

**Pennsylvania Commission on Sentencing
Caselaw Highlights (PA Reporter through May 23, 2008)**

	Kyle	874 A.2d 12	5/16/2005	PA	Sentence	Credit	Defendant was not in "custody" during time he spent on bail pending appeal from conviction and sentence for driving under influence (DUI) subject to electronic home monitoring, and thus, was not entitled to have such time spent on electronic home monitoring credited against sentence of incarceration; abrogating Commonwealth v. Chiappini, 566 Pa. 507, 782 A.2d 490; disapproving Commonwealth v. Vanskiver, 819 A.2d 69. 42 Pa.C.S.A. § 9760.
McCray	DOC	872 A.2d 1127	4/27/2005	PA	Sentence	Credit	Internal prison grievance system was not appropriate mechanism for inmate to seek to compel Department of Corrections to grant him credit against probation revocation sentence for time served awaiting original trial; decision-makers of internal grievance system lacked authority to consider matters of law, and regulation promulgated by Department of Corrections enabling internal grievance system specifically permitted inmates to pursue any remedies available to them in state or federal forums. 37 Pa.Code § 93.9(b).
McCray	DOC	872 A.2d 1127	4/27/2005	PA	Sentence	Credit	Department of Corrections has a duty to credit all inmates for all statutorily mandated periods of incarceration. Department of Corrections is an executive branch agency that is charged with faithfully implementing sentences imposed by the courts. As part of the executive branch, the Department of Corrections lacks the power to adjudicate the legality of a sentence or to add or delete sentencing conditions.
Martin	PBPP	840 A.2d 299	12/30/2003	PA	Sentence	Credit	Where offender is incarcerated on both Board of Probation and Parole detainer and new criminal charges, all time spent in confinement must be credited to either new sentence or original sentence, and indigency of detainee in failing to satisfy requirements for bail is not determinative as to whether offender receives credit for time served; disapproving of McCoy v. Pennsylvania Bd. of Probation and Parole, 793 A.2d 1004 Pa.Cmwth.2002; Gallagher v. Pennsylvania Bd. of Probation and Parole, 804 A.2d 729 (Pa.Cmwth.2002); Smarr v. Pennsylvania Bd. of Probation and Parole, 748 A.2d 799 Pa.Cmwth.2000; Rodriques v. Pennsylvania Bd. of Probation and Parole, 44 Pa.Cmwth. 68, 403 A.2d 184 1979; Blanchard v. Pennsylvania Bd. of Probation and Parole, 785 A.2d 1054 Pa.Cmwth.2001; Owens v. Pennsylvania Bd. of Probation and Parole, 753 A.2d 919 Pa.Cmwth.2000; and Berry v. Pennsylvania Bd. of Probation and Parole, 756 A.2d 135 Pa.Cmwth.2000.

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	Chiappini	782 A.2d 490	7/23/2001	PA	Sentence	Credit	Home confinement in an electronic monitoring program was 'custody' within the meaning of a statute entitling defendant to sentencing credit for all time spent in custody; 'custody' was not limited to imprisonment; abrogating <i>Com. v. Sharle</i> , 652 A.2d 874. In determining whether a person has spent time in custody and is thus entitled to sentencing credit, it is necessary to examine the extent and control exercised by those authorities.
Fajohn	DOC	692 A.2d 1067	4/22/1997	PA	Sentence	Credit	Criminal procedure rule providing that sentence for already imprisoned defendant shall be deemed to commence on date sentence is imposed precluded DOC from crediting defendant with time served.
	Conahan	589 A.2d 1107	4/24/1990	PA	Sentence	Credit	Defendant may be awarded credit for time served voluntarily in inpatient rehabilitation; time spent in such 'institutionalized' rehabilitation is sufficient 'custody' for purposes of crediting 'time served;' within definition of 'imprisonment.'
Fordham	DOC	943 A.2d 1004	3/6/2008	PA Cmwlth	Sentence	Credit	Inmate was not entitled to good time credit against his concurrent state sentence for good time credits earned during a federal prison sentence; Pennsylvania lacked a statute that provided for good time credit, and Pennsylvania courts employed an indeterminate sentencing scheme, which required an inmate to serve time in order to qualify for parole, if proper, at the end of his minimum sentence. 18 U.S.C.A. § 3624(b).
Oakman	DOC	903 A.2d 106	7/19/2006	PA Cmwlth	Sentence	Credit	Department of Corrections was required to carry out trial court's order to give inmate credit for time served, despite Department's contention that attempting to obtain sentencing information from judges or clerical staff was extremely burdensome; Department was an administrative agency bound to follow the trial court's and Commonwealth Court's orders, and there was no dispute that the trial court clearly stated that inmate was entitled to credit for time served.
Barndt	DOC	902 A.2d 589	6/28/2006	PA Cmwlth	Sentence	Credit	Inmate was not entitled to pre-state-sentence credit against state sentence for time served while in detention on a federal sentence imposed following a period of federal supervised release, in the wake of new state criminal charges. Double credit for time served is neither contemplated, nor authorized, by statute governing credit for time served. 42 Pa.C.S.A. § 9760. Statute providing for credit for time served under the sentence of a foreign sovereign is not mandatory. 42 Pa.C.S.A. § 9761(b).

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Detar	Beard (DOC)	898 A.2d 26	4/21/2006	PA Cmwth	Sentence	Credit	County court that imposed sentence of six to twelve months for unauthorized use of an automobile, to run concurrently with defendant's sentence of two to four years for burglary, did not have authority to alter, amend or order credit on the preexisting burglary sentence, which was imposed in another county, and thus defendant did not establish a clear right to credit for the time served on the automobile conviction, as would support defendant's petition for mandamus, seeking recalculation of his sentence for burglary conviction; sentencing statute provided that judge who presided over proceedings was to impose the sentence. 42 Pa.C.S.A. § 9751.
Detar	Beard (DOC)	898 A.2d 26	4/21/2006	PA Cmwth	Sentence	Credit	Department of Corrections (DOC) did not have authority to credit defendant for time served on sentence for unauthorized use of automobile imposed in trial court in one county, when calculating defendant's sentence for burglary conviction that was imposed in another county, although the court sentencing defendant for automobile offense ordered that sentences were to run concurrently; court that imposed the burglary sentence did not provide for credit on the burglary sentence, and DOC did not have authority to recalculate defendant's sentence in absence of such provision.
Detar	Beard (DOC)	898 A.2d 26	4/21/2006	PA Cmwth	Sentence	Credit	As part of the executive branch, the Department of Corrections (DOC) lacks the power to adjudicate the legality of a sentence or to add or delete sentencing conditions.
Oakman	DOC	893 A.2d 834	2/15/2006	PA Cmwth	Sentence	Credit	Mandamus was available to inmate as a remedy for Department of Corrections' failure to credit him for time served on his original split sentence, when calculating inmate's maximum release date upon inmate's resentencing for violation of probation (VOP), where inmate alleged that trial court's VOP sentencing order provided that he was to receive credit for time served.
McSpadden	DOC	886 A.2d 321	11/4/2005	PA Cmwth	Sentence	Credit	After trial court resentenced prisoner due to probation violation and issued order giving prisoner credit for time he had spent incarcerated in connection with the underlying conviction, Department of Corrections (DOC) did not have authority to delete the proviso of specific time served contained in the trial court's sentence and, thus, improperly refused to grant prisoner the credit, although DOC had requested clarification of the sentence and interpreted trial court's response to mean that prisoner was not entitled to the credit previously awarded.
McSpadden	DOC	870 A.2d 975	3/17/2005	PA Cmwth	Sentence	Credit	Prisoner was entitled to receive credit for all time spent in custody under a prior sentence when he was later reprosecuted and resentenced for the same offense.

