

02-1093-CD  
GLENN NUTT, SR. -vs- JOHN M. MCCULLOUGH

GLENN LEROY NULL, SR.  
c/o INST. NO. AK-9541  
POST OFFICE BOX 1000  
HOUTZDALE, PA 16698-1000

SEPTEMBER 16, 2002

HON. FREDRIC J. AMMERMAN  
CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET STREET  
CLEARFIELD, PA 16830

**In re:** GLENN NULL, SR. vs. JOHN M. McCULLOUGH, SUPT.;  
CIVIL ACTION #2002-01093-CD.

Dear HON. AMMERMAN:

This correspondence is in reference to the above-captioned Civil Action Complaint In Mandamus that I filed with your court.

Your Honor, On July 15, 2002, I filed a Civil Action Complaint In Mandamus with the Prothonotary's Office to be filed, docketed, processed and served upon this court. As of this date, The Prothonotary's Office neglected to assign a judge to my Civil Action Complaint In Mandamus. Could you please investigate this matter as to why the Prothonotary's Office haven't processed my Civil Action Complaint In Mandamus and assigned a judge to it? My In Form Pauperis Application (IFPA) was not even processed or granted by this Court. It has been quite some time since I filed my Civil Action Complaint In Mandamus with your court.

I would like to thank you in advance for your time and attention in the above said matter and your prompt investigate in to this matter as to why the Prothonotary's Office haven't processed and/or assigned a judge to my Civil Action Complaint In Mandamus would be greatly appreciated. Please direct and order the Prothonotary's Office to process and assign my Civil Action Complaint In Mandamus to a judge of this court accordingly. I remain...

Sincerely yours,

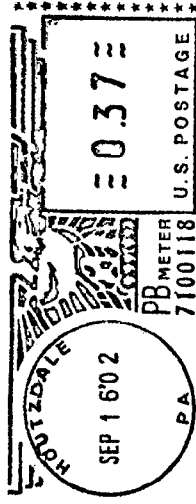
GLENN LEROY NULL SR,  
GLENN LEROY NULL SR.

c: GLN SR.

FILE

NAME GLENN LEROY NULL SR.  
NUMBER AK-9541  
P.O. BOX 1000  
HOUTZDALE PA 16698-1000

PA DEPT OF CORRECTIONS  
INMATE MAIL

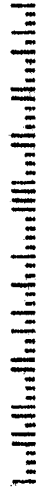


HON. FREDRIC J. AMMERMAN  
CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

Inmate Mail

PA Department of Corrections

16698-1000



Look to not  
go to  
great ITP

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

GLENN NULL SR.,		:	CIVIL ACTION COMPLAINT
	Plaintiff	:	MANDAMUS
VS.		:	
		:	
		:	No.
JOHN M. McCULLOUGH, SUPT.,		:	
ET AL.,		:	
	Defendants	:	

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2002, upon consideration of Plaintiff's within Application to proceed In Forma Pauperis, with verification and affidavit in filing and litigating the attached civil action complaint in mandamus

IT IS HEREBY ORDERED and DECREED, that the Application is GRANTED. IT IS FURTHER ORDERED, that the Sheriff shall serve the complaint on Defendants without charge to Plaintiff as well as any subsequent subpoena's in accordance with the rules of discovery under the Pa. R. Civ. P.

BY THE COURT,

\_\_\_\_\_  
J

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

GLENN NULL SR.,  
VS.  
JOHN M. McCULLOUGH, SUPT.,  
ET AL.,

Plaintiff : CIVIL ACTION COMPLAINT  
: MANDAMUS  
:  
:  
: No. 2002-1093-CO  
:  
Defendants :

APPLICATION TO PROCEED IN FORMA PAUPERIS  
IN FILING AND LITIGATING PRO-SE THE ATTACHED CIVIL ACTION  
COMPLAINT IN MANDAMUS

NOW COMES, the Plaintiff, GLENN NULL SR., , pro-se, and says:

1. That as demonstrated by the attached affidavit, verification and prison inmate accounting statement, Plaintiff is indigent and cannot afford the costs associated with the filing, litigating or employing of counsel to litigate the attached civil action complaint in mandamus.

2. That Plaintiff submits this civil action complaint in mandamus in good faith that the claims raised therein are meritorious and that Defendant has an administrative duty to correct inaccurate records under his/her direct supervision and control but to date has failed and to date has refused to perform.

3. That Plaintiff will suffer irreparable harm if this application is denied.

WHEREFORE, for the foregoing reasons this honorable court is requested to grant this application.

Dated: July 10, 2002

By: /s/ GLENN NULL SR.

GLENN NULL SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000

FILED

JUL 15 2002

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

GLENN NULL SR.,  
VS.  
JOHN M. McCULLOUGH, SUPT.,  
ET AL.,

Plaintiff : CIVIL ACTION COMPLAINT  
: MANDAMUS  
:  
: No.  
:  
Defendants :

AFFIDAVIT IN SUPPORT OF APPLICATION TO PROCEED IFP

I, GLENN NULL SR., Plaintiff, pro-se, do hereby state under the penalty of perjury that:

1. That I am the Plaintiff of adult age presently confined within state correctional institution at Houtzdale;

2. That the information contained in the foregoing application are true and correct to the best of my information, knowledge and belief;

3. That I own no property, boat, car, home, land, bond, stocks, dividends or other and I have no checking or savings account nor do I receive any money from social security, veterans benefits, rents or other income from any source other than forced prison wages at approximately \$65 .00 a month. An amount Plaintiff uses each month to purchase personal hygiene materials such as soap, toothpaste, deodorant, razors, and materials to access the courts.

4. That I have no person of whom I could borrow the money to file and litigate the attached civil action complaint in mandamus.

5. That I do realize my continuing obligation to advise the court of any changes in my financial status.

6. That this affidavit is made subject to the penalties of 18 Pa. C.S.A. section 4904.

Dated: July 10, 2002

By: /s/ GLENN NULL SR.

GLENN NULL SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000

VERIFICATION

I, GLENN NULL SR. , Plaintiff, pro-se, do hereby verify that the information contained in the foregoing annexed application to proceed I.F.P. with attached documents, are true and correct to the best of my information, knowledge and belief.

Dated: July 10 , 2002

By: /s/ GLENN NULL SR.

GLENN NULL SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000



AGE 1  
-B-2033

INMATE ACCOUNTS SYSTEM  
MONTHLY ACCOUNT STATEMENT

06-06-2002  
2092 HOU

INMATE NAME  
NUMBER LAST  
AK9541 NULL

FIRST MI  
GLENN L

OLD BALANCE  
115.80

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
6927	05-13-2002 37	POSTAGE		
		POSTAGE MAY 13, 2002	-.46	115.34
8136	05-16-2002 32	HOU COMMISSARY		
		FOR 5/16/2002	-26.70	88.64
6994	05-17-2002 37	POSTAGE		
		POSTAGE MAY 17, 2002	-.23	88.41
7026	05-21-2002 37	POSTAGE		
		POSTAGE MAY 21, 2002	-.23	88.18
7050	05-22-2002 10	MAINTENANCE PAYROLL		
		PAY GR.#2 4/15 - 5/14/02	73.92	162.10
7088	05-28-2002 37	POSTAGE		
		POSTAGE 5/28/02	-.23	161.87

NEW BALANCE AS OF THIS STATEMENT -----> 161.87

WILLIAM A. MILLER  
JUL 10 2002

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

GLENN NULL SR.,	:	
Plaintiff,	:	CIVIL ACTION-MANDAMUS
VS.	:	
	:	
JOHN M. McCULLOUGH, SUPT.;	:	JURY TRIAL DEMANDED
VICKIE HENRY, OFFICIAL RECORD'S	:	TRIAL REFERENCE REQUEST
OFFICE SUPERVISOR;	:	
MIKE McClURE, OFFICIAL RECORD'S	:	
OFFICE SPECIALIST, ET AL.,	:	NO.
Defendants.	:	

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

DAVID S. MEHOLICK  
COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURT HOUSE  
230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830  
PHONE NUMBER: (814) 765-2641, ext. 5982

Dated: July 10, 2002.

BY: /s/ GLENN NULL SR.  
GLENN NULL SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

GLENN NULL, SR.,	:	
Plaintiff,	:	CIVIL ACTION-MANDAMUS
VS.	:	
	:	
JOHN M. McCULLOUGH, SUPT.;	:	JURY TRIAL DEMANDED
VICKIE HENRY, OFFICIAL RECORD'S	:	TRIAL REFERENCE REQUEST
OFFICE SUPERVISOR;	:	
MIKE McCLURE, OFFICIAL RECORD'S	:	
OFFICE SPECIALIST, ET AL.,	:	NO. 2002.
Defendants.	:	

CIVIL ACTION COMPLAINT IN MANDAMUS

INTRODUCTION

This Civil Action Complaint In Mandamus is filed against the above named defendants to compel the performance of their mandatory administrative duty to correct those inaccurate records under their direct supervision and control pursuant to 18 Pa. C.S.A. Section 9101 et. seq. and for damages and costs pursuant to 42 Pa. C.S.A. Section 8303.

JURISDICTIONAL STATEMENT

1. This court has exclusive original jurisdiction over this Civil Action Complaint In Mandamus pursuant to 42 Pa. C.S.A. §931(a) and via Pa. R.Civ.Proc. 1091; and to grant all relief as is right, just and equitable.

2. A trial by jury on all facts in dispute is respectfully demanded and trial preference is respectfully requested.

PARTIES TO THIS ACTION

3. Plaintiff, GLENN NULL SR., is a citizen of the Commonwealth of Pennsylvania and of the United States with his present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

4. Defendant, JOHN M. McCULLOUGH is employed as the Superintendent at SCI-Houtzdale who is a citizen of the Commonwealth of Pennsylvania and of the United States with his present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

5. Defendant, VICKIE HENRY is employed as the Official Record's Office Supervisor at SCI-Houtzdale who is a citizen of the Commonwealth of Pennsylvania and of the United States with her present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

6. Defendant, MIKE McCLURE is employed as an Official Record's Office Specialist at SCI-Houtzdale who is a citizen of the Commonwealth of Pennsylvania and of the United States with his present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

### STATEMENT OF FACTS

7. On December 15, 1986, Plaintiff in COMMONWEALTH v. GLENN NULL, CP. #345-CA-1986 (York County), was sentenced to a term of incarceration of no less than eight (8) years nor no more than sixteen (16) years with pre-commitment time credit of nine (9) days to set his maximum day of confinement at December 5, 2002. (See: Court's sentencing order attached hereto as exhibit "A").

8. Thereafter, and following the receipt of a new institutional status summary sheet, Defendants set Plaintiff's maximum date of confinement at December 6, 2002. (See: Defendants institutional status summary sheet dated April 11, 2002 and attached hereto as exhibit "B").

9. On April 14, 2002, Plaintiff, via Pa. Department of Corrections official request to staff slip, contacted Defendants MIKE McCCLURE, as well as Defendant JOHN McCULLOUGH, and advised them that their institutional status summary sheet was inaccurate via the expiration of my maximum date; and should reflect December 5, 2002, rather than December 6, 2002. Plaintiff requested the correction of their records.

10. On April 19, 2002, however, Defendants McCullough and McClure refused to correct those inaccurate records and stated: "Glenn our calculation that we just sent you is correct". (See: Attached exhibit "C").

11. On April 20, 2002, Plaintiff then filed a grievance to correct the maximum date to reflect December 5, 2002, rather than December 6, 2002. (See: Attached exhibit "D").

12. On April 23, 2002, however, Defendant VICKIE HENRY denied plaintiff's grievance to correct inaccurate records. (See: Attached exhibit "E").

13. On April 25, 2002, Plaintiff appealed the denial of his grievance to Defendant McCULLOUGH who on April 26, 2002 affirmed the denial of Plaintiff's grievance. (See: Attached exhibit "F").

14. On April 27, 2002, Plaintiff appealed the denial and affirmation of the denial of his grievance to the Chief Secretary's Office of the Pa. Department of Corrections for final review. (See: exhibit "G" attached hereto).

15. As of this date, however, the Chief Secretary's Office of Appeals has failed to respond to the same as they were required to do within thirty (30) working days of their receipt of the same pursuant to DC-ADM-804 (D 2(a)(1) & (f)). (See: Exhibit "H" attached hereto).

### FIRST CAUSE OF ACTION

16. That Paragraphs 1 through 15 above are incorporated herein by reference as though fully set forth.

17. That Defendants had the mandatory administrative duty as a "Criminal Justice Agency" under 18 Pa. C.S.A. section 9101 et seq., to timely create and maintain accurate records. This Duty, however, Defendants have failed to perform by maintaining an inaccurate record regarding plaintiff's maximum date of confinement.

### SECOND CAUSE OF ACTION

18. That Paragraphs 1 through 17 are incorporated herein by reference as though fully set forth.

19. That Defendants have the mandatory administrative duty as a "Criminal Justice Agency" under 18 Pa. C.S.A. section 9101 et seq., to correct any and all inaccurate records under their direct supervision and control. However, and even after Plaintiff requested Defendants to correct his maximum date of confinement Defendants refused, and to date are refusing, to perform their mandatory ministerial administrative duties.

#### INDEPENDENT INTEREST

20. That Plaintiff has a direct interest in the correction of this inaccurate record that is separate and distinct from the public in that Plaintiff will be confined over his lawful maximum date of confinement if Defendants are not compelled to correct those inaccurate records under their direct supervision and control.

21. That Plaintiff has no other means or remedy available to compel Defendants to perform their mandatory administrative duty.

#### RELIEF REQUESTED

**WHEREFORE**, and based on the foregoing, this Honorable Court is hereby respectfully requested to:

A. Find that Defendants had and have the mandatory ministerial administrative duty to timely create and maintain accurate records, as well as to correct those inaccurate records, under their direct supervision and control, pursuant to 18 Pa. C.S.A. section 9101 et seq., but have failed and are refusing to perform those duties; to

B. Find that Defendants calculation of Plaintiff's maximum term of incarceration is inaccurate, viz, that the maximum date of confinement should be December 5, 2002 rather than December 6, 2002; to

C. Issue an order in Mandamus directing Defendants to perform their mandatory ministerial administrative duties and correct those inaccurate records under their direct supervision and control, as referenced herein; to

D. Award Plaintiff damages and costs against each and every Defendant, pursuant to 42 Pa. C.S.A. section 8303, for their failure and refusal to perform their mandatory administrative duties; and

E. Grant Plaintiff such other relief as would be right, just and equitable, as well as to preclude a multiplicitous of proceedings.

Dated: July 10, 2002

By: /s/ GLENN NULL SR.

GLENN NULL SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000

VERIFICATION

I, GLENN NULL, SR., do hereby verify that the facts set forth in the above Civil Action Complaint In Mandamus are true and correct to the best of my personal knowledge, information and belief, and that any false statements herein are made subject to the penalties of Section 4904 of the Crimes Code (18 Pa. C.S. §4904), relating to unsworn falsification to authorities.

Respectfully submitted,

Dated: July 10, 2002.

/s/ GLENN NULL SR.  
GLENN NULL, SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000

**IN THE COURT OF COMMON PLEAS  
OF YORK COUNTY — CRIMINAL DIVISION**

NO. 345 CRIMINAL ACTION 19 86.

COMMONWEALTH  
Vs  
GLENN L. NULL

1) Kidnapping  
2) Rape

JUSTICE: Mildred Hunt Becker

John J. Allen Smith, ESQ.,  
ATTORNEY APPEARING FOR DEFENDANT OF NOT GUILTY  
ENTERED CASE REMOVED FOR May/June 1986  
TERM OF COURT.

(See order) Miller, Judge

June 27, 1986 Application to Extend  
the Time for Commencement of Trial filed.  
Rule returnable July 15, 1986 at  
10:00 A. M. (See Rule) Horn, Judge

January 31, 1986 - Petition for Reduction of Bail  
filed. Hearing scheduled for February 4, 1986 at  
1:15PM. (See Order) Miller, Judge.

July 15, 1986 Application to Extend  
the Time for Trial granted. Case extended to  
August, 1986 Term of Court. Order filed  
August 6, 1986. Same date, copy sent to  
each party or attorney of record (See Order)

February 5, 1986 - Petition refused. (See Order)  
Miller, Judge.

Horn, Judge.

March 14, 1986 - Petition for and Motion to Compel  
Pre-Trial Discovery filed.

August 8, 1986 Order entered.  
(See Order) Rauhauser, Judge

May 28, 1986 - Notice of Alibi Defense filed.

Aug. 19, 1986 - Points for charge filed.

May 19, 1986 - Motion for trial postpone-  
ment filed/order entered. (see order)  
Buckingham, S.J.

Aug. 21, 1986 -- REassignment for trial  
filed.

June 11, 1986 - Application for appointment  
of fingerprint expert and order hearing  
to be held on June 16, 1986 at 9:30 am.  
(see order) Miller, J.

Aug. 21, 1986 O Verdict - Guilty both  
counts.

Aug. 25, 1986 - Motions for new trial  
and arrest of judgment filed.

June 16, 1986 - Refuse Application to Pay  
for any finger Print Expert. Case continued  
until the August 1986 term. Rule 1100 waived.  
( See Order ) Miller, Judge

September 15, 1986 - Defendant's brief in support of motions  
for new trial and arrest of judgment filed.

June 16, 1986 - Case continued until the Aug.

COMMONWEALTH WITNESSES	JANUARY		FEBRUARY		MAY		JULY		SEPTEMBER		NOVEMBER		TOTAL	
	Days	Miles	Days	Miles	Days	Miles	Days	Miles	Days	Miles	Days	Miles	Doll's	Cts.
Wanda L. Davis														
ordon Hughes														
Richard Turnamian														
Mr. Dennis Loose														
ennis Williams														
William Farrell														
Stefan Castellano													5.00	
Eric Daniels													5.00	
Off. Edwin Smith													5.00	

EXHIBIT "A"

Sept. 22, 1986 - Commonwealth's brief in opposition to post trial motions filed.

October 22, 1985 Opinion/Order filed - Motion for new trial/arrest of Judgment are refused Sentence - December 15, 1986 at 9:30AM Pre sentence (See order) Bucher, Sr. Judge

October 22, 1985 Order of Court filed same day written notice of entry thereof immediately given by ordinary mail to each party in the action or to his attorney of record

December 15, 1986 - Sent. Kidnapping - SCI 2 years to 4 years. Rape: SCI 6 years to 12 years, run consecutive. Petition denied to bail pay costs (See Order) Bucher, Sr. Judge

December 15, 1986 - Petition for Superseceas filed

Commitment issued

Jan. 12, 1987 - Notice of Appeal and Certification of Service filed.

Jan. 29, 1987 - Received Superior Ct. docket #00239H2G07

Jan. 27, 1987- Transcript of Proceedings filed.

Mar. 2, 1987 - Vol I and Vol. II of transcript of Proceedings lodged.

March 10, 1987 - Vol. I and Vol. II of transcript of Proceedings filed.

Mar. 10, 1987 - Transmitted to HDg.

April 27, 1987 Petition Under Post Conviction Hearing Act filed.

April 27, 1987 Petition not considered as case is on appeal. (See Order) Erb, J.

April 27, 1987 Order of Court filed. Same date, written notice of entry thereof immediately given by ordinary mail to each party in the action or to his attorney of record.

June 26, 1987 Order entered. (See Order) Erb, P.J.

August 26, 1987 Motion for release pending appeal filed Pro-Se, rule Returnable October 13, 1987 at 9:30 a.m. (See Order) Erb, P.J.

August 31, 1987 Order issued. (See Order Chronister, Judge

September 1, 1987 Commonwealth's Answer to Motion for release pending appeal filed.

October 13, 1987 Request for bail pending appeal is refused and denied (See order) Erb, PJ

Jan. 21, 1988- Returned from Surperior Ct. Judgement- Dec. 14, 1987 Judgement of Sentence is affirmed.

Jan. 29, 1988- Motion to modify is refused. & PCHA is refused. (See Order) Erb, PJ

March 22, 1988- Petition Under conviction Hearing Act. filed.

April 7, 1988- Order Issued. Steven Zorbaugh Esq. appointed counsel, examine petition & make any ammendments necessary then contact court for schedule of a hearing. (see Order) Erb, PJ

July 11, 1988- Petition for appt. of fingerprint expert, refused. (See Order) Erb, PJ

Aug. 30, 1988- Motion for expungement filed. Pro Se.

Sept. 7, 1988- Petition for expungement refused and denied. (See Order) Erb, PJ

Dec. 5, 1988- Pro Se application filed.

Dec. 29, 1988- Deft's request is refused & denied (See Order) Erb, PJ

Jan. 23, 1989 - Motion for expungement is refused. (See order) Erb, P.J.

April 6, 1989- PCHA Petition filed. Hearing May 1, 1989 @ 3:00pm. JEE

April 17, 1989- Transportation Order Issued. JHC.

April 21, 1989 - PCHA rescheduled for May 11, 1989 at 1:30 P.M. JEE.

May 11, 1989 - Order issued. JEE.

May 18, 1989 - BRIEF of deft. filed.

May 19, 1989 - Atty. fees filed.



