IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Bobbi Jo Morgan,	:	
Petitioner	:	
	:	No. 994 C.D. 2025
v.	:	
	:	Submitted: September 14, 2026
Pennsylvania Parole Board,	:	
Respondent	:	

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

OPINION NOT REPORTED

MEMORANDUM OPINION BY
JUDGE DUMAS **FILED: November 2, 2026**

Bobbi Jo Morgan (Petitioner) has petitioned this Court to review a decision by the Pennsylvania Parole Board (Board), mailed July 11, 2025, denying administrative relief from her recommitment as a convicted parole violator (CPV). Petitioner asserts that the Board failed to award her proper credit toward her original sentence. After careful review, we affirm.

I. BACKGROUND[1]

On February 1, 2021, the Board paroled Petitioner from a state correctional institution (SCI). At that time, Petitioner had 7,555 days remaining on her sentence, and her maximum release date was October 9, 2041.

On April 3, 2024, Petitioner was arrested in Blair County on new criminal charges. That same day, the Board lodged a detainer against Petitioner because of this new arrest. Petitioner was held at SCI-Muncy. *See* Arrest & Disposition Rep., 4/24/25.

Bail was set on April 10, 2024, which Petitioner failed to post. Petitioner remained incarcerated throughout the pendency of her Blair County proceedings. On March 14, 2025, Petitioner was sentenced in Blair County to a minimum term of three months and a maximum term of twenty-three and one-half months' incarceration to be served in the county prison. *See* Blair Cnty. Ct. Order, 3/14/25, at 3. At sentencing, the sentencing court expressly noted that Petitioner had already served the minimum term and was therefore eligible for parole. *See id.* Nonetheless, Petitioner remained incarcerated, and Blair County did not finalize her parole until May 14, 2025.

Following her parole from the Blair County sentence, the Board recommitted Petitioner as a CPV for a 12-month period. In that decision, the Board awarded Petitioner credit for 1,157 days spent at liberty on parole between her release on February 1, 2021, and her subsequent arrest on April 3, 2024, as well as seven days of confinement between April 3 and April 10, 2024, during which she was held solely on the Board's detainer. Accordingly, the Board recalculated

[1] Unless otherwise stated, we base the recitation of facts on the Board's response to Petitioner's administrative remedies form, mailed July 11, 2025, which is supported by the record. *See* Resp. to Admin. Remedies Form, 7/11/25.

Petitioner's maximum release date on her original sentence to be November 12, 2042. The Board also notified Petitioner that she would be eligible for reparole in May 2026.

Thereafter, on June 12, 2025, Petitioner submitted an administrative remedies form with an accompanying handwritten letter, challenging the Board's calculations of her new maximum date and her reparole eligibility date. In its response, the Board affirmed. Petitioner then timely petitioned this Court for review.

II. ISSUE

Petitioner presents one issue for our review: whether equitable principles and public policy compel treating the period of confinement between her sentencing and her parole in Blair County as uncredited time that must be awarded to her original sentence. *See* Pet'r's Br. at 7.

III. DISCUSSION[2]

Petitioner asserts that the 61-day period between her sentencing and parole must be credited toward her original sentence. *See id.* at 15-17. She maintains that her "true" parole date was March 14, 2025, the date that the sentencing court acknowledged her parole eligibility, and thus any confinement after that date should be treated as service of her original sentence rather than her new sentence. *See id.* In Petitioner's view, it would be "unconscionable . . . [to] . . . not receive credit for the time spent" between her sentencing and the time she was formally paroled. *See id.* at 16. Thus, according to Petitioner, the Board's use of May 14, 2025, as her parole date resulted in an incorrect recalculation of her maximum release date and

[2] Our review is limited to determining whether the Board committed an error of law, whether its findings are supported by substantial evidence, and whether its decision violated constitutional rights. *See Fisher v. Pa. Bd. of Prob. & Parole*, 62 A.3d 1073, 1075 n.1 (Pa. Cmwlth. 2013); *see also* Section 704 of the Administrative Agency Law, 2 Pa.C.S. § 704.

reparole eligibility date. *See id.* at 17 (citing *Martin v. Pa. Bd. of Prob. & Parole*, 840 A.2d 299 (Pa. 2003)).

Petitioner acknowledges that under existing case law, excess pre-sentence confinement is credited to a CPV's original sentence only when the time spent incarcerated prior to sentencing exceeds the maximum term of the new sentence. *See* Pet'r's Br. at 16-17. She concedes that her confinement here did not exceed the maximum term of her Blair County sentence and is therefore "technically not dead time." *See id.* at 17. Nevertheless, she asks this Court to treat the disputed 61-day period as "dead time," thereby expanding the principle for uncredited time to include instances in which administrative delay results in the offender's continued confinement after sentencing but before parole. *See id.* at 16-17.

Petitioner emphasizes that the delay between her sentencing and her eventual parole was attributable to administrative delay rather than any fault of her own. *See* Pet'r's Br. at 17. She further notes that Blair County incurred no incarceration or transportation costs during this period and suggests that the county "saved" two months of supervision because, upon her release from state custody in 2042, the county will have a shorter remaining supervision period for her parole. *See id.* Petitioner offers these policy considerations in support of her request that this Court treat this 61-day window of time as uncredited time that must be applied to her original sentence.

