

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Michael Williams,	:	
Petitioner	:	
	:	
v.	:	
	:	
Pennsylvania Parole Board,	:	No. 668 C.D. 2025
Respondent	:	Submitted: June 16, 2026

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

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE FIZZANO CANNON

FILED: August 28, 2026

Michael Williams petitions *pro se* for review of an April 24, 2025, order of the Pennsylvania Parole Board (Board) that denied his administrative appeal from the Board's December 30, 2024, order recommitting him to prison as a convicted parole violator (CPV) and recalculating the maximum sentence date of his prior conviction. Certified Record (C.R.) at 158-61.¹ Upon review, we affirm.

I. Background

In December 1996, Williams pleaded guilty to possession of narcotics with intent to deliver and to reckless endangerment of another person. C.R. at 6. In May 1997, after a trial, he was convicted of additional charges, including carrying a firearm without a license and six counts of aggravated assault. *Id.* His original minimum date was February 19, 2010, and his original maximum date was

¹ C.R. references are to electronic pagination.

November 19, 2026. *Id.* at 7. He was initially released on parole in July 2016. *Id.* at 17. His supervision history indicates that during his time at liberty, he committed several technical parole violations, failed to communicate his whereabouts to parole personnel, did not establish a stable living place and work, did not participate in treatment, did not pay his fees, and was belligerent with parole officers. *Id.* at 57-58. In April 2021, he was taken back into custody after several “verbally argumentative and disrespectful” encounters with staff at a halfway house he had been released to after an arrest earlier that year. *Id.* at 58. As a result of those incidents, parole authorities deemed his 2016 release an “unsuccessful discharge.” *Id.* On October 20, 2021, Williams was again released on parole, but he continued to commit technical parole violations and was in custody on those violations between March 3, 2022, and May 5, 2022, before being released again. *Id.* at 58-59.

Williams’s parole agent learned in July 2023 that an arrest warrant had been issued for Williams in association with a June 30, 2023, assault; Williams was deemed delinquent on August 8, 2023. C.R. at 59. On October 25, 2023, Williams was arrested on the June 2023 assault charges after fleeing and fighting police officers; he was charged with various offenses arising from that incident, including resisting arrest and disorderly conduct creating a hazardous or physically offensive condition. *Id.* at 122 (citing 18 Pa.C.S. §§ 5104, 5503(a)(4)). At that time, he was unable to post bail and remained in custody. *Id.* at 118. The Board issued a revocation warrant that day. *Id.* at 59 & 106. On November 2, 2023, the Board conducted a detention hearing and issued a decision detaining Williams pending disposition of criminal charges, referencing that Williams was “arrested on 06/30/23 by [the] Allentown Police Department.” *Id.* at 50 & 194. On November 20, 2023, the Board issued a decision referencing the November 2, 2023, action, stating that

Williams would continue to be detained pending disposition of criminal charges, and referencing the October 25, 2023, arrest and docket number for those charges. *Id.* at 51. The record does not indicate that Williams challenged the Board’s November 20, 2023, decision that maintained his detention without an additional hearing on the October 2023 charges.

Williams’s criminal preliminary hearing on the October 2023 charges was originally scheduled for November 1, 2023, but was continued for reasons not set forth in the record; the criminal preliminary hearing ultimately took place on December 26, 2023, and the resisting arrest and disorderly conduct charges were held for trial along with four other charges from the incident. *Id.* at 118 & 123. Williams was released on bail on April 29, 2024. *Id.* at 119. Days earlier, on April 23, 2024, the prosecution amended Williams’s criminal information to add the charge of evading arrest on foot, which is a variant of resisting arrest. *Id.* at 124 (citing 18 Pa.C.S. § 5104.2). On August 19, 2024, after a jury trial, Williams was found guilty of the charges of disorderly conduct and evading arrest on foot. *Id.* His bail was revoked and the trial court imposed a sentence of 12 to 24 months of imprisonment on the new convictions. *Id.* at 119 & 124.

Williams’s revocation hearing before a hearing officer and a Board member took place on December 23, 2024; he waived representation by a public defender. C.R. at 62-65 & 69-70. He acknowledged his conviction on the new charges from October 2023 but asserted that the conviction had been “put on hold for reversal on my motion for post-trial relief.”² *Id.* at 74. He insisted that his

² Subsequently, Williams’s post-sentence motion asserting ineffective assistance of counsel was deemed premature by the Superior Court because Williams raised it on direct appeal rather than in collateral post-conviction proceedings; the Superior Court rejected Williams’s other arguments and affirmed his conviction. *Commonwealth v. Williams* (Pa. Super., No. 594 EDA

conviction on the October 2023 charge of evading arrest on foot should not be considered in his revocation proceedings because it “was not a part of the original charges” lodged against him and, therefore, “it[was] not a part of the original record for revocation.” *Id.* at 77. The parole representative at the revocation hearing responded that the initial charges arising from the October 2023 incident did include flight to avoid apprehension and resisting arrest, and that although evading arrest on foot was not part of the original charges, it was properly added prior to trial and was permissible for revocation purposes because it arose from the same incident.³ *Id.* at 77-78. Although Williams had not previously challenged the Board’s November 20, 2023, decision maintaining his detention without an additional detention hearing on the October 2023 charges, he asserted at the revocation hearing that he did not receive a probable cause hearing or a detention hearing on the “original” charges, referring presumably to the October 2023 charges. *Id.* at 79. The parole representative stated that “there is a Board action related to the initial detention hearing” in the Board’s evidence packet that became part of the record. *Id.* at 81.

