

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Jamil Lute Jones,	:	
Petitioner	:	
	:	
v.	:	
	:	
Pennsylvania Parole Board,	:	No. 975 C.D. 2025
Respondent	:	Submitted: September 14, 2026

BEFORE: HONORABLE CHRISTINE FIZZANO CANNON, Judge
HONORABLE LORI A. DUMAS, Judge
HONORABLE BONNIE BRIGANCE LEADBETTER, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE FIZZANO CANNON

FILED: October 23, 2026

Jamil Lute Jones (Jones) petitions for review from the June 30, 2025 decision (June 2025 Board Decision) of the Pennsylvania Parole Board (Board), which denied his challenge to the Board's March 21, 2025 action (March 2025 Board Action) recommitting Jones as a convicted parole violator (CPV) and recalculating his maximum sentence date. Jones is represented by Jessica A. Fiscus, Esquire (Counsel), who has filed an Application to Withdraw Appearance (Application to Withdraw) asserting that Jones's Petition for Review is without merit and seeking permission to withdraw as counsel. For the following reasons, we grant the Application to Withdraw and affirm the June 2025 Board Decision.

I. Background

In 2016, the Court of Common Pleas of Erie County (Common Pleas) sentenced Jones for multiple criminal convictions with collective minimum and maximum sentence dates of November 7, 2018, and May 7, 2022, respectively

(collectively, the Original Sentences).¹ *See* Certified Record (C.R.) at 1-2. Jones was released on parole on November 15, 2017. *See* C.R. at 4-5.

On March 7, 2018, the Board declared Jones delinquent effective March 7, 2018. *See* C.R. at 8. On August 6, 2018, the Board recommitted Jones to serve six months' backtime² as a technical parole violator.³ *See* C.R. at 9-11. Further, as a result of a new May 1, 2018 arrest by the Erie City Police Department and the United States Marshals, the Board also ordered that Jones be detained pending the disposition of new pending criminal charges. *See* C.R. at 9. The Board ordered Jones to be automatically re-paroled on November 1, 2018, subject to the satisfaction of certain conditions and any detainers. *See* C.R. at 9-10. Additionally, the Board added 55 days to the maximum sentence date of the Original Sentences to account for the period of delinquency between his initial release on March 7, 2018, and his subsequent arrest on May 1, 2018. *See* C.R. at 12.

Following his re-parole,⁴ on September 4, 2019, Common Pleas sentenced Jones to a time-served sentence for hindering apprehension/prosecution.

¹ Specifically, the Original Sentences consisted of a July 27, 2016 sentence of 30 to 72 months' incarceration for possession of firearms without a license and a September 12, 2016 sentence of 8 to 23 months' incarceration following the revocation of his probation for theft of movable property. *See* C.R. at 1-2.

² "Back[time] is that part of an existing judicially-imposed sentence which the Board directs a parolee to complete following a finding . . . that the parolee violated the terms and conditions of parole" *Yates v. Pa. Bd. of Prob. & Parole*, 48 A.3d 496, 499 (Pa. Cmwlth. 2012); *see also* 37 Pa. Code § 61.1 (defining backtime as "[t]he unserved part of a prison sentence which a convict would have been compelled to serve if the convict had not been paroled").

³ Jones's technical parole violations included change of residence without permission, drug use, and failure to successfully complete required prison programming. *See* C.R. at 9.

⁴ Jones's actual re-parole release date was January 17, 2019. *See* C.R. at 14 & 22.

See C.R. at 14-15 & 22. The Board then recommitted Jones to serve nine months of backtime as a CPV. *See* C.R. at 20. The Board did not award Jones credit for time spent at liberty on parole, a.k.a. “street time,” upon recommitment, as a result of Jones’s “unresolved drug and alcohol issues.” C.R. at 20. The Board also recalculated the maximum sentence date of the Original Sentences to February 16, 2023. *See* C.R. at 22.

