to Jones's diminished culpability and youth-related circumstances.
8. The board's findings that Jones failed to demonstrate maturity and rehabilitation and remained dangerous, and its three-year deferrals of both forms of review, were supported by substantial evidence and substantial reason. The board also acted within its evidentiary discretion in admitting and considering the Hamilton psychological evaluation.

KEY QUOTATIONS

“Here, ARR 3, in which the board stated that it intended to hold a dual hearing, was not a final order subject to judicial review, for several reasons.” (440)

“That is constitutionally sufficient due process.” (442)

“Given that the board has been granted broad authority to hold hearings, determine the hearing dates, and adopt rules governing the hearings, it follows that the board has the implicit authorization to hold two hearings concurrently, as it did here.” (444)

“Thus, the board did not err.” (450)

FACTUAL BACKGROUND

In 1988, when Jones was 17, he pleaded guilty to attempted murder with a firearm and two counts of first-degree robbery with a firearm and received consecutive dangerous-offender sentences with 30-year maximum terms. A 2021 gubernatorial commutation gave him the opportunity to seek release through Oregon's juvenile-hearing process, while he also remained subject to a dangerous-offender parole consideration hearing. The board held the two hearings concurrently, admitted psychological evaluations over Jones's objections, and ultimately found that he had not demonstrated maturity and rehabilitation and remained dangerous. The board relied on his institutional misconduct, limited participation in treatment and programming, substance use, mental-health history, and psychological evaluations.

PROCEDURAL HISTORY

Jones, who had been convicted of offenses committed at age 17 and sentenced as a dangerous offender, received a gubernatorial commutation allowing him to seek release through a juvenile hearing. The board scheduled his juvenile hearing and parole consideration hearing concurrently, then issued separate orders finding that he had not demonstrated maturity and rehabilitation and that he remained dangerous, deferring both forms of review for three years. After the board denied administrative review as premature, Jones petitioned for judicial review; the Court of Appeals consolidated the proceedings and affirmed.

DISPOSITION

affirmed

CASES CITED

- *Jacobs v. Board of Parole*, 342 Or. App. 41, 577 P.3d 338, rev. den., 374 Or. 523 (2025)
- *Marteeny v. Brown*, 321 Or. App. 250, 517 P.3d 343, rev. den., 370 Or. 303 (2022)
- *Morrison v. Board of Parole*, 277 Or. App. 861, 374 P.3d 948, rev. den., 360 Or. 465 (2016)
- *Jenkins v. Board of Parole*, 356 Or. 186, 335 P.3d 828 (2014)
- *Mendacino v. Board of Parole*, 287 Or. App. 822, 404 P.3d 1048, rev. den., 362 Or. 508 (2018)
- *Ross v. Springfield School District No. 19*, 294 Or. 357, 657 P.2d 188 (1982)
- *Grobovsky v. Board of Medical Examiners*, 213 Or. App. 136, 159 P.3d 1245 (2007)
- *Ochoco Construction, Inc. v. DLCD*, 295 Or. 422, 667 P.2d 499 (1983)
- *Alexander v. Board of Parole*, 205 Or. App. 443, 134 P.3d 1055, rev. den., 341 Or. 449 (2006)
- *Stogsdill v. Board of Parole*, 342 Or. 332, 154 P.3d 91 (2007)
- *Swarthout v. Cooke*, 562 U.S. 216, 131 S. Ct. 859, 178 L. Ed. 2d 732 (2011)
- *Smith v. Board of Parole*, 268 Or. App. 457, 343 P.3d 245, rev. den., 357 Or. 550 (2015)
- *Greenholtz v. Inmates of Nebraska Penal and Correctional Complex*, 442 U.S. 1, 99 S. Ct. 2100, 60 L. Ed. 2d 668 (1979)
- *Rivas v. Board of Parole*, 272 Or. App. 248, 356 P.3d 83 (2015)
- *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432, 105 S. Ct. 3249, 87 L. Ed. 2d 313 (1985)
- *Village of Willowbrook v. Olech*, 528 U.S. 562, 120 S. Ct. 1073, 145 L. Ed. 2d 1060 (2000)
- *State v. Davis*, 237 Or. App. 351, 239 P.3d 1002 (2010), aff'd by an equally divided court, 353 Or. 166, 295 P.3d 617 (2013)
- *State v. Goacher*, 303 Or. App. 783, 466 P.3d 1047 (2020)

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