Williams also averred that his continued imprisonment on his original sentence was improper because he believed his original maximum date should have been in 2019 rather than 2026. *Id.* at 80. He then asserted that his parole should not be revoked because he had “no violations, no supervision issues” while on parole,

2025, filed Feb. 12, 2026), 2026 WL 396206 (unreported). The cited opinion is a nonprecedential decision pursuant to Section 65.37 of the Superior Court’s Internal Operating Procedures, 210 Pa. Code § 65.37.

³ The criminal docket for the October 2023 incident indicates that the specific charge of evading arrest on foot, 18 Pa.C.S. § 5104.2, was included in the prosecution’s April 2024 amended criminal information among other charges that eventually proceeded to trial. *See* C.R. at 122-23. The charge was also included in the Board’s October 28, 2024, notice of charges issued prior to the December 2024 revocation hearing. *Id.* at 53.

started a home remodeling business, and turned his life around until he began a “toxic relationship” with a woman who lied to police by alleging that he committed the June 2023 assault that led to the new charges arising from his arrest in October 2023. C.R. at 82-84. He stated that he had been “vindicated at the preliminary hearing” on the underlying assault charge and reiterated his belief that his convictions on the October 2023 evading arrest on foot and disorderly conduct charges would be negated through his then-pending motion for post-trial relief. *Id.* at 83.

The hearing officer’s December 27, 2024, post-hearing report recommended recommitting Williams as a CPV and denying credit for time at liberty because Williams had absconded twice while on parole and had committed a new offense that was “assaultive in nature” when he fought with officers during the October 2023 incident. C.R. at 112 & 116-17. The hearing officer also noted Williams’s prior delinquencies and “poor adjustment” while on parole. *Id.* The Board member who attended the hearing agreed and signed the report, also on December 27, 2024. *Id.* at 117. The hearing officer addressed Williams’s contention at the hearing that his due process rights were violated because “his conviction for evading arrest [on foot] was not part of his detention hearing, and therefore a new detention hearing should have been held.” *Id.* at 109-110. The hearing officer stated: “As the Board found that [Williams] was charged with the crimes as outline[d], [it] determined that probable cause existed at the 1st level hearing” in November 2023. *Id.* Williams “was then convicted in the same criminal matter” in August 2024, before the December 2024 revocation hearing, and therefore, no due process violation occurred with regard to his detention proceedings in November 2023. *Id.*

On December 30, 2024, the Board issued its formal decision adopting the hearing officer's recommendation and returning Williams to prison as a CPV with a nine-month recommitment period. C.R. at 161. The Board's separate December 30, 2024, order recalculated the maximum date on Williams's original sentence to August 3, 2029. *Id.* at 158-60.

Williams filed two administrative appeals challenging the Board's disposition on multiple bases. *Id.* at 163-75 & 189-92. On April 24, 2025, the Board issued its final decision and order affirming the December 30, 2024, determination. *Id.* at 194-97. Williams then filed his petition for review with this Court, which granted his request to proceed *pro se*. *See* Order, July 24, 2025. On September 16, 2025, this Court denied Williams's request to supplement the record with items related to his parole history prior to the October 2023 charges, the criminal prosecution of the October 2023 charges, and preliminary Board actions associated with the current revocation that Williams had not objected to at the time. *See Per Curiam* Memorandum and Order, Sept. 16, 2025. This matter is now ripe for disposition. Williams raises multiple issues, which will be addressed in turn.⁴

II. Discussion

A. Board Actions in 2021

First, Williams seeks to challenge *nunc pro tunc* the Board's previous actions in assigning him to a halfway house in early 2021 and then recommitting him to prison for six months in April 2021 on technical parole violations after repeated disputes with staff at the halfway house. Williams's Br. at 8-9; Reply Br.

⁴ This Court's review of the Board's action "is limited to determining whether the decision was supported by substantial evidence, whether an error of law occurred, or whether constitutional rights were violated." *Bailey v. Pa. Parole Bd.*, 323 A.3d 259, 263 n.8 (Pa. Cmwlth. 2024).

at 2-4. The Board did not directly address this issue in its April 2025 decision; instead, the Board's brief asserts that Williams's complaints concerning events in 2021 are not before this Court in this matter, which arises solely from events beginning with Williams's October 2023 arrest. Board's Br. at 6 n.1.

"It is well[]settled that the burden of demonstrating the necessity of *nunc pro tunc* relief is on the party seeking to file the appeal, and the burden is a heavy one." *Harris v. Unemployment Comp. Bd. of Rev.*, 247 A.3d 1223, 1229 (Pa. Cmwlth. 2021) (citations omitted). Establishing entitlement to *nunc pro tunc* relief requires proving that extraordinary circumstances involving fraud or breakdown in the administrative process or non-negligent circumstances caused the untimeliness; that the party seeking relief filed for relief within a short time period after the deadline or date that he learned of the untimeliness; and that the responding party will not suffer prejudice due to the delay. *Bureau Veritas N. Am., Inc. v. Dep't of Transp.*, 127 A.3d 871, 879 (Pa. Cmwlth. 2015).