Jones was re-paroled on November 7, 2021.⁵ *See* C.R. at 28-30. On June 2, 2022, he was again arrested, this time on new criminal charges of aggravated assault with a deadly weapon (2022 New Charges), and the Board issued a warrant to commit and detain. *See* C.R. at 40-41. On the maximum date of the Original Sentences, February 16, 2023, the Board cancelled its detainer and Jones posted bail on the 2022 New Charges. *See* C.R. at 42 & 76. However, on January 11, 2024, Common Pleas issued a bench warrant for Jones that was returned on June 13, 2024, at which time Common Pleas increased Jones’s bond amount and he was unable to post bail. *See* C.R. at 76.

On July 30, 2024, Jones pleaded guilty to the 2022 New Charges and received a county sentence of 10 to 23 months of incarceration followed by 3 years of probation (2022 New Charges Sentence). *See* C.R. at 77 & 91. Jones received credit for 260 days of incarceration toward the 2022 New Charges Sentence. *See* C.R. at 77.

Following the imposition of the 2022 New Charges Sentence, on September 3, 2024, the Department of Corrections issued a warrant to commit and

⁵ The Board denied Jones re-parole twice – on April 7, 2020, and December 14, 2020 – before granting re-parole by Board Decision dated September 29, 2021, with an actual re-parole release date of November 7, 2021. *See* C.R. at 24-30.

detain Jones for violation of parole. *See* C.R. at 43. Jones requested a panel hearing. *See* C.R. at 49. Common Pleas then paroled Jones on the 2022 New Charges Sentence on September 25, 2024, and Jones was returned to the Board's custody pursuant to the September 3, 2024 detainer. *See* C.R. at 44, 108 & 123.

A revocation hearing was originally scheduled for December 23, 2024, but Jones executed a continuance request in order to seek counsel. *See* C.R. at 45. Following the appointment of the Erie County Public Defender's Office to represent Jones, the revocation hearing was rescheduled for February 4, 2025, at SCI-Forest. *See* C.R. at 46. This hearing date was again continued, this time due to Jones's unavailability.⁶ *See id.* The revocation hearing occurred on March 4, 2025. *See* C.R. at 56-92. At the hearing, Jones acknowledged the 2022 New Charges Sentence. *See* C.R. at 62 & 65-66. He sought credit on the Original Sentences for the periods during which the Board had issued its detainers, to wit, June 2, 2022, through February 16, 2023, and September 3, 2024, through October 15, 2024. *See* C.R. at 66-67.

The hearing examiner recommended Jones be recommitted as a CPV based on the 2022 New Charges Sentence. *See* C.R. at 106-07. The hearing examiner further recommended that Jones be denied credit for his street time due to his poor adjustment to parole, the violent nature of his new criminal conviction involving assault with a deadly weapon, and his positive drug test while on parole. *See* C.R. at 102. A Board member concurred with the hearing examiner's recommendation. *See* C.R. at 107.

On March 21, 2025, the Board issued the March 2025 Board Action recommitting Jones as a CPV to serve the unexpired 1 year, 3 months, and 10 days

⁶ Jones was housed at Erie County Prison at the time. *See* C.R. at 46.

of the Original Sentences. *See* C.R. at 135. The Board denied Jones credit for street time, explaining: “The offender committed a new offense involving possession of a weapon thereby warranting denial of credit for time spent at liberty on parole.” C.R. at 136. Thus, the Board recommitted Jones to serve 466 days of backtime and recalculated the new maximum date for the Original Sentences to January 4, 2026.⁷ *See* C.R. at 133.

Jones filed a *pro se* Administrative Remedies Form on April 17, 2025, in which he requested to be represented by counsel and asserted that he had “maxed

⁷ We observe that this date has passed. Generally, “the expiration of a parolee’s maximum term renders an appeal of a Board Revocation order moot.” *Mesko v. Pa. Bd. of Prob. & Parole*, 245 A.3d 1174, 1178 (Pa. Cmwlth. 2021) (quoting *Taylor v. Pa. Bd. of Prob. & Parole*, 746 A.2d 671, 674 (Pa. Cmwlth. 2000)). Thus, on February 19, 2026, this Court issued a Rule to Show Cause (Rule) why this action should not be dismissed as moot. *See* Commonwealth Ct. Order, Feb. 2, 2026. Counsel argued in reply that