DC-16E	SENTENCE STATUS SUMMARY	COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS
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### 1. REFERENCES AND IDENTIFICATION

DOC Number AK9541	Commitment Name GLENN L NULL	PBPP No 3071T	SID No 14401598	FBI Number 130881X9	Phila Photo #
Date of Birth 08/01/1961	Place of Birth YORK PA USA	Race W		Sex M	

### 2. SENTENCE SUMMARY

Sent Date	County	Indictments	Sent Type	Minimum			Maximum		
				Y	M	D	Y	M	D
12/15/1986	YORK	345 A/1986		2			4		
<b>Plea:</b>	Found Guilty	<b>OTN:</b> B4149810	<b>Judge:</b> BUCHER, WILSON						
<b>Offense:</b>	KIDNAPPING								
12/15/1986	YORK	345 B/1986	CS	6			12		
<b>Plea:</b>	Found Guilty	<b>OTN:</b> B4149810	<b>Judge:</b> BUCHER, WILSON						
<b>Offense:</b>	RAPE								

<b>Controlling Minimum Date</b>	12/06/1994		<b>Reentered from Previous DOC#:</b>	
<b>Controlling Maximum Date</b>	12/06/2002		<b>New Maximum - PV</b>	

<b>Non-incarcerated Offenses</b>
Comments:
<b>Summary or Remarks on Sentence</b>
VERSION CREATED TO SHOW CORRECTED CREDIT

### 3. SENTENCE STRUCTURE

<b>Commitment Credit</b>				
1/28/86 TO 2/5/86				

Item	Computation 1	Computation 2	---	----
Indictments Included	345 A/1986 345 B/1986			
Effective Date	12/06/1986			
Expiration of Minimum	12/06/1994			
Expiration of Maximum	12/06/2002			
Custody for Return - PV				
Delinquent Time				
Backtime Credit				
Backtime Owed				
New Maximum - PV				
Sentence Computation Date	04/11/2002			
Basis for Computation	Credit Adjustment			
Total Sentence	8Y TO 16Y			
Status	Active			

#### 4. DETAINERS

Number	Date	From	Indict-Warrant Nos.	OTN	Type
None					

Detainer Remarks		
Detainer #	Date Deleted	Remarks (for those deleted since last DC16)
None		

#### 5. PRIOR DOC NUMBERS

None								
------	--	--	--	--	--	--	--	--

#### 6. FINES, COSTS AND RESTITUTION AT TIME OF RECEPTION

Date	County	Indictment	Fines	Costs	Restitution
12/15/1986	YORK	345 A/1986		\$1245.82	
12/15/1986	YORK	345 B/1986		\$1245.82	

#### 7. ACTIONS: BOARD OF PARDONS

Decision Date	File Number	Action	Comments

Last Modified by: mmccure

Received on April 19, 2002

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) Mr. McClure, Record's Office		2. Date: April 14, 2002	
3. By: (Print Inmate Name and Number) Glenn Leroy, Null, Sr., AK-9541 <i>Glenn Leroy, Null, Sr.</i> Inmate Signature		4. Counselor's Name Mr. Rice	
6. Work Assignment Laundry		5. Unit Manager's Name Ms. Bailey	
7. Housing Assignment JB-33		8. Subject: State your request completely but briefly. Give details. Attention: Mr. McClure: This is an informal complaint regarding my erroneous maximum date of December 6, 2002. On April 04, 2002, per my request you found an error in my pre-commitment credit time which you corrected and now sets my effective date as December 6, 1986. I have no problem with the effective date, that is correct. My problem exist with my maximum date. My maximum date and only my maximum is in error, because the expiration of my maximum date should be December 5, 2002, instead of December 6, 2002. One (1) year exist of three hundred and sixty-five days which would start at the December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. In my calculation of sixteen (16) years would start on the effective date of December 6, 1986 and expire on December 5, 2002, at 11:59 p.m.. We must realize that one must not exceed his maximum date	
9. Response: (This Section for Staff Response Only)			
<p><i>Glenn Calculation</i></p> <p><i>Our we just is correct</i></p> <p><i>that sent you correct</i></p>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name \_\_\_\_\_ / \_\_\_\_\_ Date \_\_\_\_\_  
Print Sign





**"CALCULATION OF TIME"**

Effective date:

December 6, 1986 to December 5, 1987, at 11:59 p.m., 1 yr.  
December 6, 1987 to December 5, 1988, at 11:59 p.m., 2 yrs.  
December 6, 1988 to December 5, 1989, at 11:59 p.m., 3 yrs.  
December 6, 1989 to December 5, 1990, at 11:59 p.m., 4 yrs.  
December 6, 1990 to December 5, 1991, at 11:59 p.m., 5 yrs.  
December 6, 1991 to December 5, 1992, at 11:59 p.m., 6 yrs.  
December 6, 1992 to December 5, 1993, at 11:59 p.m., 7 yrs.  
December 6, 1993 to December 5, 1994, at 11:59 p.m., 8 yrs.  
December 6, 1994 to December 5, 1995, at 11:59 p.m., 9 yrs.  
December 6, 1995 to December 5, 1996, at 11:59 p.m., 10 yrs.  
December 6, 1996 to December 5, 1997, at 11:59 p.m., 11 yrs.  
December 6, 1997 to December 5, 1998, at 11:59 p.m., 12 yrs.  
December 6, 1998 to December 5, 1999, at 11:59 p.m., 13 yrs.  
December 6, 1999 to December 5, 2000, at 11:59 p.m., 14 yrs.  
December 6, 2000 to December 5, 2001, at 11:59 p.m., 15 yrs.  
December 6, 2001 to December 5, 2002, at 11:59 p.m., 16 yrs.

My maximum date expire now on December 5, 2002, at 11:59 p.m..

Status sheet issued on April 11, 2002, is still in error, because maximum date on status sheet reflects December 6, 2002, instead of December 5, 2002. The effective date of December 6, 1986 is correct because I did nine (9) days in the county jail during my arrest from January 28 1986 to February 5, 1986 totals nine (9) days.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

18811  
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR <b>Ms. Kathy Emel</b>	FACILITY: <b>SCI-Houtzdale</b>	DATE: <b>April 20, 2002</b>
FROM: (INMATE NAME & NUMBER) <b>Glenn Leroy, Null, Sr., AK-9541</b>	SIGNATURE of INMATE: <i>Glenn Leroy, Null, Sr.</i>	
WORK ASSIGNMENT: <b>Laundry</b>	HOUSING ASSIGNMENT: <b>JB-33</b>	
<p>INSTRUCTIONS:</p> <ol style="list-style-type: none"> <li>1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.</li> <li>2. State your grievance in Block A in a brief and understandable manner.</li> <li>3. List in Block B the specific actions you have taken to resolve this matter informally. Be sure to include the identity of staff members you have contacted.</li> </ol>		
<p>A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.</p> <p>On April 4, 2002, per my request Mr. Mike McClure, Official Record's Office Specialist found an error in my pre-commitment credit time which he corrected and now sets my effective date as December 6, 1986 and my Maximum date as December 6, 2002. I have no problem with the effective date, that is correct. My problem now exist with my maximum date. On April 13, 2002, per my request I received a new status sheet from Mr. Mike McClure, Official Record's Office Specialist which still remains in error, because the expiration of my maximum date should be December 5, 2002, instead of December 6, 2002. On April 14, 2002, I submitted a request to Mr. Mike McClure, Official Record's Office Specialist regarding my maximum date still being in error, but my request was denied and my maximum date remains uncorrected. You can not have my effective date the same as my maximum date. For an example, One (1) year exist of three hundred and sixty-five (365) days which would start on December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. In my calculation of sixteen (16) years would start on the effective date of December 6, 1986 and expire at 11:59 p.m. on December 5, 2002. We must realize that one must not exceed his maximum date by law.</p> <p>(See Attached Additional Paper)</p>		
<p>B. List actions taken and staff you have contacted, before submitting this grievance. Attach the copy of the DC-135A with the staff member's response of your informal resolution attempt.</p> <p>I have submitted a copy of the request slip to Superintendent John M. McCullough on April 14, 2002, regarding the above matter, and it still remains unresolved.</p>		

Your grievance has been received and will be processed in accordance with DC-ADM 804.

*Kathy Emel*  
Signature of Facility Grievance Coordinator

4/22/02  
Date

EXHIBIT "D"

WHITE - Facility Grievance Coordinator Copy

CANARY - File Copy

PINK - Action Return Copy

GOLDENROD - Inmate Copy



In Commonwealth v. Casanove, 748 A.2d 205, 207 (Pa. Super. 2002), This Court held that a "year" is defined as "a period of 365 or 366 days, in the gregorian calendar, divided into 12 calendar months...."

In applying Fenati to the case sub judice, we follow the Supreme Court's lead that a calendar year encompasses 365 days, or 366 days in a leap year, beginning at any given point of the calendar. Accord: Bethlehem Steel Corp v. W.C.A.B. (ZIMA), 777 A.2d 1245, 1248 [2] (Pa. Cmwlth. 2001).

If you calculate three hundred and sixty-five (365) days starting from December 6, 2001 you will end up on December 5, 2002. You can not exceed my maximum date of December 5, 2002, at 11:59 p.m..

Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: U.S.C.A. Const. Amend. 8. Accord: Homoki v. Northampton County, 86 F.3d 324 (3rd Cir. 1996); quoting, Sample v. Diecks, 885 F.2 1099 C.A.3 (Pa. 1989); London v. PA. Bd. of Probation & Parole, 135 F.Supp.2d 612, 614 (E.D. Pa. 2001).

In the event my maximum date is not corrected to reflect December 5, 2002, each and every defendant mentioned herein and thereafter that has personal and direct knowledge of this constitutional violation will then be violating my United States Constitutional Guaranteed Rights under Amendment 5th, 8th, and 14th, and the Pennsylvania Constitution Article 1, Section 1, 9, and 13. which constitutes unlawful confinement and will be sued in their individual and official capacity and will be liable for all damages in the excessive of \$50,000.00 dollars per each individual prison official for punitive and compensatory damages.

For the above foregoing reasons, I request that you direct and order Mr. Mike McClure, Official Record's Office Specialist to correct my status sheet to reflect Thursday, December 5, 2002, so I am released within the last day of my maximum date and issue me a new status sheet accordingly.

Sincerely,

  
Glenn Leroy, Null, Sr.

DC-804  
Part 2COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001OFFICIAL INMATE GRIEVANCE  
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

18811

AK-9541

TO: (Inmate Name & DC No.) <i>Glenn Null, Sr.</i>	FACILITY <i>SCI-Houtzdale</i>	HOUSING LOCATION <i>JB-33</i>	GRIEVANCE DATE <i>4/20/02</i>
--	----------------------------------	----------------------------------	----------------------------------

The following is a summary of my findings regarding your grievance:

*Mr. Null,*

*I cannot change the computer calculation of your max date and I cannot change DOC policy regarding the time of day you will be released. Your grievance is denied.*

Cc: Superintendent McCullough  
Superintendent's Assistant  
Deputies (2)  
Majors (2)  
DC15  
File

Print Name and Title of Grievance Officer <i>Vickie Henry, IRS</i>	SIGNATURE OF GRIEVANCE OFFICER <i>Vickie Henry</i>	DATE <i>4/23/02</i>
---	---	------------------------

EXHIBIT "E"

DATE: April 25, 2002  
SUBJECT: Appeal of Grievance #HOU-18811-2002.  
FROM: Glenn Leroy Null, Sr., AK-9541  
B-33  
TO: JOHN M. McCULLOUGH  
Superintendent

**Appeal**

RECEIVED SUPERINTENDENT OFF.  APR 26 2002  SCI-HOUTZDALE PO BOX 1000 HOUTZDALE PA
---

This is an appeal to the Superintendent John M. McCullough from the decision rendered by the Facility Grievance Officer Ms. Vickie Henry who denied my grievance. I have received the Facility Grievance Officer Ms. Vickie Henry's decision through institution mail on April 25, 2002.

#### STATEMENT OF FACTS

The Facility Grievance Officer Ms. Vickie Henry's decision denying my grievance for relief is in error, because:

On April 4, 2002, per my request Mr. Mike McClure, Official Record's Office Specialist found an error in my pre-commitment credit time which he corrected and now sets my effective date as December 6, 1986 and my maximum date as December 6, 2002. I have no problem with the effective date, that is correct. My problem now exist with my maximum date. On April 13, 2002, per my request I received a new status sheet from Mr. Mike McClure, Official Record's Office Specialist which still remains in error, because the expiration of my maximum date should be December 5, 2002, instead of December 6, 2002. On April 14, 2002, I submitted a request to Mr. Mike McClure, Official Record's Office Specialist regarding my maximum date still being in error, but my request was denied and my maximum date remains uncorrected. You can not have my effective date the same as my maximum date. For an example,, one (1) year exist of three hundred and sixty-five (365) days which would start on December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. We must realize that one must not exceed his maximum date by law.

In Commonwealth v. Casanove, 748 A.2d 205, 207 (Pa. Super. 2002), This Court held that a "year" is defined as "a period of 365 or 366 days, in the gregorian calendar, divided into 12 calendar months...."

In applying Fenati to the case sub judice, we follow the Supreme Court's lead that a calendar year encompasses 365 days, or 366 days in a leap year, beginning at any given point of the calendar. Accord: Bethlehem Steel Corp v. W.C.A.B. (ZIMA), 777 A.2d 1245, 1248 [2] (Pa. Cmwlth. 2001).

Page 2, of Appeal.

If you calculate three hundred and sixty-five (365) days starting from December 6, 2001 you will end up on December 5, 2002. You can not exceed my maximum date of December 5, 2002, at 11:59 p.m..

Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: U.S.C.A. Const. Amend. 8. Accord: Homoki v. Northampton County, 86 F.3d 324 (3rd. Cir. 1996); quoting, Sample v. Diecks, 885 F.2d 1099 C.A.3 (Pa. 1989); London v. PA. Bd. of Probation & Parole, 135 F.Supp.2d 612, 614 (E.D. Pa. 2001).

In the event my maximum date is not corrected to reflect December 5, 2002, and released on that date, each and every defendant mentioned herein and thereafter that has personal and direct knowledge of this constitutional violation will then be violating my United States Constitutional Guaranteed Rights under Amendments 5th, 8th, and 14th, and the Pennsylvania Constitution Article 1, Sections 1, 9, and 13 which constitutes unlawful confinement and will be sued in their individual and official capacity and will be liable for all damages in the excessive of \$50,000.00 dollars per each individual prison official for punitive and compensatory damages.

For the above foregoing stated facts and reasons, I request that you reverse Ms. Vickie Henry's decision and direct or order her to correct the expiration of my maximum date of December 5, 2002, so I am released on or before 11:59 p.m. of my maximum date and issue me a new status sheet accordingly.

Sincerely,

Glenn Leroy Null, Sr.  
Glenn Leroy, Null, Sr.,

COMMONWEALTH OF PENNSYLVANIA  
Department of Corrections  
State Correctional Institution at Houtzdale  
Office of the Superintendent  
April 26, 2002

**SUBJECT:** Appeal of Grievance #18811

**TO:** Glenn Null, AK9541

JB-33

**FROM:** John M. McCullough  
Superintendent

Your max date is correctly computed.

Grievance appeal is denied.

JMM:mlb

c: Deputy Tatum  
Deputy Patrick  
Major U.M.  
Major Barone  
Ms. Emel  
Ms. Henry  
Case Record  
file

DATE: April 27, 2002

SUBJECT: Final Appeal of Grievance #HOU-18811-2002

FROM: Glenn Leroy, Null, Sr., AK-9541  
SCI-Houtzdale, JB-33

TO: Chief, Secretary's Office

*This is a final appeal to the Chief, Secretary's Office from the decisions rendered by the Facility Grievance Officer Ms. Vickie Henry, on April 23, 2002, and John M. McCullough, Superintendent on April 26, 2002 who denied my grievance for said relief. I received the Superintendent John M. McCullough's decision through institutional mail on April 27, 2002.*

#### STATEMENT OF FACTS

*The Facility Grievance Officer Ms. Vickie Henry's and John M. McCullough, Superintendent's decisions denying my grievance for said relief is erroneous, because;*

*On April 4, 2002, per my request Mr. Mike McClure, Official Record's Office Specialist found an error in my pre-commitment credit time which he corrected and now sets my effective date as December 6, 1986 and my maximum date as December 6, 2002. Those actual dates total sixteen (16) years and one (1) day. My maximum sentence is sixteen (16) years. I have no problem with the effective date, that is correct. My problem now exist with my maximum date. On April 13, 2002, per my request I received a new status sheet from Mr. Mike McClure, Official Record's Office Specialist which still remains in error, because the expiration of my maximum date should reflect December 5, 2002, instead of December 6, 2002. See: Exhibit "A", Calculation Time Sheet. On April 14, 2002, I submitted a request to Mr. Mike McClure, Official Record's Office Specialist regarding my maximum date still being in error, but my request was denied and my maximum date still remains uncorrected. You can not have my effective date the same as my maximum date. For an example, one year exist of three hundred and sixty-five (365) days which would commence on December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. We must realize that one must not exceed his lawful maximum date by law. This violation will also denied me my right to be at liberty at 12:00 a.m. on December 6, 2002 and by confining be beyond that date and time would constitute false imprisonment.*

*The Facility Grievance Officer Ms. Vickie Henry and John M. McCullough, Superintendent denied my grievance and appeal to correct the expiration of my maximum date to reflect December 5, 2002, by claiming that their Computer Calculation Machine sets the maximum date. Maybe the Department of Corrections needs to up-date their Computer Calculation Machines to prevent these errors in the future.*

In Commonwealth v. Casanove, 748 A.2d 205, 207 (Pa. Super. 2002), This Court held that a "year" is defined as "a period of 365 or 366 days, in the gregorian calendar, divided into 12 calendar months...."

In applying Fenati to the case sub judice, we follow the Supreme Court's lead that a calendar year encompasses 365 days, or 366 days in a leap year, beginning at any given point of the calendar. Accord: Bethlehem Steel Corp v. W.C.A.B. (ZIMA), 777 A.2d 1245, 1248 [2] (Pa. Cmwlth. 2001).

If you calculate three hundred and sixty-five (365) days commencing on December 6, 2001 you will end up on December 5, 2002, at 11:59 p.m..

Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: U.S.C.A. Const. Amend. 8. Accord: Homoki v. Northampton County, 86 F.3d 324 (3rd. Cir. 1996); quoting, Sample v. Diecks, 885 F.2d 1099 C.A.3 (Pa. 1989); London v. PA. Bd. of Probation & Parole, 135 F.Supp.2d 612, 614 (E.D. Pa. 2001).

In the event my maximum date is not corrected to reflect December 5, 2002, and I am not released on said date, each and every defendant mentioned herein and thereafter that has personal and direct knowledge of this constitutional violation will then be violating my United States Constitutional Guaranteed Rights (protected against unlawful confinement) under Amendments 5th, 8th, and 14th, and the Pennsylvania Constitution Article 1, Sections 1, 9, and 13 which protects one against unlawful confinement and will be sued in their individual and official capacity and will be liable for all damages in the excessive of \$50,000.00 dollars per each individual prison official for punitive and compensatory damages.

For the above foregoing stated facts and reasons, I request that you as the Chief Secretary grant my appeal and reverse John M. McCullough, Superintendent and the Facility Grievance Officer Ms. Vickie Henry's decisions and remand directing and ordering the Official Record's Office Supervisor Ms. Vickie Henry and John M. McCullough, Superintendent to correct the expiration of my maximum date to reflect December 5, 2002, so I am released on or before 11:59 p.m. of my actual maximum date and issue me a new status sheet reflecting that date accordingly.

Sincerely,

Glenn Leroy Null, Sr.  
Glenn Leroy, Null, Sr.

---

**D. Appeal to Secretary's Office of Inmate Grievances and Appeals**

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**1. Inmate Responsibilities**

- a. The decision from appeal to the Facility Manager must be received by the inmate before an appeal to the Secretary's Office of Inmate Grievances and Appeals can be sought.
- b. Any inmate who is dissatisfied with the disposition of an appeal from the Facility Manager, may submit an appeal to the Secretary's Office of Inmate Grievances and Appeals, within five working days of receiving the decision. Only issues appealed to the Facility Manager may be appealed at this level.
- c. Exceptions to the five day filing requirement will be made **only** where the inmate notifies the Secretary's Office of Inmate Grievances and Appeals of the reason for the delay and it is determined that the delay in filing was caused by:
  - (1) a temporary transfer from the institution where the grievance should have been filed;
  - (2) a permanent transfer to another institution from the institution where the grievance should have been filed;
  - (3) Authorized Temporary Absence (ATA) for an extended period; or
  - (4) other delays with mail delivery.
- d. If it is determined that a delay was caused by one of the circumstances listed in this paragraph, a reasonable extension of time for filing the formal grievance shall be permitted.
- e. An appeal at this level may not be permitted until the inmate has complied with all procedures established for Initial Review and Appeal to Facility Manager. **(See Sections VI. B and VI. C. above.)**
- f. The text of the appeal shall be legible, presented in a courteous manner, and the statement of facts shall not exceed two pages.
- g. All appeals to the Secretary's Office of Inmate Grievances and Appeals must be addressed to the following:

**Chief, Secretary's Office of Inmate Grievances and Appeals  
Department of Corrections  
2520 Lisburn Road, P. O. Box 598  
Camp Hill, PA 17001-0598**

Failure to properly address the appeal will delay the process.

- h. Inmates appealing to final review are responsible for providing the Secretary's Office of Inmate Grievances and Appeals with all available paperwork relevant to the appeal. A proper appeal to final review should include photocopies of the initial grievance, Initial Review, Initial Review Response, and the Appeal to



Facility Manager along with the Facility Manager's decision. Failure to provide the proper documentation may result in the grievance being dismissed.

- i. Indigent inmates as defined in Department policy **DC-ADM 803, "Inmate Mail and Incoming Publications,"** shall be afforded copy service in accordance with Department policy **DC-ADM 803, "Inmate Mail and Incoming Publications,"**(Section VI. C. 2. a (3)) up to a maximum of \$10.00 per month and all monies received in the inmate's account shall be used to pay for the cost of the copies in accordance with Department policy **DC-ADM 803, "Inmate Mail and Incoming Publications,"**(Section VI. C. 2. a (4)). Non-indigent inmates shall incur copying charges in accordance with Department policy **3.4.5, "Photocopying Charges for Inmates."**

## 2. Staff Responsibilities

- a. The Secretary's Office of Inmate Grievances and Appeals will ensure that:
  - (1) appeals to final review are responded to within 30 working days; and
  - (2) appeals and responses are properly maintained in the Automated Inmate Grievance Tracking System.
- b. Upon request, the Facility Manager will forward to the Secretary's Office of Inmate Grievances and Appeals a copy of any formal investigation related to a grievance and conducted by the security office.
- c. The Secretary's Office of Inmate Grievances and Appeals will review the initial grievance and response, the Appeal to the Facility Manager and response, any investigative reports and the appeal to final review.
- d. The Secretary's Office of Inmate Grievances and Appeals may review appeals with the relevant bureau (i.e., health care issues with the Bureau of Health Care Services, education issues with the Bureau of Corrections Education, etc.).
- e. Upon completion of the review, the Secretary's Office of Inmate Grievances and Appeals will respond directly to the inmate in all cases.
- f. The Secretary's Office of Inmate Grievances and Appeals will issue a decision within 30 working days after receipt of an appeal. The decision may consist of upholding the decision, modification, reversal, remand, or reassignment for further fact-finding, and must include a brief statement of the reasons for the decision. The Chief/designee, Secretary's Office of Inmate Grievances and Appeals, shall notify the inmate and the Facility Manager of the decision and rationale. If the decision consists of modifying, reversing, or remanding the grievance, or if the inmate is placed on a grievance restriction, the appropriate Deputy Secretary shall also be notified. In instances where a determination of frivolousness is appealed, the Facility Grievance Coordinator shall also be notified.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

GLENN NULL SR.,		:	CIVIL ACTION COMPLAINT
	Plaintiff	:	MANDAMUS
VS.		:	
		:	
		:	No.
JOHN M. McCULLOUGH, SUPT.,		:	
ET AL.,		:	
	Defendants	:	

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2002, upon consideration of Plaintiff's within Application to proceed In Forma Pauperis, with verification and affidavit in filing and litigating the attached civil action complaint in mandamus

IT IS HEREBY ORDERED and DECREED, that the Application is GRANTED. IT IS FURTHER ORDERED, that the Sheriff shall serve the complaint on Defendants without charge to Plaintiff as well as any subsequent subpoena's in accordance with the rules of discovery under the Pa. R. Civ. P.

BY THE COURT,

\_\_\_\_\_  
J

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

GLENN NULL SR.,  
VS.  
JOHN M. McCULLOUGH, SUPT.,  
ET AL.,  
Plaintiff : CIVIL ACTION COMPLAINT  
: MANDAMUS  
:  
:  
: No. 2002-1093-CD  
:  
:  
Defendants :

APPLICATION TO PROCEED IN FORMA PAUPERIS  
IN FILING AND LITIGATING PRO-SE THE ATTACHED CIVIL ACTION  
COMPLAINT IN MANDAMUS

NOW COMES, the Plaintiff, GLENN NULL SR. , pro-se, and says:

1. That as demonstrated by the attached affidavit, verification and prison inmate accounting statement, Plaintiff is indigent and cannot afford the costs associated with the filing, litigating or employing of counsel to litigate the attached civil action complaint in mandamus.