Williams raised this issue in his administrative appeal of the Board's December 2024 determination to revoke his parole based on the events of October 2023. C.R. at 174. However, he has not asserted, either there or before this Court, any circumstances beyond his control that kept him from challenging the Board's actions in 2021. Because Williams has failed to satisfy the heavy burden of demonstrating sufficient circumstances to justify *nunc pro tunc* relief regarding the Board's 2021 actions, his first issue is meritless.

B. Charge of Evading Arrest on Foot

Second, Williams avers that the Board could not revoke his parole based on the charge of evading arrest on foot associated with the October 2023 arrest

because that charge was added unlawfully by an amended criminal information in April 2024 and was never the subject of either a criminal preliminary hearing for probable cause or a preliminary detention hearing for revocation purposes. Williams’s Br. at 9-11; Reply Br. at 5-13. Neither assertion has merit.

1. Amendment of Criminal Information

A criminal information may be amended if the charges sought to be added “involve the same basic elements and evolved out of the same factual situation” as the charges in the original criminal information. *Commonwealth v. Sandoval*, 266 A.3d 1098, 1102-03 (Pa. Super. 2021) (analyzing Rule of Criminal Procedure 564, which permits amendment of a criminal information).⁵ Here, the record includes the complete criminal docket arising out of the October 2023 incident. At Williams’s December 2023 criminal preliminary hearing, which he attended, the following charges were held for trial: flight to avoid apprehension, 18 Pa.C.S. § 5126(a), where the defendant “willfully conceals himself or moves or travels within or outside this Commonwealth with the intent to avoid apprehension”; escape, 18 Pa.C.S. § 5121(a), where the defendant “removes himself from official detention”; disorderly conduct, 18 Pa.C.S. § 5503(a)(4), where the person “with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof . . . creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor; and resisting arrest, 18 Pa.C.S. § 5104, where “with the intent of preventing a public servant from effecting a lawful arrest or discharging any other duty, the [defendant] creates a substantial risk of

⁵ Although decisions of the Superior Court are not binding on this Court, they may provide persuasive authority where they address analogous issues. *See Lerch v. Unemployment Comp. Bd. of Rev.*, 180 A.3d 545, 550 (Pa. Cmwlt. 2018).

bodily injury to the public servant or anyone else, or employs means justifying or requiring substantial force to overcome the resistance.” C.R. at 123.

The prosecution’s criminal information reflecting these charges was filed in February 2024. C.R. at 123. Then, on April 23, 2024, the prosecution filed an amended criminal information that withdrew the flight and escape charges, kept the resisting arrest and disorderly conduct charges, and added the charge of evading arrest on foot, 18 Pa.C.S. § 5104.2(a), a variant of resisting arrest where the defendant “knowingly and intentionally flees on foot from a public servant attempting to lawfully arrest or detain [the defendant].” *Id.* As noted, Williams was ultimately found guilty of disorderly conduct and evading arrest on foot after an August 2024 jury trial. *Id.* at 101.

The evading arrest on foot charge added to Williams’s criminal information in April 2024 is, as noted, a variant of resisting arrest; it clearly entailed “the same basic elements and evolved out of the same factual situation” as the charges of flight, escape, and resisting arrest that were included in the original criminal information. *See Sandoval*, 266 A.3d at 1102. Those charges pertained to the October 2023 incident where police sought to arrest Williams on warrants for the alleged June 2023 assault, but he ran away, disobeyed a police order to stop, and engaged in a physical struggle with several officers before he was subdued and arrested. *See Williams*, slip op. at 1-2, 2026 WL 396206, at *1.

Because the April 2024 addition of the evading arrest on foot charge arose directly from the October 2023 incident giving rise to the initial charges, its addition was not unlawful. For the purposes of this matter, the propriety of the addition of this charge is part of the consideration of whether the Board was required to hold a separate detention hearing on it when it was added in April 2024 after the

Board held a detention hearing in November 2023 on prior charges arising from Williams's June 2023 arrest for assault and then continued Williams's detention based on the initial October 2023 charges.

2. Whether a Second Detention Hearing was Required

When a parolee is charged with a new criminal offense committed while at liberty, Section 71.3(9) of the Board's regulations entitles the parolee to a detention hearing within 30 days. *See* 37 Pa. Code § 71.3(9). This is to prevent an unwarranted loss of liberty by ensuring there is probable cause for detention. *Loach v. Pa. Bd. of Prob. & Parole*, 57 A.3d 210, 213 (Pa. Cmwlth. 2012). However, "the procedures mandated by Section 71.3 apply only to a parolee "not already detained after appropriate hearings for other criminal charges or technical violations." *Id.* In *Loach*, the parolee was arrested on new criminal charges, could not post bail, and remained in custody through his criminal preliminary hearing where probable cause was established for the new charges. 57 A.3d at 213. The Board did not hold a detention hearing on the new charges before recommitting the parolee, who appealed the lack of a hearing. This Court concluded:

A finding of probable cause at a preliminary hearing pursuant to Pa. R.Crim. P. 543 adequately protects against the possibility of an unwarranted loss of liberty. Because Loach received a preliminary hearing pursuant to Pa. R.Crim. P. 543 that addressed the merits of the charges, a preliminary parole revocation hearing would have been redundant and was not constitutionally required.