The instant appeal is not moot because [Jones] still has to serve the balance of his new county sentence (*i.e.* a period of parole and consecutive probation), and the outcome of this appeal could affect the maximum sentence at the new docket. *See Gorman v. P.B.P.P.* [(Pa. Cmwlth., No. 1745 C.D. 2019, filed Nov. 20, 2020), slip op. at 7 n.7], 2020 WL 6820818, *4, n.7 (Pa. Cmwlth. 2020) (unpublished memorandum) (accepting the petitioner’s argument that a parole revocation appeal was not moot, despite the petitioner’s service of the original maximum, as the petitioner still had to serve the new county sentence and a period of probation, where the outcome of the revocation appeal could impact the maximum time owed on the sentence); *Palmer v. P.B.P.P.*, 134 A.3d 160, 165 (Pa. Cmwlth. 2016) (holding backtime on the original sentence cannot be served concurrently with a new sentence imposed for an offense committed while on parole); 42 Pa.C.S.[] § 9760(3) (stating that, where the defendant is serving multiple sentences, and one is set aside on appeal, credit for time served should be given toward the maximum and minimum of the remaining sentences).

Counsel Letter to Commonwealth Court, March 23, 2026, at 2 (pagination supplied). The Court thereafter discharged the Rule by order exited March 27, 2026. *See* Commonwealth Ct. Order, Mar. 27, 2026.

out” the Original Sentences and that the Board improperly recalculated his maximum date. C.R. at 137-41. Following her appointment, on April 25, 2025, Counsel filed a supplement to the Administrative Remedies Form that raised a timely hearing due process violation claim and an improper maximum sentence date recalculation claim. *See* C.R. at 143. Thereafter, the Board issued the June 2025 Board Decision denying Jones’s claims and affirming the March 2025 Board Action. *See* C.R. at 146-49.

On July 30, 2025, Jones filed a timely Petition for Review with this Court. On November 26, 2025, Counsel filed a *Turner/Finley* Letter⁸ and the Application to Withdraw with this Court. Thereafter, on December 2, 2025, the Court executed an order informing Jones that he could either obtain substitute counsel at his own expense to file a brief on his behalf, or he could file a *pro se* brief on his own behalf within 30 days of the service of the order. *See* Commonwealth Court Order dated Dec. 2, 2025. Counsel served this order on Jones. *See* Certificate of Service dated Dec. 15, 2025. Jones neither obtained counsel nor filed a brief on his own thereafter. The matter now comes before the Court for disposition.

⁸ *See Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988); *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super. 1988) (*en banc*). Counsel files such a letter when seeking to withdraw from representation of a parole violator because the violator’s case lacks merit, although it may not be “so anemic as to be deemed wholly frivolous.” *Anderson v. Pa. Bd. of Prob. & Parole*, 237 A.3d 1203, 1204 n.2 (Pa. Cmwlth. 2020) (internal quotation marks omitted) (quoting *Commonwealth v. Wrecks*, 931 A.2d 717, 722 (Pa. Super. 2007)). Such letters are known by many names in the Commonwealth, including “no-merit letter,” “*Finley*” letter, “*Turner* letter,” and “*Turner/Finley* letter.” *See id.*

II. Issues

Counsel has identified two issues for this Court’s review:⁹ first, that the Board violated Jones’s due process rights by failing to provide him with a revocation hearing within 120 days; second, that the Board incorrectly calculated the new maximum sentence date and/or the custody for return date on the Original Sentences. *See* Pet. for Rev. ¶¶ 6-7; *see also* *Turner/Finley* Letter at 3-6.

