

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Scott Brockel,	:	
	:	
Petitioner	:	
	:	
v.	:	No. 1506 C.D. 2025
	:	Submitted: September 25, 2026
Pennsylvania Parole Board,	:	
	:	
Respondent	:	

BEFORE: HONORABLE RENÉE COHN JUBELIRER, President Judge
HONORABLE CHRISTINE FIZZANO CANNON, Judge
HONORABLE BONNIE BRIGANCE LEADBETTER, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY
PRESIDENT JUDGE COHN JUBELIRER

FILED: October 15, 2026

Scott Brockel petitions for review of the October 22, 2025 Order of the Pennsylvania Parole Board (Board) that denied his petition for administrative review of a Board decision that, relevantly, recommitted him as a technical parole violator (TPV) to serve nine months for violating a condition of his parole and detained him pending disposition of new criminal charges. Brockel is represented by appointed counsel Kent D. Watkins, Esq. (Counsel). Counsel has filed an Application to Withdraw as Counsel (Application to Withdraw) and a No-Merit Letter pursuant to *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988), based on his conclusion that the issues Brockel wishes to raise on appeal are without merit. Upon review, we deny Counsel's Application to Withdraw without prejudice because the No-Merit Letter does not meet the technical requirements of *Turner*.

I. BACKGROUND

As set forth in Counsel's No-Merit Letter and confirmed by the record, the relevant facts are as follows. Brockel is serving multiple sentences from convictions

in Northampton County and Lehigh County from, respectively, July and August 2013, with an aggregated sentence of 4 years, 6 months to 11 years. (Certified Record (C.R.) at 7.) The Northampton County sentence is a three-year, six-month to eight-year sentence for aggravated assault with serious bodily injury, and the Lehigh County sentences include a consecutive sentence of one to three years for violation of probation (terroristic threats with intent to terrorize another). (*Id.* at 1.) The Board paroled Brockel by decision dated November 23, 2016, and he was released on March 16, 2017. (*Id.* at 4-7.) At that time, Brockel's maximum date was September 16, 2023. (*Id.* at 7.)

While on parole, Brockel was convicted on two counts of simple assault, resulting in his being recommitted as a convicted parole violator to serve 12 months of backtime on November 25, 2019. (*Id.* at 14.) The Board did not award him any credit for his time spent at liberty on parole, and it recalculated Brockel's parole violation maximum date as January 31, 2026. (*Id.* at 14-16.) The Board reparaoled Brockel on the original sentences on July 30, 2020, and Brockel was released on October 31, 2020. (*Id.* at 20.) Brockel began serving his combined 2-year, 28-days to 5-year sentence for the 2019 simple assault convictions and for two additional drug convictions from 2020. (*Id.* at 26.) The maximum date for these sentences was April 22, 2024. (*Id.*)

The Board paroled Brockel from these sentences on April 23, 2021, and he was released on May 20, 2021. (*Id.* at 32-33.) The Order to Parole/Reparole noted that Brockel would have to "remain on reparole until 01/31/2026" as that was his "longest remaining maximum" for his original sentence. (*Id.* at 32.)

On February 2, 2022, the Board issued a decision detaining Brockel pending disposition of new criminal charges. (*Id.* at 39.) This decision was modified on

April 13, 2022, to recommit Brockel as a TPV for up to six months, with an earlier release if he successfully completed the ordered programs. (*Id.* at 40-41.) Brockel was released on reparole on June 14, 2022, at which time his parole violation maximum date remained January 31, 2026. (*Id.* at 46.)

The Board declared Brockel delinquent as of April 3, 2023. (*Id.* at 52.) On December 12, 2023, the Board issued a decision detaining Brockel pending new criminal charges arising from arrests in Northampton County on March 23, 2023, October 28, 2023, and October 31, 2023. (*Id.* at 53.) The Board revised its prior decision to recommit Brockel on both sentences as a TPV for “up to [six] months” for violating multiple conditions of his parole. (*Id.* at 55-57.) In its corresponding Recommitment Order, the Board noted Brockel lost 208 days to delinquency and recalculated Brockel’s maximum date to August 27, 2026. (*Id.* at 58-59.) The Board reparaoled Brockel on June 6, 2024, and he was released on June 18, 2024. (*Id.* at 60-61.) One of the special conditions of his parole (Condition 7) was that he attend certain group meetings for six weeks, and this condition indicated that the failure to abide by the conditions imposed by the group staff or if he was discharged for a reason other than successful completion was “an immediate violation of [his] parole/probation.” (*Id.* at 73.) Brockel acknowledged that condition and the potential penalties with his signature. (*Id.*)

Brockel was declared delinquent on January 28, 2025. (*Id.* at 76.) Brockel was arrested on new criminal charges on June 21 and 22, 2025, and the Department of Corrections issued a warrant to commit and detain on June 21, 2025. (*Id.* at 77-79, 81, 83.) These new criminal charges included making terroristic threats, harassment, fleeing and evading arrest, drug charges, and reckless driving. (*Id.* at 78-79, 81-86.)