Id.; *see also Leese v. Pa. Bd. of Prob. & Parole*, 570 A.2d 641, 644 (Pa. Cmwlth. 1990) (stating that "the Board is not constitutionally required to provide another separate preliminary hearing to a parolee when validly detained on other technical

violations or criminal charges” and that “no preliminary parole revocation hearing is required where the prisoner has already had a criminal preliminary hearing”).

Moreover, this Court has stated that once a parolee is convicted of the relevant offenses and those convictions are entered into evidence at the revocation hearing, the absence of a prior detention hearing does not invalidate the Board’s ultimate decision to recommit the parolee as a CPV:

Thus, it would be redundant for the Board to hold a detention hearing for [the parolee], which was, nevertheless, not constitutionally necessary because of [the parolee’s] new felony convictions. *See Evans v. Pa. Parole Bd.* (Pa. Cmwlth., No. 549 C.D. 2023, filed Sept. 6, 2024), slip op. at 9 (noting that “to hold an additional detention hearing within 30 days of . . . detainer would be redundant and, pursuant to *Reavis* [*v. Pennsylvania Board of Probation and Parole*, 909 A.2d 28 (Pa. Cmwlth. 2006)], not constitutionally necessary”). Accordingly, under *Reavis* and *Whittington* [*v. Pennsylvania Board of Probation and Parole*, 404 A.2d 782 (Pa. Cmwlth. 1979)], the Board was not required to hold a detention hearing for [the parolee] based on the new felony convictions and we further reject [parolee’s] argument that the revocation hearing (and [parolee’s] recommitment) should be vacated because the absence of a detention hearing did not alter the validity of the subsequent revocation hearing and recommitment decision. *See Duncan v. Pa. Bd. of Prob. & Parole* (Pa. Cmwlth., No. 2160 C.D. 2014, filed Sept. 16, 2015), slip op. at 6 (“reject[ing] [parolee] argument that the remedy for the Board’s failure to conduct a detention hearing is to vacate the Board’s decision to revoke [] parole”).

Iwanicki v. Pa. Parole Bd. (Pa. Cmwlth., No. 97 C.D. 2024, filed June 4, 2025), slip op. at 19-22, 2025 WL 1575777, at *9-10 (unreported) (footnote omitted); *see also Leese*, 570 A.2d at 644 (stating that “an illegal detention does not, in and of itself, vitiate a subsequent recommitment” as long as the parolee is given “a full

opportunity at the revocation hearing to present any evidence and to cross-examine witnesses relative to violation[s]”); *Whittington v. Pa. Bd. of Prob. & Parole*, 404 A.2d 782, 783 (Pa. Cmwlth. 1979) (stating that “the failure to hold a timely detention hearing in the absence of a timely objection [by the parolee] in no way affects the validity of a subsequent revocation hearing”). This is not to say that the Board’s failure to hold a detention hearing, if one is warranted at the time, does not constitute error. However, any such error is ultimately cured as long as the parolee has been properly detained through, for example, a criminal preliminary hearing, and receives a full and fair final revocation hearing.

Here, the Board’s final decision observed that before the charge of evading arrest on foot was added to the criminal information in April 2024, Williams received a detention hearing on November 2, 2023, where probable cause for detention was established. C.R. at 194. The Board explained: “The fact that the district attorney amended the criminal charges prior to [Williams’s] conviction does not necessitate the need for an additional detention hearing” on the evading arrest on foot charge[;] therefore, Williams’s due process rights “were not violated in this regard.” *Id.* In its brief, the Board argues further that any deficiencies in pre-revocation proceedings are waived if not raised prior to the final revocation hearing. Board’s Br. at 6-7 (citing *Loach* and *Whittington*).

As set forth above, the record reflects that the Board issued its warrant for parole violation on October 25, 2023, the same date as Williams’s flight and arrest on the June 2023 assault allegations. C.R. at 49. On November 2, 2023, the Board held a detention hearing while Williams was in custody after the October 25, 2023, arrest; the Board issued a decision on that date stating that Williams would be detained “pending disposition of criminal charges” along with this reference:

“Arrested on 06/30/23 by Allentown Police Department[.]” *Id.* at 50 & 194. The reference to Williams’s June 2023 arrest corresponds with the June 2023 assault allegations that led to the Board declaring him delinquent on August 8, 2023. *See* C.R. at 59. The record does not indicate that the Board held a second detention hearing to specifically address the October 2023 charges, but on November 20, 2023, the Board issued a decision referencing the November 2, 2023, decision that detained Williams pending resolution of the June 2023 assault charges and added that Williams would continue to be detained “pending disposition of criminal charges,” with reference to Williams’s October 25, 2023, arrest and the docket number for the new charges from that incident. *Id.* at 51.

The Board’s November 2, 2023, detention hearing and determination regarding the June 2023 assault charges and its November 22, 2023, determination maintaining detention in light of the October 2023 charges both took place before Williams’s December 2023 criminal preliminary hearing on the October 2023 charges, at which the charges of resisting arrest and disorderly conduct were held for trial along with other charges from the incident. C.R. at 123. At that point, Williams had remained in custody since his October 25, 2023, arrest because he was unable to post bail; he ultimately did post bail and was released on April 29, 2024, several months prior to his August 2024 trial on the October 2023 charges where he was convicted of the original charges of disorderly conduct and the evading arrest on foot charge, which was added to the criminal information on April 23, 2024. *Id.* at 118.