III. Application to Withdraw

When court-appointed counsel concludes that a petitioner’s appeal is meritless and seeks to withdraw, counsel must notify the petitioner of her request to withdraw by sending the petitioner copies of counsel’s application to withdraw and *Turner/Finley* letter; counsel must also provide a statement that petitioner has been advised of his right to retain new counsel or proceed *pro se* and raise any points he may deem worthy of consideration in a brief on his own behalf. *See, e.g., Miskovitch v. Pa. Bd. of Prob. & Parole*, 77 A.3d 66, 69 (Pa. Cmwlth. 2013); *Zerby v. Shanon*, 964 A.2d 956, 960 (Pa. Cmwlth. 2009). With regard to the latter, our current approach does not prohibit counsel from incorporating that statement into either the application to withdraw or the *Turner/Finley* letter. *See Walker v. Pa. Parole Bd.* (Pa. Cmwlth., No. 492 C.D. 2023, filed Jan. 7, 2026), slip op. at 5-10 & n.8, 2026 WL 41307, at *3-5 & n.8 (unreported)¹⁰ (stating that in this context, “a separate statement is not a mandated requirement” and noting that the statement there was

⁹ 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. Pa. Bd. of Prob. & Parole*, 77 A.3d 66 (Pa. Cmwlth. 2013).

¹⁰ 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).

included in the application to withdraw and accompanied by counsel's certificate of service upon the petitioner and verification of the application's truth and correctness).

Substantively, a *Turner/Finley* 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) (internal quotation marks omitted; some alterations omitted) (quoting *Commonwealth v. Turner*, 544 A.2d 927, 928 (Pa. 1988)). Once appointed counsel has complied with the technical requirements for a withdrawal, we independently review the merits of the petitioner's claims. *Miskovich*, 77 A.3d at 70.

Here, the Application to Withdraw indicates that Counsel has reviewed the certified record, the documents in the file, Jones's correspondence and filings, and the applicable case law and statutes and has determined that the issues raised in the Petition for Review lack merit. *See* Application to Withdraw at 1 (pagination supplied). The Application to Withdraw further explains that Counsel notified Jones of her request to withdraw and advised him of his right to retain new counsel or to raise any points he deems worthy of consideration in a *pro se* filing. *See id.* Further, Counsel's November 26, 2025 Cover Letter to Jones (Cover Letter) evidences that she served Jones with a copy of the *Turner/Finley* Letter together with the Application to Withdraw. *See* Cover Letter, attached as Exhibit A to the Application to Withdraw. The Cover Letter again outlines Jones's right to retain and proceed *pro se* or with new counsel. *See id.* Additionally, Counsel appended a certificate of service to the Application to Withdraw indicating that she provided Jones with a

copy of the Application to Withdraw via first-class mail. *See* Application to Withdraw at Proof of Service.

Here, Counsel has satisfied the technical requirements for a *Turner/Finley* letter. The *Turner/Finley* Letter begins by explaining that Counsel reviewed the certified record and researched applicable case law. *See Turner/Finley* Letter at 1 (pagination supplied). Counsel then reviews the intricacies of the procedural posture of this matter. *See id.* at 1-3. Counsel identifies the issues raised and explains why each lacks merit, citing appropriate legal authority. *See id.* at 3-6. Counsel also served Jones with a copy of the *Turner/Finley* Letter and Application to Withdraw and advised him of his right to retain new counsel or proceed *pro se*. *See* Application to Withdraw at 1 & Exhibit A. As we are satisfied that Counsel has discharged her responsibility in complying with the technical requirements to withdraw from representation, we grant the Application to Withdraw and now conduct an independent merits review.

IV. Discussion

A. Due Process Claim – 120 Days to Hold Revocation Hearing

Jones first argues that the Board violated his due process rights by failing to conduct a revocation hearing within 120 days of his return to custody. This claim lacks merit.

When a parolee is charged with a new criminal offense, 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) ("The Board will follow the procedures generally governing preliminary hearings contained in § 71.2(1)-(8) (relating to procedure for violation of parole conditions) in conducting detention hearings, except that a detention hearing shall be held within 30 days of the parolee's detention."); *see also*

204 Pa. Code § 311.1 (defining a “[d]etention hearing” as “[a] first-level, probable cause hearing to determine whether there is probable cause that a paroled person should be detained or returned pending disposition of a new criminal charge”). Further, before a parolee’s recommitment as a CPV,

