

BRANDON DREWRY

v.

DEPARTMENT OF CORRECTIONS

Submitted on Briefs January 26, 2022
Decided February 3, 2022

Panel: MEAD, GORMAN, JABAR, HUMPHREY, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

Brandon Drewry appeals from a judgment of the Superior Court (Kennebec County, *Stokes, J.*) affirming a decision of the Department of Corrections disciplining Drewry for “[p]ossession of alcohol or adulterated food or drink that can be used to make alcohol.” 03-201 C.M.R. ch. 10, § 20.1(IV)(9), (VII)(Procedure F) (effective Nov. 6, 2019). Contrary to Drewry’s contentions, there is substantial evidence in the record to support the finding that Drewry had in his cell a bottle containing brown liquid and diced fruits. *See id.*; *Carryl v. Dep’t of Corr.*, 2019 ME 114, ¶ 5, 212 A.3d 336. Although Drewry suggests that the Department was required to attempt informal resolution of the incident, the pertinent regulation uses permissive, not mandatory, language: “Any facility staff who observes, receives a report of, or otherwise discovers prisoner conduct that is considered a Class B violation *may* attempt to resolve such incident informally” 03-201 C.M.R. ch. 10, § 20.1(VII)(Procedure A)(4) (emphasis added). The requirement of formal resolution in certain circumstances does not preclude formal resolution in other circumstances using the procedures that were followed here. *See id.* § 20.1(VII)(Procedure A)(1)-(4), (Procedure B)(1)-(4).

The entry is:

Judgment affirmed.

Brandon Drewry, appellant pro se

With leave of the Court, the Department of Corrections did not file a brief

Kennebec County Superior Court docket number AP-2020-33
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