However, there is no indication in the record that the November 2, 2023, detention determination, which was based on probable cause that the pending June 2023 assault charges constituted a parole violation, was invalid at the time it

was issued, even though those charges were ultimately dropped. The record also does not indicate, and Williams does not assert, that he was released or otherwise at liberty at any time between his October 25, 2023, arrest, the Board's November 2, 2023, action detaining him after a hearing on the then-pending June 2023 assault charges, and the Board's November 20, 2023, action continuing his detention based on the October 2023 charges. Nor does the record indicate that Williams contested his initial detention based on the June 2023 assault charges. Regarding the October 2023 charges, Williams was convicted of the disorderly conduct and evading arrest on foot charges at his August 2024 trial, which took place before his December 2024 revocation hearing. *Id.* at 124. At the revocation hearing, those convictions, which were ultimately upheld on appeal, were entered into evidence. *Id.* at 74; *Commonwealth v. Williams* (Pa. Super., No. 594 EDA 2025, filed Feb. 12, 2026), 2026 WL 396206 (unreported).

Based on the validity of the Board's November 2, 2023, detention hearing and initial decision arising from the June 2023 charges, as well as Williams's continued confinement on those charges during the relevant time period, a second detention hearing was not needed on the October 2023 charges, even though those charges did not yet include evading arrest on foot. *See Leese*, 570 A.2d at 644 (stating that "the Board is not constitutionally required to provide another separate preliminary hearing to a parolee when validly detained on other technical violations or criminal charges"). As discussed above, the April 2024 amendment of the criminal information to add the evading on foot charge did not violate Williams's rights because it arose out of the same incident and conduct as the other October 2023 charges.

Because the November 2, 2023, detention hearing and determination on the June 2023 assault arrest were valid and Williams remained in custody on the June 2023 arrest as well as the initial October 2023 charges arising from the incident where police arrested him, he suffered no loss of liberty by the Board's failure to hold an additional detention hearing later in November 2023 on the initial October 2023 charges. *See Loach*, 57 A.3d at 213 (stating that an additional preliminary parole proceeding is not required if the parolee has already been “detained after appropriate hearings for other criminal charges or technical violations”); *Leese*, 570 A.2d at 644 (stating that “the Board is not constitutionally required to provide another separate preliminary hearing to a parolee when validly detained on other technical violations or criminal charges”). As discussed above, the April 2024 addition of the evading arrest on foot charge to the initial October 2023 charges was itself valid, so the Board was not required to hold yet another detention on that charge when it was added.

Lastly, even if Williams had established entitlement to an additional detention hearing specifically on the evading arrest on foot charge, which was added on April 23, 2024, while he remained in custody, albeit just before he made bail and was released on April 29, 2024, prior to his August 2024 trial, his subsequent conviction at trial on that charge was entered into evidence at his revocation hearing and he had the opportunity to present evidence and question the Board's witness, which cured any alleged defect in his pre-revocation proceedings. *See Leese*, 570 A.2d at 644 (stating that “an illegal detention does not, in and of itself, vitiate a subsequent recommitment” as long as the parolee is given “a full opportunity at the revocation hearing to present any evidence and to cross-examine witnesses relative to violation[s]”); *Whittington*, 404 A.2d at 783 (stating that “the failure to hold a

timely detention hearing in the absence of a timely objection [by the parolee] in no way affects the validity of a subsequent revocation hearing”); *Iwanicki*, slip op. at 19-22, 2025 WL 1575777, at *9-10 (concluding that the absence of a detention hearing did not alter the validity of the subsequent revocation hearing and recommitment decision and rejecting parolee’s argument that the remedy for the Board’s failure to conduct a detention hearing was to vacate the Board’s decision to revoke parole). Consequently, the Board’s revocation of Williams’s parole without having held an additional detention hearing on the October 2023 charges or the subsequently-added evading arrest on foot charge was not improper and Williams’s second issue lacks merit.⁶

C. Original Maximum Sentence Date

Next, Williams argues that his original maximum sentence date should have been November 19, 2019, rather than November 19, 2026, and that any actions taken by the Board after November 2019, including the revocation and recalculation

⁶ Moreover, Williams’s criminal preliminary hearing on the October 2023 charges took place on December 26, 2023, after being rescheduled from November 1, 2023, for reasons not provided in the record. *See* C.R. at 118. At that proceeding, the October 2023 charges of resisting arrest, disorderly conduct, flight to avoid apprehension, and escape were held for trial, meaning that probable cause existed for those charges. *Id.* at 120. Once that occurred, a separate preliminary parole proceeding by the Board was no longer required. *Loach*, 57 A.3d at 213 (stating that “a preliminary [parole] revocation hearing need not be conducted if the parolee has been given a preliminary hearing on the charges for the offenses he allegedly committed while on parole”); *Leese*, 570 A.2d at 644 (stating that “no preliminary parole revocation hearing is required where the prisoner has already had a criminal preliminary hearing”); *Johnston v. Pa. Bd. of Prob & Parole*, 383 A.2d 233, 235 (Pa. Cmwlth. 1978) (stating that even if a preliminary parole proceeding is not held on new criminal charges, the criminal preliminary hearing for those charges serves the same purpose and cures any failure on the Board’s part). Here, because Williams was never at liberty between his October 25, 2023, arrest and his December 26, 2023, criminal preliminary hearing, where probable cause was found on those charges, any failure on the Board’s part to hold a detention hearing in November 2023 was further cured once the preliminary hearing took place in December 2023.

of his maximum sentence date, are void because the Board no longer had jurisdiction over him. Williams’s Br. at 11-14; Reply Br. at 2-3 & 13-27. His argument appears to be that the sentencing court and the Department of Corrections (DOC) “unlawfully aggregated” elements of his original sentence, resulting in an illegal original sentence having an additional seven years of incarceration, and that the Board had a duty to “correct” his sentence but did not do so. *Id.* He adds that the Board’s actions and inactions violated the merger doctrine and constitutional separation of powers and double jeopardy protections. *Id.*

The Board concluded in its decision that the sentencing court and the DOC are responsible for calculating an original maximum sentence date, so there is no basis for the relief Williams seeks from the Board. C.R. at 195. The Board reiterates this position in its brief. Board’s Br. at 7. We agree.

