

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Michael Bocina,	:
	:
Petitioner	:
	:
v.	: No. 633 C.D. 2025
	: Submitted: June 16, 2026
Pennsylvania Parole Board,	:
	:
Respondent	:

BEFORE: HONORABLE RENÉE COHN JUBELIRER, President Judge
HONORABLE MICHAEL H. WOJCIK, Judge
HONORABLE CHRISTINE FIZZANO CANNON, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE WOJCIK

FILED: August 20, 2026

Michael Bocina (Parolee), confined at the State Correctional Institution (SCI) at Frackville, petitions *pro se*¹ for review of the Pennsylvania Parole Board's (Board) May 1, 2025 decision. The Board therein affirmed its earlier order recommitting Parolee as a convicted parole violator (CPV) and recalculating Parolee's maximum sentence date as December 16, 2032. We affirm after careful review.

In 2016, Parolee pleaded guilty to and was incarcerated on various charges relating to, *inter alia*, driving under the influence (DUI) and endangering the welfare of children. Parolee's convictions carried an aggregate sentence of three

¹ This Court, by order dated May 27, 2025, initially appointed the Public Defender of Schuylkill County, Kent D. Watkins, Esq., to represent Parolee in this matter. Parolee, however, indicated his desire to proceed without the benefit of counsel in a letter dated June 16, 2025. We thus granted Watkins' subsequent Application to Withdraw as Counsel on that basis. *See* Commonwealth Court 6/20/25 Order (*Per Curiam*).

years, six months to eleven years with a minimum sentencing date of August 8, 2019, and April 23, 2026. *See* Certified Record (C.R.) at 1-4. The Board, however, released Parolee from the Quehanna Motivational Boot Camp on June 11, 2018. *Id.* at 6-7.

On March 16, 2024, Parolee was arrested by the Lehigh Township Police Department on charges relating to domestic simple assault. C.R. at 21. However, the Lehigh Township Police Department initiated additional charges against Parolee on June 27, 2024, relating to DUI. *Id.* at 79. Because of these charges, the Board issued a warrant to commit and detain on March 17, 2024, and later, the Board lodged detainers against Parolee pending the disposition of the criminal charges against him on April 1, 2024, and October 9, 2024. *Id.* at 12-13. Parolee did not post bail on these charges.

Parolee ultimately pleaded guilty to two separate counts of simple assault at different case numbers on December 5, 2024, carrying respective sentences of six to twelve months and eleven to twenty-three months to be served consecutively. *See* C.R. at 88-96. Parolee waived his parole revocation hearing on January 24, 2025, acknowledging his convictions. *Id.* at 20.

In a Board Action recorded on February 28, 2025, the Board recommitted Parolee as a CPV for a period of twelve months and recalculated his maximum date as December 16, 2032. C.R. at 99. Because Parolee's new offenses were assaultive in nature, the Board denied Parolee credit for time at liberty on parole. *Id.* at 99-100. Parolee filed an administrative remedies form therefrom on March 25, 2025, arguing that the Board's recalculation exceeded its statutory authority and violated a number of constitutional doctrines. *Id.* at 101-110.

The Board affirmed its order to recommit in a decision mailed on May 1, 2025. In pertinent part, the Board explained that it possesses the authority to recalculate a CPV's maximum sentence date pursuant to Section 6138(a)(2.1) of the Prisons and Parole Code (Parole Code), 61 Pa. C.S. §6138(a)(2.1), and "the ability to challenge the recalculation decision satisfies [Parolee's] due process rights" without offending the federal or state constitution's prohibition against double jeopardy. C.R. at 117 (citing *Young v. Commonwealth*, 409 A.2d 843 (Pa. 1979)).

We discern,^{2,3} based on Parolee's Petition for Review, that Parolee argues (1) the Board, regardless of its statutory authority, rendered an illegal sentence when it denied Parolee credit for time spent at liberty on parole and recalculated a new maximum sentence date; and (2) the Board violated the double jeopardy clause in rendering its illegal sentence.

First, contrary to Parolee's characterization thereof as an illegal sentence, the Board's denial of credit for time spent at liberty on parole and its recalculation of his maximum sentence was statutorily authorized. Section 6138(a)(1) of the Parole Code authorizes the Board to "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 to which the offender pleads guilty . . . in a court

² "Our 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. Pennsylvania Board of Probation and Parole*, 77 A.3d 66, 70 n.4 (Pa. Cmwlth. 2013) (citing Section 704 of the Administrative Agency Law, 2 Pa. C.S. §704).

³ Parolee's Petition for Review and his brief in this Court, are, at times, difficult to follow. We have phrased the issues identified herein to best capture and address Parolee's varying arguments.

of record.” 61 Pa. C.S. §6138(a)(1). The same section provides: “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.*” *Id.* §6138(a)(2) (emphasis added).

Indeed, notwithstanding Parolee’s attempt to diminish the importance of the Board’s statutory authority in these matters, *see, e.g.*, Petition for Review ¶¶6-10, “[t]he classic claim of an ‘illegal sentence’ is one that exceeds the statutory limits.” *Commonwealth v. Hansley*, 47 A.3d 1180, 1189 (Pa. 2012) (citing *Commonwealth v. Bradley*, 834 A.2d 1127, 1131 (Pa. 2003)). As indicated, however, the controversy under consideration does not relate to the imposition of a sentence in the first instance or an enhancement of the original sentence, but simply to the recalculation of the original sentence based on a parole revocation. *Young v. Commonwealth*, 409 A.2d at 847 n.8. Such matters, as discussed above, are addressed squarely to the Board’s jurisdiction. *See, e.g., Bailey v. Pennsylvania Parole Board*, 323 A.3d 259, 263-265 (Pa. Cmwlth. 2024).

To the extent Parolee challenges the Board’s specific calculations, we note that when Parolee was initially released on parole from Quehanna Boot Camp, Parolee still owed a balance of 2,873 days on his original sentences. The Board, having provided a contemporaneous statement explaining its rationale for denying Parolee credit for time spent at liberty (*e.g.*, the assaultive nature of the new conviction), was well within its statutory discretion to do so. *Pittman v. Pennsylvania Board of Probation and Parole*, 159 A.3d 466, 474 (Pa. 2017). Similarly, because Parolee never posted bail while awaiting sentencing on his new convictions, he was never held solely on the Board’s detainers. *Per Gaito v.*

Pennsylvania Board of Probation and Parole, 412 A.2d 568, 571 (Pa. 1980), then, credit for that period of pre-sentence detention had to be applied to his new sentences. Taken together, when Parolee was recommitted as a CPV on February 3, 2025, he still owed all 2,783 days on his original sentences, rendering a new maximum sentence date of December 16, 2032.

Finally, as to Parolee’s latter argument concerning double jeopardy, our Supreme Court “and the courts in the federal system have recognized that statutes denying credit on sentence for time spent on parole, where the offender has committed and has been convicted of an offense while serving in the parole status, represents a reasonable exercise of the penological responsibility and does not offend the constitutional guarantees to the citizens of the state and this nation.” *Young*, 409 A.2d at 847. This includes the prohibition against subjecting a parolee to double jeopardy. *Gaito*, 392 A.2d at 345; *Commonwealth ex. rel. Rambeau v. Rundle*, 314 A.2d 842, 847 (Pa. 1973).

The Board’s order is accordingly affirmed.

MICHAEL H. WOJCIK, Judge

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ORDER

AND NOW, this 20th day of August, 2026, the May 1, 2025 order of the Pennsylvania Parole Board is **AFFIRMED**.

MICHAEL H. WOJCIK, Judge