IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Edward Martin Mack, Petitioner	:	
v.	:	
Pennsylvania Parole Board, Respondent	:	No. 393 C.D. 2026
	:	Submitted: October 13, 2026

OPINION NOT REPORTED

MEMORANDUM OPINION
PER CURIAM FILED: November 4, 2026

Edward Martin Mack (Mack) petitions for review of the February 19, 2026 Decision of the Pennsylvania Parole Board (PPB) that denied his request for administrative relief, thus finalizing the December 30, 2025 Decision of the PPB recommitting Mack to a state correctional institution (SCI) for nine months. Mack's appointed counsel, Tiffany Stanley, Esquire (Attorney Stanley), has also filed an application to withdraw. After thorough review, we affirm the PPB's Decision and grant Attorney Stanley's application to withdraw.

I. Background

In April 2017, Mack pleaded guilty to a theft of movable property charge and received a sentence with a minimum date of September 13, 2019, and a maximum date of March 13, 2022. Certified Record (C.R.) at 6.[1] In June 2019, the PPB granted Mack parole subject to the special conditions of domestic violence

[1] Certified Record references are to electronic pagination.

supervision[2] and a mental health evaluation upon release. *Id.* at 50. He was released from SCI-Coal Township on September 13, 2019. *Id.* at 12. On July 24, 2020, the PPB recommitted Mack to serve six months of backtime due to multiple technical parole violations, including failure to refrain from assaultive behavior and visitation at a prohibited address. *Id.* at 16. The original maximum release date was not adjusted after Mack's technical parole violations, and Mack was automatically reparoled in November 2020. *Id.* at 16-19.

While aware of the conditions of his parole, Mack committed another series of parole violations. He tested positive for cocaine, marijuana, and methamphetamine on six separate occasions and failed to fully participate in the PPB's mandated treatment to address his substance abuse issues. C.R. at 52-53. Mack failed to comply with the special condition of his parole requiring a mental health evaluation. *Id.* at 52. He was also sanctioned with GPS monitoring after violating his domestic violence supervision. *Id.* at 52.

On September 10, 2021, the PPB issued a warrant to commit and detain following Mack's arrest for driving under the influence (DUI) of both drugs and alcohol in Chester County a day prior. C.R. at 35-39. He posted bail on November 15, 2021, and the PPB's warrant was lifted upon the expiration of Mack's maximum sentence on March 13, 2022. *Id.* at 108.

Mack was convicted of the DUI charge on September 29, 2025. C.R. at 54. He was sentenced to 72 hours to 6 months of incarceration in Chester County Prison, with credit for time served from September 10, 2021, to September 13, 2021, and was granted immediate parole. *Id.* at 46 & 54. Mack was instructed to report to the PPB following his release but failed to do so. *Id.* at 54. On December 13, 2025,

[2] While Mack was not charged with domestic violence in connection with the April 2017 theft charge, the record refers to a separate domestic violence case and other recurring instances of terroristic threats and abuse. *See* C.R. at 49-50 & 52.

the PPB lodged a second warrant to commit and detain following Mack's DUI conviction, and he was taken into custody by the City of Coatesville Police. *Id*. at 54 & 107. Mack was transported to Chester County Prison, whereafter he waived his parole revocation and panel revocation hearings. *Id.* at 54.

On December 30, 2025, the PPB recommitted Mack as a convicted parole violator (CPV) for nine months and declined to award credit for time spent at liberty on parole due to Mack's history of supervision failures and unresolved drug and alcohol issues. C.R. at 109-10. It recomputed Mack's original maximum sentence date to December 15, 2026. *Id.* at 108. Mack filed an administrative remedies form in which he contested the PPB's denial of time spent at liberty on parole, arguing that his sentence was extended despite his efforts to be a "productive member of society" for over four and a half years. *Id.* at 111-13. The PPB denied Mack's request for administrative remedies on February 19, 2026. *Id.* at 121-23. The PPB explained that it properly denied time spent at liberty on parole and that there were 367 days remaining on Mack's original sentence upon completion of his county DUI sentence. *Id.* at 122.