[i]f a parolee is confined outside the jurisdiction of the Department of Corrections, such as . . . confinement in a county correctional institution . . . **the revocation hearing shall be held within 120 days of the official verification of the return of the parolee to a State correctional facility.**

37 Pa. Code § 71.4(1)(i) (emphasis provided). However, Section 71.5(c) of the Board’s regulations also explicitly provides, in relevant part, that

[i]n determining the period for conducting hearings under this chapter, there shall be excluded from the period, a delay in any stage of the proceedings which is directly or indirectly attributable to one of the following:

(1) **The unavailability of a parolee or counsel.**

(2) **Continuances granted at the request of a parolee or counsel,** in which case the Board is not required to reschedule the hearing until it receives a written request to reschedule the hearing from the parolee or counsel.

37 Pa. Code § 71.5(c) (emphasis provided).

Here, Jones pleaded guilty to and was sentenced on the New Charges on July 30, 2024. He received a county sentence and continued to serve that sentence until paroled thereon by Common Pleas on September 25, 2024, at which time Jones was returned to Board custody. Therefore, because Jones did not waive his panel

hearing, the Board was required to hold a revocation hearing within 120 days. 37 Pa. Code § 71.4(1)(i). The Board did not conduct the revocation hearing until March 4, 2025, 160 days later. However, on December 23, 2024, Jones requested a continuance to seek appointed counsel and the Board scheduled a new hearing date for February 4, 2025. Jones's unavailability on February 4, 2025, caused the matter to again be rescheduled to March 4, 2025, when the revocation hearing actually occurred. These 71 days of delay, being attributable to Jones's request and unavailability, do not count toward the calculation of the 120-day revocation hearing deadline. 37 Pa. Code § 71.5(c)(2). The subtraction of these 71 days from the 160 days between Jones's return to Board custody and the subsequent revocation hearing date leaves 89 days, a period well within the Board regulations' 120-day requirement. Accordingly, Jones received a timely revocation hearing and the Board did not violate his due process rights.

B. Improper Recalculation of Maximum Sentence Claim

Regarding Jones's claim that the Board incorrectly re-calculated his maximum sentence following the 2022 New Charges Sentence, he is not entitled to relief.

Section 6138(a)(1) of the Prisons and Parole Code¹¹ allows the Board to recommit parolees who, while on parole, commit and are convicted of crimes punishable by imprisonment. *See* 61 Pa.C.S. § 6138(a)(1). Further, Pennsylvania's General Assembly has expressly authorized the Board to recalculate the maximum date of a sentence beyond the original date, where such recalculation does not add to the total length of the sentence. *See Hughes v. Pa. Bd. of Prob. & Parole*, 179 A.3d 117, 120 (Pa. Cmwlth. 2018) (explaining that the maximum length of the

¹¹ 61 Pa.C.S. §§ 101-7301.

sentence, not the maximum sentence date, is controlling). Such a recalculation accounts for periods during which a prisoner is not actually serving his sentence. *See Vann v. Pa. Bd. of Prob. & Parole* (Pa. Cmwlth., No. 1067 C.D. 2017, filed Apr. 10, 2018), slip op. at 6. It is well settled that, when recalculating the sentence of a CPV, the Board does not encroach upon judicial powers, but merely requires the parole violator to serve his entire sentence under the authority granted by the General Assembly. *See Young v. Bd. of Prob. & Parole*, 409 A.2d 843, 848 (Pa. 1979) (explaining that the Board’s recalculation of a CPV’s sentence “is not an encroachment upon the judicial sentencing power”); *see also Ruffin v. Pa. Bd. of Prob. & Parole* (Pa. Cmwlth., No. 2038 C.D. 2016, filed July 13, 2017), slip op. at 8-9 (citing *Young* for the proposition that “in exercising its power to recommit a parolee beyond the maximum date set by a sentencing court . . . , the Board is not engaging in an unconstitutional usurpation of judicial power but rather is operating under the express authority granted to it by the General Assembly”).