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Harrison	DOC	860 A.2d 196	10/13/2004	PA Cmwth	Sentence	Credit	Statute governing credit for time served in cases in which the defendant was reprosecuted and resented on same charges did not apply to defendant who was resented on same charges after violating conditions of probation. 42 Pa.C.S.A. § 9760(2). Transfer to sentencing court was necessary to resolve ambiguity in the order resending defendant to three consecutive terms upon revocation of probation for offenses for which defendant had originally received concurrent sentences, where order did not indicate whether the 38 months defendant had already served was to be credited toward only one or to multiple sentences.
Stallsmith	DOC	846 A.2d 191	4/5/2004	PA Cmwth	Sentence	Credit	Prison inmate who was resented after violating probation on charges of fleeing a police officer, resisting arrest, and violating Controlled Substance Act was entitled to 352 days' credit he served on these convictions before being released on probation; failure to allow credit would cause new sentences to exceed statutory maximum of one to two years. 18 Pa.C.S.A. § 1104; 35 P.S. § 7801-101 et seq.; 204 Pa.Code § 303.15.
Collins	DOC	848 A.2d 1026	2/19/2004	PA Cmwth	Sentence	Credit	Defendant was entitled to receive credit for time between when order to vacate old sentence was issued and new sentence was imposed; defendant successfully appealed conviction that included sentence that ran concurrently with another sentence, new sentence provided that sentence was to run concurrently with other sentence, and because defendant was still serving time in prison during appeal, under statutory section governing computation of credit for time served, he should have been credited for time he spent in custody pending resolution of his appeal and his new sentence. 42 Pa.C.S.A. § 9760.
Williams	PBPP	838 A.2d 30	12/4/2003	PA Cmwth	Sentence	Credit	Remand was required to create a factual record and determine whether defendant was entitled to credit for time served in a community corrections center, in proceeding to recommit defendant as a convicted parole violator.
McMillian	PBPP	824 A.2d 350	4/21/2003	PA Cmwth	Sentence	Credit	Whether a form of legal restraint constitutes 'custody' for the purpose of sentencing credit is determined by the extent of control exercised by the restraining authority. Time spent at a community corrections center provided sufficient restraints on his liberty to constitute 'custody' for purposes of time credit against his sentence.

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McCray	DOC	807 A.2d 938	10/1/2002	PA Cmwth	Sentence	Credit	Inmate, who served 23 months for prior aggravated assault and criminal conspiracy charges, was entitled to credit for 23 months served against subsequent sentence for 2-4 years for aggravated assault and criminal conspiracy charges; defendant's sentence of 2-4 years plus 23 months of time already served did not exceed maximum possible sentence that could have been imposed, and statute governing credit for time served specified that credit that credit was to be given for all time spent in custody under prior sentence if defendant was later re-prosecuted and resentenced for same offense. 18/1103(1); 42/9760(2).
Taglienti	DOC	806 A.2d 988	9/13/2002	PA Cmwth	Sentence	Credit	Prisoner was not entitled to credit for time served on an unrelated charge prior to sentencing for parole violation that would result in credit against multiple sentences, even though the court ordered credit for time served, where prisoner's detention in state was credited as time served on an unrelated charge for which he was incarcerated in another state, and sentencing court lacked authority to credit prisoner for time served on the unrelated charge prior to sentencing on the parole violation. DOC cannot be compelled to award double credit. 42/9760, 9761(b).
Smarr	PBPP	748 A.2d 799	3/22/2000	PA Cmwth	Sentence	Credit	In the case at bar, Petitioner asks this Court to extend the rationale to hold that a parolee who fails to post bail is entitled to credit against the original sentence for time spent in custody on new criminal charges if the new charges result in a sentence of probation only, with no incarceration. We refuse to do so. A 'sentence' is not limited to a period of incarceration and neither <i>Gaito v. PBPP</i> (488 Pa. 397, 412 A.2d 568)(1980) nor <i>Davidson v. PBPP</i> (667 A.2d 1206)(Pa.Cmwth. 1995) makes a distinction between a sentence of probation versus a sentence of incarceration.
Brown	DOC	686 A.2d 919	12/20/1996	PA Cmwth	Sentence	Credit	Citing <i>Doxey</i> [674 A.2d 1173], the court held that a judge and DOC were precluded from ordering or applying credit for a period of incarceration for a second conviction if defendant already in prison under a sentence imposed for other offenses.
Doxsey	DOC	674 A.2d 1173	4/15/1996	PA Cmwth	Sentence	Credit	Criminal defendant not entitled to credit on current sentence for pre-sentence confinement resulted from prior charge and unrelated to current charge/sentence; based on Rule 1406(c).
Hayes	PBPP	660 A.2d 691	6/14/1995	PA Cmwth	Sentence	Credit	Defendant not entitled to presentence credit for time served reapplied to sentence for new conviction, even if new sentence aggregated with previous sentence. Rule 1406(c) negates credit when imprisonment attributed to another sentence.