A Notice of Charges and Hearing was issued scheduling a preliminary/detention hearing for alleged technical parole violations, which was held at the Lehigh County Prison, and at which Brockel was present and represented by counsel. (*Id.* at 78-79, 97-119.) Brockel contested one of the alleged violations (Condition 3A), which the hearing examiner dismissed. (*Id.* at 104-06.) Brockel admitted that he violated Condition 7's requirement that he attend, and successfully complete, the group meetings. (*Id.* at 105, 110-11, 117-18.) In doing so, he waived his right to preliminary and panel hearings and asked to proceed to a final hearing on this technical parole violation at that time. (*Id.* at 109-10.)

By decision mailed on July 23, 2025, the Board detained Brockel pending the disposition of his new criminal charges and recommitted him as a TPV to serve nine months for his violation of Condition 7. (*Id.* at 161-63.) The Board found that the record lacked a preponderance of evidence to support a violation of Condition 3A. (*Id.* at 161.) Brockel lost 144 days to delinquency (from January 28, 2025, to June 21, 2025), and the Board recalculated maximum date was January 18, 2027, by adding the 144 days to his prior maximum date of August 27, 2026. (*Id.* at 159.)

Brockel submitted a letter, dated October 3, 2025, challenging the addition of the 144 days to his sentence based on his violation of Condition 3A, which he asserted was in error because the Board found there was not a preponderance of the evidence to support that violation. (*Id.* at 164-66.) The Board responded to Brockel's appeal on October 22, 2025, dismissing it as untimely because it was not filed within 30 days of the July 23, 2025 decision as required by Section 73.1 of the Board's regulations, 37 Pa. Code § 73.1. (*Id.* at 167.) Brockel sent another letter, received by the Board on December 8, 2025, seeking review and correction of his prior maximum date of August 27, 2026, which he contended was incorrect, and

again disputed the addition of 144 days of delinquency. (*Id.* at 169-71.) The Board responded that this letter sought review of the Board’s June 6, 2024, and July 22, 2025 decisions, and dismissed the challenges therein as being, respectively, untimely and an unauthorized second or subsequent request. (*Id.* at 173-74 (citing 37 Pa. Code § 73.1).)

Brockel filed a petition for review (Petition) with this Court, challenging the Board’s October 22, 2025¹ Order.² In the Petition, Brockel asserts that he requested assistance from the Lehigh County Public Defender’s Office (Lehigh PD Office) to submit an administrative remedies form for the Board’s July 22, 2025 Decision, but it would not do so. (Petition at 2.) Attached to the Petition is an August 8, 2025 letter from the Lehigh PD Office, in which it indicates that an attorney spoke with Brockel about his challenge to the Board’s Order, but that Brockel had hired a private attorney and, therefore, the office was no longer actively representing him. (Petition, Exhibit 2.) He also challenges the addition of the 144 days to his sentence because the violation of Condition 3A was not established by a preponderance of the evidence. (*Id.* at 2.)

II. APPLICATION TO WITHDRAW

On March 6, 2026, Counsel filed the Application to Withdraw and No-Merit Letter.³ Before appointed counsel may withdraw from representation in a case in

¹ While Brockel’s Petition states he is seeking review of the July 22, 2025 Decision, he attaches the October 22, 2025 Order to the Petition. And it is that Order that is subject to this Court’s appellate review.

² In reviewing the Board’s Order, we are to determine “whether the decision was supported by substantial evidence, whether an error of law occurred[,] or whether constitutional rights were violated.” *Brown v. Pa. Bd. of Prob. & Parole*, 184 A.3d 1021, 1023 n.5 (Pa. Cmwlth. 2017) (quoting *Ramos v. Pa. Bd. of Prob. & Parole*, 954 A.2d 107, 109 n.1 (Pa. Cmwlth. 2008)).

³ The Court initially appointed a different public defender’s office to represent Brockel, but that appointed counsel requested to withdraw due to a conflict. The Court granted the request and appointed current counsel on February 2, 2026.

which the right to counsel does not derive from the United States Constitution,⁴ such as here, the *Turner* or no-merit letter must contain: (1) the nature and extent of counsel's review; (2) the issues the petitioner wishes to raise; and (3) counsel's analysis in concluding that the petitioner's appeal is without merit. *Turner*, 544 A.2d at 928; *Hughes v. Pa. Bd. of Prob. & Parole*, 977 A.2d 19, 25 (Pa. Cmwlth. 2009) (en banc). In addition, counsel must send the petitioner a copy of the no-merit letter, "a copy of counsel's petition to withdraw," and a statement advising the petitioner of his right to proceed with new counsel or pro se. *Zerby v. Shanon*, 964 A.2d 956, 960 (Pa. Cmwlth. 2009). Once counsel satisfies these procedural or technical requirements of *Turner*, this Court will "conduct its own review of the merits of the case." *Id.*

