

COMMONWEALTH COURT OF PENNSYLVANIA

Derrick Wright-Wilson v. Pennsylvania Parole Board

No. 1066 C.D. 2022 (Pa. Commw. Ct. Aug. 25 2023) (Commonwealth Court of Pennsylvania 2023) · No. No. 1066 C.D. 2022 · Decided August 25, 2023

SUMMARY

The Commonwealth Court of Pennsylvania affirmed the Pennsylvania Parole Board’s order denying Derrick Wright-Wilson’s administrative relief petition. The court held that the Board correctly calculated the remaining balance of his original sentence and its maximum release date after recommitting him as a convicted parole violator. The court also granted appointed counsel’s application to withdraw after independently determining that the appeal lacked merit.

CASE DETAILS

COURT	Commonwealth Court of Pennsylvania
WRITING FOR THE COURT	Anne E. Covey; Michael H. Wojcik; Stacy Wallace
JURISDICTION	Pennsylvania
DECIDED	August 25, 2023
DOCKET	No. 1066 C.D. 2022
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petition for review of the Pennsylvania Parole Board's order denying administrative relief, together with appointed appellate counsel's application to withdraw under the no-merit-letter procedure.
STANDARD OF REVIEW	The court reviews the Board's adjudication for substantial evidence, errors of law, and constitutional violations under Section 704 of the Administrative Agency Law. In reviewing a no-merit withdrawal application, the court first determines whether counsel satisfied the technical requirements and then independently reviews the petition to determine whether the appeal lacks merit.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Derrick Wright-Wilson v. Pennsylvania Parole Board

TOPICS

- judicial review of agency action
- administrative law
- appellate procedure
- parole
- standard of review

PRACTICE AREAS

administrative law

appellate procedure

parole

criminal procedure

QUESTIONS PRESENTED

1. Whether appointed counsel satisfied the technical requirements for withdrawal under the Turner no-merit-letter procedure.
2. Whether the Board correctly calculated the commencement date and amount of backtime owed on Wright-Wilson's original sentence.
3. Whether Wright-Wilson was entitled to credit against his original sentence for the period between his arrest on the new charges and the Board's revocation of parole when he did not post bail.

HOLDINGS

1. Counsel satisfied the technical requirements for withdrawal because the no-merit letter described the procedural history, identified the issues Wright-Wilson wished to raise, explained why those issues lacked merit, served Wright-Wilson with the application and letter, and advised him of his right to obtain substitute counsel or proceed pro se.
2. A convicted parole violator's service of the balance of the original sentence begins when the Board revokes parole and the remainder of the original sentence becomes due and owing, not merely when the parolee is arrested or detained on new charges.
3. A parolee who does not post bail is not entitled to credit against the original sentence for detention on both the new criminal charges and the Board's detainer; that detention credit is applied to the new sentence.

KEY QUOTATIONS

"A [no-merit] 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.'" (at 3)

"Therefore, 'credit for time a CPV spends in custody between imposition of a new sentence and revocation of parole must be applied to the new sentence.'" (at 5)

FACTUAL BACKGROUND

Wright-Wilson was paroled from an original state sentence on May 9, 2019. After his arrest on new criminal charges on August 28, 2020, he did not post bail, later pleaded guilty, and received a new state sentence with credit for the time served before sentencing. The Board ultimately recommitted him as a convicted parole violator, awarded discretionary credit for time at liberty on parole, calculated 162 days of backtime, and reset the maximum date of his original sentence to July 1, 2022.

PROCEDURAL HISTORY

The Pennsylvania Parole Board recommitted Wright-Wilson as a convicted parole violator, recalculated the maximum date of his original sentence, and denied his request for administrative relief. Wright-Wilson petitioned the Commonwealth Court for review. Appointed counsel filed an application to withdraw and a Turner no-merit letter; the court independently reviewed counsel's request and the merits, granted withdrawal, and affirmed the Board.

DISPOSITION

affirmed

CASES CITED

- Smoak v. Talaber, 193 A.3d 1160, 1163 n.2 (Pa. Cmwlth. 2018)
- Seilhamer v. Pa. Bd. of Prob. & Parole, 996 A.2d 40, 43 (Pa. Cmwlth. 2010)
- Commonwealth v. Turner, 544 A.2d 927, 928 (Pa. 1988)
- Anderson v. Pa. Bd. of Prob. & Parole, 237 A.3d 1203, 1207 (Pa. Cmwlth. 2020)
- Hont v. Pa. Bd. of Prob. & Parole, 680 A.2d 47, 48 (Pa. Cmwlth. 1996)
- Reavis v. Pa. Bd. of Prob. & Parole, 909 A.2d 28, 33 (Pa. Cmwlth. 2006)
- Campbell v. Pa. Bd. of Prob. & Parole, 409 A.2d 980, 982 (Pa. Cmwlth. 1980)
- Hill v. Pa. Bd. of Prob. & Parole, 683 A.2d 699, 702 (Pa. Cmwlth. 1996)
- Williams v. Pa. Bd. of Prob. & Parole, 654 A.2d 235, 237 (Pa. Cmwlth. 1995)
- Wilson v. Pa. Bd. of Prob. & Parole, 124 A.3d 767, 770 (Pa. Cmwlth. 2015)
- Palmer v. Pa. Bd. of Prob. & Parole, 134 A.3d 160, 166 (Pa. Cmwlth. 2016)
- Barnes v. Pa. Bd. of Prob. & Parole, 203 A.3d 382, 391-92 (Pa. Cmwlth. 2019)
- Gaito v. Pa. Bd. of Prob. & Parole, 412 A.2d 568 (Pa. 1980)
- White v. Pa. Parole Bd., 276 A.3d 1247, 1256 (Pa. Cmwlth. 2022)