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Wassell	PBPP	658 A.2d 466	4/27/1995	PA Cmwlth	Sentence	Credit	Sentencing judge has no discretion to give retroactive credit for time served on unrelated offense. No statutory provision permitting court to either commence a second sentence retroactively or provide credit for time served on a prior unrelated charge.
Williams	PBPP	654 A.2d 235	1/27/1995	PA Cmwlth	Sentence	Credit	Credit for time convicted parole violator spends in custody between imposition of new sentence and revocation of parole must be applied to new sentence.
	Owens	936 A.2d 1090	11/14/2007	PA Super	Sentence	Credit	Kyle decision, which ruled that time spent subject to electronic monitoring at home was not time spent in "custody" for purposes of credit for time served, applied retroactively, thus precluding defendant from receiving credit for the time that he spent under house arrest. 42 Pa.C.S.A. § 9760.
	Maxwell	932 A.2d 941	8/28/2007	PA Super	Sentence	Credit	Revoked probationer was not entitled to credit for time served against his newly imposed sentence of incarceration for successfully completing sentence of electronic monitoring; trial court had fashioned sentence at urging of defense counsel so that defendant could obtain treatment that he needed, but as it turned out, defendant failed miserably in this treatment, even though he completed his 18 month term of home monitoring, and court would not reward defendant for this failure by giving him credit against sentence.
	Fowler	930 A.2d 586	7/23/2007	PA Super	Sentence	Credit	Generally, it is within the trial court's discretion whether to credit time spent in an institutionalized rehabilitation and treatment program as time served "in custody." 42 Pa.C.S.A. § 9760.
	Fowler	930 A.2d 586	7/23/2007	PA Super	Sentence	Credit	Sentencing court acted within its discretion in denying defendant 25 months' credit for time served in drug treatment court program; defendant voluntarily entered program and understood consequences of failing to adhere to program requirements, court had supervised defendant's treatment for approximately 25 months by time it revoked his intermediate punishment for 21 violations, court, following revocation, was in best position to assess whether to credit any time defendant spent in rehabilitative treatment facilities, and defendant had misused and abused many opportunities for rehabilitation without incarceration that court had provided to him. 42 Pa.C.S.A. § 9760.
	Birney	910 A.2d 739	10/27/06	PA Super	Sentence	Credit	Time defendant spent subject to electronic monitoring at home while she was on parole was not time spent "in custody" for purposes of credit toward prison sentence.

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Black	DOC	889 A.2d 672	12/29/2005	PA Super	Sentence	Credit	Inmate's petition for mandamus relief was inappropriate means to challenge trial court's order revoking 727 days' worth of credit against violation-of-probation (VOP) sentence for time served on original underlying sentence, since Department of Corrections (DOC) was required to follow modified VOP sentence as it was imposed, requiring inmate to either appeal from trial court's order or, by petition for postconviction relief, challenge trial court's jurisdiction. 42 Pa.C.S.A. § 9543.
	Clark	885 A.2d 1030	10/21/2005	PA Super	Sentence	Credit	Defendant who pled guilty to drug possession, and to unrelated charges of theft and receiving stolen property, was not entitled, under statute governing credit for time served, to credit against his prison sentence for theft and receiving stolen property for the 47 days' pretrial detention he served exclusively on the drug possession charge; crediting a sentence with pretrial time attributable to an unrelated charge was generally prohibited, and defendant did not fall within statutory exception to that rule because his pretrial detention time on the possession charge was credited against another sentence, namely, his probation sentence on possession. 42 Pa.C.S.A. § 9721(1); 42 Pa.C.S.A. § 9760(1, 4).
	Clark	885 A.2d 1030	10/21/2005	PA Super	Sentence	Credit	Under general rule of crediting pretrial detention time, a defendant shall be given credit for any days spent in custody prior to the imposition of sentence, but only if such commitment is on the offense for which sentence is imposed; credit is not given, however, for a commitment by reason of a separate and distinct offense. 42 Pa.C.S.A. § 9760(4).
Aviles	DOC	875 A.2d 1209	6/2/2005	PA Super	Sentence	Credit	Defendant, whose probation had been revoked on two separate occasions, was not entitled to have time previously served in jail, specifically time relating to his original drug charge and time relating to his first violation of probation (VOP) sentence, credited to sentence he received upon the second probation revocation.
	Druce	868 A.2d 1232	2/11/2005	PA Super	Sentence	Credit	Defendant was not "in custody," and thus not entitled to credit for time served while on bail, subject to conditions of house arrest with electronic monitoring, pending appeal; although he wore the electronic monitoring device at all times, defendant was not required to be home except during overnight curfew hours, defendant was overseen by the courts rather than the prison system, and defendant would seek, and easily receive, approval from authorities to extend his curfew for events related to work or family activities. 42 Pa.C.S.A. § 9760(1).

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	Pettus	860 A.2d 162	9/30/2004	PA Super	Sentence	Credit	A defendant may be entitled to credit for time served in a home confinement/electronic monitoring program, for purposes of calculating jail credit, and each program must be evaluated on a case by case basis. Time spent by defendant in home electronic monitoring program as condition of bail pending trial for criminal conspiracy and drug offenses did not constitute "custody" for which defendant would be entitled to credit for time served. 42 Pa.C.S.A. § 9760.
	Frye	853 A.2d 1062	6/25/2004	PA Super	Sentence	Credit	Court of Common Pleas, not the Board of Probation and Parole, had jurisdiction over parolee who sought credit for time served on parole while on house arrest with electronic monitoring, and thus, Superior Court had jurisdiction over parolee's appeal from order denying her credit, where she had been sentenced to less than two years' incarceration.
	Frye	853 A.2d 1062	6/25/2004	PA Super	Sentence	Credit	Terms of parolee's house arrest were sufficiently restrictive to count as custody time, and thus, she was entitled to credit on her "back time" for all the time she spent in custody, where parolee could not even have gone into the yard of her residence without setting off an alarm, she needed permission to leave the house or attend Alcoholics Anonymous meetings, counseling, work or other programs, and probation officers were free to enter her house and search her at any time. 42 Pa.C.S.A. § 9760(1).
	Davis	852 A.2d 392	6/14/2004	PA Super	Sentence	Credit	Defendant was not entitled to credit for time served toward his escape sentence; defendant was serving his sentences for attempted robbery and drug possession at halfway house when he committed escape.
	Stevenson	850 A.2d 1268	5/26/2004	PA Super	Sentence	Credit	Defendant sentenced to five-year mandatory minimum sentence of "total confinement" for offenses committed with a firearm was not entitled to credit for time served on house arrest in a home electronic monitoring program. 42 Pa.C.S.A. § 9712. "Total confinement," for purposes of statute governing mandatory minimum sentence for offenses committed with firearms, means imprisonment, and does not include intermediate punishments, such as house arrest. 42 Pa.C.S.A. § 9712.