Mack filed a timely appeal to this Court, and Attorney Stanley was appointed to represent Mack on behalf of the Public Defender of Somerset County. Cmwlth. Ct. Order, 4/10/2026; Attorney Stanley's Entry of Appearance, 5/8/2026. On June 1, 2026, after this Court issued a briefing schedule, Attorney Stanley filed an application to withdraw as counsel and a *Turner/Finley* letter (*Turner* Letter) asserting that Mack's appeal lacked merit pursuant to *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988).[3] The application to withdraw states that Attorney Stanley

[3] In *Commonwealth v. Turner*, the Pennsylvania Supreme Court held that "[w]hen, in the exercise of his professional judgment, counsel determines that the issues raised under the [Post Conviction Hearing Act (PCHA)] are meritless, and when the PCHA court concurs, counsel will be permitted to withdraw and the petitioner may proceed *pro se*, or by privately retained counsel,

notified Mack of her request to withdraw and advised him of his right to retain new counsel or proceed *pro se* to pursue any points that he might deem worthy of consideration. Application to Withdraw, filed 6/1/2026. This Court's docket contains a certificate of service confirming that Attorney Stanley sent a copy of both the *Turner* Letter and the application to withdraw to Mack. Certificate of Serv., filed 6/1/2026. This Court also issued an order reiterating Mack's right to obtain replacement counsel at his own expense or file a brief on his own behalf. Cmwlth. Ct. Order, 6/4/2026. No new counsel has entered an appearance, and Mack has filed no brief. This matter is now ripe for review.

II. Issues

On review,[4] Mack argues that his current state detention is "illegal" because he already served the maximum sentence on his theft charge. Pet. for Review at 1. Specifically, Mack maintains that the PPB "illegally extended" his sentence by recalculating the maximum date after Mack had already served the maximum sentence. *Id.* at 1-2.

III. Discussion

A. Application to Withdraw

Before addressing the validity of the substantive arguments, this Court must first assess the technical and substantive sufficiencies of the *Turner* Letter.

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or not at all." *Id.* at 928-29. The commonly used moniker of "*Turner/Finley*" letters refers to that decision and to *Pennsylvania v. Finley*, 481 U.S. 551 (1987).

[4] This Court's standard of review is "limited to determining whether constitutional rights were violated, whether the adjudication was in accordance with law, and whether necessary findings were supported by substantial evidence." *Miskovitch v. Pa. Bd. of Prob. & Parole*, 77 A.3d 66, 70 n.4 (Pa. Cmwlth. 2013).

When court-appointed counsel concludes that a petitioner's appeal is meritless and seeks to withdraw, counsel must notify the petitioner of his request to withdraw by sending the petitioner copies of counsel's application to withdraw and counsel's *Turner* letter. *See, e.g., Miskovitch v. Pa. Bd. of Prob. & Parole*, 77 A.3d 66, 69 (Pa. Cmwlth. 2013); *Zerby v. Shannon*, 964 A.2d 956, 960 (Pa. Cmwlth. 2009). Counsel must also provide a statement affirming that the petitioner has been advised of his right to retain new counsel or proceed *pro se* to raise any issues he may deem worthy of consideration in a brief on his own behalf. *Miskovitch*, 77 A.3d at 69. Our current approach permits counsel to incorporate such statement into either the application to withdraw or the *Turner* letter, as long as evidence of delivery to the petitioner exists in the record. *See Walker v. Pa. Parole Bd.* (Pa. Cmwlth., No. 492 C.D. 2023, filed January 7, 2026), slip op. at 5-10 (stating that "a separate statement is not a mandated requirement");[5] *see also Gonzalez v. Pa. Bd. of Prob. & Parole* (Pa. Cmwlth., No. 1509 C.D. 2024, filed March 16, 2026), slip op. at 8-9 (holding that counsel's attestation that a petitioner was served contained in a certificate of service filed with this Court is sufficient evidence of compliance with *Turner*'s notification requirement).

Substantively, a *Turner* letter must "include an explanation of 'the nature and extent of counsel's review and list each issue the petitioner wished to have raised, with counsel's explanation of why those issues are meritless.'" *Seilhamer v. Pa. Bd. of Prob. & Parole*, 996 A.2d 40, 43 (Pa. Cmwlth. 2010) (some alterations omitted) (quoting *Turner*, 544 A.2d at 928). Only after determining that counsel has complied with all requirements for withdrawal will we independently review the merits of a petitioner's claims. *Miskovitch*, 77 A.3d at 70.

[5] Under Section 414(a) of this Court's Internal Operating Procedures, an unpublished opinion of this Court issued after January 15, 2008, although not binding precedent, may be cited for its persuasive value. 210 Pa. Code § 69.414(a).

Here, Attorney Stanley stated in her June 1, 2026 application to withdraw that she notified Mack of her request to withdraw and advised Mack of his right to retain new counsel or raise any points that he might deem worthy of consideration by proceeding *pro se*. Application to Withdraw at 1-2 (citing *Craig v. Pa. Bd. of Prob. & Parole*, 502 A.2d 758 (Pa. Cmwlth. 1985)). Attorney Stanley also attested that she transmitted a copy of the certified record of this matter to Mack on June 1, 2026. *Id.* at 2. Additionally, a certificate of service of record indicates that Attorney Stanley provided Mack with copies of both the application to withdraw and the *Turner* Letter on June 1, 2026, via first-class mail. Certificate of Serv., 6/1/2026.