2. That Plaintiff submits this civil action complaint in mandamus in good faith that the claims raised therein are meritorious and that Defendant has an administrative duty to correct inaccurate records under his/her direct supervision and control but to date has failed and to date has refused to perform.

3. That Plaintiff will suffer irreparable harm if this application is denied.

WHEREFORE, for the foregoing reasons this honorable court is requested to grant this application.

Dated: July 10, 2002

By: /s/ GLENN NULL SR.  
GLENN NULL SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

JUL 15 2002

Attest.

*William L. Shaw*  
Prothonotary

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

GLENN NULL SR.,  
VS.  
JOHN M. McCULLOUGH, SUPT.,  
ET AL.,

Plaintiff : CIVIL ACTION COMPLAINT  
: MANDAMUS  
:  
:  
: No.  
:  
:  
Defendants :

AFFIDAVIT IN SUPPORT OF APPLICATION TO PROCEED IFP

I, GLENN NULL SR., Plaintiff, pro-se, do hereby state under the penalty of perjury that:

1. That I am the Plaintiff of adult age presently confined within state correctional institution at Houtzdale;

2. That the information contained in the foregoing application are true and correct to the best of my information, knowledge and belief;

3. That I own no property, boat, car, home, land, bond, stocks, dividends or other and I have no checking or savings account nor do I receive any money from social security, veterans benefits, rents or other income from any source other than forced prison wages at approximately \$65 .00 a month. An amount Plaintiff uses each month to purchase personal hygiene materials such as soap, toothpaste, deodorant, razors, and materials to access the courts.

4. That I have no person of whom I could borrow the money to file and litigate the attached civil action complaint in mandamus.

5. That I do realize my continuing obligation to advise the court of any changes in my financial status.

6. That this affidavit is made subject to the penalties of 18 Pa. C.S.A. section 4904.

Dated: July 10, 2002

By: /s/ GLENN NULL SR.

GLENN NULL SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000

VERIFICATION

I, GLENN NULL SR. , Plaintiff, pro-se, do hereby verify that the information contained in the foregoing annexed application to proceed I.F.P. with attached documents, are true and correct to the best of my information, knowledge and belief.

Dated: July 10 , 2002

By: /s/ GLENN NULL SR.

GLENN NULL SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000

PAGE 1  
-B-2033

INMATE ACCOUNTS SYSTEM  
MONTHLY ACCOUNT STATEMENT

06-06-2002  
2092 HOU

INMATE NAME  
NUMBER LAST  
AK9541 NULL

FIRST MI  
GLENN L

OLD BALANCE  
115.80

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
6927	05-13-2002	37 POSTAGE POSTAGE MAY 13, 2002	-.46	115.34
8136	05-16-2002	32 HOU COMMISSARY FOR 5/16/2002	-26.70	88.64
6994	05-17-2002	37 POSTAGE POSTAGE MAY 17, 2002	-.23	88.41
7026	05-21-2002	37 POSTAGE POSTAGE MAY 21, 2002	-.23	88.18
7050	05-22-2002	10 MAINTENANCE PAYROLL PAY GR.#2 4/15 - 5/14/02	73.92	162.10
7088	05-28-2002	37 POSTAGE POSTAGE 5/28/02	-.23	161.87

NEW BALANCE AS OF THIS STATEMENT -----> 161.87

Date: 07/15/2002

Clearfield County Court of Common Pleas

NO. 1845480

Time: 02:35 PM

Receipt

Page 1 of 1

Received of: Null, Glenn Sr. (plaintiff) \$ 0.00

Zero and 00/100 Dollars

Case: 2002-01093-CD	Plaintiff: Null, Glenn Sr.	Amount
IFP Petition		0.00
<b>Total:</b>		<b>0.00</b>

Payment Method: Cash

William A. Shaw, Prothonotary/Clerk of Courts

Clerk: BILLSHAW

By: \_\_\_\_\_  
Deputy Clerk

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

GLENN NULL SR.,	:	
Plaintiff,	:	CIVIL ACTION-MANDAMUS
VS.	:	
	:	
JOHN M. McCULLOUGH, SUPT.;	:	JURY TRIAL DEMANDED
VICKIE HENRY, OFFICIAL RECORD'S	:	TRIAL REFERENCE REQUEST
OFFICE SUPERVISOR;	:	
MIKE McCLURE, OFFICIAL RECORD'S	:	
OFFICE SPECIALIST, ET AL.,	:	NO.
Defendants.	:	

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

DAVID S. MEHOLICK  
COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURT HOUSE  
230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830  
PHONE NUMBER: (814) 765-2641, ext. 5982

Dated: July 10, 2002.

BY: /s/ GLENN NULL SR.  
GLENN NULL SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

GLENN NULL, SR.,	:	
Plaintiff,	:	CIVIL ACTION-MANDAMUS
VS.	:	
	:	
JOHN M. McCULLOUGH, SUPT.;	:	JURY TRIAL DEMANDED
VICKIE HENRY, OFFICIAL RECORD'S	:	TRIAL REFERENCE REQUEST
OFFICE SUPERVISOR;	:	
MIKE McCLURE, OFFICIAL RECORD'S	:	
OFFICE SPECIALIST, ET AL.,	:	NO.
Defendants.	:	

CIVIL ACTION COMPLAINT IN MANDAMUS

INTRODUCTION

This Civil Action Complaint In Mandamus is filed against the above named defendants to compel the performance of their mandatory administrative duty to correct those inaccurate records under their direct supervision and control pursuant to 18 Pa. C.S.A. Section 9101 et. seq. and for damages and costs pursuant to 42 Pa. C.S.A. Section 8303.

JURISDICTIONAL STATEMENT

1. This court has exclusive original jurisdiction over this Civil Action Complaint In Mandamus pursuant to 42 Pa. C.S.A. §931(a) and via Pa. R.Civ.Proc. 1091; and to grant all relief as is right, just and equitable.

2. A trial by jury on all facts in dispute is respectfully demanded and trial preference is respectfully requested.

PARTIES TO THIS ACTION

3. Plaintiff, GLENN NULL SR., is a citizen of the Commonwealth of Pennsylvania and of the United States with his present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

4. Defendant, JOHN M. McCULLOUGH is employed as the Superintendent at SCI-Houtzdale who is a citizen of the Commonwealth of Pennsylvania and of the United States with his present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

5. Defendant, VICKIE HENRY is employed as the Official Record's Office Supervisor at SCI-Houtzdale who is a citizen of the Commonwealth of Pennsylvania and of the United States with her present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

6. Defendant, MIKE McCLURE is employed as an Official Record's Office Specialist at SCI-Houtzdale who is a citizen of the Commonwealth of Pennsylvania and of the United States with his present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

### STATEMENT OF FACTS

7. On December 15, 1986, Plaintiff in COMMONWEALTH v. GLENN NULL, CP. #345-CA-1986 (York County), was sentenced to a term of incarceration of no less than eight (8) years nor no more than sixteen (16) years with pre-commitment time credit of nine (9) days to set his maximum day of confinement at December 5, 2002. (See: Court's sentencing order attached hereto as exhibit "A").

8. Thereafter, and following the receipt of a new institutional status summary sheet, Defendants set Plaintiff's maximum date of confinement at December 6, 2002. (See: Defendants institutional status summary sheet dated April 11, 2002 and attached hereto as exhibit "B").

9. On April 14, 2002, Plaintiff, via Pa. Department of Corrections official request to staff slip, contacted Defendants MIKE McCLURE, as well as Defendant JOHN McCULLOUGH, and advised them that their institutional status summary sheet was inaccurate via the expiration of my maximum date; and should reflect December 5, 2002, rather than December 6, 2002. Plaintiff requested the correction of their records.

10. On April 19, 2002, however, Defendants McCullough and McClure refused to correct those inaccurate records and stated: "Glenn our calculation that we just sent you is correct". (See: Attached exhibit "C").

11. On April 20, 2002, Plaintiff then filed a grievance to correct the maximum date to reflect December 5, 2002, rather than December 6, 2002. (See: Attached exhibit "D").

12. On April 23, 2002, however, Defendant VICKIE HENRY denied plaintiff's grievance to correct inaccurate records. (See: Attached exhibit "E").

13. On April 25, 2002, Plaintiff appealed the denial of his grievance to Defendant McCULLOUGH who on April 26, 2002 affirmed the denial of Plaintiff's grievance. (See: Attached exhibit "F").

14. On April 27, 2002, Plaintiff appealed the denial and affirmation of the denial of his grievance to the Chief Secretary's Office of the Pa. Department of Corrections for final review. (See: exhibit "G" attached hereto).

15. As of this date, however, the Chief Secretary's Office of Appeals has failed to respond to the same as they were required to do within thirty (30) working days of their receipt of the same pursuant to DC-ADM-804 (D 2(a)(1) & (f)). (See: Exhibit "H" attached hereto).

### FIRST CAUSE OF ACTION

16. That Paragraphs 1 through 15 above are incorporated herein by reference as though fully set forth.

17. That Defendants had the mandatory administrative duty as a "Criminal Justice Agency" under 18 Pa. C.S.A. section 9101 et seq., to timely create and maintain accurate records. This Duty, however, Defendants have failed to perform by maintaining an inaccurate record regarding plaintiff's maximum date of confinement.

### SECOND CAUSE OF ACTION

18. That Paragraphs 1 through 17 are incorporated herein by reference as though fully set forth.

19. That Defendants have the mandatory administrative duty as a "Criminal Justice Agency" under 18 Pa. C.S.A. section 9101 et seq., to correct any and all inaccurate records under their direct supervision and control. However, and even after Plaintiff requested Defendants to correct his maximum date of confinement Defendants refused, and to date are refusing, to perform their mandatory ministerial administrative duties.

#### INDEPENDENT INTEREST

20. That Plaintiff has a direct interest in the correction of this inaccurate record that is separate and distinct from the public in that Plaintiff will be confined over his lawful maximum date of confinement if Defendants are not compelled to correct those inaccurate records under their direct supervision and control.

21. That Plaintiff has no other means or remedy available to compel Defendants to perform their mandatory administrative duty.

#### RELIEF REQUESTED

WHEREFORE, and based on the foregoing, this Honorable Court is hereby respectfully requested to:

A. Find that Defendants had and have the mandatory ministerial administrative duty to timely create and maintain accurate records, as well as to correct those inaccurate records, under their direct supervision and control, pursuant to 18 Pa. C.S.A. section 9101 et seq., but have failed and are refusing to perform those duties; to

B. Find that Defendants calculation of Plaintiff's maximum term of incarceration is inaccurate, viz, that the maximum date of confinement should be December 5, 2002 rather than December 6, 2002; to

C. Issue an order in Mandamus directing Defendants to perform their mandatory ministerial administrative duties and correct those inaccurate records under their direct supervision and control, as referenced herein; to

D. Award Plaintiff damages and costs against each and every Defendant, pursuant to 42 Pa. C.S.A. section 8303, for their failure and refusal to perform their mandatory administrative duties; and

E. Grant Plaintiff such other relief as would be right, just and equitable, as well as to preclude a multiplicitous of proceedings.

Dated: July 10, 2002

By: /s/ GLENN NULL SR.  
GLENN NULL SR.

c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000

VERIFICATION

I, GLENN NULL, SR., do hereby verify that the facts set forth in the above Civil Action Complaint In Mandamus are true and correct to the best of my personal knowledge, information and belief, and that any false statements herein are made subject to the penalties of Section 4904 of the Crimes Code (18 Pa. C.S. §4904), relating to unsworn falsification to authorities.

Respectfully submitted,

Dated: July 10, 2002.

/s/ GLENN NULL SR.

GLENN NULL, SR.

c/o Inst. No. AK-9541

Post Office Box 1000

Houtzdale, Pennsylvania

16698-1000

NO. 345 CRIMINAL ACTION 19 86.

JUSTICE: Mildred Hunt Becker

(See order) Miller, Judge

June 27, 1986 Application to Extend  
the Time for Commencement of Trial filed.  
Rule returnable July 15, 1986 at  
10:00 A. M. (See Rule) Horn Judge

July 15, 1986 Application to Extend  
the Time for Trial granted. Case extended to  
August, 1986 Term of Court. Order filed  
August 6, 1986. Same date, copy sent to  
each party or attorney of record (See Order)  
Horn, Judge.

August 8, 1986 Order entered.  
(See Order) Rauhauser, Judge

Aug. 19, 1986 - Points for charge filed.

Aug. 21, 1986 - REassignment for trial  
filed.

Aug. 25, 1986 - Motions for new trial  
and arrest of judgment filed.

September 15, 1966 - Defendant's brief in support of motions  
for new trial and arrest of judgment filed.

COMMONWEALTH WITNESSES JANUARY

EXHIBIT "A"

Sept. 22, 1986 - Commonwealth's brief in opposition to post trial motions filed.

October 22, 1985 Opinion/Order filed - Motion for new trial/arrest of Judgment are refused Sentence - December 15, 1986 at 9:30AM Pre sentence (See order) Bucher, Sr. Judge

October 22, 1985 Order of Court filed same day written notice of entry thereof immediately given by ordinary mail to each party in the action or to his attorney of record

December 15, 1986 - Sent. Kidnapping - SCI 2 years to 4 years. Rape: SCI 6 years to 12 years, run consecutive. Petition denied to bail pay costs (See Order) Bucher, Sr. Judge

December 15, 1986 - Petition for Superseceas filed

Commitment issued

Jan. 12, 1987 - Notice of Appeal and Certification of Service filed.

Jan. 29, 1987 - Received Superior Ct. docket #00C39HSGU7

Jan. 27, 1987- Transcript of Proceedings filed.

Mar. 2, 1987 - Vol I and Vol. II of transcript of Proceedings lodged.

March 10, 1987 - Vol. I and Vol. II of transcript of Proceedings filed.

Mar. 10, 1987 - Transmitted to HDg.

April 27, 1987 Petition Under Post Conviction Hearing Act filed.

April 27, 1987 Petition not considered as case is on appeal. (See Order) Erb, J.

April 27, 1987 Order of Court filed. Same date, written notice of entry thereof immediately given by ordinary mail to each party in the action or to his attorney of record.

June 26, 1987 Order entered. (See Order) Erb, P.J.

August 26, 1987 Motion for release pending appeal filed Pro-Se, rule Returnable October 13, 1987 at 9:30 a.m.

.....(See Order) Erb, P.J.

August 31, 1987 Order issued. (See Order Chronister, Judge

September 1, 1987 Commonwealth's Answer to Motion for release pending appeal filed.

October 13, 1987 Request for bail pending appeal is refused and denied (See order) Erb, PJ

Jan. 21, 1988- Returned from Superior Ct. Judgement- Dec. 14, 1987 Judgement of Sentence is affirmed.

Jan. 29, 1988- Motion to modify is refused, & PCHA is refused. (See Order) Erb, PJ

March 22, 1988- Petition Under conviction Hearing Act. filed.

April 7, 1988- Order Issued. Steven Zorbaugh Esq. appointed counsel, examine petition & make any amendments necessary then contact court for schedule of a hearing. (see Order) Erb, PJ

July 11, 1988- Petition for appt. of fingerprint expert, refused. (See Order) Erb, PJ

Aug. 30, 1988- Motion for expungement filed. Pro Se.

Sept. 7, 1988- Petition for expungement refused and denied. (See Order) Erb, PJ

Dec. 5, 1988- Pro Se application filed.

Dec. 29, 1988- Deft's request is refused & denied (See Order) Erb, PJ

Jan. 23, 1989 - Motion for expungement is refused. (See order) Erb, P.J.

April 6, 1989- PCHA Petition filed. Hearing May 1, 1989 @ 3:00pm. JEE

April 17, 1989- Transportation Order Issued. JHC.

April 21, 1989 - PCHA rescheduled for May 11, 1989 at 1:30 P.M. JEE.

May 11, 1989 - Order issued. JEE.

May 18, 1989 - Brief of deft. filed.

May 19, 1989 - Atty. fees filed.

DC-16E	SENTENCE STATUS SUMMARY	COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS
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### 1. REFERENCES AND IDENTIFICATION

DOC Number AK9541	Commitment Name GLENN L NULL	PBPP No 3071T	SID No 14401598	FBI Number 130881X9	Phila Photo #
Date of Birth 08/01/1961	Place of Birth YORK PA USA	Race W	Sex M		

### 2. SENTENCE SUMMARY

Sent Date	County	Indictments	Sent Type	Minimum			Maximum		
				Y	M	D	Y	M	D
12/15/1986	YORK	345 A/1986		2			4		
<b>Plea:</b>	Found Guilty	<b>OTN:</b> B4149810	<b>Judge:</b> BUCHER, WILSON						
<b>Offense</b>	KIDNAPPING								
12/15/1986	YORK	345 B/1986	CS	6			12		
<b>Plea:</b>	Found Guilty	<b>OTN:</b> B4149810	<b>Judge:</b> BUCHER, WILSON						
<b>Offense</b>	RAPE								

<b>Controlling Minimum Date</b>	12/06/1994		Reentered from Previous DOC#:	
<b>Controlling Maximum Date</b>	12/06/2002		<b>New Maximum - PV</b>	

<b>Non-incarcerated Offenses</b>
Comments:
<b>Summary or Remarks on Sentence</b>
VERSION CREATED TO SHOW CORRECTED CREDIT

### 3. SENTENCE STRUCTURE

<b>Commitment Credit</b>				
1/28/86 TO 2/5/86				

Item	Computation 1	Computation 2	----	----
Indictments Included	345 A/1986 345 B/1986			
Effective Date	12/06/1986			
Expiration of Minimum	12/06/1994			
Expiration of Maximum	12/06/2002			
Custody for Return – PV				
Delinquent Time				
Backtime Credit				
Backtime Owed				
New Maximum – PV				
Sentence Computation Date	04/11/2002			
Basis for Computation	Credit Adjustment			
Total Sentence	8Y TO 16Y			
Status	Active			



#### 4. DETAINERS

Number	Date	From	Indict-Warrant Nos.	OTN	Type
None					

Detainer Remarks		
Detainer #	Date Deleted	Remarks (for those deleted since last DC16)
None		

#### 5. PRIOR DOC NUMBERS

None								
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#### 6. FINES, COSTS AND RESTITUTION AT TIME OF RECEPTION

Date	County	Indictment	Fines	Costs	Restitution
12/15/1986	YORK	345 A/1986		\$1245.82	
12/15/1986	YORK	345 B/1986		\$1245.82	

#### 7. ACTIONS: BOARD OF PARDONS

Decision Date	File Number	Action	Comments

Last Modified by: mmccclure

Received on April 19, 2002

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) Mr. McClure, Record's Office		2. Date: April 14, 2002	
3. By: (Print Inmate Name and Number) Glenn Leroy, Null, Sr., AK-9541 <u>Glenn Leroy, Null, Sr.</u> Inmate Signature		4. Counselor's Name Mr. Rice	
		5. Unit Manager's Name Ms. Bailey	
6. Work Assignment Laundry		7. Housing Assignment JB-33	
8. Subject: State your request completely but briefly. Give details. Attention: Mr. McClure: This is an informal complaint regarding my erroneous maximum date of December 6, 2002. On April 04, 2002, per my request you found an error in my pre-commitment credit time which you corrected and now sets my effective date as December 6, 1986. I have no problem with the effective date, that is correct. My problem exist with my maximum date. My maximum date and only my maximum is in error, because the expiration of my maximum date should be December 5, 2002, instead of December 6, 2002. One (1) year exist of three hundred and sixty-five days which would start at the December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. In my calculation of sixteen (16) years would start on the effective date of December 6, 1986 and expire on December 5, 2002, at 11:59 p.m.. We must realize that one must not exceed his maximum date			
9. Response: (This Section for Staff Response Only)			
<p><i>Glenn Calculation is correct</i></p> <p><i>Our max is correct</i></p> <p><i>that's what you want</i></p>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name \_\_\_\_\_, \_\_\_\_\_  
Print Sign Date \_\_\_\_\_





## "CALCULATION OF TIME"

Effective date:

December 6, 1986 to December 5, 1987, at 11:59 p.m., 1 yr.  
December 6, 1987 to December 5, 1988, at 11:59 p.m., 2 yrs.  
December 6, 1988 to December 5, 1989, at 11:59 p.m., 3 yrs.  
December 6, 1989 to December 5, 1990, at 11:59 p.m., 4 yrs.  
December 6, 1990 to December 5, 1991, at 11:59 p.m., 5 yrs.  
December 6, 1991 to December 5, 1992, at 11:59 p.m., 6 yrs.  
December 6, 1992 to December 5, 1993, at 11:59 p.m., 7 yrs.  
December 6, 1993 to December 5, 1994, at 11:59 p.m., 8 yrs.  
December 6, 1994 to December 5, 1995, at 11:59 p.m., 9 yrs.  
December 6, 1995 to December 5, 1996, at 11:59 p.m., 10 yrs.  
December 6, 1996 to December 5, 1997, at 11:59 p.m., 11 yrs.  
December 6, 1997 to December 5, 1998, at 11:59 p.m., 12 yrs.  
December 6, 1998 to December 5, 1999, at 11:59 p.m., 13 yrs.  
December 6, 1999 to December 5, 2000, at 11:59 p.m., 14 yrs.  
December 6, 2000 to December 5, 2001, at 11:59 p.m., 15 yrs.  
December 6, 2001 to December 5, 2002, at 11:59 p.m., 16 yrs.

My maximum date expire now on December 5, 2002, at 11:59 p.m..

Status sheet issued on April 11, 2002, is still in error, because maximum date on status sheet reflects December 6, 2002, instead of December 5, 2002. The effective date of December 6, 1986 is correct because I did nine (9) days in the county jail during my arrest from January 28 1986 to February 5, 1986 totals nine (9) days.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

18811  
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR <b>Ms. Kathy Emel</b>	FACILITY: <b>SCI-Houtzdale</b>	DATE: <b>April 20, 2002</b>
FROM: (INMATE NAME & NUMBER) <b>Glenn Leroy, Null, Sr., AK-9541</b>	SIGNATURE of INMATE: <i>Glenn Leroy, Null, Sr.</i>	
WORK ASSIGNMENT: <b>Laundry</b>	HOUSING ASSIGNMENT: <b>JB-33</b>	
<p>INSTRUCTIONS:</p> <ol style="list-style-type: none"> <li>1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.</li> <li>2. State your grievance in Block A in a brief and understandable manner.</li> <li>3. List in Block B the specific actions you have taken to resolve this matter informally. Be sure to include the identity of staff members you have contacted.</li> </ol>		
<p>A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.</p> <p>On April 4, 2002, per my request Mr. Mike McClure, Official Record's Office Specialist found an error in my pre-commitment credit time which he corrected and now sets my effective date as December 6, 1986 and my Maximum date as December 6, 2002. I have no problem with the effective date, that is correct. My problem now exist with my maximum date. On April 13, 2002, per my request I received a new status sheet from Mr. Mike McClure, Official Record's Office Specialist which still remains in error, because the expiration of my maximum date should be December 5, 2002, instead of December 6, 2002. On April 14, 2002, I submitted a request to Mr. Mike McClure, Official Record's Office Specialist regarding my maximum date still being in error, but my request was denied and my maximum date remains uncorrected. You can not have my effective date the same as my maximum date. For an example, One (1) year exist of three hundred and sixty-five (365) days which would start on December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. In my calculation of sixteen (16) years would start on the effective date of December 6, 1986 and expire at 11:59 p.m. on December 5, 2002. We must realize that one must not exceed his maximum date by law.</p> <p>(See Attached Additional Paper)</p>		
<p>B. List actions taken and staff you have contacted, before submitting this grievance. Attach the copy of the DC-135A with the staff member's response of your informal resolution attempt.</p> <p>I have submitted a copy of the request slip to Superintendent John M. McCullough on April 14, 2002, regarding the above matter, and it still remains unresolved.</p>		

Your grievance has been received and will be processed in accordance with DC-ADM 804.