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	Smith	853 A.2d 1020	3/23/2004	PA Super	Sentence	Credit	Defendant, who was convicted of carrying firearm without license and possession of controlled substance, was entitled to sentencing credit for pretrial incarceration under probation detainer, where defendant's probation detainer incarceration resulted, at least in part, from defendant's arrest for gun and drug charges and defendant's pretrial incarceration was not credited to probation violation. Where offender is incarcerated on both detainer issued by board of probation and parole and new criminal charges, all time spent in confinement must be credited to either new sentence or original sentence. 42 Pa.C.S.A. §§ 6106, 9760(1), (4); 35 P.S. § 780- 113(a)(16, 30).
	Byrne	833 A.2d 729	9/23/2003	PA Super	Sentence	Credit	Defendant, who pled guilty to charge of third degree murder and waived his right to credit for time served in exchange for the Commonwealth's agreement to forego prosecution for first degree murder, voluntarily waived his statutory right to credit for time served.
	Tout-Puissant	823 A.2d 186	4/25/2003	PA Super	Sentence	Credit	Outmate program included in defendant's sentence of one-year intermediate punishment for tampering with public records was a 'prison sentence' and thus defendant was entitled to credit for pretrial confinement, where program required two weeks of incarceration and 24-hour supervision, and program's terms specifically referred to incarceration as part of a sentence. 42/9760(1), 9763(a).
	Vanskiver	819 A.2d 69	2/26/2003	PA Super	Sentence	Credit	En banc. Not all programs of house arrest with electronic monitoring constitute 'custody,' meaning defendants are not necessarily entitled to credit for time served on electronic monitoring; courts must examine the rules and regulations of each program, case-by-case, by considering the extent of control exercised by those in authority and the restraints and limitations on the freedom of the individual seeking credit for time served. 42/9760.
	Vanskiver	819 A.2d 69	2/26/2003	PA Super	Sentence	Credit	En banc. Trial court acted within its discretion in finding that electronic home monitoring did not constitute 'custody,' and that defendant was not entitled to sentencing credit for time spent on electronic monitoring; although defendant was required to wear ankle bracelet, the monitoring program was administered by the trial court, not prison authorities, program officials could not enter defendant's home without his consent, defendant was not subject to warrantless searches, and he was allowed to engage in activities outside his home. 42/9760.
	McCalman	795 A.2d 412	3/20/2002	PA Super	Sentence	Credit	Defendant was entitled to credit for time served for period he spent in house arrest; house arrest was 'custody' under statute governing credit for time served. 42/9760.

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	Wegley	791 A.2d 1223	2/6/2002	PA Super	Sentence	Credit	In the recent decision <i>Com. v. Chiappini</i> (782 A.2d 490)(2001)(plurality), Justice Zappala's lead opinion failed to obtain the agreement of a majority of the Justices that one's being subject to pre-trial home confinement/electronic monitoring program provides sufficient restraints on his liberty to constitute time spent in custody for purposes of Section 9760 of the Sentencing Code. Rather, Justices Nigro, Cappy, Castille, and Saylor all expressed the view that the holding in <i>Com. v. Shartle</i> (652 A.2d 876)(1995) was persuasive and that the phrase 'in custody' refers to an institutional setting.
	Bowser	783 A.2d 348	9/11/2001	PA Super	Sentence	Credit	Defendant whose probation was revoked because of another criminal conviction was not entitled to have time previously spent in jail, which had already been credited to the incarcerative portion of his original sentence, to be credited to sentence he received upon revocation of his probation component; defendant's jail credit that he had already received in first component of his sentence resulted in his parole without having to spend the last half of his incarceration sentence in jail. 42/9760.
	Wilson	744 A.2d 290	12/29/1999	PA Super	Sentence	Credit	Defendant who had been in position of pretrial detainee and under house arrest following release mandated by federal court order was not entitled to credit for time served while on house arrest, where defendant was not given assurances that he would be entitled to credit against his sentence for period of home monitoring.
	Blair	699 A.2d 738	7/30/1997	PA Super	Sentence	Credit	Defendant who had been free on bond pending appeal and who, through oversight, was not incarcerated for over two years after sentence was affirmed was not entitled to credit against sentence for time spent erroneously at liberty.
	Merigris	681 A.2d 195	8/1/1996	PA Super	Sentence	Credit	Where defendant was credited in his federal sentencing for the time he served in a county jail awaiting trial on both federal and state charges, he was not entitled to credit for same time served when sentenced on state charges.
	Williams	662 A.2d 658	6/19/1995	PA Super	Sentence	Credit	Superior Court vacated sentence of defendant who was not properly credited for time already served. Court stated that if defendant was not credited, sentence would have exceeded statutory maximum and would therefore have been illegal.
	Miller	655 A.2d 1001	2/22/1995	PA Super	Sentence	Credit	Defendant not entitled to credit for time served in connection with unrelated charges, unless such time is not credited against any other sentence; credit must be given for time served from date of arrest to date of sentencing on current charge/sentence.

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	Shartle	652 A.2d 874	1/17/1995	PA Super	Sentence	Credit	Abrogated by Com. v. Chiappini, 782 A.2d 490 (Pa., 2001). House arrest does not meet the statutory requirement for 'institutional confinement' as required for purpose of credit for time served pretrial under 42 Pa.CS 9760(1) and Rule 1406(b). Supports Com. v. Kriston (588 A.2d 898) and Com. v. Conahan.
Reno	Koray	515 US 50	6/5/1995	US	Sentence	Credit	US Supreme Court reversed 3rd Circuit (21 F.3d 558) and found that 'judicially mandated 24 hour-a-day confinement in a jail-like facility' if part of bail release DOES NOT require credit toward sentencing since it is not 'official detention' under US Code.
Edwards	US	41 F.3d 154	12/6/1994	US/3rd	Sentence	Credit	Terms of petitioner's pretrial home confinement were not sufficiently onerous to approach jail-like confinement and, thus, home confinement was not 'official detention' within the meaning of sentencing credit statute.
Melendez	PBPP	944 A.2d 824	3/17/2008	PA Cmwlth	Parole	Credit	Parolee forfeited his time spent on parole in good standing, and thus was not entitled to credit against current sentence upon his recommitment on parole violation, in accordance with Parole Act. 61 P.S. § 331.21(a).
McNally	PBPP	940 A.2d 1289	1/24/2008	PA Cmwlth	Parole	Credit	"At liberty on parole," for purposes of statute providing that a parolee whose parole is revoked is required to serve the remaining term of imprisonment he would have had to serve if he had not been paroled, and is given no credit for time spent at liberty on parole, does not mean at liberty from all confinement, but at liberty from confinement on the particular sentence for which the convict is being reentered as a parole violator. 61 P.S. § 331.21a(a).
McNally	PBPP	940 A.2d 1289	1/24/2008	PA Cmwlth	Parole	Credit	In absence of opportunity for parolee to present, to Board of Probation and Parole, evidence regarding custodial characteristics of drug and alcohol inpatient treatment program which parolee completed while on parole, record was inadequate for Commonwealth Court to determine, on parolee's petition for review of Board's decision revoking parole and recalculating parolee's maximum term date, whether parolee was entitled to credit, towards his original sentence, for 45 days he spent in the treatment program as special condition of parole, and thus, remand to Board was required, for presentation of such evidence by parolee to Board. 61 P.S. § 331.21a(a).
Santiago	PBPP	937 A.2d 610	12/3/2007	PA Cmwlth	Parole	Credit	As a general rule criminal judgments are not entitled to full faith and credit because no State is bound to enforce the penal laws of another State or to punish a person for a wrong committed against it. U.S.C.A. Const. Art. 4, § 1.

