

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

John A. Gruff,	:	
	:	
Petitioner	:	
	:	
v.	:	No. 471 C.D. 2025
	:	
Pennsylvania Parole Board,	:	
	:	
Respondent	:	Submitted: June 16, 2026

OPINION NOT REPORTED

MEMORANDUM OPINION
PER CURIAM

FILED: August 28, 2026

John Gruff (Gruff) petitions this Court for review of decisions of the Pennsylvania Parole Board (Board) mailed March 14, 2025, which denied Gruff's appeal of the Board's November 8, 2024 order sentencing him to a 24-month recommitment as a convicted parole violator (CPV). Also before this Court is the May 12, 2025 decision of the Board upholding the January 30, 2025 order calculating his recommitment sentence.¹ Finding that the Board did not err in calculating Gruff's recommitment sentence, we affirm the Board.

I. BACKGROUND

Gruff was subject to the Board's jurisdiction due to a sentence for an aggregate period of 6 years and 30 days to 14 years' incarceration for aggravated

¹ While the May 13, 2025 Amended Petition for Review, at least facially, appears only to explicitly challenge the Board's March 14, 2025 decision, it also alleges issues related to the Board's January 30, 2025 calculation of Gruff's recommitment term and May 12, 2025 decision upholding such calculation. The Board's May 12, 2025 decision was attached to Gruff's brief and both parties briefed the issues related thereto. As the Amended Petition may represent a timely appeal of the Board's May 12, 2025 decision and both parties treat it as such, we address Gruff's appeal accordingly.

assault, driving under the influence, unsworn falsification to authorities, and tampering with public records or information offenses. Certified Record (C.R.) at 1-2. Gruff's original minimum and maximum dates for this sentence were March 29, 2007, and February 27, 2015, respectively. *Id.* at 2. Gruff was paroled on January 19, 2010.² *Id.* at 15.

On January 8, 2015, the Board issued a warrant to commit and detain Gruff due to his arrest for new charges, namely a violation of 18 Pa.C.S. § 6105(a)(1) (Persons Not to Possess Firearms), in York County. C.R. 25, 56-57. On February 12, 2015, the Board issued a decision to recommit Gruff as a technical parole violator for violations including failure to report an arrest within 72 hours, failure to comply with all laws, and possession of a weapon. *Id.* at 26. He was recommitted for this violation from January 8, 2015, to February 27, 2015, a period of 1 month and 19 days. *Id.* at 28. On February 27, 2015, the Board canceled its January 8, 2015 warrant to commit and detain. *Id.* at 30. On March 30, 2015, the Board issued a decision declaring Gruff delinquent for control purposes. *Id.* at 31.

Gruff's bail was set in his York County case on January 8, 2015, and was not posted until February 27, 2015. C.R. at 97. During the pendency of Gruff's new criminal proceedings, a bench warrant was issued for him by the York County Court of Common Pleas on January 3, 2017. *Id.* at 68. Gruff avers that during this period he was arrested and detained in South Carolina on October 16, 2023, pending extradition to York County.³ The bench warrant was withdrawn and Gruff's bail was revoked by the York County Court of Common Pleas on May 22, 2024. *Id.* at

² This left Gruff with an unserved balance of 1,865 days (January 19, 2010, to February 27, 2015).

³ See C.R. at 124. Gruff averred such date of detention in his administrative appeal before the Board. However, no documentary evidence of record supports this averment.

99. On September 17, 2024, Gruff pleaded guilty to the York County charges. *Id.* at 96. The Board lodged a new warrant to commit and detain Gruff on September 17, 2024. C.R. at 32. The Board held a revocation hearing on October 29, 2024. *Id.* at 42. On November 8, 2024, the Board issued a decision to recommit Gruff as a CPV for a period of 24 months as a result of his conviction on the York County charges. *Id.* at 91. Gruff filed an administrative appeal of this decision on December 4, 2024, challenging the length of his recommitment period. *Id.* at 114-17. The Board issued a decision denying this appeal on March 14, 2025. *Id.* at 119-20.

On November 22, 2024, Gruff was sentenced to a period of 3-to-6 years' incarceration with 290 days of credit⁴ for time served and 1 year of re-entry supervision. *Id.* at 103-05. On January 30, 2025, the Board issued a decision not to award Gruff any credit for time spent at liberty on parole and made the effective date of his return to custody November 22, 2024. *Id.* at 109-11. Adding the unserved balance of 1,865 days to the November 22, 2024 return to custody, the Board calculated a new maximum date of December 31, 2029. *Id.*

Gruff filed an administrative appeal of the Board's January 30, 2025 decision on February 27, 2025. In his administrative appeal, Gruff argued that the Board incorrectly calculated his return to custody, and accordingly his new maximum date, arguing that his return to custody date should have been October 16, 2023, when he avers that he was arrested in South Carolina on the York County bench warrant. C.R. at 124-25. The Board issued a decision denying Gruff's administrative appeal, mail date May 12, 2025, finding that November 22, 2024, was an appropriate calculation of Gruff's return to custody date, as that is when Gruff was "sentenced on the new conviction and that is when [he was] available to the

⁴ The criminal docket in the Certified Record does not indicate what time period(s) for which Gruff was given credit time, but it does indicate the amount of credit time he was awarded.

Board to serve [his] backtime.” *Id.* at 130. Gruff subsequently appealed⁵ the Board’s denial of his administrative appeal to this Court.