*Kathy Emel*  
Signature of Facility Grievance Coordinator

4/22/02  
Date

EXHIBIT "D"

WHITE - Facility Grievance Coordinator Copy

CANARY - File Copy

PINK - Action Return Copy

GOLDENROD - Inmate Copy

In Commonwealth v. Casanove, 748 A.2d 205, 207 (Pa. Super. 2002), This Court held that a "year" is defined as "a period of 365 or 366 days, in the gregorian calendar, divided into 12 calendar months...."

In applying Fenati to the case sub judice, we follow the Supreme Court's lead that a calendar year encompasses 365 days, or 366 days in a leap year, beginning at any given point of the calendar. Accord: Bethlehem Steel Corp v. W.C.A.B. (ZIMA), 777 A.2d 1245, 1248 [2] (Pa. Cmwlth. 2001).

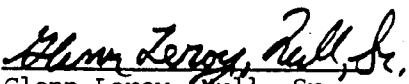
If you calculate three hundred and sixty-five (365) days starting from December 6, 2001 you will end up on December 5, 2002. You can not exceed my maximum date of December 5, 2002, at 11:59 p.m..

Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: U.S.C.A. Const. Amend. 8. Accord: Homoki v. Northampton County, 86 F.3d 324 (3rd Cir. 1996); quoting, Sample v. Diecks, 885 F.2 1099 C.A.3 (Pa. 1989); London v. PA. Bd. of Probation & Parole, 135 F.Supp.2d 612, 614 (E.D. Pa. 2001).

In the event my maximum date is not corrected to reflect December 5, 2002, each and every defendant mentioned herein and thereafter that has personal and direct knowledge of this constitutional violation will then be violating my United States Constitutional Guaranteed Rights under Amendment 5th, 8th, and 14th, and the Pennsylvania Constitution Article 1, Section 1, 9, and 13. which constitutes unlawful confinement and will be sued in their individual and official capacity and will be liable for all damages in the excessive of \$50,000.00 dollars per each individual prison official for punitive and compensatory damages.

For the above foregoing reasons, I request that you direct and order Mr. Mike McClure, Official Record's Office Specialist to correct my status sheet to reflect Thursday, December 5, 2002, so I am released within the last day of my maximum date and issue me a new status sheet accordingly.

Sincerely,

  
Glenn Leroy, Null, Sr.,

DC-804  
Part 2COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001OFFICIAL INMATE GRIEVANCE  
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

18811

AK-9541

TO: (Inmate Name & DC No.) <i>Glenn Null, Sr.</i>	FACILITY SCI-Houtzdale	HOUSING LOCATION <i>JB-33</i>	GRIEVANCE DATE <i>4/20/02</i>
--	---------------------------	----------------------------------	----------------------------------

The following is a summary of my findings regarding your grievance:

*Mr. Null,*

*I cannot change the computer calculation of your max date and I cannot change DOC policy regarding the time of day you will be released. Your grievance is denied.*

Cc: Superintendent McCullough  
Superintendent's Assistant  
Deputies (2)  
Majors (2)  
DC15  
File

Print Name and Title of Grievance Officer <i>Vickie Henry, IRS</i>	SIGNATURE OF GRIEVANCE OFFICER <i>Vickie Henry</i>	DATE <i>4/23/02</i>
---	---	------------------------

EXHIBIT "E"



DATE: April 25, 2002  
SUBJECT: Appeal of Grievance #HOU-8811-2002.  
FROM: Glenn Leroy Null, Sr., AK-9541  
B-33  
TO: JOHN M. McCULLOUGH  
Superintendent

APPEAL

RECEIVED  
SUPERINTENDENT OFF.

APR 26 2002

SCI-HOUTZDALE  
PO BOX 1000 HOUTZDALE PA

This is an appeal to the Superintendent John M. McCullough from the decision rendered by the Facility Grievance Officer Ms. Vickie Henry who denied my grievance. I have received the Facility Grievance Officer Ms. Vickie Henry's decision through institution mail on April 25, 2002.

### STATEMENT OF FACTS

The Facility Grievance Officer Ms. Vickie Henry's decision denying my grievance for relief is in error, because:

On April 4, 2002, per my request Mr. Mike McClure, Official Record's Office Specialist found an error in my pre-commitment credit time which he corrected and now sets my effective date as December 6, 1986 and my maximum date as December 6, 2002. I have no problem with the effective date, that is correct. My problem now exist with my maximum date. On April 13, 2002, per my request I received a new status sheet from Mr. Mike McClure, Official Record's Office Specialist which still remains in error, because the expiration of my maximum date should be December 5, 2002, instead of December 6, 2002. On April 14, 2002, I submitted a request to Mr. Mike McClure, Official Record's Office Specialist regarding my maximum date still being in error, but my request was denied and my maximum date remains uncorrected. You can not have my effective date the same as my maximum date. For an example,, one (1) year exist of three hundred and sixty-five (365) days which would start on December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. We must realize that one must not exceed his maximum date by law.

In Commonwealth v. Casanove, 748 A.2d 205, 207 (Pa. Super. 2002), This Court held that a "year" is defined as "a period of 365 or 366 days, in the gregorian calendar, divided into 12 calendar months...."

In applying Fenati to the case sub judice, we follow the Supreme Court's lead that a calendar year encompasses 365 days, or 366 days in a leap year, beginning at any given point of the calendar. Accord: Bethlehem Steel Corp v. W.C.A.B. (ZIMA), 777 A.2d 1245, 1248 [2] (Pa. Cmwlth. 2001).

Page 2, of Appeal.

If you calculate three hundred and sixty-five (365) days starting from December 6, 2001 you will end up on December 5, 2002. You can not exceed my maximum date of December 5, 2002, at 11:59 p.m..

Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: U.S.C.A. Const. Amend. 8. Accord: Homoki v. Northampton County, 86 F.3d 324 (3rd. Cir. 1996); quoting, Sample v. Diecks, 885 F.2d 1099 C.A.3 (Pa. 1989); London v. PA. Bd. of Probation & Parole, 135 F.Supp.2d 612, 614 (E.D. Pa. 2001).

In the event my maximum date is not corrected to reflect December 5, 2002, and released on that date, each and every defendant mentioned herein and thereafter that has personal and direct knowledge of this constitutional violation will then be violating my United States Constitutional Guaranteed Rights under Amendments 5th, 8th, and 14th, and the Pennsylvania Constitution Article 1, Sections 1, 9, and 13 which constitutes unlawful confinement and will be sued in their individual and official capacity and will be liable for all damages in the excessive of \$50,000.00 dollars per each individual prison official for punitive and compensatory damages.

For the above foregoing stated facts and reasons, I request that you reverse Ms. Vickie Henry's decision and direct or order her to correct the expiration of my maximum date of December 5, 2002, so I am released on or before 11:59 p.m. of my maximum date and issue me a new status sheet accordingly.

Sincerely,

Glenn Leroy, Null, Sr.  
Glenn Leroy, Null, Sr.,

COMMONWEALTH OF PENNSYLVANIA  
Department of Corrections  
State Correctional Institution at Houtzdale  
Office of the Superintendent  
April 26, 2002

**SUBJECT:** Appeal of Grievance #18811

**TO:** Glenn Null, AK9541

JB-33

**FROM:** John M. McCullough  
Superintendent

Your max date is correctly computed.

Grievance appeal is denied.

JMM:mlb

c: Deputy Tatum  
Deputy Patrick  
Major U.M.  
Major Barone  
Ms. Emel  
Ms. Henry  
Case Record  
file

DATE: April 27, 2002

SUBJECT: Final Appeal of Grievance #HOU-18811-2002

FROM: Glenn Leroy, Null, Sr., AK-9541  
SCI-Houtzdale, JB-33

TO: Chief, Secretary's Office

This is a final appeal to the Chief, Secretary's Office from the decisions rendered by the Facility Grievance Officer Ms. Vickie Henry, on April 23, 2002, and John M. McCullough, Superintendent on April 26, 2002 who denied my grievance for said relief. I received the Superintendent John M. McCullough's decision through institutional mail on April 27, 2002.

#### STATEMENT OF FACTS

The Facility Grievance Officer Ms. Vickie Henry's and John M. McCullough, Superintendent's decisions denying my grievance for said relief is erroneous, because;

On April 4, 2002, per my request Mr. Mike McClure, Official Record's Office Specialist found an error in my pre-commitment credit time which he corrected and now sets my effective date as December 6, 1986 and my maximum date as December 6, 2002. Those actual dates total sixteen (16) years and one (1) day. My maximum sentence is sixteen (16) years. I have no problem with the effective date, that is correct. My problem now exist with my maximum date. On April 13, 2002, per my request I received a new status sheet from Mr. Mike McClure, Official Record's Office Specialist which still remains in error, because the expiration of my maximum date should reflect December 5, 2002, instead of December 6, 2002. See: Exhibit "A", Calculation Time Sheet. On April 14, 2002, I submitted a request to Mr. Mike McClure, Official Record's Office Specialist regarding my maximum date still being in error, but my request was denied and my maximum date still remains uncorrected. You can not have my effective date the same as my maximum date. For an example, one year exist of three hundred and sixty-five (365) days which would commence on December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. We must realize that one must not exceed his lawful maximum date by law. This violation will also denied me my right to be at liberty at 12:00 a.m. on December 6, 2002 and by confining be beyond that date and time would constitute false imprisonment.

The Facility Grievance Officer Ms. Vickie Henry and John M. McCullough, Superintendent denied my grievance and appeal to correct the expiration of my maximum date to reflect December 5, 2002, by claiming that their Computer Calculation Machine sets the maximum date. Maybe the Department of Corrections needs to up-date their Computer Calculation Machines to prevent these errors in the future.

In Commonwealth v. Casanove, 748 A.2d 205, 207 (Pa. Super. 2002), This Court held that a "year" is defined as "a period of 365 or 366 days, in the gregorian calendar, divided into 12 calendar months...."

In applying Fenati to the case sub judice, we follow the Supreme Court's lead that a calendar year encompasses 365 days, or 366 days in a leap year, beginning at any given point of the calendar. Accord: Bethlehem Steel Corp v. W.C.A.B. (ZIMA), 777 A.2d 1245, 1248 [2] (Pa. Cmwlth. 2001).

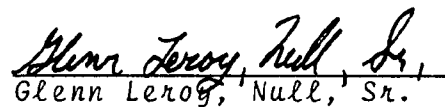
If you calculate three hundred and sixty-five (365) days commencing on December 6, 2001 you will end up on December 5, 2002, at 11:59 p.m..

Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: U.S.C.A. Const. Amend. 8. Accord: Homoki v. Northampton County, 86 F.3d 324 (3rd. Cir. 1996); quoting, Sample v. Diecks, 885 F.2d 1099 C.A.3 (Pa. 1989); London v. PA. Bd. of Probation & Parole, 135 F.Supp.2d 612, 614 (E.D. Pa. 2001).

In the event my maximum date is not corrected to reflect December 5, 2002, and I am not released on said date, each and every defendant mentioned herein and thereafter that has personal and direct knowledge of this constitutional violation will then be violating my United States Constitutional Guaranteed Rights (protected against unlawful confinement) under Amendments 5th, 8th, and 14th, and the Pennsylvania Constitution Article 1, Sections 1, 9, and 13 which protects one against unlawful confinement and will be sued in their individual and official capacity and will be liable for all damages in the excessive of \$50,000.00 dollars per each individual prison official for punitive and compensatory damages.

For the above foregoing stated facts and reasons, I request that you as the Chief Secretary grant my appeal and reverse John M. McCullough, Superintendent and the Facility Grievance Officer Ms. Vickie Henry's decisions and remand directing and ordering the Official Record's Office Supervisor Ms. Vickie Henry and John M. McCullough, Superintendent to correct the expiration of my maximum date to reflect December 5, 2002, so I am released on or before 11:59 p.m. of my actual maximum date and issue me a new status sheet reflecting that date accordingly.

Sincerely,

  
Glenn Leroy Null, Sr.

---

**D. Appeal to Secretary's Office of Inmate Grievances and Appeals**

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**1. Inmate Responsibilities**

- a. The decision from appeal to the Facility Manager must be received by the inmate before an appeal to the Secretary's Office of Inmate Grievances and Appeals can be sought.
- b. Any inmate who is dissatisfied with the disposition of an appeal from the Facility Manager, may submit an appeal to the Secretary's Office of Inmate Grievances and Appeals, within five working days of receiving the decision. Only issues appealed to the Facility Manager may be appealed at this level.
- c. Exceptions to the five day filing requirement will be made **only** where the inmate notifies the Secretary's Office of Inmate Grievances and Appeals of the reason for the delay and it is determined that the delay in filing was caused by:
  - (1) a temporary transfer from the institution where the grievance should have been filed;
  - (2) a permanent transfer to another institution from the institution where the grievance should have been filed;
  - (3) Authorized Temporary Absence (ATA) for an extended period; or
  - (4) other delays with mail delivery.
- d. If it is determined that a delay was caused by one of the circumstances listed in this paragraph, a reasonable extension of time for filing the formal grievance shall be permitted.
- e. An appeal at this level may not be permitted until the inmate has complied with all procedures established for Initial Review and Appeal to Facility Manager. **(See Sections VI. B and VI. C. above.)**
- f. The text of the appeal shall be legible, presented in a courteous manner, and the statement of facts shall not exceed two pages.
- g. All appeals to the Secretary's Office of Inmate Grievances and Appeals must be addressed to the following:

**Chief, Secretary's Office of Inmate Grievances and Appeals  
Department of Corrections  
2520 Lisburn Road, P. O. Box 598  
Camp Hill, PA 17001-0598**

Failure to properly address the appeal will delay the process.

- h. Inmates appealing to final review are responsible for providing the Secretary's Office of Inmate Grievances and Appeals with all available paperwork relevant to the appeal. A proper appeal to final review should include photocopies of the initial grievance, Initial Review, Initial Review Response, and the Appeal to

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Facility Manager along with the Facility Manager's decision. Failure to provide the proper documentation may result in the grievance being dismissed.

- i. Indigent inmates as defined in Department policy **DC-ADM 803, "Inmate Mail and Incoming Publications,"** shall be afforded copy service in accordance with Department policy **DC-ADM 803, "Inmate Mail and Incoming Publications,"**(Section VI. C. 2. a (3)) up to a maximum of \$10.00 per month and all monies received in the inmate's account shall be used to pay for the cost of the copies in accordance with Department policy **DC-ADM 803, "Inmate Mail and Incoming Publications,"**(Section VI. C. 2. a (4)). Non-indigent inmates shall incur copying charges in accordance with Department policy **3.4.5, "Photocopying Charges for Inmates."**

## 2. Staff Responsibilities

- a. The Secretary's Office of Inmate Grievances and Appeals will ensure that:
  - (1) appeals to final review are responded to within 30 working days; and
  - (2) appeals and responses are properly maintained in the Automated Inmate Grievance Tracking System.
- b. Upon request, the Facility Manager will forward to the Secretary's Office of Inmate Grievances and Appeals a copy of any formal investigation related to a grievance and conducted by the security office.
- c. The Secretary's Office of Inmate Grievances and Appeals will review the initial grievance and response, the Appeal to the Facility Manager and response, any investigative reports and the appeal to final review.
- d. The Secretary's Office of Inmate Grievances and Appeals may review appeals with the relevant bureau (i.e., health care issues with the Bureau of Health Care Services, education issues with the Bureau of Corrections Education, etc.).
- e. Upon completion of the review, the Secretary's Office of Inmate Grievances and Appeals will respond directly to the inmate in all cases.
- f. The Secretary's Office of Inmate Grievances and Appeals will issue a decision within 30 working days after receipt of an appeal. The decision may consist of upholding the decision, modification, reversal, remand, or reassignment for further fact-finding, and must include a brief statement of the reasons for the decision. The Chief/designee, Secretary's Office of Inmate Grievances and Appeals, shall notify the inmate and the Facility Manager of the decision and rationale. If the decision consists of modifying, reversing, or remanding the grievance, or if the inmate is placed on a grievance restriction, the appropriate Deputy Secretary shall also be notified. In instances where a determination of frivolousness is appealed, the Facility Grievance Coordinator shall also be notified.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

GLENN NULL SR.,	:	
Plaintiff,	:	CIVIL ACTION-MANDAMUS
VS.	:	
	:	
JOHN M. McCULLOUGH, SUPT.;	:	JURY TRIAL DEMANDED
VICKIE HENRY, OFFICIAL RECORD'S	:	TRIAL REFERENCE REQUEST
OFFICE SUPERVISOR;	:	
MIKE McCLURE, OFFICIAL RECORD'S	:	
OFFICE SPECIALIST, ET AL.,	:	NO.
Defendants.	:	

**NOTICE TO DEFEND**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

DAVID S. MEHOLICK  
COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURT HOUSE  
230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830  
PHONE NUMBER: (814) 765-2641, ext. 5982

Dated: July 10, 2002.

BY: /s/ GLENN NULL SR.  
GLENN NULL SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

GLENN NULL, SR.,	:	
Plaintiff,	:	CIVIL ACTION-MANDAMUS
VS.	:	
	:	
JOHN M. McCULLOUGH, SUPT.;	:	JURY TRIAL DEMANDED
VICKIE HENRY, OFFICIAL RECORD'S	:	TRIAL REFERENCE REQUEST
OFFICE SUPERVISOR;	:	
MIKE McCLURE, OFFICIAL RECORD'S	:	
OFFICE SPECIALIST, ET AL.,	:	NO.
Defendants.	:	

CIVIL ACTION COMPLAINT IN MANDAMUS

INTRODUCTION

This Civil Action Complaint In Mandamus is filed against the above named defendants to compel the performance of their mandatory administrative duty to correct those inaccurate records under their direct supervision and control pursuant to 18 Pa. C.S.A. Section 9101 et. seq. and for damages and costs pursuant to 42 Pa. C.S.A. Section 8303.

JURISDICTIONAL STATEMENT

1. This court has exclusive original jurisdiction over this Civil Action Complaint In Mandamus pursuant to 42 Pa. C.S.A. §931(a) and via Pa. R.Civ.Proc. 1091; and to grant all relief as is right, just and equitable.

2. A trial by jury on all facts in dispute is respectfully demanded and trial preference is respectfully requested.

PARTIES TO THIS ACTION

3. Plaintiff, GLENN NULL SR., is a citizen of the Commonwealth of Pennsylvania and of the United States with his present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

4. Defendant, JOHN M. McCULLOUGH is employed as the Superintendent at SCI-Houtzdale who is a citizen of the Commonwealth of Pennsylvania and of the United States with his present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

5. Defendant, VICKIE HENRY is employed as the Official Record's Office Supervisor at SCI-Houtzdale who is a citizen of the Commonwealth of Pennsylvania and of the United States with her present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

6. Defendant, MIKE McCLURE is employed as an Official Record's Office Specialist at SCI-Houtzdale who is a citizen of the Commonwealth of Pennsylvania and of the United States with his present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

### STATEMENT OF FACTS

7. On December 15, 1986, Plaintiff in COMMONWEALTH v. GLENN NULL, CP. #345-CA-1986 (York County), was sentenced to a term of incarceration of no less than eight (8) years nor no more than sixteen (16) years with pre-commitment time credit of nine (9) days to set his maximum day of confinement at December 5, 2002. (See: Court's sentencing order attached hereto as exhibit "A").

8. Thereafter, and following the receipt of a new institutional status summary sheet, Defendants set Plaintiff's maximum date of confinement at December 6, 2002. (See: Defendants institutional status summary sheet dated April 11, 2002 and attached hereto as exhibit "B").

9. On April 14, 2002, Plaintiff, via Pa. Department of Corrections official request to staff slip, contacted Defendants MIKE McCLURE, as well as Defendant JOHN McCULLOUGH, and advised them that their institutional status summary sheet was inaccurate via the expiration of my maximum date; and should reflect December 5, 2002, rather than December 6, 2002. Plaintiff requested the correction of their records.

10. On April 19, 2002, however, Defendants McCullough and McClure refused to correct those inaccurate records and stated: "Glenn our calculation that we just sent you is correct". (See: Attached exhibit "C").

11. On April 20, 2002, Plaintiff then filed a grievance to correct the maximum date to reflect December 5, 2002, rather than December 6, 2002. (See: Attached exhibit "D").

12. On April 23, 2002, however, Defendant VICKIE HENRY denied plaintiff's grievance to correct inaccurate records. (See: Attached exhibit "E").

13. On April 25, 2002, Plaintiff appealed the denial of his grievance to Defendant McCULLOUGH who on April 26, 2002 affirmed the denial of Plaintiff's grievance. (See: Attached exhibit "F").

14. On April 27, 2002, Plaintiff appealed the denial and affirmation of the denial of his grievance to the Chief Secretary's Office of the Pa. Department of Corrections for final review. (See: exhibit "G" attached hereto).

15. As of this date, however, the Chief Secretary's Office of Appeals has failed to respond to the same as they were required to do within thirty (30) working days of their receipt of the same pursuant to DC-ADM-804 (D 2(a)(1) & (f)). (See: Exhibit "H" attached hereto).

### FIRST CAUSE OF ACTION

16. That Paragraphs 1 through 15 above are incorporated herein by reference as though fully set forth.

17. That Defendants had the mandatory administrative duty as a "Criminal Justice Agency" under 18 Pa. C.S.A. section 9101 et seq., to timely create and maintain accurate records. This Duty, however, Defendants have failed to perform by maintaining an inaccurate record regarding plaintiff's maximum date of confinement.

### SECOND CAUSE OF ACTION

18. That Paragraphs 1 through 17 are incorporated herein by reference as though fully set forth.

19. That Defendants have the mandatory administrative duty as a "Criminal Justice Agency" under 18 Pa. C.S.A. section 9101 et seq., to correct any and all inaccurate records under their direct supervision and control. However, and even after Plaintiff requested Defendants to correct his maximum date of confinement Defendants refused, and to date are refusing, to perform their mandatory ministerial administrative duties.

#### INDEPENDENT INTEREST

20. That Plaintiff has a direct interest in the correction of this inaccurate record that is separate and distinct from the public in that Plaintiff will be confined over his lawful maximum date of confinement if Defendants are not compelled to correct those inaccurate records under their direct supervision and control.

21. That Plaintiff has no other means or remedy available to compel Defendants to perform their mandatory administrative duty.