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Santiago	PBPP	937 A.2d 610	12/3/2007	PA Cmwlth	Parole	Credit	Pennsylvania was a stranger to Maryland court order that sentenced defendant on drug possession conviction to four years to run concurrent with his outstanding Pennsylvania sentence, and thus, Pennsylvania Board of Probation and Parole had no authority to convert inmate's concurrent time to consecutive time to be served first before his Pennsylvania sentence after he was recommitted as a technical and convicted parole violator due to Maryland conviction; as a result, the Board failed to give defendant credit for all time served on his Pennsylvania sentence.
Bowman	PBPP	930 A.2d 599	7/17/2007	PA Cmwlth	Parole	Credit	Inmate, who was recommitted as a convicted parole violator, was not entitled to additional pre-sentence confinement credit on his original four-year state prison sentence for 158 days that he had been confined on new federal criminal charge; Attorney General, through Bureau of Prisons (BOP), possessed sole authority to make credit determinations, there was no indication that inmate sought sentencing credit on his new federal sentence through proper administrative channels, and inmate's oversight in failing to seek credit on his new federal sentence for his time in custody could not be rewarded. 18 U.S.C.A. § 3585.
Bowman	PBPP	930 A.2d 599	7/17/2007	PA Cmwlth	Parole	Credit	Inmate, who was recommitted as a convicted parole violator, was not entitled to credit on his original four-year state prison sentence for days he was detained from date he was sentenced in federal court on new federal criminal charge to date he was returned to custody of Bureau of Prisons (BOP); if inmate desired credit for time served in custody prior to beginning service on his federal sentence, he should have sought it through administrative channels governed by BOP, and since there was no indication inmate took such initiative, he could not subsequently seek credit on his original sentence through Board of Probation and Parole.
Meleski	PBPP	931 A.2d 68	7/11/2007	PA Cmwlth	Parole	Credit	Parole violator was not at liberty on parole under terms of Parole Act during initial 30 day "black out" period at facility for inpatient dual diagnosis treatment program, and thus, violator was entitled to credit toward his recalculated sentence for that period of time; during initial 30 day period, violator could not contact anyone or use the phone, violator could only exit floor on which he was housed when everyone on floor went downstairs for meals or to get medication, and violator could not leave building under any circumstances, escorted or not. 61 P.S. § 331.21a(a).

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Meleski	PBPP	931 A.2d 68	7/11/2007	PA Cmwth	Parole	Credit	Parole violator was not at liberty on parole under terms of Parole Act during second 60 day period at facility for inpatient dual diagnosis treatment program, and thus, violator was entitled to credit toward his recalculated sentence for that period of time; although violator could use phone, receive visitors on visiting day, and go on a walk once a week with a chaperone and other resident, violator was not permitted to make trips outside of facility without escort. 61 P.S. § 331.21a(a).
Meleski	PBPP	931 A.2d 68	7/11/2007	PA Cmwth	Parole	Credit	Parole violator was not entitled to credit toward his recalculated sentence for time spent in facility, which offered inpatient dual diagnosis treatment program, after initial 90-day period; after conclusion of 90 days, violator was allowed to leave facility on his own to attend school, and he received day passes for holidays. 61 P.S. § 331.21a(a).
Banks	PBPP	928 A.2d 384	6/11/2007	PA Cmwth	Parole	Credit	Parolee was not entitled to have original state sentence credited with time served in county prison while he was detained on both new county charges and a Board of Probation and Parole detainer, and thus, as a convicted parole violator, parolee was required to serve back-time on the original state sentence upon recommitment; the term on new county sentence exceeded the detention period.
Plummer	PBPP	926 A.2d 561	6/8/2007	PA Cmwth	Parole	Credit	General rule applied in calculations of minimum and maximum release dates is that the Board of Probation and Parole must credit time a parolee spent in custody between the date of conviction for the new charge and the date the Board recommits him as a direct violator to the new sentence.
Armbruster	PBPP	919 A.2d 348	3/13/2007	PA Cmwth	Parole	Credit	Upon recommitment as a convicted parole violator, in addition to losing all time spent at liberty during the current parole, a parolee will also forfeit all credit received for time spent in good standing while on parole prior to his previous recommitment as a technical parole violator. 61 P.S. § 331.21a(b).
Armbruster	PBPP	919 A.2d 348	3/13/2007	PA Cmwth	Parole	Credit	Inmate, who was recommitted as a convicted parole violator, was not entitled to credit on his original sentence for the period of time he was incarcerated on both the new criminal charges and the Board of Probation and Parole's warrant or detainer; inmate was ultimately sentenced to eight to twenty-four months on the new criminal charges, this new sentence exceeded his pre-sentence confinement, and, as a result, there was no "excess" pre-sentence confinement time to apply to the original sentence.
Armbruster	PBPP	919 A.2d 348	3/13/2007	PA Cmwth	Parole	Credit	Department of Corrections (DOC) is charged with faithfully implementing sentences imposed by the courts and lacks the power to adjudicate the legality of a sentence or to add or delete sentencing conditions.

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Armbruster	PBPP	919 A.2d 348	3/13/2007	PA Cmwlth	Parole	Credit	Where a parole violator is confined on both warrant by Board of Probation and Parole and new criminal charges and it is not possible to award all of the credit on the new sentence because the period of pre-sentence incarceration exceeds the maximum term of the new sentence, the credit must be applied to the offender's original sentence.
Armbruster	PBPP	919 A.2d 348	3/13/2007	PA Cmwlth	Parole	Credit	Where a sentencing court does not give an inmate full credit for time served, the inmate's remedy is in the trial court and through the direct appeal process, not through the Board of Probation and Parole.
Kelly	PBPP	900 A.2d 476	6/6/2006	PA Cmwlth	Parole	Credit	Offender was entitled to credit on his original sentence for three days he spent incarcerated in county prison on new conviction before Board of Probation and Parole lodged its detainer. Offender was entitled to credit on his original sentence for 302 days, during which he was incarcerated on detainer of Board of Probation and Parole and while awaiting trial for new criminal charges.
Kelly	PBPP	900 A.2d 476	6/6/2006	PA Cmwlth	Parole	Credit	Offender was not entitled to credit on his original sentence for the 86 days that he spent in county prison after his conviction on prior sentence while awaiting sentencing; although offender was not permitted to post bail after his conviction, indigency had nothing to do with 86 days in jail, and there was nothing to equalize.
Figueroa	PBPP	900 A.2d 949	3/30/2006	PA Cmwlth	Parole	Credit	Parole violator was not entitled to credit toward his recalculated sentence for any of the time he resided at privately run community corrections center, including the initial 90-day blackout period; staff members did not physically restrain residents, center's unit manager testified that all residents, including parole violator, could leave unescorted during blackout period to take care of personal business, and although parole violator could have perceived restrictions as confining, his subjective impressions were irrelevant. 61 P.S. § 331.21a(a).
Figueroa	PBPP	900 A.2d 949	3/30/2006	PA Cmwlth	Parole	Credit	For purposes of determining whether restrictions placed upon parolee warrant entitlement to credit, an individual's subjective impression of those restrictions is not dispositive of the question of whether confinement is the equivalent of incarceration; the most important factors are whether the parolee is locked in and whether the parolee may leave without being physically restrained.