When calculating credit toward an original sentence for confinement preceding sentencing on new charges, several principles apply. For instance, 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 in custody shall be credited toward his or her original sentence. *See Gaito v.*

Pa. Bd. of Prob. & Parole, 412 A.2d 568, 571 (Pa. 1980). On the other hand, if a defendant remains incarcerated prior to sentencing because he or she has failed to satisfy the bail requirements on the new criminal charges, then that time spent in custody is applied to the defendant's new sentence. *See id.*

A CPV "must serve the remainder of the term which he would have been compelled to serve had he not been paroled . . . [.]" *Barnes v. Pa. Bd. of Prob. & Parole*, 203 A.3d 382, 387 (Pa. Cmwlth. 2019); 61 Pa.C.S. § 6138(a)(2).[3] "The period of time for which a parole violator is required to serve shall be computed by the [B]oard and shall begin on the date that the parole violator is taken into custody to be returned to the institution as an offender." 61 Pa.C.S. § 6138(a)(4). When an offender is paroled from an SCI and later receives a new county sentence, the parolee must serve or be paroled from that county sentence before resuming the term on the original sentence. *See id.* § 6138(a)(5)(iii).

Here, Petitioner did not post bail on April 10, 2024. *See* Criminal Docket, 5/9/25, at 2. As a result, she remained confined on both the Board's detainer and the Blair County charges until her release on parole. Under *Gaito*, this period of incarceration must be credited toward her new sentence, not her original sentence. *See Gaito*, 412 A.2d at 571. In fact, Petitioner received credit for this 61-day period as this time was attributed to her Blair County sentence. *See* Paroling Order, 5/14/25.

Petitioner was officially released on parole from her county sentence on May 14, 2025. *See* Paroling Order, 5/14/25. Thus, she became available to resume serving her original sentence on this date. *See* 61 Pa.C.S. § 6138(a)(5)(iii). Accordingly, the Board correctly computed the remaining 6,391-day balance on her

[3] Prisons and Parole Code, 61 Pa.C.S. §§ 101-7301.

original term, which yields a new maximum release date of November 12, 2042.[4] *See* Response to Admin. Remedies Form, 7/11/25.

Petitioner's policy arguments are not persuasive, and her reliance on *Martin* is misplaced. In *Martin*, our Supreme Court confronted a situation in which the parolee's pre-sentence confinement significantly exceeded the maximum term of the new sentence. There, the parolee remained incarcerated on both the Board's detainer and new criminal charges, and he failed to post bail. *See Martin,* 840 A.2d at 300. Because the parolee had remained confined for more than one year while his eventual new sentence carried a maximum of only 48 hours, awarding credit exclusively to the new sentence was impossible. *See id.* at 308-09. The High Court concluded that fairness requires that "all time spent in confinement must be credited to either the new sentence or the original sentence," emphasizing that a parolee who lacks the financial means to post bail should not be disadvantaged by losing credit for time spent in custody. *See id.* at 309. The Court explained that credit allocation is "just and equitable in nature" and must be flexible enough to prevent uncredited time yet also avoid the creation of impermissible "penal checking accounts" to be utilized at will. *See id.* at 308-09.[5]

The equitable concerns identified in *Martin* and *Barnes* thus arise only when a parolee faces the possibility of uncredited confinement. Neither case

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[4] With respect to Petitioner's recalculated date for eligibility of parole, the Board explained that the May 2026 date was derived by adding the 12-month recommitment period to Petitioner's May 14, 2025, return date and subtracting the seven days she was held between April 3, 2024, and April 10, 2024. Upon review, the Board properly calculated Petitioner's new eligibility date for reparole. *See* 61 Pa.C.S. § 6138(a)(2), (a)(4), (a)(5)(iii).

[5] Petitioner's reliance on *Barnes* is similarly misplaced. Like *Martin*, *Barnes* applies where a parolee's time in pre-sentence confinement, pursuant to the Board's detainer and new county charges, ultimately exceeds the maximum term on the new sentence. *See Barnes*, 203 A.3d at 393-94. Because that factual scenario does not apply here, *Barnes* is likewise inapposite. *See id.*

contemplates a cost-benefit analysis, whether it be related to an administrative delay, financial considerations, or supposed "saved" supervision time. Rather, *Martin* and *Barnes* address the narrow situation in which a parolee is held on both the Board's detainer and new criminal charges, and the resulting pre-sentence confinement exceeds the maximum term of the new sentence. In that scenario, the excess confinement creates uncredited time that equitably must be allocated somewhere.

Here, no such uncredited time exists. The sentencing court applied the contested 61-day window of time to Petitioner's Blair County sentence, and her total time in confinement did not exceed that sentence's maximum term. *See* Paroling Order, 5/14/25. Without any uncredited time, the equitable considerations in *Martin* and *Barnes* are not implicated. *See Martin,* 840 A.2d at 308-09; *Barnes*, 203 A.3d at 393-94.

IV. CONCLUSION

Based on the foregoing, the Board did not commit an error of law or abuse its discretion. *See Fisher*, 62 A.3d at 1075 n.1. Accordingly, we affirm the Board's decision.

LORI A. DUMAS, Judge

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O R D E R

AND NOW, this 2nd day of November, 2026, the decision of the Pennsylvania Parole Board, entered July 11, 2025, is AFFIRMED.

LORI A. DUMAS, Judge