#### RELIEF REQUESTED

WHEREFORE, and based on the foregoing, this Honorable Court is hereby respectfully requested to:

A. Find that Defendants had and have the mandatory ministerial administrative duty to timely create and maintain accurate records, as well as to correct those inaccurate records, under their direct supervision and control, pursuant to 18 Pa. C.S.A. section 9101 et seq., but have failed and are refusing to perform those duties; to

B. Find that Defendants calculation of Plaintiff's maximum term of incarceration is inaccurate, viz, that the maximum date of confinement should be December 5, 2002 rather than December 6, 2002; to

C. Issue an order in Mandamus directing Defendants to perform their mandatory ministerial administrative duties and correct those inaccurate records under their direct supervision and control, as referenced herein; to

D. Award Plaintiff damages and costs against each and every Defendant, pursuant to 42 Pa. C.S.A. section 8303, for their failure and refusal to perform their mandatory administrative duties; and

E. Grant Plaintiff such other relief as would be right, just and equitable, as well as to preclude a multiplicitous of proceedings.

Dated: July 10, 2002

By: /s/ GLENN NULL SR.

GLENN NULL SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000

VERIFICATION

I, GLENN NULL, SR., do hereby verify that the facts set forth in the above Civil Action Complaint In Mandamus are true and correct to the best of my personal knowledge, information and belief, and that any false statements herein are made subject to the penalties of Section 4904 of the Crimes Code (18 Pa. C.S. §4904), relating to unsworn falsification to authorities.

Respectfully submitted,

Dated: July 10, 2002.

/s/ GLENN NULL SR.  
GLENN NULL, SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000

NO. 345 CRIMINAL ACTION 19 86.

JUSTICE: Mildred Hunt Becker

(See order) Miller, Judge

June 27, 1986 Application to Extend  
the Time for Commencement of Trial filed.  
Rule returnable July 15, 1986 at  
10:00 A. M. (See Rule) Horn, Judge

July 15, 1986 Application to Extend  
the Time for Trial granted. Case extended to  
August, 1986 Term of Court. Order filed  
August 6, 1986. Same date, copy sent to  
each party or attorney of record (See Order)

Horn, Judge.

August 8, 1986 Order entered.  
(See Order) Rauhauser, Judge

Aug. 19, 1986 - Points for charge filed.

Aug. 21, 1986 - REAssignment for trial  
filed.

Aug. 21, 1986 0 Verdict - Guilty both counts.

Aug. 25, 1986 - Motions for new trial  
and arrest of judgment filed.

September 15, 1966 - Defendant's brief in support of motions for new trial and arrest of judgment filed.

EXHIBIT "A"

Sept. 22, 1986 - Commonwealth's brief in opposition to post trial motions filed.

October 22, 1985 Opinion/Order filed - Motion for new trial/arrest of Judgment are refused Sentence - December 15, 1986 at 9:30AM Pre sentence (See order) Bucher, Sr. Judge

October 22, 1985 Order of Court filed same day written notice of entry thereof immediately given by ordinary mail to each party in the action or to his attorney of record

December 15, 1986 - Sent. Kidnapping - SCI 2 years to 4 years. Rape: SCI 6 years to 12 years, run consecutive. Petition denied to bail pay costs (See Order) Bucher, Sr. Judge

December 15, 1986 - Petition for Superseas filed

Commitment issued

Jan. 12, 1987 - Notice of Appeal and Certification of Service filed.

Jan. 29, 1987 - Received Superior Ct. docket #00039H2GG7

Jan. 27, 1987- Transcript of Proceedings filed.

Mar. 2, 1987 - Vol. I and Vol. II of transcript of Proceedings lodged.

March 10, 1987 - Vol. I and Vol. II of transcript of Proceedings filed.

Mar. 10, 1987 - Transmitted to HBg.

April 27, 1987 Petition Under Post Conviction Hearing Act filed.

April 27, 1987 Petition not considered as case is on appeal. (See Order) Erb, J.

April 27, 1987 Order of Court filed. Same date, written notice of entry thereof immediately given by ordinary mail to each party in the action or to his attorney of record.

June 26, 1987 Order entered. (See Order) Erb, P.J.

August 26, 1987 Motion for release pending appeal filed Pro-Se, rule Returnable October 13, 1987 at 9:30 a.m.

(See Order) Erb, P.J.

August 31, 1987 Order issued. (See Order Chronister, Judge

September 1, 1987 Commonwealth's Answer to Motion for release pending appeal filed.

October 13, 1987 Request for bail pending appeal is refused and denied (See order) Erb, PJ

Jan. 21, 1988- Returned from Superior Ct. Judgement- Dec. 14, 1987 Judgement of Sentence is affirmed.

Jan. 29, 1988- Motion to modify is refused, & PCHA is refused. (See Order) Erb, PJ

March 22, 1988- Motion Under conviction Hearing Act. filed.

April 7, 1988- Order Issued. Steven Zorbaugh Esq: appointed counsel, examine petition & make any amendments necessary then contact court for schedule of a hearing. (see Order) Erb, PJ

July 11, 1988- Petition for appt. of fingerprint expert, refused. (See Order) Erb, PJ

Aug. 30, 1988- Motion for expungement filed. Pro Se.

Sept. 7, 1988- Petition for expungement refused and denied. (See Order) Erb, PJ

Dec. 5, 1988- Pro Se application filed.

Dec. 29, 1988- Deft's request is refused & denied (See Order) Erb, PJ

Jan. 23, 1989 - Motion for expungement is refused. (See order) Erb, P.J.

April 6, 1989- PCHA Petition filed. Hearing May 1, 1989 @ 3:00pm. JEE

April 17, 1989- Transportation Order Issued. JHC.

April 21, 1989 - PCHA rescheduled for May 11, 1989 at 1:30 P.M. JEE.

May 11, 1989 - Order issued. JEE.

May 18, 1989 - Brief of deft. filed.

May 19, 1989 - Atty. fees filed.

DC-16E	SENTENCE STATUS SUMMARY	COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS
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### 1. REFERENCES AND IDENTIFICATION

DOC Number AK9541	Commitment Name GLENN L NULL	PBPP No 3071T	SID No 14401598	FBI Number 130881X9	Phila Photo #
Date of Birth 08/01/1961	Place of Birth YORK PA USA	Race W		Sex M	

### 2. SENTENCE SUMMARY

Sent Date	County	Indictments	Sent Type	Minimum			Maximum		
				Y	M	D	Y	M	D
12/15/1986	YORK	345 A/1986		2			4		
<b>Plea:</b>	Found Guilty	OTN: B4149810	<b>Judge:</b> BUCHER, WILSON						
<b>Offense:</b>	KIDNAPPING								
12/15/1986	YORK	345 B/1986	CS	6			12		
<b>Plea:</b>	Found Guilty	OTN: B4149810	<b>Judge:</b> BUCHER, WILSON						
<b>Offense:</b>	RAPE								

<b>Controlling Minimum Date</b>	12/06/1994		<b>Reentered from Previous DOC#:</b>	
<b>Controlling Maximum Date</b>	12/06/2002		<b>New Maximum - PV</b>	

<b>Non-incarcerated Offenses</b>
Comments:
<b>Summary or Remarks on Sentence</b>
VERSION CREATED TO SHOW CORRECTED CREDIT

### 3. SENTENCE STRUCTURE

<b>Commitment Credit</b>				
1/28/86 TO 2/5/86				

Item	Computation 1	Computation 2	----	----
Indictments Included	345 A/1986 345 B/1986			
Effective Date	12/06/1986			
Expiration of Minimum	12/06/1994			
Expiration of Maximum	12/06/2002			
Custody for Return – PV				
Delinquent Time				
Backtime Credit				
Backtime Owed				
New Maximum – PV				
Sentence Computation Date	04/11/2002			
Basis for Computation	Credit Adjustment			
Total Sentence	8Y TO 16Y			
Status	Active			



#### 4. DETAINERS

Number	Date	From	Indict-Warrant Nos.	OTN	Type
None					

Detainer Remarks		
Detainer #	Date Deleted	Remarks (for those deleted since last DC16)
None		

#### 5. PRIOR DOC NUMBERS

None								
------	--	--	--	--	--	--	--	--

#### 6. FINES, COSTS AND RESTITUTION AT TIME OF RECEPTION

Date	County	Indictment	Fines	Costs	Restitution
12/15/1986	YORK	345 A/1986		\$1245.82	
12/15/1986	YORK	345 B/1986		\$1245.82	

#### 7. ACTIONS: BOARD OF PARDONS

Decision Date	File Number	Action	Comments

Last Modified by: mmccleure

Received on April 19, 2002

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) Mr. McClure, Record's Office		2. Date: April 14, 2002	
3. By: (Print Inmate Name and Number) Glenn Leroy, Null, Sr., AK-9541 <i>Glenn Leroy, Null, Sr.</i> Inmate Signature		4. Counselor's Name Mr. Rice	
		5. Unit Manager's Name Ms. Bailey	
6. Work Assignment Laundry		7. Housing Assignment JB-33	
8. Subject: State your request completely but briefly. Give details. Attention: Mr. McClure: This is an informal complaint regarding my erroneous maximum date of December 6, 2002. On April 04, 2002, per my request you found an error in my pre-commitment credit time which you corrected and now sets my effective date as December 6, 1986. I have no problem with the effective date, that is correct. My problem exist with my maximum date. My maximum date and only my maximum is in error, because the expiration of my maximum date should be December 5, 2002, instead of December 6, 2002. One (1) year exist of three hundred and sixty-five days which would start at the December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. In my calculation of sixteen (16) years would start on the effective date of December 6, 1986 and expire on December 5, 2002, at 11:59 p.m.. We must realize that one must not exceed his maximum date			
9. Response: (This Section for Staff Response Only)			
<i>Glenn Calculation</i> <i>Our we just is correct</i> <i>that sent you is correct</i>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name \_\_\_\_\_ / \_\_\_\_\_ Date \_\_\_\_\_  
Print Sign





## "CALCULATION OF TIME"

Effective date:

December 6, 1986 to December 5, 1987, at 11:59 p.m., 1 yr.

December 6, 1987 to December 5, 1988, at 11:59 p.m., 2 yrs.

December 6, 1988 to December 5, 1989, at 11:59 p.m., 3 yrs.

December 6, 1989 to December 5, 1990, at 11:59 p.m., 4 yrs.

December 6, 1990 to December 5, 1991, at 11:59 p.m., 5 yrs

December 6, 1991 to December 5, 1992, at 11:59 p.m., 6 yrs.

December 6, 1992 to December 5, 1993, at 11:59 p.m., 7 yrs.

December 6, 1993 to December 5, 1994, at 11:59 p.m., 8 yrs.

December 6, 1994 to December 5, 1995, at 11:59 p.m., 9 yrs.

December 6, 1995 to December 5, 1996, at 11:59 p.m., 10 yrs.

December 6, 1996 to December 5, 1997, at 11:59 p.m., 11 yrs.

December 6, 1997 to December 5, 1998, at 11:59 p.m., 12 yrs.

December 6, 1998 to December 5, 1999, at 11:59 p.m., 13 yrs.

December 6, 1999 to December 5, 2000, at 11:59 p.m., 14 yrs.

December 6, 2000 to December 5, 2001, at 11:59 p.m., 15 yrs.

December 6, 2001 to December 5, 2002, at 11:59 p.m., 16 yrs.

My maximum date expire now on December 5, 2002, at 11:59 p.m..

Status sheet issued on April 11, 2002, is still in error, because maximum date on status sheet reflects December 6, 2002, instead of December 5, 2002. The effective date of December 6, 1986 is correct because I did nine (9) days in the county jail during my arrest from January 28 1986 to February 5, 1986 totals nine (9) days.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

18811  
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR <b>Ms. Kathy Emel</b>	FACILITY: <b>SCI-Houtzdale</b>	DATE: <b>April 20, 2002</b>
FROM: (INMATE NAME & NUMBER) <b>Glenn Leroy, Null, Sr., AK-9541</b>	SIGNATURE of INMATE: <i>Glenn Leroy, Null, Sr.</i>	
WORK ASSIGNMENT: <b>Laundry</b>	HOUSING ASSIGNMENT: <b>JB-33</b>	
<p>INSTRUCTIONS:</p> <ol style="list-style-type: none"> <li>1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.</li> <li>2. State your grievance in Block A in a brief and understandable manner.</li> <li>3. List in Block B the specific actions you have taken to resolve this matter informally. Be sure to include the identity of staff members you have contacted.</li> </ol>		
<p>A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.</p> <p>On April 4, 2002, per my request Mr. Mike McClure, Official Record's Office Specialist found an error in my pre-commitment credit time which he corrected and now sets my effective date as December 6, 1986 and my Maximum date as December 6, 2002. I have no problem with the effective date, that is correct. My problem now exist with my maximum date. On April 13, 2002, per my request I received a new status sheet from Mr. Mike McClure, Official Record's Office Specialist which still remains in error, because the expiration of my maximum date should be December 5, 2002, instead of December 6, 2002. On April 14, 2002, I submitted a request to Mr. Mike McClure, Official Record's Office Specialist regarding my maximum date still being in error, but my request was denied and my maximum date remains uncorrected. You can not have my effective date the same as my maximum date. For an example, One (1) year exist of three hundred and sixty-five (365) days which would start on December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. In my calculation of sixteen (16) years would start on the effective date of December 6, 1986 and expire at 11:59 p.m. on December 5, 2002. We must realize that one must not exceed his maximum date by law.</p> <p>(See Attached Additional Paper)</p>		
<p>B. List actions taken and staff you have contacted, before submitting this grievance. Attach the copy of the DC-135A with the staff member's response of your informal resolution attempt.</p> <p>I have submitted a copy of the request slip to Superintendent John M. McCullough on April 14, 2002, regarding the above matter, and it still remains unresolved.</p>		

Your grievance has been received and will be processed in accordance with DC-ADM 804.

*Kathy Emel*  
Signature of Facility Grievance Coordinator.

*4/22/02*  
Date

EXHIBIT "D"

WHITE - Facility Grievance Coordinator Copy

CANARY - File Copy

PINK - Action Return Copy

GOLDENROD - Inmate Copy

In Commonwealth v. Casanove, 748 A.2d 205, 207 (Pa. Super. 2002), This Court held that a "year" is defined as "a period of 365 or 366 days, in the gregorian calendar, divided into 12 calendar months...."

In applying Fenati to the case sub judice, we follow the Supreme Court's lead that a calendar year encompasses 365 days, or 366 days in a leap year, beginning at any given point of the calendar. Accord: Bethlehem Steel Corp v. W.C.A.B. (ZIMA), 777 A.2d 1245, 1248 [2] (Pa. Cmwlth. 2001).


If you calculate three hundred and sixty-five (365) days starting from December 6, 2001 you will end up on December 5, 2002. You can not exceed my maximum date of December 5, 2002, at 11:59 p.m..

Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: U.S.C.A. Const. Amend. 8. Accord: Homoki v. Northampton County, 86 F.3d 324 (3rd Cir. 1996); quoting, Sample v. Diecks, 885 F.2 1099 C.A.3 (Pa. 1989); London v. PA. Bd. of Probation & Parole, 135 F.Supp.2d 612, 614 (E.D. Pa. 2001).

In the event my maximum date is not corrected to reflect December 5, 2002, each and every defendant mentioned herein and thereafter that has personal and direct knowledge of this constitutional violation will then be violating my United States Constitutional Guaranteed Rights under Amendment 5th, 8th, and 14th, and the Pennsylvania Constitution Article 1, Section 1, 9, and 13. which constitutes unlawful confinement and will be sued in their individual and official capacity and will be liable for all damages in the excessive of \$50,000.00 dollars per each individual prison official for punitive and compensatory damages.

For the above foregoing reasons, I request that you direct and order Mr. Mike McClure, Official Record's Office Specialist to correct my status sheet to reflect Thursday, December 5, 2002, so I am released within the last day of my maximum date and issue me a new status sheet accordingly.

Sincerely,

  
Glenn Leroy, Null, Sr.

DC-804  
Part 2COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001OFFICIAL INMATE GRIEVANCE  
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

18811

AK-9541

TO: (Inmate Name & DC No.) <i>Glen Null, Sr.</i>	FACILITY SCI-Houtzdale	HOUSING LOCATION JB-33	GRIEVANCE DATE 4/20/02
---	---------------------------	---------------------------	---------------------------

The following is a summary of my findings regarding your grievance:

*Mr. Null,*

*I cannot change the computer calculation of your max date and I cannot change DOC policy regarding the time of day you will be released. Your grievance is denied.*

Cc: Superintendent McCullough  
Superintendent's Assistant  
Deputies (2)  
Majors (2)  
DC15  
File

Print Name and Title of Grievance Officer

*Vickie Henry, IRS*

SIGNATURE OF GRIEVANCE OFFICER

*Vickie Henry*

DATE

4/23/02



DATE: April 25, 2002  
SUBJECT: Appeal of Grievance #HOU-18811-2002.  
FROM: Glenn Leroy Null, Sr., AK-9541  
B-33  
TO: JOHN M. McCULLOUGH  
Superintendent

**Appeal**

RECEIVED  
SUPERINTENDENT OFF.  
APR 26 2002  
SCI-HOUTZDALE  
PO BOX 1000 HOUTZDALE PA

This is an appeal to the Superintendent John M. McCullough from the decision rendered by the Facility Grievance Officer Ms. Vickie Henry who denied my grievance. I have received the Facility Grievance Officer Ms. Vickie Henry's decision through institution mail on April 25, 2002.

### STATEMENT OF FACTS

The Facility Grievance Officer Ms. Vickie Henry's decision denying my grievance for relief is in error, because:

On April 4, 2002, per my request Mr. Mike McClure, Official Record's Office Specialist found an error in my pre-commitment credit time which he corrected and now sets my effective date as December 6, 1986 and my maximum date as December 6, 2002. I have no problem with the effective date, that is correct. My problem now exist with my maximum date. On April 13, 2002, per my request I received a new status sheet from Mr. Mike McClure, Official Record's Office Specialist which still remains in error, because the expiration of my maximum date should be December 5, 2002, instead of December 6, 2002. On April 14, 2002, I submitted a request to Mr. Mike McClure, Official Record's Office Specialist regarding my maximum date still being in error, but my request was denied and my maximum date remains uncorrected. You can not have my effective date the same as my maximum date. For an example,, one (1) year exist of three hundred and sixty-five (365) days which would start on December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. We must realize that one must not exceed his maximum date by law.

In Commonwealth v. Casanove, 748 A.2d 205, 207 (Pa. Super. 2002), This Court held that a "year" is defined as "a period of 365 or 366 days, in the gregorian calendar, divided into 12 calendar months...."

In applying Fenati to the case sub judice, we follow the Supreme Court's lead that a calendar year encompasses 365 days, or 366 days in a leap year, beginning at any given point of the calendar. Accord: Bethlehem Steel Corp v. W.C.A.B. (ZIMA), 777 A.2d 1245, 1248 [2] (Pa. Cmwlth. 2001).

Page 2, of Appeal.

If you calculate three hundred and sixty-five (365) days starting from December 6, 2001 you will end up on December 5, 2002. You can not exceed my maximum date of December 5, 2002, at 11:59 p.m..

Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: U.S.C.A. Const. Amend. 8. Accord: Homoki v. Northampton County, 86 F.3d 324 (3rd. Cir. 1996); quoting, Sample v. Diecks, 885 F.2d 1099 C.A.3 (Pa. 1989); London v. PA. Bd. of Probation & Parole, 135 F.Supp.2d 612, 614 (E.D. Pa. 2001).

In the event my maximum date is not corrected to reflect December 5, 2002, and released on that date, each and every defendant mentioned herein and thereafter that has personal and direct knowledge of this constitutional violation will then be violating my United States Constitutional Guaranteed Rights under Amendments 5th, 8th, and 14th, and the Pennsylvania Constitution Article 1, Sections 1, 9, and 13 which constitutes unlawful confinement and will be sued in their individual and official capacity and will be liable for all damages in the excessive of \$50,000.00 dollars per each individual prison official for punitive and compensatory damages.

For the above foregoing stated facts and reasons, I request that you reverse Ms. Vickie Henry's decision and direct or order her to correct the expiration of my maximum date of December 5, 2002, so I am released on or before 11:59 p.m. of my maximum date and issue me a new status sheet accordingly.

Sincerely,

Glenn Leroy, Null, Sr.  
Glenn Leroy, Null, Sr.,

COMMONWEALTH OF PENNSYLVANIA  
Department of Corrections  
State Correctional Institution at Houtzdale  
Office of the Superintendent  
April 26, 2002

**SUBJECT:** Appeal of Grievance #18811

**TO:** Glenn Null, AK9541

JB-33

**FROM:** John M. McCullough  
Superintendent

Your max date is correctly computed.

Grievance appeal is denied.

JMM:mlb

c: Deputy Tatum  
Deputy Patrick  
Major U.M.  
Major Barone  
Ms. Emel  
Ms. Henry  
Case Record  
file

DATE: April 27, 2002

SUBJECT: Final Appeal of Grievance #HOU-18811-2002

FROM: Glenn Leroy, Null, Sr., AK-9541  
SCI-Houtzdale, JB-33

TO: Chief, Secretary's Office

This is a final appeal to the Chief, Secretary's Office from the decisions rendered by the Facility Grievance Officer Ms. Vickie Henry, on April 23, 2002, and John M. McCullough, Superintendent on April 26, 2002 who denied my grievance for said relief. I received the Superintendent John M. McCullough's decision through institutional mail on April 27, 2002.

#### STATEMENT OF FACTS

The Facility Grievance Officer Ms. Vickie Henry's and John M. McCullough, Superintendent's decisions denying my grievance for said relief is erroneous, because;

On April 4, 2002, per my request Mr. Mike McClure, Official Record's Office Specialist found an error in my pre-commitment credit time which he corrected and now sets my effective date as December 6, 1986 and my maximum date as December 6, 2002. Those actual dates total sixteen (16) years and one (1) day. My maximum sentence is sixteen (16) years. I have no problem with the effective date, that is correct. My problem now exist with my maximum date. On April 13, 2002, per my request I received a new status sheet from Mr. Mike McClure, Official Record's Office Specialist which still remains in error, because the expiration of my maximum date should reflect December 5, 2002, instead of December 6, 2002. See: Exhibit "A", Calculation Time Sheet. On April 14, 2002, I submitted a request to Mr. Mike McClure, Official Record's Office Specialist regarding my maximum date still being in error, but my request was denied and my maximum date still remains uncorrected. You can not have my effective date the same as my maximum date. For an example, one year exist of three hundred and sixty-five (365) days which would commence on December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. We must realize that one must not exceed his lawful maximum date by law. This violation will also denied me my right to be at liberty at 12:00 a.m. on December 6, 2002 and by confining be beyond that date and time would constitute false imprisonment.

The Facility Grievance Officer Ms. Vickie Henry and John M. McCullough, Superintendent denied my grievance and appeal to correct the expiration of my maximum date to reflect December 5, 2002, by claiming that their Computer Calculation Machine sets the maximum date. Maybe the Department of Corrections needs to up-date their Computer Calculation Machines to prevent these errors in the future.

In Commonwealth v. Casanove, 748 A.2d 205, 207 (Pa. Super. 2002), This Court held that a "year" is defined as "a period of 365 or 366 days, in the gregorian calendar, divided into 12 calendar months...."

In applying Fenati to the case sub judice, we follow the Supreme Court's lead that a calendar year encompasses 365 days, or 366 days in a leap year, beginning at any given point of the calendar. Accord: Bethlehem Steel Corp v. W.C.A.B. (ZIMA), 777 A.2d 1245, 1248 [2] (Pa. Cmwlth. 2001).

If you calculate three hundred and sixty-five (365) days commencing on December 6, 2001 you will end up on December 5, 2002, at 11:59 p.m..

Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: U.S.C.A. Const. Amend. 8. Accord: Homoki v. Northampton County, 86 F.3d 324 (3rd. Cir. 1996); quoting, Sample v. Diecks, 885 F.2d 1099 C.A.3 (Pa. 1989); London v. PA. Bd. of Probation & Parole, 135 F.Supp.2d 612, 614 (E.D. Pa. 2001).

In the event my maximum date is not corrected to reflect December 5, 2002, and I am not released on said date, each and every defendant mentioned herein and thereafter that has personal and direct knowledge of this constitutional violation will then be violating my United States Constitutional Guaranteed Rights (protected against unlawful confinement) under Amendments 5th, 8th, and 14th, and the Pennsylvania Constitution Article 1, Sections 1, 9, and 13 which protects one against unlawful confinement and will be sued in their individual and official capacity and will be liable for all damages in the excessive of \$50,000.00 dollars per each individual prison official for punitive and compensatory damages.

For the above foregoing stated facts and reasons, I request that you as the Chief Secretary grant my appeal and reverse John M. McCullough, Superintendent and the Facility Grievance Officer Ms. Vickie Henry's decisions and remand directing and ordering the Official Record's Office Supervisor Ms. Vickie Henry and John M. McCullough, Superintendent to correct the expiration of my maximum date to reflect December 5, 2002, so I am released on or before 11:59 p.m. of my actual maximum date and issue me a new status sheet reflecting that date accordingly.

Sincerely,

Glenn Leroy Null, Sr.  
Glenn Leroy, Null, Sr.

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**D. Appeal to Secretary's Office of Inmate Grievances and Appeals**

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**1. Inmate Responsibilities**

- a. The decision from appeal to the Facility Manager must be received by the inmate before an appeal to the Secretary's Office of Inmate Grievances and Appeals can be sought.
- b. Any inmate who is dissatisfied with the disposition of an appeal from the Facility Manager, may submit an appeal to the Secretary's Office of Inmate Grievances and Appeals, within five working days of receiving the decision. Only issues appealed to the Facility Manager may be appealed at this level.
- c. Exceptions to the five day filing requirement will be made **only** where the inmate notifies the Secretary's Office of Inmate Grievances and Appeals of the reason for the delay and it is determined that the delay in filing was caused by:
  - (1) a temporary transfer from the institution where the grievance should have been filed;
  - (2) a permanent transfer to another institution from the institution where the grievance should have been filed;
  - (3) Authorized Temporary Absence (ATA) for an extended period; or
  - (4) other delays with mail delivery.
- d. If it is determined that a delay was caused by one of the circumstances listed in this paragraph, a reasonable extension of time for filing the formal grievance shall be permitted.
- e. An appeal at this level may not be permitted until the inmate has complied with all procedures established for Initial Review and Appeal to Facility Manager. **(See Sections VI. B and VI. C. above.)**
- f. The text of the appeal shall be legible, presented in a courteous manner, and the statement of facts shall not exceed two pages.
- g. All appeals to the Secretary's Office of Inmate Grievances and Appeals must be addressed to the following:

**Chief, Secretary's Office of Inmate Grievances and Appeals  
Department of Corrections  
2520 Lisburn Road, P. O. Box 598  
Camp Hill, PA 17001-0598**

Failure to properly address the appeal will delay the process.

- h. Inmates appealing to final review are responsible for providing the Secretary's Office of Inmate Grievances and Appeals with all available paperwork relevant to the appeal. A proper appeal to final review should include photocopies of the initial grievance, Initial Review, Initial Review Response, and the Appeal to

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Facility Manager along with the Facility Manager's decision. Failure to provide the proper documentation may result in the grievance being dismissed.

- i. Indigent inmates as defined in Department policy **DC-ADM 803, "Inmate Mail and Incoming Publications,"** shall be afforded copy service in accordance with Department policy **DC-ADM 803, "Inmate Mail and Incoming Publications,"**(Section VI. C. 2. a (3)) up to a maximum of \$10.00 per month and all monies received in the inmate's account shall be used to pay for the cost of the copies in accordance with Department policy **DC-ADM 803, "Inmate Mail and Incoming Publications,"**(Section VI. C. 2. a (4)). Non-indigent inmates shall incur copying charges in accordance with Department policy **3.4.5, "Photocopying Charges for Inmates."**

## 2. Staff Responsibilities

- a. The Secretary's Office of Inmate Grievances and Appeals will ensure that:
  - (1) appeals to final review are responded to within 30 working days; and
  - (2) appeals and responses are properly maintained in the Automated Inmate Grievance Tracking System.
- b. Upon request, the Facility Manager will forward to the Secretary's Office of Inmate Grievances and Appeals a copy of any formal investigation related to a grievance and conducted by the security office.
- c. The Secretary's Office of Inmate Grievances and Appeals will review the initial grievance and response, the Appeal to the Facility Manager and response, any investigative reports and the appeal to final review.
- d. The Secretary's Office of Inmate Grievances and Appeals may review appeals with the relevant bureau (i.e., health care issues with the Bureau of Health Care Services, education issues with the Bureau of Corrections Education, etc.).
- e. Upon completion of the review, the Secretary's Office of Inmate Grievances and Appeals will respond directly to the inmate in all cases.
- f. The Secretary's Office of Inmate Grievances and Appeals will issue a decision within 30 working days after receipt of an appeal. The decision may consist of upholding the decision, modification, reversal, remand, or reassignment for further fact-finding, and must include a brief statement of the reasons for the decision. The Chief/designee, Secretary's Office of Inmate Grievances and Appeals, shall notify the inmate and the Facility Manager of the decision and rationale. If the decision consists of modifying, reversing, or remanding the grievance, or if the inmate is placed on a grievance restriction, the appropriate Deputy Secretary shall also be notified. In instances where a determination of frivolousness is appealed, the Facility Grievance Coordinator shall also be notified.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

GLENN NULL SR.,	:	
Plaintiff,	:	CIVIL ACTION-MANDAMUS
VS.	:	
	:	
JOHN M. McCULLOUGH, SUPT.;	:	JURY TRIAL DEMANDED
VICKIE HENRY, OFFICIAL RECORD'S	:	TRIAL REFERENCE REQUEST
OFFICE SUPERVISOR;	:	
MIKE McCLURE, OFFICIAL RECORD'S	:	
OFFICE SPECIALIST, ET AL.,	:	NO. .
Defendants.	:	

**NOTICE TO DEFEND**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

DAVID S. MEHOLICK  
COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURT HOUSE  
230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830  
PHONE NUMBER: (814) 765-2641, ext. 5982

Dated: July 10, 2002.

BY: /s/ GLENN NULL SR.  
GLENN NULL SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

GLENN NULL, SR.,	:	
Plaintiff,	:	CIVIL ACTION-MANDAMUS
VS.	:	
	:	
JOHN M. McCULLOUGH, SUPT.;	:	JURY TRIAL DEMANDED
VICKIE HENRY, OFFICIAL RECORD'S	:	TRIAL REFERENCE REQUEST
OFFICE SUPERVISOR;	:	
MIKE McCLURE, OFFICIAL RECORD'S	:	
OFFICE SPECIALIST, ET AL.,	:	NO.
Defendants.	:	

CIVIL ACTION COMPLAINT IN MANDAMUS

INTRODUCTION

This Civil Action Complaint In Mandamus is filed against the above named defendants to compel the performance of their mandatory administrative duty to correct those inaccurate records under their direct supervision and control pursuant to 18 Pa. C.S.A. Section 9101 et. seq. and for damages and costs pursuant to 42 Pa. C.S.A. Section 8303.

JURISDICTIONAL STATEMENT

1. This court has exclusive original jurisdiction over this Civil Action Complaint In Mandamus pursuant to 42 Pa. C.S.A. §931(a) and via Pa. R.Civ.Proc. 1091; and to grant all relief as is right, just and equitable.

2. A trial by jury on all facts in dispute is respectfully demanded and trial preference is respectfully requested.

PARTIES TO THIS ACTION

3. Plaintiff, GLENN NULL SR., is a citizen of the Commonwealth of Pennsylvania and of the United States with his present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

4. Defendant, JOHN M. McCULLOUGH is employed as the Superintendent at SCI-Houtzdale who is a citizen of the Commonwealth of Pennsylvania and of the United States with his present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

5. Defendant, VICKIE HENRY is employed as the Official Record's Office Supervisor at SCI-Houtzdale who is a citizen of the Commonwealth of Pennsylvania and of the United States with her present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

6. Defendant, MIKE McCLURE is employed as an Official Record's Office Specialist at SCI-Houtzdale who is a citizen of the Commonwealth of Pennsylvania and of the United States with his present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

### STATEMENT OF FACTS

7. On December 15, 1986, Plaintiff in COMMONWEALTH v. GLENN NULL, CP. #345-CA-1986 (York County), was sentenced to a term of incarceration of no less than eight (8) years nor no more than sixteen (16) years with pre-commitment time credit of nine (9) days to set his maximum day of confinement at December 5, 2002. (See: Court's sentencing order attached hereto as exhibit "A").

8. Thereafter, and following the receipt of a new institutional status summary sheet, Defendants set Plaintiff's maximum date of confinement at December 6, 2002. (See: Defendants institutional status summary sheet dated April 11, 2002 and attached hereto as exhibit "B").

9. On April 14, 2002, Plaintiff, via Pa. Department of Corrections official request to staff slip, contacted Defendants MIKE McCCLURE, as well as Defendant JOHN McCULLOUGH, and advised them that their institutional status summary sheet was inaccurate via the expiration of my maximum date; and should reflect December 5, 2002, rather than December 6, 2002. Plaintiff requested the correction of their records.

10. On April 19, 2002, however, Defendants McCullough and McClure refused to correct those inaccurate records and stated: "Glenn our calculation that we just sent you is correct". (See: Attached exhibit "C").

11. On April 20, 2002, Plaintiff then filed a grievance to correct the maximum date to reflect December 5, 2002, rather than December 6, 2002. (See: Attached exhibit "D").

12. On April 23, 2002, however, Defendant VICKIE HENRY denied plaintiff's grievance to correct inaccurate records. (See: Attached exhibit "E").

13. On April 25, 2002, Plaintiff appealed the denial of his grievance to Defendant McCULLOUGH who on April 26, 2002 affirmed the denial of Plaintiff's grievance. (See: Attached exhibit "F").

14. On April 27, 2002, Plaintiff appealed the denial and affirmation of the denial of his grievance to the Chief Secretary's Office of the Pa. Department of Corrections for final review. (See: exhibit "G" attached hereto).

15. As of this date, however, the Chief Secretary's Office of Appeals has failed to respond to the same as they were required to do within thirty (30) working days of their receipt of the same pursuant to DC-ADM-804 (D 2(a)(1) & (f)). (See: Exhibit "H" attached hereto).

### FIRST CAUSE OF ACTION

16. That Paragraphs 1 through 15 above are incorporated herein by reference as though fully set forth.

17. That Defendants had the mandatory administrative duty as a "Criminal Justice Agency" under 18 Pa. C.S.A. section 9101 et seq., to timely create and maintain accurate records. This Duty, however, Defendants have failed to perform by maintaining an inaccurate record regarding plaintiff's maximum date of confinement.

### SECOND CAUSE OF ACTION

18. That Paragraphs 1 through 17 are incorporated herein by reference as though fully set forth.

19. That Defendants have the mandatory administrative duty as a "Criminal Justice Agency" under 18 Pa. C.S.A. section 9101 et seq., to correct any and all inaccurate records under their direct supervision and control. However, and even after Plaintiff requested Defendants to correct his maximum date of confinement Defendants refused, and to date are refusing, to perform their mandatory ministerial administrative duties.

#### INDEPENDENT INTEREST

20. That Plaintiff has a direct interest in the correction of this inaccurate record that is separate and distinct from the public in that Plaintiff will be confined over his lawful maximum date of confinement if Defendants are not compelled to correct those inaccurate records under their direct supervision and control.

21. That Plaintiff has no other means or remedy available to compel Defendants to perform their mandatory administrative duty.

#### RELIEF REQUESTED

WHEREFORE, and based on the foregoing, this Honorable Court is hereby respectfully requested to:

A. Find that Defendants had and have the mandatory ministerial administrative duty to timely create and maintain accurate records, as well as to correct those inaccurate records, under their direct supervision and control, pursuant to 18 Pa. C.S.A. section 9101 et seq., but have failed and are refusing to perform those duties; to

B. Find that Defendants calculation of Plaintiff's maximum term of incarceration is inaccurate, viz, that the maximum date of confinement should be December 5, 2002 rather than December 6, 2002; to

C. Issue an order in Mandamus directing Defendants to perform their mandatory ministerial administrative duties and correct those inaccurate records under their direct supervision and control, as referenced herein; to

D. Award Plaintiff damages and costs against each and every Defendant, pursuant to 42 Pa. C.S.A. section 8303, for their failure and refusal to perform their mandatory administrative duties; and

E. Grant Plaintiff such other relief as would be right, just and equitable, as well as to preclude a multiplicitous of proceedings.

Dated: July 10, 2002

By: /s/ GLENN NULL SR.

GLENN NULL SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000

VERIFICATION

I, GLENN NULL, SR., do hereby verify that the facts set forth in the above Civil Action Complaint In Mandamus are true and correct to the best of my personal knowledge, information and belief, and that any false statements herein are made subject to the penalties of Section 4904 of the Crimes Code (18 Pa. C.S. §4904), relating to unsworn falsification to authorities.

Respectfully submitted;

Dated: July 10, 2002.

/s/ GLENN NULL SR.

GLENN NULL, SR.

c/o Inst. No. AK-9541

Post Office Box 1000

Houtzdale, Pennsylvania

16698-1000

COMMONWEALTH  
Vs  
GLENN L. NULL

1) Kidnapping  
2) Rape

(See order) Miller, Judge

June 16, 1986 - Case continued until the Aukg.

September 15, 1966 - Defendant's brief in support of motions for new trial and arrest of judgment filed.

EXHIBIT "A"

Sept. 22, 1986 - Commonwealth's brief in opposition to post trial motions filed.

October 22, 1985 Opinion/Order filed - Motion for new trial/arrest of Judgment are refused Sentence - December 15, 1986 at 9:30AM Pre sentence (See order) Bucher, Sr. Judge

October 22, 1985 Order of Court filed same day written notice of entry thereof immediately given by ordinary mail to each party in the action or to his attorney of record

December 15, 1986 - Sent. Kidnapping - SCI 2 years to 4 years. Rape: SCI 6 years to 12 years, run consecutive. Petition denied to bail pay costs (See Order) Bucher, Sr. Judge

December 15, 1986 - Petition for Superseas filed

Commitment issued

Jan. 12, 1987 - Notice of Appeal and Certification of Service filed.

Jan. 29, 1987 - Received Superior Ct. docket #00039H2G07

Jan. 27, 1987- Transcript of Proceedings filed.

Mar. 2, 1987 - Vol I and Vol. II of transcript of Proceedings lodged.

March 10, 1987 - Vol. I and Vol. II of transcript of Proceedings filed.

Mar. 10, 1987 - Transmitted to HBg.

April 27, 1987 Petition Under Post Conviction Hearing Act filed.

April 27, 1987 Petition not considered as case is on appeal. (See Order) Erb, J.

April 27, 1987 Order of Court filed. Same date, written notice of entry thereof immediately given by ordinary mail to each party in the action or to his attorney of record.

June 26, 1987 Order entered. (See Order) Erb, P.J.

August 26, 1987 Motion for release pending appeal filed Pro-Se, rule Returnable October 13, 1987 at 9:30 a.m.

(See Order) Erb, P.J.

August 31, 1987 Order issued. (See Order Chronister, Judge  
September 1, 1987 Commonwealth's Answer to Motion for release pending appeal filed.

October 13, 1987 Request for bail pending appeal is refused and denied (See order) Erb, PJ

Jan. 21, 1988- Returned from Superior Ct. Judgement- Dec. 14, 1987 Judgement of Sentence is affirmed.

Jan. 29, 1988- Motion to modify is refused., & PCHA is refused. (See Order) Erb, PJ

March 22, 1988- Petition Under conviction Hearing Act. filed.

April 7, 1988- Order Issued. Steven Zorbaugh Esq. appointed counsel, examine petition & make any amendments necessary then contact court for schedule of a hearing. (see Order) Erb, PJ

July 11, 1988- Petition for appt. of fingerprint expert, refused. (See Order) Erb, PJ

Aug. 30, 1988- Motion for expungement filed. Pro Se.

Sept. 7, 1988- Petition for expungement refused and denied. (See Order) Erb, PJ

Dec. 5, 1988- Pro Se application filed.

Dec. 29, 1988- Deft's request is refused & denied (See Order) Erb, PJ

Jan. 23, 1989 - Motion for expungement is refused. (See order) Erb, P.J.

April 6, 1989- PCHA Petition filed. Hearing May 1, 1989 @ 3:00pm. JEE

April 17, 1989- Transportation Order Issued. JHC.

April 21, 1989 - PCHA rescheduled for May 11, 1989 at 1:30 P.M. JEE.

May 11, 1989 - Order issued. JEE.

May 18, 1989 - Brief of deft. filed.

May 19, 1989 - Atty. fees filed.

DC-16E	SENTENCE STATUS SUMMARY	COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS
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### 1. REFERENCES AND IDENTIFICATION

DOC Number AK9541	Commitment Name GLENN L NULL	PBPP No 3071T	SID No 14401598	FBI Number 130881X9	Phila Photo #
Date of Birth 08/01/1961	Place of Birth YORK PA USA			Race W	Sex M

### 2. SENTENCE SUMMARY

Sent Date	County	Indictments		Sent Type	Minimum			Maximum		
					Y	M	D	Y	M	D
12/15/1986	YORK	345 A/1986			2			4		
Plea:	Found Guilty	OTN: B4149810	Judge: BUCHER, WILSON							
Offense:	KIDNAPPING									
12/15/1986	YORK	345 B/1986		CS	6			12		
Plea:	Found Guilty	OTN: B4149810	Judge: BUCHER, WILSON							
Offense:	RAPE									

<b>Controlling Minimum Date</b>	12/06/1994		<b>Reentered from Previous DOC#:</b>	
<b>Controlling Maximum Date</b>	12/06/2002		<b>New Maximum - PV</b>	

<b>Non-incarcerated Offenses</b>
Comments:
<b>Summary or Remarks on Sentence</b>
VERSION CREATED TO SHOW CORRECTED CREDIT

### 3. SENTENCE STRUCTURE

<b>Commitment Credit</b>				
1/28/86 TO 2/5/86				

Item	Computation 1	Computation 2	----	----
Indictments Included	345 A/1986 345 B/1986			
Effective Date	12/06/1986			
Expiration of Minimum	12/06/1994			
Expiration of Maximum	12/06/2002			
Custody for Return – PV				
Delinquent Time				
Backtime Credit				
Backtime Owed				
New Maximum – PV				
Sentence Computation Date	04/11/2002			
Basis for Computation	Credit Adjustment			
Total Sentence	8Y TO 16Y			
Status	Active			



#### 4. DETAINERS

Number	Date	From	Indict-Warrant Nos.	OTN	Type
None					

Detainer Remarks	Detainer #	Date Deleted	Remarks (for those deleted since last DC16)
None			

#### 5. PRIOR DOC NUMBERS

None								
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#### 6. FINES, COSTS AND RESTITUTION AT TIME OF RECEPTION

Date	County	Indictment	Fines	Costs	Restitution
12/15/1986	YORK	345 A/1986		\$1245.82	
12/15/1986	YORK	345 B/1986		\$1245.82	

#### 7. ACTIONS: BOARD OF PARDONS

Decision Date	File Number	Action	Comments

Last Modified by: mmcclure

Received on April 19, 2002

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) Mr. McClure, Record's Office		2. Date: April 14, 2002	
3. By: (Print Inmate Name and Number) Glenn Leroy, Null, Sr., AK-9541 <i>Glenn Leroy, Null, Sr.</i> Inmate Signature		4. Counselor's Name Mr. Rice	
		5. Unit Manager's Name Ms. Bailey	
6. Work Assignment Laundry		7. Housing Assignment JB-33	
8. Subject: State your request completely but briefly. Give details. Attention: Mr. McClure: This is an informal complaint regarding my erroneous maximum date of December 6, 2002. On April 04, 2002, per my request you found an error in my pre-commitment credit time which you corrected and now sets my effective date as December 6, 1986. I have no problem with the effective date, that is correct. My problem exist with my maximum date. My maximum date and only my maximum is in error, because the expiration of my maximum date should be December 5, 2002, instead of December 6, 2002. One (1) year exist of three hundred and sixty-five days which would start at the December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. In my calculation of sixteen (16) years would start on the effective date of December 6, 1986 and expire on December 5, 2002, at 11:59 p.m.. We must realize that one must not exceed his maximum date			
9. Response: (This Section for Staff Response Only)			
<i>Glenn Calculation</i> <i>Our calculation is correct</i> <i>that we sent you correct</i>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name \_\_\_\_\_ / \_\_\_\_\_ Date \_\_\_\_\_  
Print Sign





# "CALCULATION OF TIME"

Effective date:

December 6, 1986 to December 5, 1987, at 11:59 p.m., 1 yr.  
December 6, 1987 to December 5, 1988, at 11:59 p.m., 2 yrs.  
December 6, 1988 to December 5, 1989, at 11:59 p.m., 3 yrs.  
December 6, 1989 to December 5, 1990, at 11:59 p.m., 4 yrs.  
December 6, 1990 to December 5, 1991, at 11:59 p.m., 5 yrs.  
December 6, 1991 to December 5, 1992, at 11:59 p.m., 6 yrs.  
December 6, 1992 to December 5, 1993, at 11:59 p.m., 7 yrs.  
December 6, 1993 to December 5, 1994, at 11:59 p.m., 8 yrs.  
December 6, 1994 to December 5, 1995, at 11:59 p.m., 9 yrs.  
December 6, 1995 to December 5, 1996, at 11:59 p.m., 10 yrs.  
December 6, 1996 to December 5, 1997, at 11:59 p.m., 11 yrs.  
December 6, 1997 to December 5, 1998, at 11:59 p.m., 12 yrs.  
December 6, 1998 to December 5, 1999, at 11:59 p.m., 13 yrs.  
December 6, 1999 to December 5, 2000, at 11:59 p.m., 14 yrs.  
December 6, 2000 to December 5, 2001, at 11:59 p.m., 15 yrs.  
December 6, 2001 to December 5, 2002, at 11:59 p.m., 16 yrs.

My maximum date expire now on December 5, 2002, at 11:59 p.m..

