NOTICE

This is a summary disposition issued under Alaska Appellate Rule 214(a). Summary dispositions of this Court do not create legal precedent. See Alaska Appellate Rule 214(d).

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

LOREN J. LARSON JR.,

Appellant,

v.

STATE OF ALASKA,

Appellee.

Court of Appeals No. A-13758
Trial Court No. 4FA-19-01530 CI

SUMMARY DISPOSITION

No. 0271 — June 8, 2022

Appeal from the Superior Court, Fourth Judicial District, Fairbanks, Paul R. Lyle, Judge.

Appearances: Loren J. Larson Jr., *in propria persona*, Wasilla, Appellant. Christopher W. Yandel, Assistant Attorney General, Anchorage, and Treg R. Taylor, Attorney General, Juneau, for the Appellee.

Before: Allard, Chief Judge, and Harbison and Terrell, Judges.

In late 1996, following a jury trial, Loren J. Larson Jr. was convicted of two counts of first-degree murder and one count of first-degree burglary after he killed two people in Fairbanks.[1] He was sentenced to two consecutive 99-year terms of imprisonment for the murders and to a 10-year concurrent term for the burglary (for a

[1] *Larson v. State*, 2000 WL 19199, at *1-2 (Alaska App. Jan. 12, 2000) (unpublished).

composite sentence of 198 years to serve).[2] We affirmed the judgment of the superior court on direct appeal.[3]

In this appeal, Larson challenges the dismissal of his 2019 application for post-conviction relief, in which he argued that the Department of Corrections is required to exclude "good time" credit from the calculation of a prisoner's eligibility date for discretionary parole. We recently rejected this same argument in *Seaman v. State*.[4] On appeal, Larson argues that *Seaman* was wrongly decided. We disagree, for all the reasons stated in *Seaman* itself, and we therefore conclude that *Seaman* is dispositive of Larson's appeal.

We acknowledge that Larson does raise one argument that we did not address in *Seaman*. He asserts that 22 Alaska Administrative Code (AAC) 20.085(b) — the Department of Corrections regulation stating that "good time" does not reduce the amount of time a prisoner must serve before becoming eligible for discretionary parole — is invalid because, according to Larson, the Department had no authority to promulgate the regulation nor is the regulation reasonably necessary to carry out the purpose of the parole statutes.[5]

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[2] *Id.* at *2.

[3] *Id.* at *6.

[4] *Seaman v. State*, 499 P.3d 1028, 1034-37 (Alaska App. 2021); *see also Lopez v. State*, 2022 WL 701865 (Alaska App. Mar. 9, 2022) (unpublished) (applying *Seaman*); *Wren v. State*, 2021 WL 4593369 (Alaska App. Oct. 6, 2021) (unpublished) (same).

[5] 22 AAC 20.085(b) provides: "Good time credited under AS 33.20.010 does not reduce the term of imprisonment to be served before a prisoner is eligible for discretionary parole, except as provided for in AS 33.16.090(b)." We note that the pertinent provision of AS 33.16.090(b) was enacted in 2016 and that the statute in effect at the time of Larson's offense (AS 33.16.100(d)) limited discretionary parole eligibility based on the "period of (continued...)

But under well-recognized principles of administrative law, regulations promulgated by an administrative agency under specific statutory authorization are presumed valid and will be upheld if they are "consistent with and reasonably necessary to implement the statutes authorizing [their] adoption."[6] Here, the Department of Corrections commissioner has been granted broad power to adopt regulations regarding prisoners and prison facilities.[7] And regulations like the one at issue here — *i.e.*, regulations governing the calculation of a prisoner's eligibility for discretionary and mandatory parole — appear both consistent with that broad grant of authority and reasonably necessary for the Department of Corrections and the parole board to carry out their duties.[8] In other words, it does not appear that the regulation is invalid.

We need not resolve that issue here, however, because Larson did not ask the superior court to rule on the validity of the regulation. Indeed, he did not even

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5 (...continued)
confinement imposed" rather than on the "active term of imprisonment." Larson does not acknowledge that this earlier statute was in effect, and he has provided no reason to believe that our analysis in *Seaman* would not apply equally to this earlier version of the statute.

6 *State, Bd. of Marine Pilots v. Renwick*, 936 P.2d 526, 531 (Alaska 1997) (alteration in original).

7 *See* AS 44.28.030 (authorizing the Department of Corrections commissioner to "adopt regulations to carry out or assist in carrying out the powers and duties of the department"); AS 33.16.060(b)(2) (allowing the parole board to adopt regulations "providing for the supervision of parolees and for recommitment of parolees").

8 *See, e.g.*, AS 33.16.180(9) (requiring the Department of Corrections to, within thirty days after an offender is sentenced, provide victims of the crime with "information on the earliest dates the offender could be released on furlough, probation, or parole, including deduction or reductions for good time").

mention the regulation until his motion for reconsideration. Larson therefore failed to preserve this argument for appellate review.[9]

Accordingly, we AFFIRM the judgment of the superior court.

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[9] *Zeman v. Lufthansa German Airlines*, 699 P.2d 1274, 1280 (Alaska 1985) ("As a general rule, a party may not present new issues or advance new theories to secure a reversal of a lower court decision."); *see also Manning v. State, Dep't of Fish and Game*, 420 P.3d 1270, 1282 n.75 (Alaska 2018).