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Deter	PBPP	890 A.2d 27	1/3/2006	PA Cmwlth	Parole	Credit	In-patient drug and alcohol treatment program at community correction center was not sufficiently custodial to entitle recommitted parole violator to credit for time served in program against his recalculated sentence, where in-patient residents were not locked in, program staff would not try to stop a resident who walked out, residents who left without permission would not be criminally charged with escape, residents could visit mall, bank, gym, and church, and program staff would drive residents to those off-site activities. 37 Pa.Code §§ 91.1, 94.2; 61 P.S. § 331.21a.
Johnson	Murray (PBPP)	888 A.2d 28	12/8/2005	PA Cmwlth	Parole	Credit	Trial court lacked authority to retroactively parole defendant for driving under influence (DUI) on date prior to sentencing for that offense, which offense was committed while defendant was on parole, and thus, defendant was not entitled to credit for time served following arrest for DUI applied to parole backtime imposed for violating parole. 61 P.S. § 314.
Johnson	Murray (PBPP)	888 A.2d 28	12/8/2005	PA Cmwlth	Parole	Credit	Electronic home monitoring was not "custody" for purposes of calculating jail credit, and thus, defendant was not entitled to credit for more than six months for time spent participating in home monitoring program as condition of release on parole. 42 Pa.C.S.A. § 9760.
Canty	PBPP	887 A.2d 831	12/6/2005	PA Cmwlth	Parole	Credit	Defendant was not entitled to credit for the period of in-home arrest/electronic monitoring he served or to evidentiary hearing on the issue of said in-home monitoring; time spent subject to electronic monitoring at home was not time spent in custody for purposes of credit, and defendant failed to present any argument or evidence of equitable circumstances to support his reliance upon receiving credit for in-home electronic monitoring, nor did the record contain any facts to support such reliance. 42 Pa.C.S.A. § 9760.
Weigle	PBPP	886 A.2d 1183	11/18/2005	PA Cmwlth	Parole	Credit	Board of Probation and Parole did not abuse its discretion in denying revoked parolee credit against sentence for time spent in community corrections facility when parolee was not subject to "black out" imposed upon initial intake, where other than during such "black out" period, parolee was allowed to leave facility unescorted to go to work, doors were not locked to prevent parolee from leaving facility, and facility staff members were specifically trained not to prevent residents from leaving facility, which was not fenced.

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Weigle	PBPP	886 A.2d 1183	11/18/2005	PA Cmwlth	Parole	Credit	Revoked parolee was entitled to credit against sentence for time spent in community corrections facility subject to seven-day "black out" imposed upon initial intake, where during such period parolee was sufficiently restrained, physically and constructively, as to be considered "in custody"; during black out period following intake, parolee was not permitted to leave facility for any reason, and could only smoke cigarettes during announced smoking breaks and in fenced-in area at rear of facility.
Weigle	PBPP	886 A.2d 1183	11/18/2005	PA Cmwlth	Parole	Credit	Revoked parolee failed to establish his entitlement to credit against sentence for time spent in community corrections facility subject to "black out" imposed immediately prior to his leaving facility, where parolee failed to establish duration of such period and whether conditions in such period were identical to those to which parolee was subjected during black out period following intake.
Melhorn	PBPP	883 A.2d 1123	9/30/2005	PA Cmwlth	Parole	Credit	Defendant was entitled to credit against his original sentence for time he spent in custody on both a Board of Probation and Parole detainer and new criminal charges; defendant was not given credit against the sentence imposed on the new criminal charges, defendant was currently on parole for those charges, defendant did not satisfy the bail requirements when placed in custody on the detainer and new criminal charges, and if defendant did not receive pre-sentence credit he would end up serving a longer period of incarceration solely due to his failure to post bail.
Houser	PBPP	874 A.2d 1276	5/25/2005	PA Cmwlth	Parole	Credit	Parolee failed to establish that drug and alcohol inpatient treatment program was so restrictive in nature as to qualify as "custodial" for the purpose of awarding credit toward parolee's sentence, on recommitment after parole violation; parolee admitted that while a patient in treatment program he went home on a pass without an escort, he was permitted to walk out of the facility at any time without an escort, doors at treatment facility were not locked, there were no bars on the windows, monitor at the front door was there only to track who was coming in and out of the facility, and staff members would not refrain parolees from leaving. 61 P.S. § 331.21a(a).
Jones	PBPP	872 A.2d 1283	4/27/2005	PA Cmwlth	Parole	Credit	Inmate was entitled to credit against sentence for time served both on new criminal charges and on detainer lodged by state Board of Probation and Parole, where inmate was paroled from sentence on new criminal charge after 48 hours to begin serving previously accrued backtime in connection with his original sentence, and applicable statute foreclosed award of such credit only as against time spent at liberty on parole. 61 P.S. § 331.21a.

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Mistich	PBPP	863 A.2d 116	12/7/2004	PA Cmwlth	Parole	Credit	Prisoner's petition for review, seeking writ of mandamus ordering Board of Probation and Parole to give him credit for time served on an unrelated conviction, did not involve issue that was capable of repetition, yet evading review, so as to fall within exception to mootness doctrine; prisoner had completed the sentence on which he sought a credit, repetition would occur only if prisoner committed another crime and was returned to jail, and prisoner was required by law to prevent such a possibility from occurring.
Torres	PBPP	861 A.2d 394	9/27/2004	PA Cmwlth	Parole	Credit	Parole violator was not at liberty on parole under the terms of the Parole Act during his initial 45-day period of time at inpatient drug and alcohol rehabilitation facility, and thus, violator was entitled to credit for that period of time in recalculating his sentence, where during that period of time he was under 24-hour supervision, and he was not permitted to make required trips outside the facility without an escort. 61 P.S. § 331.21a(a).
Calloway	PBPP	857 A.2d 218	9/1/2004	PA Cmwlth	Parole	Credit	Inmate was not entitled to recalculation of maximum term expiry on his original 10-year state prison sentence to reflect time spent in pre-sentence detention awaiting sentencing out-of-state and time he actually served out-of-state that was later reduced by amended order; section of sentencing code did not provide that periods of incarceration in other jurisdictions as a result of convictions in those jurisdictions could be credited towards state sentences if foreign sentences were later vacated or reduced. 42 Pa.C.S.A. § 9760(3).
Dorsey	PBPP	854 A.2d 994	7/9/2004	PA Cmwlth	Parole	Credit	Under Parole Act, parolee was not entitled to credit for time on parole, although he was first re-paroled for technical violations, where he was later recommitted as convicted parole violator after pleading guilty to traffic offenses. 61 P.S. § 331.21a.
Hears	PBPP	851 A.2d 1003	5/17/2004	PA Cmwlth	Parole	Credit	Offender was entitled to credit toward his original sentence for time spent in custody both on Board of Probation and Parole's detainer and new criminal drug charges, even though defendant did not post bail, where drug charges were withdrawn, defendant pled guilty to disorderly conduct, and time served in custody exceeded length of his new sentence.