Status sheet issued on April 11, 2002, is still in error, because maximum date on status sheet reflects December 6, 2002, instead of December 5, 2002. The effective date of December 6, 1986 is correct because I did nine (9) days in the county jail during my arrest from January 28 1986 to February 5, 1986 totals nine (9) days.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 398  
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

18811  
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR <b>Ms. Kathy Emel</b>	FACILITY: <b>SCI-Houtzdale</b>	DATE: <b>April 20, 2002</b>
FROM: (INMATE NAME & NUMBER) <b>Glenn Leroy, Null, Sr., AK-9541</b>	SIGNATURE of INMATE: <i>Glenn Leroy, Null Sr.</i>	
WORK ASSIGNMENT: <b>Laundry</b>	HOUSING ASSIGNMENT: <b>JB-33</b>	
INSTRUCTIONS: 1. Refer to the DC-ADM 804 for procedures on the inmate grievance system. 2. State your grievance in Block A in a brief and understandable manner. 3. List in Block B the specific actions you have taken to resolve this matter informally. Be sure to include the identity of staff members you have contacted.		
<p>A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.</p> <p>On April 4, 2002, per my request Mr. Mike McClure, Official Record's Office Specialist found an error in my pre-commitment credit time which he corrected and now sets my effective date as December 6, 1986 and my Maximum date as December 6, 2002. I have no problem with the effective date, that is correct. My problem now exist with my maximum date. On April 13, 2002, per my request I received a new status sheet from Mr. Mike McClure, Official Record's Office Specialist which still remains in error, because the expiration of my maximum date should be December 5, 2002, instead of December 6, 2002. On April 14, 2002, I submitted a request to Mr. Mike McClure, Official Record's Office Specialist regarding my maximum date still being in error, but my request was denied and my maximum date remains uncorrected. You can not have my effective date the same as my maximum date. For an example, One (1) year exist of three hundred and sixty-five (365) days which would start on December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. In my calculation of sixteen (16) years would start on the effective date of December 6, 1986 and expire at 11:59 p.m. on December 5, 2002. We must realize that one must not exceed his maximum date by law.</p> <p>(See Attached Additional Paper)</p>		
<p>B. List actions taken and staff you have contacted, before submitting this grievance. Attach the copy of the DC-135A with the staff member's response of your informal resolution attempt.</p> <p>I have submitted a copy of the request slip to Superintendent John M. McCullough on April 14, 2002, regarding the above matter, and it still remains unresolved.</p>		

Your grievance has been received and will be processed in accordance with DC-ADM 804.

*Kathy Emel*  
Signature of Facility Grievance Coordinator

*4/22/02*  
Date

In Commonwealth v. Casanove, 748 A.2d 205, 207 (Pa. Super. 2002), This Court held that a "year" is defined as "a period of 365 or 366 days, in the gregorian calendar, divided into 12 calendar months...."

In applying Fenati to the case sub judice, we follow the Supreme Court's lead that a calendar year encompasses 365 days, or 366 days in a leap year, beginning at any given point of the calendar. Accord: Bethlehem Steel Corp v. W.C.A.B. (ZIMA), 777 A.2d 1245, 1248 [2] (Pa. Cmwlth. 2001).

If you calculate three hundred and sixty-five (365) days starting from December 6, 2001 you will end up on December 5, 2002. You can not exceed my maximum date of December 5, 2002, at 11:59 p.m..

Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: U.S.C.A. Const. Amend. 8. Accord: Homoki v. Northampton County, 86 F.3d 324 (3rd Cir. 1996); quoting, Sample v. Diecks, 885 F.2 1099 C.A.3 (Pa. 1989); London v. PA. Bd. of Probation & Parole, 135 F.Supp.2d 612, 614 (E.D. Pa. 2001).

In the event my maximum date is not corrected to reflect December 5, 2002, each and every defendant mentioned herein and thereafter that has personal and direct knowledge of this constitutional violation will then be violating my United States Constitutional Guaranteed Rights under Amendment 5th, 8th, and 14th, and the Pennsylvania Constitution Article 1, Section 1, 9, and 13. which constitutes unlawful confinement and will be sued in their individual and official capacity and will be liable for all damages in the excessive of \$50,000.00 dollars per each individual prison official for punitive and compensatory damages.

For the above foregoing reasons, I request that you direct and order Mr. Mike McClure, Official Record's Office Specialist to correct my status sheet to reflect Thursday, December 5, 2002, so I am released within the last day of my maximum date and issue me a new status sheet accordingly.

Sincerely,

  
Glenn Leroy, Null, Sr.,

DC-804  
Part 2COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001OFFICIAL INMATE GRIEVANCE  
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

18811

AK-9541

TO: (Inmate Name & DC No.) <i>Glenn Null, Sr.</i>	FACILITY <i>SCI-Houtzdale</i>	HOUSING LOCATION <i>JB-33</i>	GRIEVANCE DATE <i>4/20/02</i>
--	----------------------------------	----------------------------------	----------------------------------

The following is a summary of my findings regarding your grievance:

*Mr. Null,*

*I cannot change the computer calculation of your max date and I cannot change DOC policy regarding the time of day you will be released. Your grievance is denied.*

Cc: Superintendent McCullough  
Superintendent's Assistant  
Deputies (2)  
Majors (2)  
DC15  
File

Print Name and Title of Grievance Officer

*Vickie Henry, IRS*

SIGNATURE OF GRIEVANCE OFFICER

*Vickie Henry*

DATE

*4/23/02*

EXHIBIT "E"



DATE: April 25, 2002  
SUBJECT: Appeal of Grievance #HOU-18811-2002.  
FROM: Glenn Leroy Null, Sr., AK-9541  
B-33  
TO: John M. McCullough, Jr.  
Superintendent

Appeal

RECEIVED SUPERINTENDENT OFF.  APR 26 2002  SCI-HOUTZDALE PO BOX 1000 HOUTZDALE PA
---

This is an appeal to the Superintendent John M. McCullough from the decision rendered by the Facility Grievance Officer Ms. Vickie Henry who denied my grievance. I have received the Facility Grievance Officer Ms. Vickie Henry's decision through institution mail on April 25, 2002.

### STATEMENT OF FACTS

The Facility Grievance Officer Ms. Vickie Henry's decision denying my grievance for relief is in error, because:

On April 4, 2002, per my request Mr. Mike McClure, Official Record's Office Specialist found an error in my pre-commitment credit time which he corrected and now sets my effective date as December 6, 1986 and my maximum date as December 6, 2002. I have no problem with the effective date, that is correct. My problem now exist with my maximum date. On April 13, 2002, per my request I received a new status sheet from Mr. Mike McClure, Official Record's Office Specialist which still remains in error, because the expiration of my maximum date should be December 5, 2002, instead of December 6, 2002. On April 14, 2002, I submitted a request to Mr. Mike McClure, Official Record's Office Specialist regarding my maximum date still being in error, but my request was denied and my maximum date remains uncorrected. You can not have my effective date the same as my maximum date. For an example,, one (1) year exist of three hundred and sixty-five (365) days which would start on December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. We must realize that one must not exceed his maximum date by law.

In Commonwealth v. Casanove, 748 A.2d 205, 207 (Pa. Super. 2002), This Court held that a "year" is defined as "a period of 365 or 366 days, in the gregorian calendar, divided into 12 calendar months...."

In applying Fenati to the case sub judice, we follow the Supreme Court's lead that a calendar year encompasses 365 days, or 366 days in a leap year, beginning at any given point of the calendar. Accord: Bethlehem Steel Corp v. W.C.A.B. (ZIMA), 777 A.2d 1245, 1248 [2] (Pa. Cmwlth. 2001).

Page 2, of Appeal.

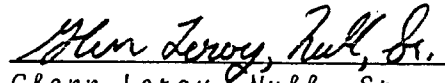
If you calculate three hundred and sixty-five (365) days starting from December 6, 2001 you will end up on December 5, 2002. You can not exceed my maximum date of December 5, 2002, at 11:59 p.m..

Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: U.S.C.A. Const. Amend. 8. Accord: Homoki v. Northampton County, 86 F.3d 324 (3rd. Cir. 1996); quoting, Sample v. Diecks, 885 F.2d 1099 C.A.3 (Pa. 1989); London v. PA. Bd. of Probation & Parole, 135 F.Supp.2d 612, 614 (E.D. Pa. 2001).

In the event my maximum date is not corrected to reflect December 5, 2002, and released on that date, each and every defendant mentioned herein and thereafter that has personal and direct knowledge of this constitutional violation will then be violating my United States Constitutional Guaranteed Rights under Amendments 5th, 8th, and 14th, and the Pennsylvania Constitution Article 1, Sections 1, 9, and 13 which constitutes unlawful confinement and will be sued in their individual and official capacity and will be liable for all damages in the excessive of \$50,000.00 dollars per each individual prison official for punitive and compensatory damages.

For the above foregoing stated facts and reasons, I request that you reverse Ms. Vickie Henry's decision and direct or order her to correct the expiration of my maximum date of December 5, 2002, so I am released on or before 11:59 p.m. of my maximum date and issue me a new status sheet accordingly.

Sincerely,

  
Glenn Leroy, Null, Sr.,

COMMONWEALTH OF PENNSYLVANIA  
Department of Corrections  
State Correctional Institution at Houtzdale  
Office of the Superintendent  
April 26, 2002

**SUBJECT:** Appeal of Grievance #18811

**TO:** Glenn Null, AK9541

JB-33

**FROM:** John M. McCullough  
Superintendent

Your max date is correctly computed.

Grievance appeal is denied.

JMM:mlb

c: Deputy Tatum  
Deputy Patrick  
Major U.M.  
Major Barone  
Ms. Emel  
Ms. Henry  
Case Record  
file

DATE: April 27, 2002

SUBJECT: Final Appeal of Grievance #HOU-18811-2002

FROM: Glenn Leroy, Null, Sr., AK-9541  
SCI-Houtzdale, JB-33

TO: Chief, Secretary's Office

This is a final appeal to the Chief, Secretary's Office from the decisions rendered by the Facility Grievance Officer Ms. Vickie Henry, on April 23, 2002, and John M. McCullough, Superintendent on April 26, 2002 who denied my grievance for said relief. I received the Superintendent John M. McCullough's decision through institutional mail on April 27, 2002.

#### STATEMENT OF FACTS

The Facility Grievance Officer Ms. Vickie Henry's and John M. McCullough, Superintendent's decisions denying my grievance for said relief is erroneous, because;

On April 4, 2002, per my request Mr. Mike McClure, Official Record's Office Specialist found an error in my pre-commitment credit time which he corrected and now sets my effective date as December 6, 1986 and my maximum date as December 6, 2002. Those actual dates total sixteen (16) years and one (1) day. My maximum sentence is sixteen (16) years. I have no problem with the effective date, that is correct. My problem now exist with my maximum date. On April 13, 2002, per my request I received a new status sheet from Mr. Mike McClure, Official Record's Office Specialist which still remains in error, because the expiration of my maximum date should reflect December 5, 2002, instead of December 6, 2002. See: Exhibit "A", Calculation Time Sheet. On April 14, 2002, I submitted a request to Mr. Mike McClure, Official Record's Office Specialist regarding my maximum date still being in error, but my request was denied and my maximum date still remains uncorrected. You can not have my effective date the same as my maximum date. For an example, one year exist of three hundred and sixty-five (365) days which would commence on December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. We must realize that one must not exceed his lawful maximum date by law. This violation will also denied me my right to be at liberty at 12:00 a.m. on December 6, 2002 and by confining be beyond that date and time would constitute false imprisonment.

The Facility Grievance Officer Ms. Vickie Henry and John M. McCullough, Superintendent denied my grievance and appeal to correct the expiration of my maximum date to reflect December 5, 2002, by claiming that their Computer Calculation Machine sets the maximum date. Maybe the Department of Corrections needs to up-date their Computer Calculation Machines to prevent these errors in the future.

In Commonwealth v. Casanove, 748 A.2d 205, 207 (Pa. Super. 2002), This Court held that a "year" is defined as "a period of 365 or 366 days, in the gregorian calendar, divided into 12 calendar months...."

In applying Fenati to the case sub judice, we follow the Supreme Court's lead that a calendar year encompasses 365 days, or 366 days in a leap year, beginning at any given point of the calendar. Accord: Bethlehem Steel Corp v. W.C.A.B. (ZIMA), 777 A.2d 1245, 1248 [2] (Pa. Cmwlth. 2001).

If you calculate three hundred and sixty-five (365) days commencing on December 6, 2001 you will end up on December 5, 2002, at 11:59 p.m..

Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: U.S.C.A. Const. Amend. 8. Accord: Homoki v. Northampton County, 86 F.3d 324 (3rd. Cir. 1996); quoting, Sample v. Diecks, 885 F.2d 1099 C.A.3 (Pa. 1989); London v. PA. Bd. of Probation & Parole, 135 F.Supp.2d 612, 614 (E.D. Pa. 2001).

In the event my maximum date is not corrected to reflect December 5, 2002, and I am not released on said date, each and every defendant mentioned herein and thereafter that has personal and direct knowledge of this constitutional violation will then be violating my United States Constitutional Guaranteed Rights (protected against unlawful confinement) under Amendments 5th, 8th, and 14th, and the Pennsylvania Constitution Article 1, Sections 1, 9, and 13 which protects one against unlawful confinement and will be sued in their individual and official capacity and will be liable for all damages in the excessive of \$50,000.00 dollars per each individual prison official for punitive and compensatory damages.

For the above foregoing stated facts and reasons, I request that you as the Chief Secretary grant my appeal and reverse John M. McCullough, Superintendent and the Facility Grievance Officer Ms. Vickie Henry's decisions and remand directing and ordering the Official Record's Office Supervisor Ms. Vickie Henry and John M. McCullough, Superintendent to correct the expiration of my maximum date to reflect December 5, 2002, so I am released on or before 11:59 p.m. of my actual maximum date and issue me a new status sheet reflecting that date accordingly.

Sincerely,

  
Glenn Leroy Null, Sr.

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**D. Appeal to Secretary's Office of Inmate Grievances and Appeals**

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**1. Inmate Responsibilities**

- a. The decision from appeal to the Facility Manager must be received by the inmate before an appeal to the Secretary's Office of Inmate Grievances and Appeals can be sought.
- b. Any inmate who is dissatisfied with the disposition of an appeal from the Facility Manager, may submit an appeal to the Secretary's Office of Inmate Grievances and Appeals, within five working days of receiving the decision. Only issues appealed to the Facility Manager may be appealed at this level.
- c. Exceptions to the five day filing requirement will be made **only** where the inmate notifies the Secretary's Office of Inmate Grievances and Appeals of the reason for the delay and it is determined that the delay in filing was caused by:
  - (1) a temporary transfer from the institution where the grievance should have been filed;
  - (2) a permanent transfer to another institution from the institution where the grievance should have been filed;
  - (3) Authorized Temporary Absence (ATA) for an extended period; or
  - (4) other delays with mail delivery.
- d. If it is determined that a delay was caused by one of the circumstances listed in this paragraph, a reasonable extension of time for filing the formal grievance shall be permitted.
- e. An appeal at this level may not be permitted until the inmate has complied with all procedures established for Initial Review and Appeal to Facility Manager. **(See Sections VI. B and VI. C. above.)**
- f. The text of the appeal shall be legible, presented in a courteous manner, and the statement of facts shall not exceed two pages.
- g. All appeals to the Secretary's Office of Inmate Grievances and Appeals must be addressed to the following:

**Chief, Secretary's Office of Inmate Grievances and Appeals  
Department of Corrections  
2520 Lisburn Road, P. O. Box 598  
Camp Hill, PA 17001-0598**

Failure to properly address the appeal will delay the process.

- h. Inmates appealing to final review are responsible for providing the Secretary's Office of Inmate Grievances and Appeals with all available paperwork relevant to the appeal. A proper appeal to final review should include photocopies of the initial grievance, Initial Review, Initial Review Response, and the Appeal to

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Facility Manager along with the Facility Manager's decision. Failure to provide the proper documentation may result in the grievance being dismissed.

- i. Indigent inmates as defined in Department policy **DC-ADM 803, "Inmate Mail and Incoming Publications,"** shall be afforded copy service in accordance with Department policy **DC-ADM 803, "Inmate Mail and Incoming Publications,"(Section VI. C. 2. a (3))** up to a maximum of \$10.00 per month and all monies received in the inmate's account shall be used to pay for the cost of the copies in accordance with Department policy **DC-ADM 803, "Inmate Mail and Incoming Publications,"(Section VI. C. 2. a (4))**. Non-indigent inmates shall incur copying charges in accordance with Department policy **3.4.5, "Photocopying Charges for Inmates."**

## 2. Staff Responsibilities

- a. The Secretary's Office of Inmate Grievances and Appeals will ensure that:
  - (1) appeals to final review are responded to within 30 working days; and
  - (2) appeals and responses are properly maintained in the Automated Inmate Grievance Tracking System.
- b. Upon request, the Facility Manager will forward to the Secretary's Office of Inmate Grievances and Appeals a copy of any formal investigation related to a grievance and conducted by the security office.
- c. The Secretary's Office of Inmate Grievances and Appeals will review the initial grievance and response, the Appeal to the Facility Manager and response, any investigative reports and the appeal to final review.
- d. The Secretary's Office of Inmate Grievances and Appeals may review appeals with the relevant bureau (i.e., health care issues with the Bureau of Health Care Services, education issues with the Bureau of Corrections Education, etc.).
- e. Upon completion of the review, the Secretary's Office of Inmate Grievances and Appeals will respond directly to the inmate in all cases.
- f. The Secretary's Office of Inmate Grievances and Appeals will issue a decision within 30 working days after receipt of an appeal. The decision may consist of upholding the decision, modification, reversal, remand, or reassignment for further fact-finding, and must include a brief statement of the reasons for the decision. The Chief/designee, Secretary's Office of Inmate Grievances and Appeals, shall notify the inmate and the Facility Manager of the decision and rationale. If the decision consists of modifying, reversing, or remanding the grievance, or if the inmate is placed on a grievance restriction, the appropriate Deputy Secretary shall also be notified. In instances where a determination of frivolousness is appealed, the Facility Grievance Coordinator shall also be notified.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

GLENN NULL SR.,	:	
Plaintiff,	:	CIVIL ACTION-MANDAMUS
VS.	:	
	:	
JOHN M. McCULLOUGH, SUPT.;	:	JURY TRIAL DEMANDED
VICKIE HENRY, OFFICIAL RECORD'S	:	TRIAL REFERENCE REQUEST
OFFICE SUPERVISOR;	:	
MIKE McCLURE, OFFICIAL RECORD'S	:	
OFFICE SPECIALIST, ET AL.,	:	NO.
Defendants.	:	

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

DAVID S. MEHOLICK  
COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURT HOUSE  
230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830  
PHONE NUMBER: (814) 765-2641, ext. 5982

Dated: July 10, 2002.

BY: /s/ GLENN NULL SR.  
GLENN NULL SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

GLENN NULL, SR.,	:	
Plaintiff,	:	CIVIL ACTION-MANDAMUS
VS.	:	
	:	
JOHN M. McCULLOUGH, SUPT.;	:	JURY TRIAL DEMANDED
VICKIE HENRY, OFFICIAL RECORD'S	:	TRIAL REFERENCE REQUEST
OFFICE SUPERVISOR;	:	
MIKE McCLURE, OFFICIAL RECORD'S	:	
OFFICE SPECIALIST, ET AL.,	:	NO.
Defendants.	:	

CIVIL ACTION COMPLAINT IN MANDAMUS

INTRODUCTION

This Civil Action Complaint In Mandamus is filed against the above named defendants to compel the performance of their mandatory administrative duty to correct those inaccurate records under their direct supervision and control pursuant to 18 Pa. C.S.A. Section 9101 et. seq. and for damages and costs pursuant to 42 Pa. C.S.A. Section 8303.

JURISDICTIONAL STATEMENT

1. This court has exclusive original jurisdiction over this Civil Action Complaint In Mandamus pursuant to 42 Pa. C.S.A. §931(a) and via Pa. R.Civ.Proc. 1091; and to grant all relief as is right, just and equitable.
2. A trial by jury on all facts in dispute is respectfully demanded and trial preference is respectfully requested.

PARTIES TO THIS ACTION

3. Plaintiff, GLENN NULL SR., is a citizen of the Commonwealth of Pennsylvania and of the United States with his present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

4. Defendant, JOHN M. McCULLOUGH is employed as the Superintendent at SCI-Houtzdale who is a citizen of the Commonwealth of Pennsylvania and of the United States with his present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

5. Defendant, VICKIE HENRY is employed as the Official Record's Office Supervisor at SCI-Houtzdale who is a citizen of the Commonwealth of Pennsylvania and of the United States with her present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

6. Defendant, MIKE McCLURE is employed as an Official Record's Office Specialist at SCI-Houtzdale who is a citizen of the Commonwealth of Pennsylvania and of the United States with his present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

### STATEMENT OF FACTS

7. On December 15, 1986, Plaintiff in COMMONWEALTH v. GLENN NULL, CP. #345-CA-1986 (York County), was sentenced to a term of incarceration of no less than eight (8) years nor no more than sixteen (16) years with pre-commitment time credit of nine (9) days to set his maximum day of confinement at December 5, 2002. (See: Court's sentencing order attached hereto as exhibit "A").

8. Thereafter, and following the receipt of a new institutional status summary sheet, Defendants set Plaintiff's maximum date of confinement at December 6, 2002. (See: Defendants institutional status summary sheet dated April 11, 2002 and attached hereto as exhibit "B").

9. On April 14, 2002, Plaintiff, via Pa. Department of Corrections official request to staff slip, contacted Defendants MIKE McCLURE, as well as Defendant JOHN McCULLOUGH, and advised them that their institutional status summary sheet was inaccurate via the expiration of my maximum date; and should reflect December 5, 2002, rather than December 6, 2002. Plaintiff requested the correction of their records.

10. On April 19, 2002, however, Defendants McCullough and McClure refused to correct those inaccurate records and stated: "Glenn our calculation that we just sent you is correct". (See: Attached exhibit "C").

11. On April 20, 2002, Plaintiff then filed a grievance to correct the maximum date to reflect December 5, 2002, rather than December 6, 2002. (See: Attached exhibit "D").

12. On April 23, 2002, however, Defendant VICKIE HENRY denied plaintiff's grievance to correct inaccurate records. (See: Attached exhibit "E").

13. On April 25, 2002, Plaintiff appealed the denial of his grievance to Defendant McCULLOUGH who on April 26, 2002 affirmed the denial of Plaintiff's grievance. (See: Attached exhibit "F").

14. On April 27, 2002, Plaintiff appealed the denial and affirmation of the denial of his grievance to the Chief Secretary's Office of the Pa. Department of Corrections for final review. (See: exhibit "G" attached hereto).

15. As of this date, however, the Chief Secretary's Office of Appeals has failed to respond to the same as they were required to do within thirty (30) working days of their receipt of the same pursuant to DC-ADM-804 (D 2(a)(1) & (f)). (See: Exhibit "H" attached hereto).

### FIRST CAUSE OF ACTION

16. That Paragraphs 1 through 15 above are incorporated herein by reference as though fully set forth.

17. That Defendants had the mandatory administrative duty as a "Criminal Justice Agency" under 18 Pa. C.S.A. section 9101 et seq., to timely create and maintain accurate records. This Duty, however, Defendants have failed to perform by maintaining an inaccurate record regarding plaintiff's maximum date of confinement.

### SECOND CAUSE OF ACTION

18. That Paragraphs 1 through 17 are incorporated herein by reference as though fully set forth.

19. That Defendants have the mandatory administrative duty as a "Criminal Justice Agency" under 18 Pa. C.S.A. section 9101 et seq., to correct any and all inaccurate records under their direct supervision and control. However, and even after Plaintiff requested Defendants to correct his maximum date of confinement Defendants refused, and to date are refusing, to perform their mandatory ministerial administrative duties.