II. ISSUES⁶

On appeal, Gruff argues that the Board erred in calculating his recommitment sentence. Essentially, he contends that by failing to award him credit for time he spent in custody before his new sentence on his York County charges, the Board arrived at an incorrect calculation of his new sentence. He maintains that his arrest and detention on the York County bench warrant is equivalent to detention on a Board detainer, thereby starting the pre-trial detention period relevant for the Board’s consideration on October 16, 2023, when he avers he was arrested in South Carolina on the York County bench warrant. Gruff also contends the trial court failed to award him credit for all of his pre-sentence confinement, and therefore the Board must credit this time against his recommitment sentence pursuant to *Martin v. Pennsylvania Board of Probation and Parole*, 840 A.2d 299 (Pa. 2003).

The Board responds that Gruff’s argument attempting to equate his confinement pending extradition on the York County warrant to a Board detainer is unsupported by either statute or case law. It also argues that the *Martin* exception is inapplicable in the instant case, and further that the record does not clearly indicate what periods the trial court awarded Gruff credit for in his sentence on his new conviction.

⁵ This Court’s “review is limited to determining whether constitutional rights were violated, whether the decision was in accordance with [the] law, or whether the necessary findings of fact were supported by substantial evidence.” *White v. Pa. Parole Bd.*, 276 A.3d 1247, 1255 n.7 (Pa. Cmwlth. 2022).

⁶ Initially, Gruff argued that the recommitment term was excessive, but this issue was abandoned in his brief, and therefore we will not discuss this further. *See* Petitioner’s Br. at 39-40 (conceding that this recommitment term fell within the presumptive range).

III. DISCUSSION

In *Gaito v. Pennsylvania Board of Probation and Parole*, 412 A.2d 568 (Pa. 1980), our Supreme Court established the rule governing credit time for CPVs, holding that “if a defendant is being held in custody solely because of a detainer lodged by the Board and has otherwise met the requirements for bail on the new criminal charges, the time which he spent in custody shall be credited against his original sentence. If a defendant, however, remains incarcerated prior to trial because he has failed to satisfy bail requirements on the new criminal charges, then the time spent in custody shall be credited to his new sentence.” *Gaito* 412 A.2d at 571.

In *Martin*, the Supreme Court provided a singular exception to the general rule in *Gaito*, holding that where a parole violator is confined on both new charges and a Board detainer and cannot be awarded credit for all pre-sentence confinement against their new sentence alone, remaining credit time must be awarded against their recommitment period. *Martin*, 840 A.2d at 309.

Gruff argues that, per *Martin*, Gruff should be awarded time he spent in pre-trial custody prior to his November 22, 2024 sentencing on his York County charges. The *Martin* exception, cited by Gruff, is inapposite to the period Gruff avers he was confined in South Carolina. Gruff was not detained on both a Board detainer and new charges, as no Board detainer was lodged against him during this time (October 2023 until his return to York County in May 2024). The Board’s last detainer was cancelled on February 17, 2015, and a new detainer was not lodged until September 17, 2024, when Gruff pleaded guilty to the York County charges. Gruff provides no legal support for his contention that his arrest on the York County bench warrant in South Carolina is equivalent to confinement on a Board detainer. Further, no evidence of record exists to support Gruff’s averment that he was

arrested and confined in South Carolina from October 2023 until his return to York County in May 2024. Simply put, we reject Gruff’s argument that he should be awarded credit by the Board for this period as both legally and factually unsupported.

For the period from his return to York County in May 2024 until his sentencing, Gruff was confined due to having his bail revoked. This leaves only the period from September 17, 2024, to November 22, 2024 (the date of Gruff’s sentencing in York County and the effective date of his recommitment, set by the Board’s January 30, 2025 decision), possibly subject to the *Martin* exception. However, *Martin* is not triggered here, as Gruff’s new sentence of three to six years exceeds this two-month and five-day period of pre-sentence confinement. Accordingly, there is nothing in the record to support Gruff’s claim that the sentencing court failed to properly credit all time he spent in pre-trial confinement. In his Brief, Gruff essentially concedes this fact, noting “[t]he certified record in this case does not contain a sentencing order from York County, in relation to the new conviction, thereby making it difficult to determine what if any credit was provided for the timeframe in question.” Gruff’s Brief at 41. However, he also avers that he “does not believe he received *any* time credit on the York County case.” *Id.* at 44 (emphasis added). This contention is clearly incorrect based upon a review of the record. While the record does not contain a sentencing order from Gruff’s York County conviction, the docket reflects that he received 290 days of credit against his new sentence. C.R. at 96. This credit is clearly in excess of his pre-sentence incarceration from the docket from his York County charges.⁷

⁷ Namely, January 8, 2015, to February 27, 2015 (51 days), and May 22, 2024, to November 22, 2024 (185 days, for a total of 236 days for these two periods). Again, we note the period of his confinement in South Carolina is unsupported by the record.

Accordingly, we must conclude that the Board did not err calculating Gruff's recommitment sentence or its decision not to award him any credit for pre-sentence confinement.

IV. CONCLUSION

For the foregoing reasons, the March 14, 2025, and May 12, 2025 decisions of the Board are affirmed.

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		:	
Pennsylvania Parole Board,		:	
	Respondent	:	

PER CURIAM

ORDER

AND NOW, this 28th day of August 2026, the March 14, 2025 and May 12, 2025 decisions of the Pennsylvania Parole Board in the above-captioned matter are AFFIRMED.