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Wagner	PBPP	846 A.2d 187	4/1/2004	PA Cmwlth	Parole	Credit	Conditions under which recommitted parole violator resided while on parole at a community corrections center, in an inpatient program, were not so restrictive as to constitute custodial confinement, and thus, violator was not entitled under Parole Act to credit on his maximum sentence for time spent in center; violator was not in "pre-release" status, but had actually been released on parole while he resided at center, Board of Probation and Parole found that doors to center were not locked during day and that they were locked only from outside at night, and staff members there were trained as counselors and not law enforcement officers and, therefore, could not restrain any resident from leaving. 61 P.S. § 331.21a(a).
Willis	PBPP	842 A.2d 490	2/10/2004	PA Cmwlth	Parole	Credit	Upon recommitment of parole violator, credit against maximum term expiration date is required if the nature of restrictions placed on parolee can be equated with custody or imprisonment. 61 P.S. § 331.21a. Evidence supported Board of Probation and Parole's refusal to credit recommitted parole violator with time spent in in-patient drug and alcohol treatment facility against maximum term expiration date; although temporary residency at facility was a condition of parole, residents of facility were not confined against their will and could leave if they so chose, residents who left facility without permission were not charged with escape, and facility's policy was not to stop residents from leaving. 61 P.S. § 331.21a.
McCloud	PBPP	834 A.2d 1210	10/28/2003	PA Cmwlth	Parole	Credit	Parolee was not entitled to credit for time spent in custody while awaiting disposition of new charges; parolee did not post bail on new charges, was not held solely on warrant of the Board of Probation and Parole, and fine he received for harassment was a "sentence."
Jones	PBPP	831 A.2d 162	8/22/2003	PA Cmwlth	Parole	Credit	Parolee convicted of a new crime was not entitled to have excess portion of time he spent incarcerated that could not be credited to his new sentence credited against his new expiration date when he was recommitted to serve back time for violating parole; Parole Act provided that service of a new term for a subsequent crime would proceed the commencement of the recommitment of backtime in all but two situations and did not provide that parolee was entitled to a "penal checking account," and parolee did not post bail on the new charges so he was not held in prison solely on Board of Probation and Parole's detainer following his violation of parole.

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Williams	PBPP	816 A.2d 366	2/4/2003	PA Cmwlth	Parole	Credit	Prisoner, who was arrested on vehicle code charges after violating conditions of parole, was entitled to receive credit for time served against his original sentence for period between time prisoner was arrested and time inmate's parole was revoked, despite claim that prisoner was not in good standing as required by Parole Act; technical violator provisions of Parole Act addressed whether or not credit should be given for street time, rather than prison time, and time could not be credited against punishment for vehicle code violation, as prisoner only received a fine. 61/331.21a(b); 42/9760.
Shaw	PBPP	812 A.2d 769	12/13/2002	PA Cmwlth	Parole	Credit	Inmate's letter to PBPP requesting reconsideration of Board's decision to decrease inmate's backtime credit was an application for reconsideration based on changed circumstances, as opposed to a subsequent administrative appeal and, thus, was not barred by regulation stating that a second or subsequent appeal would not be received, where letter did not simply repeat the challenge to the Board's decision. 37 Pa.Code 73.1(a)(4).
Meehan	PBPP	808 A.2d 313	10/3/2002	PA Cmwlth	Parole	Credit	Permitting pre-release inmates to receive credit for time spent in drug treatment facility while denying such credit to parolees for time spent in facility does not violate equal protection; parolees in facility are not similarly situated to pre-release inmates in facility as parolees are at liberty on parole such that parolees cannot be charged with escape for leaving facility, whereas pre-release inmates are deemed to be in custody such that pre-release inmates who leave facility may be convicted of felony or misdemeanor escape. 18/5121.
Gallagher	PBPP	804 A.2d 729	08/08/02	PA Cmwlth	Parole	Credit	Parolee was not entitled to credit against old criminal sentence for pretrial confinement spent incarcerated on new criminal charges, despite fact that new sentence was for probation only, meaning that he could not realize credit on new sentence, where parolee remained confined prior to trial on new charges due to inability to post bail, parolee pled guilty to new charges, and probation was 'sentence' on new charges.
Alston	PBPP	799 A.2d 875	05/03/02	PA Cmwlth	Parole	Credit	PBPP was not required to credit federal prison inmate's original sentence for time spent in state prison awaiting trial on federal drug charges and aiding and abetting, which offenses constituted violation of inmate's parole, until after inmate had served sentence on federal conviction and was returned to custody of state. 61/331.21a(a).