Here, the record indicates that at the time the Board re-paroled Jones on November 7, 2021, the recalculated maximum sentence date for the Original Sentences was February 16, 2023. The Board detained Jones following his arrest on the 2022 New Charges on June 22, 2022. However, the Board cancelled that detainer on February 16, 2023, and Jones posted bail on the 2022 New Charges. Jones’s bail on the 2022 New Charges was later increased and he could not post bail at the increased amount; he was accordingly incarcerated awaiting trial on the 2022 New Charges. The Board did not detain Jones on the Original Sentences until after Jones’s conviction on the 2022 New Charges and the imposition of the 2022 New Charges Sentence. Therefore, the Board correctly did not award Jones credit on the Original Sentences for the time he was incarcerated following his arrest on the 2022

New Charges until Jones was paroled by Common Pleas on the 2022 New Charges Sentence on September 25, 2024. *See* C.R. at 79; *see also Smith v. Pa. Bd. of Prob. & Parole*, 171 A.3d 759, 761 n.7 (Pa. 2017) (holding “that if a parolee is detained both on a detainer by the Pennsylvania Board of Probation and Parole and for new charges for which he did not satisfy bail requirements, the time spent in custody is to be credited to the sentence imposed for the new charges”). As a result, the Board did not err by adding the entirety of Jones’s 466 days of backtime to the maximum sentence date of the Original Sentences following his September 25, 2024 return to custody following his parole on the 2022 New Charges Sentence.

To the extent Jones specifically argues that the Board erred regarding the date employed as his return to custody for recalculating his maximum sentence date, we reiterate that he is incorrect. Jones pleaded guilty to the 2022 New Charges on July 30, 2024, and remained in county custody until his parole from the 2022 New Charges Sentence on September 25, 2024. It was at this time that Jones became eligible to serve his backtime, and this was the date employed by the Board for its calculation. *See* C.R. at 108, 123 & 133-35.

Further, to the extent Jones argues that he was entitled to credit on the Original Sentence for time he spent at liberty on parole, we do not agree. Parolees convicted of new criminal offenses committed while on parole are subject to recommitment as CPVs and may, in the Board’s discretion, lose credit for *all* “time at liberty on parole,” also known as “street time,” upon recommitment. *Pittman v. Pa. Bd. of Prob. & Parole*, 159 A.3d 466, 474 (Pa. 2017); *see also* 61 Pa.C.S. § 6138(a)(1)-(2.1) (explaining that if the parolee is recommitted as a CPV, the parolee shall be given no credit for the time spent at liberty on parole unless the Board, in its discretion, decides to award the time as provided therein). When

exercising its discretion to deny CPVs street time credit, “the Board must provide a contemporaneous statement explaining its reason for denying a CPV credit for time spent at liberty on parole.” *Pittman*, 159 A.3d at 475. However, “the reason the Board gives does not have to be extensive and a single sentence explanation is likely sufficient in most instances.” *Id.* at 475 n.12. As discussed *supra*, the Board exercised its discretion and denied Jones a street time credit, explaining its reasoning for the denial of street time as follows: “The offender committed a new offense involving possession of a weapon thereby warranting denial of credit for time spent at liberty on parole.” C.R. at 136. This reason is adequate for the Board to exercise its discretion to deny Jones credit for time spent at liberty on parole. *See* 61 Pa.C.S. § 6138(a)(2). Thus, the Board did not err by denying Jones credit for time spent at liberty on parole.

V. Conclusion

For the reasons discussed above, following our independent review of the record and applicable law, we agree with Counsel that Jones’s issues on appeal lack merit. Accordingly, we affirm the June 2025 Board Decision’s denial of the claims contained in Jones’s administrative appeal of the March 2025 Board Action, and grant the Application to Withdraw.

CHRISTINE FIZZANO CANNON, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Jamil Lute Jones,	:	
Petitioner	:	
	:	
v.	:	
	:	
Pennsylvania Parole Board,	:	No. 975 C.D. 2025
Respondent	:	

ORDER

AND NOW, this 23rd day of October, 2026, the June 30, 2025 decision of the Pennsylvania Parole Board is **AFFIRMED**. The Application to Withdraw Appearance filed by Jessica A. Fiscus, Esquire, is **GRANTED**.

CHRISTINE FIZZANO CANNON, Judge