Our trial-level courts impose sentences on individuals convicted of criminal offenses. The DOC, “not the Board, is responsible for calculating the minimum and maximum terms of prisoners committed to its jurisdiction.” *Forbes v. Dep’t of Corr.*, 931 A.2d 88, 94 (Pa. Cmwlth. 2007). The Board’s role is limited to using the DOC’s calculations, particularly the original maximum date, to determine a parole violator’s new maximum date. *See Kerak v. Pa. Bd. of Prob. & Parole*, 153 A.3d 1134, 1137 & 142 (Pa. Cmwlth. 2016). Thus, the Board cannot be held responsible for the calculation of Williams’s original maximum date. Any challenge Williams may have regarding the legality of his original sentence must be raised to the sentencing court and any challenge he may have to the computation of his sentence must be raised to the DOC through that agency’s administrative review process. *See Kerak*, 153 A.3d at 1137 & 142; *Forbes*, 931 A.2d at 94.

Moreover, the record includes the DC16E sentence status summary form prepared by the DOC in 2015 when Williams previously sought parole. C.R. at 7-10. The form included various computations performed by the DOC, one of which indicated a maximum date of November 19, 2019 for “underlapping concurrent aggregation.” *Id.* at 9. However, the form expressly states that the “controlling maximum date” for Williams’s prior sentence was November 19, 2026. *Id.* at 7. Nothing else in this record suggests that Williams’s original maximum date should have been in 2019 rather than 2026 or that the Board should not have used the 2026 date as the basis for recalculating Williams’s new maximum date to August 3, 2029, after his conviction for parole violation in this matter. *See* C.R. at 158-60.

The Board’s calculations stated that Williams had 1,856 unserved days on his original sentence between his last parole date of October 20, 2021, and his original maximum date of November 19, 2026, as provided by the DOC. *Id.* at 158. He received 176 days of credit, including 63 days for confinement between March 2022 and May 2022 on technical parole violations and 113 days for back-time between his October 2023 arrest on the new charges and his April 2024 release on bail prior to his August 2024 trial on the new charges. *Id.* The Board subtracted those 176 days from Williams’s 1,856 unserved days on his original sentence, which resulted in 1,680 days remaining due on that sentence. *Id.* Williams’s effective date of return was December 27, 2024, when the hearing officer’s report was signed by a Board member. *Id.*; *see also id.* at 117. Adding 1,680 days to December 27, 2024, resulted in a new maximum sentence date of August 3, 2029. *Id.* at 158. We see no error in the Board’s calculations.

Also, the doctrine of merger of criminal sentences, where a defendant cannot be separately sentenced for conviction on a charge where the elements are

included in a higher-graded conviction and which arises from the same incident as the higher-graded conviction, is not violated by the Board's recalculation of a parole violator's maximum date. *See, e.g., McClinton v. Pa. Bd. of Prob. & Parole*, 546 A.2d 759, 762 (Pa. Cmwlth. 1988); *see also Commonwealth v. Baldwin*, 985 A.2d 830, 833 (Pa. 2009) (defining merger doctrine). Similarly, "parole revocation proceedings before the [B]oard are administrative in nature rather than criminal"; thus, "the constitutional protections against double jeopardy do not apply." *Epps v. Pa. Bd. of Prob. & Parole*, 565 A.2d 214, 217 (Pa. Cmwlth. 1989). Moreover, it is well settled that the Board does not usurp judicial sentencing power and, therefore, does not violate the separation of powers doctrine, when it recalculates a parole violator's maximum date to ensure that the entire original sentence is served. *Davidson v. Pa. Bd. of Prob. & Parole*, 33 A.3d 682, 685-86 (Pa. Cmwlth. 2011). Accordingly, Williams's third issue is unavailing.

D. Credit for Time at Liberty

Fourth, Williams asserts that the Board wrongfully denied him credit for over four years of time spent at liberty on parole, or "street time," based on its "mischaracterizations of his conduct" before and during the October 2023 incident as "absconding" from parole personnel and "assaultive in nature" with regard to the police officers who arrested him in October 2023. *Id.* at 14-17; Reply Br. at 35. He asserts that he was never formally found to have absconded while on parole and was not ultimately convicted of any form of assault. *Id.* The Board's opinion states that Williams was deemed delinquent in November 2021 and August 2023 based on having absconded from supervision and that when he resisted and fought with officers during the October 2023 incident, his conduct was assaultive; those factors

led to revocation of his parole. C.R. at 195. In its brief, the Board reiterates these positions. Board’s Br. at 10-11.