Here, Counsel has complied with the above service requirements, i.e., Counsel served Brockel with a copy of the No-Merit Letter, in which he advises Brockel of his right to obtain substitute counsel or to submit a pro se brief with this Court raising points Brockel believes to have merit, and the Application to Withdraw. In addition, Counsel advised Brockel of these rights by separate letter, a copy of which Counsel attached to his certificate of service. Counsel also served Brockel with this Court's Order advising Brockel that he may obtain substitute counsel or file a brief in support

⁴ A constitutional right to counsel arises when the petitioner presents a

colorable claim (i) that he has not committed the alleged violation of the conditions upon which he is at liberty; or (ii) that, even if the violation is a matter of public record or is uncontested, there are substantial reasons which justified or mitigated the violation and make revocation inappropriate, and that the reasons are complex or otherwise difficult to develop or present.

Hughes, 977 A.2d at 25-26 (quoting *Gagnon v. Scarpelli*, 411 U.S. 778, 790 (1973)). Brockel's challenge does not fall within these parameters, and, as such, Counsel was only required to file a no-merit letter in order to withdraw from representation of Brockel.

of his Petition.⁵ Finally, Counsel’s No-Merit Letter details Counsel’s review of the Certified Record and summarizes the factual and procedural history of this matter. (No-Merit Letter at 1-8.) Thus, these technical requirements have been met.

Counsel must also, however, state the issues the petitioner wishes to raise, and provide counsel’s analysis as to why the petitioner’s appeal is without merit. *Turner*, 544 A.2d at 928; *Hughes*, 977 A.2d at 25. Here, Counsel generally states the issues as: “Was the petitioner’s administrative appeal timely filed?”; and “Is the petitioner’s maximum sentence date incorrectly computed?” (No-Merit Letter at 8, 10.) Counsel then cites law that is **generally** relevant to those **broad** issues, for example, the 30-day appeal requirement of 37 Pa. Code § 73.1, the jurisdictional impact on the Board of an untimely appeal, and precedent distinguishing between unlawfully extending a judicially imposed sentence and lawfully imposing the service of backtime, even where it extends a recommitted parolee’s maximum date. (*Id.* at 8-14.) The No-Merit Letter concludes the discussion of the first issue with the statement, “Wherefore, there are no grounds to appeal this issue,” and the second issue with, “Even if the petitioner had timely filed an administrative remedies [form] to the . . . Board action of July 22, 2023, there are no grounds for appeal.” (*Id.* at 10, 14.)

Brockel’s issues are more specific than what Counsel states. Brockel asserts his appeal should not have been dismissed as untimely due to issues with his obtaining counsel to file that appeal and that the Board erred in adding 144 days to his maximum date where it found that the violation of Condition 3A was unsubstantiated. (Petition.) Counsel does not specifically address these issues or provide an analysis connecting the cited legal principles to these issues to explain

⁵ Brockel has not filed a response through new counsel or on his own behalf.

why neither provides a basis to reverse the Board's Order. (*Id.* at 8-15.) We acknowledge that Counsel cites *Larkin v. Board of Probation and Parole*, 555 A.2d 954 (Pa. Cmwlth. 1989), in relation to Brockel's argument that Lehigh PD Office did not assist him, but Counsel does not explain why that case, or Lehigh PD Office's letter included by Brockel, renders this claim without merit. Thus, Counsel has not met the technical requirements of *Turner* mandating that counsel provide an analysis that supports counsel's conclusion that the petitioner's appeal is without merit. *Turner*, 544 A.2d at 928; *Hughes*, 977 A.2d at 25. Because Counsel has not met *Turner*'s technical requirements, the Court may not "conduct its own review of the merits of the case" at this time. *See Zerby*, 964 A.2d at 960 (providing that judicial review of the merits occurs only if counsel meets the technical requirements of *Turner*).

III. CONCLUSION

Because Counsel has not satisfied the technical requirements of *Turner*, we deny Counsel's Application to Withdraw without prejudice. Counsel is directed to file either a new Application to Withdraw and No-Merit Letter that complies with *Turner* or a brief on the merits of the Petition within 30 days.

RENÉE COHN JUBELIRER, President Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Scott Brockel,	:	
	:	
Petitioner	:	
	:	
v.	:	No. 1506 C.D. 2025
	:	
Pennsylvania Parole Board,	:	
	:	
Respondent	:	

ORDER

NOW, October 15, 2026, the Application to Withdraw as Counsel filed by Kent D. Watkins, Esq. (Counsel) is hereby **DENIED WITHOUT PREJUDICE**, and Counsel is **DIRECTED** to either file a new Application to Withdraw as Counsel and No-Merit Letter that complies with *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988), or a brief on the merits within 30 days of this Order.

RENÉE COHN JUBELIRER, President Judge