

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Jason John Michael Ramper,	:	
Petitioner	:	
	:	
v.	:	No. 114 C.D. 2010
	:	SUBMITTED: June 18, 2010
Pennsylvania Board of Probation	:	
and Parole,	:	
Respondent	:	

**BEFORE: HONORABLE BONNIE BRIGANCE LEADBETTER, President Judge
HONORABLE P. KEVIN BROBSON, Judge
HONORABLE JIM FLAHERTY, Senior Judge**

OPINION NOT REPORTED

**MEMORANDUM OPINION BY
PRESIDENT JUDGE LEADBETTER**

FILED: August 6, 2010

Jason John Michael Ramper petitions for review of the order of the Pennsylvania Board of Probation and Parole (Board) that denied his administrative appeal from an order recommitting him as a technical and convicted parole violator. In addition, Ramper’s court-appointed counsel, Jennifer B. Habel, Esquire, petitions for leave to withdraw her representation on the grounds that Ramper’s appeal is frivolous. After review, we grant counsel’s petition and affirm the order of the Board.

Following a revocation hearing, Ramper was recommitted as a technical and convicted parole violator to serve nine months of back-time, based upon his conviction on two counts of driving under the influence, with a maximum

date of August 22, 2010. Ramper filed a *pro se* administrative appeal wherein he asserted that the Board erred in calculating the maximum date. The Board denied relief and Ramper filed a *pro se* petition for review in this court asserting the same argument. Pursuant to an order of this court, Habel was appointed as appellate counsel. Counsel thereafter filed her petition to withdraw as counsel and a “Turner letter”¹ in support thereof.

In her “Turner letter”, Counsel sufficiently details the issue raised, as well as the nature and extent of her review and analysis in concluding that the appeal is frivolous. *See Hont v. Pa. Bd. of Prob. and Parole*, 680 A.2d 47 (Pa. Cmwlth. 1996) (establishing requisite elements of adequate “Turner letter”). Specifically, Counsel reviewed the history of Ramper’s case, and concluded that there was no error in the calculation of Ramper’s maximum date. In addition, Counsel provided Ramper with a copy of her petition to withdraw and the “Turner letter”. Therefore, Counsel has complied with the requirements necessary to seek leave to withdraw as counsel. *Id.*; *Craig v. Pa. Bd. of Prob. and Parole*, 502 A.2d 758 (Pa. Cmwlth. 1985). Finally, pursuant to an order of this court dated April 20, 2010, Ramper was advised of his right to obtain substitute counsel or to file a brief on his own behalf. Ramper has not retained substitute counsel nor filed a brief.

In reviewing the petition to withdraw, we independently evaluate the proceedings before the Board to determine whether the appeal is without merit. *Dear v. Pa. Bd. of Prob. and Parole*, 686 A.2d 423 (Pa. Cmwlth. 1996). After a review of the record, we find no merit to Ramper’s assertion that the Board erred in calculating his maximum date. It is clear from the record that, at the time he was paroled, Ramper had 663 days remaining on his sentence. Because he was

¹ *Commonwealth v. Turner*, 518 Pa. 491, 544 A.2d 927 (1988).

convicted of a crime while on parole, he lost all credit for his “street time.” *See* 61 Pa. C.S. § 6138(a). Prior to his recommitment, Ramper was held on the Board’s warrant for a total of 141 days. Therefore, at the time of his recommitment, Ramper had 522 days of back-time remaining on his original sentence. Ramper was recommitted on March 18, 2009, and 522 days from that date is August 22, 2010, the maximum date found by the Board. There was no error in the computation of this date.

Accordingly, we grant the petition to withdraw and affirm the order of the Board.

BONNIE BRIGANCE LEADBETTER,
President Judge

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ORDER

AND NOW, this 6th day of August, 2010, the petition of Jennifer B. Habel, Esquire to withdraw as counsel in the above-captioned matter, is hereby GRANTED and the order of the Pennsylvania Board of Probation and Parole is AFFIRMED.

BONNIE BRIGANCE LEADBETTER,
President Judge