Absconding, in which the parolee “absent[s] himself or herself from supervision by parole [] authorities,” is a valid basis for denial of street time credit. *Laffey v. Bd. of Prob. & Parole* (Pa. Cmwlth., No. 16 C.D. 2020, filed Oct. 14, 2020), slip op. at 5-6 & n.4, 2020 WL 6053464, at *3 & n.4 (unreported).⁷ Relatedly, credit for street time can also be denied for conduct that is “assaultive in nature.” *Perez v. Pa. Parole Bd.* (Pa. Cmwlth., No. 836 C.D. 2021, filed May 19, 2022), slip op. at 7, 2022 WL 1572359, at *3-4 (unreported). “Assaultive behavior encompasses a broader category of actions than would the crime of assault, and thus actions that would not constitute a crime may nonetheless be sufficient grounds for revocation of parole.” *Flowers v. Pa. Bd. of Prob. and Parole*, 987 A.2d 1269, 1271-72 (Pa. Cmwlth. 2010). “Moreover, in the context of parole violations, assaultive behavior is defined under the ordinary dictionary definition of assault.” *Id.* “Webster’s Collegiate Dictionary, 73 (11th ed. 2003) defines assault as: ‘1 a: [A] violent physical or verbal attack . . . [and] 2 a: [A] threat or attempt to inflict offensive physical contact or bodily harm on a person (as by lifting a fist in a threatening manner) that puts the person in immediate danger of or in apprehension of such harm or contact.’” *Id.*

Here, the record includes a September 2020 delinquency declaration, a February 2021 detention warrant that was subsequently canceled, an April 2021 detention warrant followed by an April 2021 decision recommitting Williams for up to six months based on technical parole violations and indicating “unsuccessful

⁷ Under Section 414(a) of this Court’s Internal Operating Procedures, an unpublished memorandum 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).

discharge” and “poor adjustment under supervision,” a November 2021 delinquency declaration, a March 2022 detention warrant that was subsequently canceled, an August 2023 delinquency declaration, the October 2023 detention warrant for the incident that led to the subject revocation, and the detention decisions for the June 2023 and October 2023 incidents. C.R. at 23-29, 36-40, 43 and 48-51. The Board’s supervision history reflects numerous instances of Williams absconding from supervision by failing to contact or report to parole personnel, failing to enroll in required treatment programs, exhibiting recalcitrance and belligerence when interacting with parole personnel and halfway house staff, and failing to pay his supervision fees. *Id.* at 57-61. The history also cites Williams placing officers “at undue risk” during the incident that led to his being recommitted in early 2021, two additional arrests prior to the October 2023 incident and arrest, and his physical actions towards the arresting officers during the October 2023 incident. *Id.* at 57-61 & 68-72.

Thus, the record more than amply supports the Board’s conclusion that Williams absconded from supervision while previously on parole and did so again before the October 2023 incident when he had been deemed delinquent in early August 2023. *See* C.R. at 117 & 195. Likewise, Williams was convicted of a variant of disorderly conduct that entailed “creat[ion of] a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.” 18 Pa.C.S. § 5503(a)(4). This supports the Board’s conclusion that Williams’s conduct during the October 2023 incident, which required three officers in order to detain him, constituted “assaultive behavior.”

Contrary to Williams’s assertions, the Board did not need to establish these conditions under the higher burden for a criminal conviction. *Flowers*, 987

A.2d at 1271-72. The Board’s burden for parole violations is by a preponderance of the evidence, which is lower than the criminal burden to establish an offense beyond a reasonable doubt. *See Jackson v. Pa. Bd. of Prob. & Parole*, 885 A.2d 598, 602 (Pa. Cmwlth. 2005). Moreover, the Board has discretion to deny credit for street time as “an appropriate way of deterring” misconduct while on parole. *Boyd-Chisholm v. Pa. Bd. of Prob. & Parole*, 240 A.3d 1005, 1013 (Pa. Cmwlth. 2020). A parole violator’s past violations within the Board’s records may be considered in its determination to revoke parole and deny credit for street time. *See McKenzie v. Pa. Bd. of Prob. & Parole*, 963 A.2d 616, 618 n.2 (Pa. Cmwlth. 2009). Because the Board established these conditions by a preponderance of the evidence, its denial of credit for Williams’s time at liberty was within its discretion. Thus, Williams’s fourth issue is meritless.

E. Allegations of Board Engaging in Fraud and Transcript Tampering

Fifth, Williams asserts that the Board fraudulently tampered with the transcript of the December 2024 revocation hearing by removing portions of the transcript that pertained to his allegations. Williams’s Br. at 17; Reply Br. at 32-34. He also avers that the Board “inserted falsehoods” into the hearing officer’s post-hearing report, specifically that he pleaded guilty to evading arrest when he was actually found guilty of that charge, that the report did not state that his prior delinquency between November 2021 and April 2022 was based on an asserted technical violation that was ultimately dismissed, and that the report failed to state that his delinquency between August 8, 2023, and the October 25, 2023, incident was based solely on an asserted technical violation that was also dismissed. *Id.* Williams’s Br. at 17; Reply Br. at 34-35. These allegations against the Board were

not posed in Williams's administrative appeal and, thus, were not addressed in its decision or brief to this Court. Nonetheless, we address them for the sake of completeness.