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Harold	PBPP	797 A.2d 393	4/10/2002	PA Cmwth	Parole	Credit	Recommitted parolee was not entitled to credit toward his original sentence for time he spent in custody on new criminal charges to which he did not post bail, even though new charges resulted in sentence of probation only; pretrial custody time was credited to the parolee's original sentence only when bail had been satisfied.
McCoy	PBPP	793 A.2d 1004	03/12/02	PA Cmwth	Parole	Credit	Defendant, whose parole was revoked, was not entitled to credit toward his original sentence for time he spent in custody on new criminal charges to which he could not post bail, even though the new charges resulted in a fine only; a fine constituted a sentence.
McCoy	PBPP	793 A.2d 1004	03/12/02	PA Cmwth	Parole	Credit	Defendant, whose parole had been revoked, was not entitled to credit toward his original sentence for a portion of the time he was incarcerated pending resolution of new criminal charges, even though the total time he was incarcerated pending the resolution of the criminal charges exceeded the maximum sentence he could have received for the offense, where defendant failed to make bail on the new charges brought against him, and his custody was a result of those new charges.
Blanchard	PBPP	785 A.2d 1054	10/26/01	PA Cmwth	Parole	Credit	Parolee's equal protection and due process rights were not violated by state law denying credit against original sentence, upon revocation of parole, for time spent in custody pending disposition of new criminal charges if parolee did not post bail, even though those parolees who post bail receive credit.
Meehan	PBPP	783 A.2d 362	08/28/01	PA Cmwth	Parole	Credit	Where parolee enters and completes drug rehabilitation program as special condition of parole, PBPP must develop record at subsequent recommitment hearing and must make a factual determination as to whether participation in such program constitutes 'time at liberty on parole' for which no credit may be given.
Jackson	PBPP	781 A.2d 239	06/28/01	PA Cmwth	Parole	Credit	Convicted parole violator cannot receive credit against his maximum sentence for time spent at liberty while on parole.
DOC	Reese	774 A.2d 1255	03/30/01	PA Cmwth	Parole	Credit	When a parolee is recommitted as a convicted parole violator, he is required to serve the remainder of his unexpired prison term, and shall be given no credit for the time at liberty on parole.
Slymaker	PBPP	768 A.2d 417	2/27/2001	PA Cmwth	Parole	Credit	State parolee was not entitled to credit toward his state parole balance for time spent incarcerated on state parole detainer prior to his conviction on new charges; parolee did not post bail for new offense. The determination of how to apply pre-sentence custody when a sentence is imposed for a crime committed during the period a defendant is on parole is vested with the PBPP, not the prosecuting attorney or sentencing court.

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Parish	DOC	768 A.2d 1214	02/23/01	PA Cmwth	Parole	Credit	For purposes of the Parole Act, inmate was not serving a new state sentence before serving his back time when, by a court order, he was given credit on a state sentence for time he served concurrently on county sentence. (42/9761a)(61/331.21a)
Torres	PBPP	765 A.2d 418	11/26/2000	PA Cmwth	Parole	Credit	Parolee was entitled to credit on backtime imposed as a technical parole violator from date that parolee was confined solely based on a PBPP warrant until date that PBPP issues a new warrant to commit and detain parolee with respect to the technical violations of his parole, and PBPP began its calculation of parole review availability date.
Berry	PBPP	756 A.2d 135	07/13/00	PA Cmwth	Parole	Credit	Recommitted parolee who receives a shorter term of sentence than period of time he is incarcerated at time of sentencing on new criminal charges is not entitled to credit against his original sentence for that additional time.
Owens	PBPP	753 A.2d 919	06/14/00	PA Cmwth	Parole	Credit	Petitioner was not entitled to credit toward his original sentence, on recommitment as a convicted parole violator, for time spent in custody until sentence for new charge underlying parole revocation was imposed; as petitioner was in custody for his failure to appear at his preliminary hearing in addition to PBPP warrant, sentence of guilty without further penalty required a credit of time served for the sentence on the new charges, rather than on the original sentence. 42/9723.
Smarr	PBPP	748 A.2d 799	03/22/00	PA Cmwth	Parole	Credit	Recommitted parolee was not entitled to credit toward his original sentence for time spent in custody on new criminal charges to which he could not post bail, even though new charges resulted in sentence of probation only, with no incarceration.
Presley	PBPP	748 A.2d 791	03/08/00	PA Cmwth	Parole	Credit	Where parolee posted bail following his arrest on new criminal charges and was thereafter incarcerated based solely on Parole Board's detainer warrant, any pretrial time spent in custody is credited to original sentence upon recommitment. Order sentencing defendant to minimum term of time served could not have effect of an immediate parole, unless a specific order granting parole was entered.
Vance	PBPP	741 A.2d 838	12/02/99	PA Cmwth	Parole	Credit	Parole not entitled to credit toward his parole violation sentence for his foreign incarceration for an offense committed while on parole, though the foreign court ordered his sentence to run concurrent with any commonwealth sentence, where parolee did not seek credit for time served as a result of PBPP recommitment order, or for time served in Commonwealth. 61 P.S. Sec. 331.21a.
Vance	PBPP	741 A.2d 838	12/02/99	PA Cmwth	Parole	Credit	PBPP may not impose a parole violation sentence to run concurrently with a new sentence for an offense committed while on parole. 61 P.S. Sec. 331.21a.

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Walker	PBPP	729 A.2d 634	03/31/99	PA Cmwlth	Parole	Credit	Time spent in custody pursuant to parole board detainer is credited to convicted parole violator's original sentence where parolee was eligible for and satisfied bail requirements for new offense and would not have been incarcerated but for Board's detainer.
Campbell	DOC	729 A.2d 632	03/25/99	PA Cmwlth	Parole	Credit	Where defendant was incorrectly paroled due to an erroneous computation of his minimum sentence, and was rearrested for a new crime while on parole, his pretrial confinement time on new charges had to be credited to his new sentence, rather than his old sentence.
Siers	PBPP	725 A.2d 220	02/08/99	PA Cmwlth	Parole	Credit	Parole violator not entitled to credit for time served on prior invalid sentence on subsequent unrelated offense; not entitled to credit for time served on unrelated Florida offense, in violation of his constitutional rights. 61 P.S. Sec. 331.21a.
Davidson	PBPP	722 A.2d 232	12/04/98	PA Cmwlth	Parole	Credit	Parolee was entitled to credit against original sentence for time period between date he posted bail on federal charges and date he pled guilty to those charges, since he was in state custody solely on PBPP warrant during that time.
Andrews	PBPP	688 A.2d 756	01/24/97	PA Cmwlth	Parole	Credit	<i>En banc</i> . Time spent in custody pursuant to detainer was to be credited to parole violator's original term only when the parolee had satisfied bail requirements for new offense and remained incarcerated on detainer alone.
Jones	DOC	683 A.2d 340	09/24/96	PA Cmwlth	Parole	Credit	Based on Pa.R.Crim.P. 1406(c), court could not compel DOC to give sentencing credit for incarceration of prisoner after he had escaped and before he was sentenced for robbery; not entitled to credit for precommitment time served.
Hayes	PBPP	660 A.2d 691	06/14/95	PA Cmwlth	Parole	Credit	Defendant not entitled to presentence credit for time served reapplied to sentence for new conviction, even if new sentence aggregated with previous sentence. Rule 1406(c) negates credit when imprisonment attributed to another sentence.
Feaster	PBPP	654 A.2d 645	02/08/95	PA Cmwlth	Parole	Credit	Parolee's two consecutive sentences do not lose their consecutive nature during a period of a Board detainer based on a single warrant. Credit for time served given to only one sentence, not both.
	Birney	910 A.2d 739	10/27/06	PA Super	Parole	Credit	Time defendant spent subject to electronic monitoring at home while she was on parole was not time spent "in custody" for purposes of credit toward prison sentence.