

COMMONWEALTH COURT OF PENNSYLVANIA

Edmund William Lincoln, II v. Pennsylvania Parole Board

Lincoln · No. 1289 C.D. 2024 · Decided September 23, 2025

SUMMARY

The Commonwealth Court of Pennsylvania held that the Pennsylvania Parole Board violated Edmund William Lincoln II's constitutional protections against ex post facto laws by retroactively forfeiting 243 days of parole liberty credit previously awarded when he was recommitted as a technical parole violator. The court reversed the Board's determination and remanded with directions to reinstate the 243 days of credit and adjust Lincoln's maximum sentence date. The decision addresses the 2021 amendment to the Pennsylvania Parole Code and its application to previously awarded parole credit.

CASE DETAILS

|                       |                                                                                                                                                                                                               |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Commonwealth Court of Pennsylvania                                                                                                                                                                            |
| WRITING FOR THE COURT | Michael H. Wojcik; Christine Fizzano Cannon; Mary Hannah Leavitt                                                                                                                                              |
| JURISDICTION          | Commonwealth Court of Pennsylvania                                                                                                                                                                            |
| DECIDED               | September 23, 2025                                                                                                                                                                                            |
| DOCKET                | 1289 C.D. 2024                                                                                                                                                                                                |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Petition for review of the Pennsylvania Parole Board's September 10, 2024 decision denying administrative review and recalculating the petitioner's parole violation maximum date.                            |
| STANDARD OF REVIEW    | Review is limited to determining whether constitutional rights were violated, whether the adjudication was in accordance with the law, and whether necessary findings were supported by substantial evidence. |
| PRECEDENTIAL VALUE    | Published opinion                                                                                                                                                                                             |
| PARTIES               | Edmund William Lincoln, II v. Pennsylvania Parole Board                                                                                                                                                       |

TOPICS

- ex post facto
- judicial review of agency action
- administrative law
- constitutional law
- appellate procedure

PRACTICE AREAS

- administrative law
- constitutional law
- parole and post-conviction review
- appellate procedure

## QUESTIONS PRESENTED

1. Whether application of 61 Pa. C.S. § 6138(c)(2) to forfeit 243 days of parole liberty credit previously awarded before the 2021 amendment violated the ex post facto clauses of the United States and Pennsylvania Constitutions.

## HOLDINGS

1. The Board violated the ex post facto clauses by applying the 2021 amendments to forfeit 243 days of parole liberty credit that had been awarded before the amendments, because the retrospective forfeiture disadvantaged Lincoln by increasing his punishment and extending his parole violation maximum date.

## KEY QUOTATIONS

*“This retrospective forfeiture of street time credit that was previously awarded to Inmate prior to the passage of Act 59 clearly disadvantages him as it adds the 243 days that he was previously credited with as a TPV to his parole violation maximum date, thereby increasing his punishment.” (11)*

*“We agree, therefore, that the Board contravened Inmate’s constitutional protections against the ex post facto application the law.” (11)*

## FACTUAL BACKGROUND

Lincoln was released on parole on February 27, 2019, and was later recommitted as a technical parole violator in March 2020. In that recommitment, the Board awarded him credit for 243 days spent at liberty on parole between February 27, 2019, and October 28, 2019. After Lincoln was subsequently recommitted as a convicted parole violator in March 2024, the Board forfeited that previously awarded credit under amendments to the Pennsylvania Parole Code enacted in 2021, increasing his parole violation maximum date by 243 days.

## PROCEDURAL HISTORY

Lincoln was released on parole, later recommitted at various times as a technical parole violator and convicted parole violator, and initially received credit for 243 days spent at liberty on parole. In 2024, the Board forfeited that previously awarded credit under amendments enacted in 2021 and recalculated his maximum date. After the Board denied administrative relief, Lincoln petitioned the Commonwealth Court for review.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The Board must reinstate 243 days of parole liberty credit to Lincoln and issue a new adjudication making the necessary adjustment to his maximum sentence date.

## CASES CITED

- *Miskovitch v. Pennsylvania Board of Probation and Parole*, 77 A.3d 66, 70 n.4 (Pa. Cmwlth. 2013), appeal denied, 87 A.3d 322 (Pa. 2014)
- *Penjoke v. Pennsylvania Board of Probation and Parole*, 203 A.3d 401, 416-17, 420 (Pa. Cmwlth. 2019)
- *Dorsey v. Pennsylvania Board of Probation and Parole*, 854 A.2d 994, 996 n.3 (Pa. Cmwlth. 2004)
- *Young v. Pennsylvania Board of Probation and Parole*, 189 A.3d 16, 19-22 (Pa. Cmwlth. 2018), *aff'd*, 225 A.3d 810 (Pa. 2020)
- *Brady v. Pennsylvania Board of Probation and Parole*, Pa. Cmwlth., No. 262 C.D. 2018, filed August 7, 2018
- *Bailey v. Pennsylvania Parole Board*, 323 A.3d 259, 265 (Pa. Cmwlth. 2024)
- *El-Amin v. Pennsylvania Parole Board*, 273 A.3d 1255, 1260 (Pa. Cmwlth. 2022), petition for allowance of appeal denied, 285 A.3d 323 (Pa. 2022)
- *Cimaszewski v. Board of Probation and Parole*, 868 A.2d 416, 422-23, 426-27 (Pa. 2005)
- *Weaver v. Graham*, 450 U.S. 24, 28-31 (1981)
- *Cummings v. Missouri*, 71 U.S. 277, 326 (1866)
- *Collins v. Youngblood*, 497 U.S. 37, 41 (1990)
- *Garner v. Jones*, 529 U.S. 244, 250, 252 (2000)
- *California Department of Corrections v. Morales*, 514 U.S. 499, 508 (1995)