First, we are unable to discern any tampering or deletions from the record copy of the revocation hearing transcript. It is 35 pages long, no pages are missing, and there is no indication that the testimony or dialogues were altered or interrupted. The transcript reflects that Williams presented arguments on most of the issues he has presented in his appeal to this Court. He averred that the evading arrest on foot charge could not serve as the basis for revocation because it was not part of the original criminal charges, to which the parole representative responded that although the charge was added later by amendment to the criminal information, it related to the same incident and was, therefore, valid as a basis for revocation. C.R. at 77-79. He maintained that he did not receive a detention hearing specific to any of the new charges, which the hearing officer stated he would consider. *Id.* at 79. He argued that he should no longer be in custody on his prior charges at all because his original maximum date should have been in November 2019 rather than November 2026, which the hearing officer also stated he would consider. *Id.* at 80-81.

Similarly, the hearing officer's post-hearing report does not reflect the deficiencies Williams alleges. Although the report states that the Board entered into evidence a "guilty plea" exhibit referencing Williams's evading arrest on foot and disorderly conduct convictions arising from the October 2023 incident, that appears to have been a typographical error because the actual exhibit in the record clearly states that those convictions resulted from a jury verdict signed by all jurors. *See* C.R. at 101-12 & 108. More importantly, for revocation purposes, it is irrelevant

whether Williams pleaded guilty or was found guilty of the charges. Section 6138(a)(1) of the Parole Code states that revocation may be based on “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.” 61 Pa.C.S. § 6138(a)(1).

Next, Williams’s assertion that the hearing officer’s post-hearing report should have noted that any technical violations associated with his delinquencies between November 2021 and a March 2022 arrest and between August 2023 and the October 2023 arrest were ultimately dismissed does not change the outcome here. In the report’s section discussing Williams’s supervision history, the hearing officer concluded that Williams’s adjustment on parole was poor, stating:

[Williams] was declared delinquent on 11/4/21 and his whereabouts [were] unknown until his arrest on 3/3/22 on the Board’s warrant. In July of 2023, [Williams’s parole agent] determined that there was a warrant for [Williams’s] arrest regarding an incident that occurred on 6/30/23. [Williams] was declared delinquent on 8/8/23 and his whereabouts [were] unknown until his arrest on 10/25/23 in the current matter.

C.R. at 108.

First, there is no suggestion that the ultimate dismissal of those prior delinquencies for alleged technical parole violations was intentionally omitted from the hearing officer’s report or that their omission constituted a “falsehood” inserted into the report by the hearing officer or the Board. The report merely states that those delinquencies occurred and that during their months-long durations, Williams’s whereabouts were unknown to parole personnel and that his adjustment to parole was generally poor. C.R. at 108.

The Board had the entire record before it, with Williams's full supervision history, including his failure over several release periods to enroll in required treatment programs, repeated poor attitude with parole officers and personnel, including several incidents where Williams was described as argumentative, disrespectful, noncompliant, and evasive, even when he was not subject to recommitment for technical violations. C.R. at 57-58. The Board also had access to documentation in Williams's record explaining that the 2021-22 delinquency, which was based on reported abscondment, did not ultimately result in any violations or recommitment because a preponderance of the evidence was not shown for a technical violation. *Id.* at 38-42.

As for the delinquency between August 2023 and the October 2023 incident, the record reflects that it was declared because Williams "kept avoiding being seen both at his approved residence and at work." *Id.* at 59. The resolution of that delinquency became effectively moot because Williams's parole agent learned of a pending arrest warrant arising from the June 2023 assault. Police officers' execution of that warrant on October 25, 2023, resulted in the incident that led to Williams's arrest, new criminal convictions, and revocation of his parole. Accordingly, any omissions in the hearing officer's report regarding the resolution of the specific technical parole violations associated with Williams's prior delinquencies did not undermine the Board's reference to his poor prior adjustment to parole, along with his assaultive behavior during the October 2023 episode, to deny credit for street time. Thus, Williams's fifth issue is unavailing.

F. Composition of Board Hearing

Finally, Williams argues that the Board violated due process by failing to have all nine Board members conduct his hearing and vote individually on the hearing officer's recommendation to revoke his parole. Williams's Br. at 17-18. The Board did not directly address this argument in its opinion, but in its brief to this Court, the Board cites Section 6113(b) of the Parole Code, which states that the Board "may make decisions on parole, reparole, return or revocation in panels of two persons. A panel shall consist of one board member and one hearing examiner or of two board members." Board's Br. at 7 (citing 61 Pa.C.S. § 6113(b)). This Court has held that a parole revocation hearing conducted by a hearing examiner and one board member does not violate due process. *Epps v. Pa. Bd. of Prob. & Parole*, 565 A.2d 214, 217 (Pa. Cmwlth. 1989). The record shows that Williams's revocation hearing was conducted by a hearing officer and one board member, as directed by Section 6113(b). Thus, Williams's sixth issue is meritless.

III. Conclusion

In light of the foregoing determinations that Williams's issues are meritless, the Board's April 24, 2025, order is affirmed.

CHRISTINE FIZZANO CANNON, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Michael Williams,	:	
Petitioner	:	
	:	
v.	:	
	:	
Pennsylvania Parole Board,	:	No. 668 C.D. 2025
Respondent	:	

ORDER

AND NOW, this 28th day of August, 2026, the April 24, 2025, order of the Pennsylvania Parole Board is AFFIRMED.

CHRISTINE FIZZANO CANNON, Judge