As to the substance of the *Turner* Letter, Attorney Stanley attests that the issues raised in the petition for review lack merit and "there exists no legal basis to challenge the [PPB] determinations[.]" *Turner* Letter at 1. She supports that conclusion based on her review of the certified record and her telephone meeting with Mack. *Id.* Attorney Stanley then sets forth the procedural history of the case and its issues, thus reinforcing her review of the record. *Id*. at 2-6. She cites the applicable statutory provisions governing the PPB's authority to recommit CPVs and its discretion to deny credit for time spent at liberty on parole. *Id.* at 4-6. As such, we conclude that Attorney Stanley has complied with the requisite technical and substantive requirements to withdraw from representation. Accordingly, we grant the application to withdraw and proceed to an independent review of the merits. *See Zerby*, 964 A.2d at 960.

B. Merits

Mack argues that his current detention was illegally extended because he already served the maximum sentence. Pet. for Review at 1-2. This argument lacks merit. It is well settled law that the PPB retains jurisdiction to recommit an

individual as a CPV after the expiration of an individual's maximum sentence, so long as the crime that led to the new conviction occurred while the individual was on parole. *Passaro v. Pa. Bd. of Prob. & Parole*, 499 A.2d 725, 726 (Pa. Cmwlth. 1985). Section 6138(a)(1) of the Prisons and Parole Code provides:

> (a) Convicted violators.—
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> (1) The [PPB] may, at its discretion, revoke the parole of a paroled offender if the offender, during the period of parole or while delinquent on parole, commits a crime punishable by imprisonment, ***for which the offender is convicted or found guilty*** by a judge or jury or to which the offender pleads guilty or nolo contendere at any time thereafter in a court of record.
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> (2) If the offender's parole is revoked, the ***offender shall be recommitted to serve the remainder of the term which the offender would have been compelled to serve*** had the parole not been granted and . . . shall be given no credit for the time at liberty on parole.

61 Pa.C.S. § 6138(a)(1)-(2) (emphasis added). If an offender is paroled from an SCI and receives a new sentence to be served in a county prison, the new county prison term shall precede commencement of the balance of the term in which the offender violated his parole. *Id.* § 6138(a)(5)(iii).

Here, the PPB properly exercised its revocation and recommitment discretion because Mack was arrested for DUI on September 10, 2021, while on parole from SCI-Coal Township. C.R. at 35-39; *see also* 61 Pa.C.S. § 6138(a)(2). While the PPB's warrant was lifted upon the expiration of Mack's maximum sentence, Mack did not become available for recommitment as a CPV pursuant to Section 6138 until he was "convicted or found guilty" of the DUI charge. 61 Pa.C.S. § 6138(a)(1). As such, Mack was not available for recommitment as a CPV until he was convicted of the DUI charge on September 29, 2025. *Id.*; *see also* C.R. at 54.

Further, because Mack was paroled from an SCI and received a new DUI sentence to be served in a county prison, Section 6138(a)(5)(iii) required him to serve the new county sentence before commencing service of the balance of his original state sentence. 61 Pa.C.S. § 6138(a)(5)(iii). Accordingly, the PPB retained jurisdiction over Mack to revoke his parole, recommit him as a CPV, and recalculate the maximum date of his original sentence. *Id.* § 6138(a)(1)-(2); *see also Price v. Pa. Bd. of Prob. & Parole*, 117 A.3d 362, 366 (Pa. Cmwlth. 2015) (quoting *Kuykendall v. Pa. Bd. of Prob. & Parole*, 363 A.2d 866, 868 (Pa. Cmwlth. 1976) ("There is no doubt that the [PPB] can recommit and recompute the sentence of a parolee who commits a crime while on parole but is not convicted until after his original sentence would have expired.")); *Miskovitch*, 77 A.3d at 74 (holding that the expiration of the original parole term was irrelevant for recommitment purposes and the PPB may cause an offender's detention or return to a correctional institution).

IV. Conclusion

Based on the foregoing discussion, we agree with Attorney Stanley that Mack's arguments on appeal lack merit. Accordingly, we affirm the February 19, 2026 Decision of the PPB and grant Attorney Stanley's application to withdraw.

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PER CURIAM

O R D E R

AND NOW, this 4th day of November, 2026, the February 19, 2026 Decision of the Pennsylvania Parole Board is AFFIRMED. The Application for Withdrawal of Appearance of Tiffany Stanley, Esquire, is GRANTED.