#### INDEPENDENT INTEREST

20. That Plaintiff has a direct interest in the correction of this inaccurate record that is separate and distinct from the public in that Plaintiff will be confined over his lawful maximum date of confinement if Defendants are not compelled to correct those inaccurate records under their direct supervision and control.

21. That Plaintiff has no other means or remedy available to compel Defendants to perform their mandatory administrative duty.

#### RELIEF REQUESTED

WHEREFORE, and based on the foregoing, this Honorable Court is hereby respectfully requested to:

A. Find that Defendants had and have the mandatory ministerial administrative duty to timely create and maintain accurate records, as well as to correct those inaccurate records, under their direct supervision and control, pursuant to 18 Pa. C.S.A. section 9101 et seq., but have failed and are refusing to perform those duties; to

B. Find that Defendants calculation of Plaintiff's maximum term of incarceration is inaccurate, viz, that the maximum date of confinement should be December 5, 2002 rather than December 6, 2002; to

C. Issue an order in Mandamus directing Defendants to perform their mandatory ministerial administrative duties and correct those inaccurate records under their direct supervision and control, as referenced herein; to

D. Award Plaintiff damages and costs against each and every Defendant, pursuant to 42 Pa. C.S.A. section 8303, for their failure and refusal to perform their mandatory administrative duties; and

E. Grant Plaintiff such other relief as would be right, just and equitable, as well as to preclude a multiplicitous of proceedings.

Dated: July 10, 2002

By: /s/ GLENN NULL SR.

GLENN NULL SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000

VERIFICATION

I, GLENN NULL, SR., do hereby verify that the facts set forth in the above Civil Action Complaint In Mandamus are true and correct to the best of my personal knowledge, information and belief, and that any false statements herein are made subject to the penalties of Section 4904 of the Crimes Code (18 Pa. C.S. §4904), relating to unsworn falsification to authorities.

Respectfully submitted,

Dated: July 10, 2002.

/s/ GLENN NULL SR.

GLENN NULL, SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000

**IN THE COURT OF COMMON PLEAS  
OF YORK COUNTY — CRIMINAL DIVISION**

COMMONWEALTH  
Vs  
GLENN L. NULL

NO. 345 CRIMINAL ACTION 19 86.

- 1) Kidnapping
- 2) Rape

JUSTICE: Mildred Hunt Becker

John J. Allen Smith ESQ.:  
INTERESTED APPEARANCE OF NOT GUILTY  
INTERESTED CASE REMAINDER FOR May/June 1986  
TERM OF COURT.

January 31, 1986 - Petition for Reduction of Bail  
filed. Hearing scheduled for February 4, 1986 at  
1:15PM. (See Order) Miller, Judge.

February 5, 1986 - Petition refused. (See Order)  
Miller, Judge.

March 14, 1986 - Petition for and Motion to Compel  
Pre-Trial Discovery filed.

May 28, 1986 - Notice of Alibi Defense filed.

May 19, 1986 - Motion for trial postpone-  
ment filed/order entered. (see order)  
Buckingham, S.J.

June 11, 1986 - Application for appointment  
of fingerprint expert and order hearing  
to be held on June 16, 1986 at 9:30 am.  
(see order) Miller, J.

June 16, 1986 - Refuse Application to Pay  
for any Finger Print Expert. Case continued  
until the August 1986 term. Rule 1100 waived.  
( See Order ) Miller, Judge

June 16, 1986 - Case continued until the Aug.

(See order) Miller, Judge

June 27, 1986 Application to Extend  
the Time for Commencement of Trial filed.

Rule returnable July 15, 1986 at  
10:00 A. M. (See Rule) Horn Judge

July 15, 1986 Application to Extend  
the Time for Trial granted. Case extended to  
August, 1986 Term of Court. Order filed  
August 6, 1986. Same date copy sent to  
each party or attorney of record (See Order)

Horn, Judge.

August 8, 1986 Order entered.  
(See Order) Rauhauser, Judge

Aug. 19, 1986 - Points for charge filed.

Aug. 21, 1986 - Reassignment for trial  
filed.

Aug. 21, 1986 0 Verdict - Guilty both  
counts.

Aug. 25, 1986 - Motions for new trial  
and arrest of judgment filed.

September 15, 1986 - Defendant's brief in support of motions  
for new trial and arrest of judgment filed.

COMMONWEALTH WITNESSES	JANUARY		FEBRUARY		MARCH		MAY		JULY		SEPTEMBER		NOVEMBER		TOTAL	
	Days	Miles	Days	Miles	Days	Miles	Days	Miles	Days	Miles	Days	Miles	Days	Miles	Doll's	Cts.
Wanda L. Davis																
Ordon Hughes																
Richard Turnamian																
Dr. Dennis Loose																
Dennis Williams																
William Farrell																
John Castellano																
Eric Daniels																
Off. Edw. Smith																

EXHIBIT "A"

Sept. 22, 1986 - Commonwealth's brief in opposition to post trial motions filed.

October 22, 1985 Opinion/Order filed - Motion for new trial/arrest of Judgment are refused Sentence - December 15, 1986 at 9:30AM Pre sentence (See order) Bucher, Sr. Judge

October 22, 1985 Order of Court filed same day written notice of entry thereof immediately given by ordinary mail to each party in the action or to his attorney of record

December 15, 1986 - Sent. Kidnapping - SCI 2 years to 4 years. Rape: SCI 6 years to 12 years, run consecutive. Petition denied to bail pay costs (See Order) Bucher, Sr. Judge

December 15, 1986 - Petition for Superseceas filed

Commitment issued

Jan. 12, 1987 - Notice of Appeal and Certification of Service filed.

Jan. 29, 1987 - Received Superior Ct. docket B00239HBGJ7

Jan. 27, 1987- Transcript of Proceedings filed.

Mar. 2, 1987 - Vol I and Vol. II of transcript of Proceedings lodged.

March 10, 1987 - Vol. I and Vol. II of transcript of Proceedings filed.

Mar. 10, 1987 - Transmitted to HBg.

April 27, 1987 Petition Under Post Conviction Hearing Act filed.

April 27, 1987 Petition not considered as case is on appeal. (See Order) Erb, J.

April 27, 1987 Order of Court filed. Same date, written notice of entry thereof immediately given by ordinary mail to each party in the action or to his attorney of record.

June 26, 1987 Order entered. (See Order) Erb, P.J.

August 26, 1987 Motion for release pending appeal filed Pro-Se, rule Returnable October 13, 1987 at 9:30 a.m.

(See Order) Erb, P.J.

August 31, 1987 Order issued. (See Order Chronister, Judge

September 1, 1987 Commonwealth's Answer to Motion for release pending appeal filed.

October 13, 1987 Request for bail pending appeal is refused and denied (See order) Erb, PJ

Jan. 21, 1988- Returned from Superior Ct. Judgement- Dec. 14, 1987 Judgement of Sentence is affirmed.

Jan. 29, 1988- Motion to modify is refused. & PCHA is refused. (See Order) Erb, PJ

March 22, 1988- Petition Under conviction Hearing Act. filed.

April 7, 1988- Order Issued. Steven Zorbaugh Esq. appointed counsel, examine petition & make any ammendments necessary then contact court for schedule of a hearing. (see Order) Erb, PJ

July 11, 1988- Petition for appt. of fingerprint expert, refused. (See Order) Erb, PJ

Aug. 30, 1988- Motion for expungement filed. Pro Se.

Sept. 7, 1988- Petition for expungement refused and denied. (See Order) Erb, PJ

Dec. 5, 1988- Pro Se application filed.

Dec. 29, 1988- Deft's request is refused & denied (See Order) Erb, PJ

Jan. 23, 1989 - Motion for expungement is refused. (See order) Erb, P.J.

April 6, 1989- PCHA Petition filed. Hearing May 1, 1989 @ 3:00pm. JEE

April 17, 1989- Transportation Order Issued. JHC.

April 21, 1989 - PCHA rescheduled for May 11, 1989 at 1:30 P.M. JEE.

May 11, 1989 - Order issued. JEE.

May 18, 1989 - Brief of deft. filed.

May 19, 1989 - Atty. fees filed.

DC-16E	SENTENCE STATUS SUMMARY	COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS
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### 1. REFERENCES AND IDENTIFICATION

DOC Number AK9541	Commitment Name GLENN L NULL	PBPP No 3071T	SID No 14401598	FBI Number 130881X9	Phila Photo #
Date of Birth 08/01/1961	Place of Birth YORK PA USA	Race W	Sex M		

### 2. SENTENCE SUMMARY

Sent Date	County	Indictments		Sent Type	Minimum			Maximum		
					Y	M	D	Y	M	D
12/15/1986	YORK	345 A/1986			2			4		
Plea:	Found Guilty	OTN: B4149810	Judge: BUCHER, WILSON							
Offense:	KIDNAPPING									
12/15/1986	YORK	345 B/1986		CS	6			12		
Plea:	Found Guilty	OTN: B4149810	Judge: BUCHER, WILSON							
Offense:	RAPE									

<b>Controlling Minimum Date</b>	12/06/1994		Reentered from Previous DOC#:	
<b>Controlling Maximum Date</b>	12/06/2002		<b>New Maximum - PV</b>	

<b>Non-incarcerated Offenses</b>
Comments:
<b>Summary or Remarks on Sentence</b>
VERSION CREATED TO SHOW CORRECTED CREDIT

### 3. SENTENCE STRUCTURE

<b>Commitment Credit</b>  1/28/86 TO 2/5/86
---

Item	Computation 1	Computation 2	----	-----
Indictments Included	345 A/1986 345 B/1986			
Effective Date	12/06/1986			
Expiration of Minimum	12/06/1994			
Expiration of Maximum	12/06/2002			
Custody for Return - PV				
Delinquent Time				
Backtime Credit				
Backtime Owed				
New Maximum - PV				
Sentence Computation Date	04/11/2002			
Basis for Computation	Credit Adjustment			
Total Sentence	8Y TO 16Y			
Status	Active			



#### 4. DETAINERS

Number	Date	From	Indict-Warrant Nos.	OTN	Type
None					

Detainer Remarks		
Detainer #	Date Deleted	Remarks (for those deleted since last DC16)
None		

#### 5. PRIOR DOC NUMBERS

None								
------	--	--	--	--	--	--	--	--

#### 6. FINES, COSTS AND RESTITUTION AT TIME OF RECEPTION

Date	County	Indictment	Fines	Costs	Restitution
12/15/1986	YORK	345 A/1986		\$1245.82	
12/15/1986	YORK	345 B/1986		\$1245.82	

#### 7. ACTIONS: BOARD OF PARDONS

Decision Date	File Number	Action	Comments

Last Modified by: mmccclure

Received on April 19, 2002

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) Mr. McClure, Record's Office		2. Date: April 14, 2002	
3. By: (Print Inmate Name and Number) Glenn Leroy, Null, Sr., AK-9541 <u>Glenn Leroy, Null, Sr.</u> Inmate Signature		4. Counselor's Name Mr. Rice	
		5. Unit Manager's Name Ms. Bailey	
6. Work Assignment Laundry		7. Housing Assignment JB-33	
8. Subject: State your request completely but briefly. Give details. Attention: Mr. McClure: This is an informal complaint regarding my erroneous maximum date of December 6, 2002. On April 04, 2002, per my request you found an error in my pre-commitment credit time which you corrected and now sets my effective date as December 6, 1986. I have no problem with the effective date, that is correct. My problem exist with my maximum date. My maximum date and only my maximum is in error, because the expiration of my maximum date should be December 5, 2002, instead of December 6, 2002. One (1) year exist of three hundred and sixty-five days which would start at the December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. In my calculation of sixteen (16) years would start on the effective date of December 6, 1986 and expire on December 5, 2002, at 11:59 p.m.. We must realize that one must not exceed his maximum date			
9. Response: (This Section for Staff Response Only)			
<p><i>Glenn Calculation</i> <i>Our we just</i> <i>that sent you is correct</i></p>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name \_\_\_\_\_ / \_\_\_\_\_ Date \_\_\_\_\_  
Print Sign





# "CALCULATION OF TIME"

Effective date:

December 6, 1986 to December 5, 1987, at 11:59 p.m., 1 yr.  
December 6, 1987 to December 5, 1988, at 11:59 p.m., 2 yrs.  
December 6, 1988 to December 5, 1989, at 11:59 p.m., 3 yrs.  
December 6, 1989 to December 5, 1990, at 11:59 p.m., 4 yrs.  
December 6, 1990 to December 5, 1991, at 11:59 p.m., 5 yrs.  
December 6, 1991 to December 5, 1992, at 11:59 p.m., 6 yrs.  
December 6, 1992 to December 5, 1993, at 11:59 p.m., 7 yrs.  
December 6, 1993 to December 5, 1994, at 11:59 p.m., 8 yrs.  
December 6, 1994 to December 5, 1995, at 11:59 p.m., 9 yrs.  
December 6, 1995 to December 5, 1996, at 11:59 p.m., 10 yrs.  
December 6, 1996 to December 5, 1997, at 11:59 p.m., 11 yrs.  
December 6, 1997 to December 5, 1998, at 11:59 p.m., 12 yrs.  
December 6, 1998 to December 5, 1999, at 11:59 p.m., 13 yrs.  
December 6, 1999 to December 5, 2000, at 11:59 p.m., 14 yrs.  
December 6, 2000 to December 5, 2001, at 11:59 p.m., 15 yrs.  
December 6, 2001 to December 5, 2002, at 11:59 p.m., 16 yrs.  
My maximum date expire now on December 5, 2002, at 11:59 p.m..

Status sheet issued on April 11, 2002, is still in error, because maximum date on status sheet reflects December 6, 2002, instead of December 5, 2002. The effective date of December 6, 1986 is correct because I did nine (9) days in the county jail during my arrest from January 28 1986 to February 5, 1986 totals nine (9) days.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

18811  
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR <b>Ms. Kathy Emel</b>	FACILITY: <b>SCI-Houtzdale</b>	DATE: <b>April 20, 2002</b>
FROM: (INMATE NAME & NUMBER) <b>Glenn Leroy, Null, Sr., AK-9541</b>	SIGNATURE of INMATE: <i>Glenn Leroy, Null, Sr.</i>	
WORK ASSIGNMENT: <b>Laundry</b>	HOUSING ASSIGNMENT: <b>JB-33</b>	
INSTRUCTIONS: 1. Refer to the DC-ADM 804 for procedures on the inmate grievance system. 2. State your grievance in Block A in a brief and understated manner. 3. List in Block B the specific actions you have taken to resolve this matter informally. Be sure to include the identity of staff members you have contacted.		
<p>A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.</p> <p>On April 4, 2002, per my request Mr. Mike McClure, Official Record's Office Specialist found an error in my pre-commitment credit time which he corrected and now sets my effective date as December 6, 1986 and my Maximum date as December 6, 2002. I have no problem with the effective date, that is correct. My problem now exist with my maximum date. On April 13, 2002, per my request I received a new status sheet from Mr. Mike McClure, Official Record's Office Specialist which still remains in error, because the expiration of my maximum date should be December 5, 2002, instead of December 6, 2002. On April 14, 2002, I submitted a request to Mr. Mike McClure, Official Record's Office Specialist regarding my maximum date still being in error, but my request was denied and my maximum date remains uncorrected. You can not have my effective date the same as my maximum date. For an example, One (1) year exist of three hundred and sixty-five (365) days which would start on December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. In my calculation of sixteen (16) years would start on the effective date of December 6, 1986 and expire at 11:59 p.m. on December 5, 2002. We must realize that one must not exceed his maximum date by law.</p> <p>(See Attached Additional Paper)</p>		
<p>B. List actions taken and staff you have contacted, before submitting this grievance. Attach the copy of the DC-135A with the staff member's response of your informal resolution attempt.</p> <p>I have submitted a copy of the request slip to Superintendent John M. McCullough on April 14, 2002, regarding the above matter, and it still remains unresolved.</p>		

Your grievance has been received and will be processed in accordance with DC-ADM 804.

*Kathy Emel*  
Signature of Facility Grievance Coordinator.

*4/22/02*  
Date

EXHIBIT "D"

WHITE - Facility Grievance Coordinator Copy    CANARY - File Copy    PINK - Action Return Copy    GOLDENROD - Inmate Copy

In Commonwealth v. Casanove, 748 A.2d 205, 207 (Pa. Super. 2002), This Court held that a "year" is defined as "a period of 365 or 366 days, in the gregorian calendar, divided into 12 calendar months...."

In applying Fenati to the case sub judice, we follow the Supreme Court's lead that a calendar year encompasses 365 days, or 366 days in a leap year, beginning at any given point of the calendar. Accord: Bethlehem Steel Corp v. W.C.A.B. (ZIMA), 777 A.2d 1245, 1248 [2] (Pa. Cmwlth. 2001).

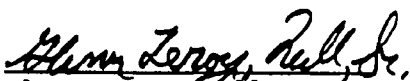
If you calculate three hundred and sixty-five (365) days starting from December 6, 2001 you will end up on December 5, 2002. You can not exceed my maximum date of December 5, 2002, at 11:59 p.m..

Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: U.S.C.A. Const. Amend. 8. Accord: Homoki v. Northampton County, 86 F.3d 324 (3rd Cir. 1996); quoting, Sample v. Diecks, 885 F.2 1099 C.A.3 (Pa. 1989); London v. PA. Bd. of Probation & Parole, 135 F.Supp.2d 612, 614 (E.D. Pa. 2001).

In the event my maximum date is not corrected to reflect December 5, 2002, each and every defendant mentioned herein and thereafter that has personal and direct knowledge of this constitutional violation will then be violating my United States Constitutional Guaranteed Rights under Amendment 5th, 8th, and 14th, and the Pennsylvania Constitution Article 1, Section 1, 9, and 13. which constitutes unlawful confinement and will be sued in their individual and official capacity and will be liable for all damages in the excessive of \$50,000.00 dollars per each individual prison official for punitive and compensatory damages.

For the above foregoing reasons, I request that you direct and order Mr. Mike McClure, Official Record's Office Specialist to correct my status sheet to reflect Thursday, December 5, 2002, so I am released within the last day of my maximum date and issue me a new status sheet accordingly.

Sincerely,

  
Glenn Leroy, Null, Sr.,

DC-804  
Part 2COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001OFFICIAL INMATE GRIEVANCE  
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

18811

AK-9541

TO: (Inmate Name & DC No.) <i>Glen Null, Sr.</i>	FACILITY SCI-Houtzdale	HOUSING LOCATION <i>JB-33</i>	GRIEVANCE DATE <i>4/20/02</i>
---	---------------------------	----------------------------------	----------------------------------

The following is a summary of my findings regarding your grievance:

*Mr. Null,*

*I cannot change the computer calculation of your max date and I cannot change DOC policy regarding the time of day you will be released. Your grievance is denied.*

Cc: Superintendent McCullough  
Superintendent's Assistant  
Deputies (2)  
Majors (2)  
DC15  
File

Print Name and Title of Grievance Officer <i>Vickie Henry, IRS</i>	SIGNATURE OF GRIEVANCE OFFICER <i>Vickie Henry</i>	DATE <i>4/23/02</i>
---	---	------------------------

EXHIBIT "E"



DATE: April 25, 2002  
SUBJECT: Appeal of Grievance #HOU-18811-2002.  
FROM: Glenn Leroy Null, Sr., AK-9541  
B-33  
TO: John M. McCullough, Jr.  
Superintendent

**Appeal**

RECEIVED  
SUPERINTENDENT OFF.

APR 26 2002

SCI-HOUTZDALE  
PO BOX 1000 HOUTZDALE PA

This is an appeal to the Superintendent John M. McCullough from the decision rendered by the Facility Grievance Officer Ms. Vickie Henry who denied my grievance. I have received the Facility Grievance Officer Ms. Vickie Henry's decision through institution mail on April 25, 2002.

### STATEMENT OF FACTS

The Facility Grievance Officer Ms. Vickie Henry's decision denying my grievance for relief is in error, because:

On April 4, 2002, per my request Mr. Mike McClure, Official Record's Office Specialist found an error in my pre-commitment credit time which he corrected and now sets my effective date as December 6, 1986 and my maximum date as December 6, 2002. I have no problem with the effective date, that is correct. My problem now exist with my maximum date. On April 13, 2002, per my request I received a new status sheet from Mr. Mike McClure, Official Record's Office Specialist which still remains in error, because the expiration of my maximum date should be December 5, 2002, instead of December 6, 2002. On April 14, 2002, I submitted a request to Mr. Mike McClure, Official Record's Office Specialist regarding my maximum date still being in error, but my request was denied and my maximum date remains uncorrected. You can not have my effective date the same as my maximum date. For an example,, one (1) year exist of three hundred and sixty-five (365) days which would start on December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. We must realize that one must not exceed his maximum date by law.

In Commonwealth v. Casanove, 748 A.2d 205, 207 (Pa. Super. 2002), This Court held that a "year" is defined as "a period of 365 or 366 days, in the gregorian calendar, divided into 12 calendar months...."

In applying Fenati to the case sub judice, we follow the Supreme Court's lead that a calendar year encompasses 365 days, or 366 days in a leap year, beginning at any given point of the calendar. Accord: Bethlehem Steel Corp v. W.C.A.B. (ZIMA), 777 A.2d 1245, 1248 [2] (Pa. Cmwlth. 2001).

Page 2, of Appeal.

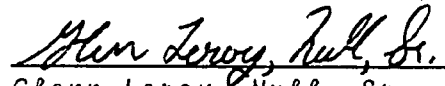
If you calculate three hundred and sixty-five (365) days starting from December 6, 2001 you will end up on December 5, 2002. You can not exceed my maximum date of December 5, 2002, at 11:59 p.m..

Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: U.S.C.A. Const. Amend. 8. Accord: Homoki v. Northampton County, 86 F.3d 324 (3rd. Cir. 1996); quoting, Sample v. Diecks, 885 F.2d 1099 C.A.3 (Pa. 1989); London v. PA. Bd. of Probation & Parole, 135 F.Supp.2d 612, 614 (E.D. Pa. 2001).

In the event my maximum date is not corrected to reflect December 5, 2002, and released on that date, each and every defendant mentioned herein and thereafter that has personal and direct knowledge of this constitutional violation will then be violating my United States Constitutional Guaranteed Rights under Amendments 5th, 8th, and 14th, and the Pennsylvania Constitution Article 1, Sections 1, 9, and 13 which constitutes unlawful confinement and will be sued in their individual and official capacity and will be liable for all damages in the excessive of \$50,000.00 dollars per each individual prison official for punitive and compensatory damages.

For the above foregoing stated facts and reasons, I request that you reverse Ms. Vickie Henry's decision and direct or order her to correct the expiration of my maximum date of December 5, 2002, so I am released on or before 11:59 p.m. of my maximum date and issue me a new status sheet accordingly.

Sincerely,

  
Glenn Leroy, Null, Sr.,

COMMONWEALTH OF PENNSYLVANIA  
Department of Corrections  
State Correctional Institution at Houtzdale  
Office of the Superintendent  
April 26, 2002

**SUBJECT:** Appeal of Grievance #18811

**TO:** Glenn Null, AK9541

JB-33

**FROM:** John M. McCullough  
Superintendent

Your max date is correctly computed.

Grievance appeal is denied.

JMM:mlb

c: Deputy Tatum  
Deputy Patrick  
Major U.M.  
Major Barone  
Ms. Emel  
Ms. Henry  
Case Record  
file

DATE: April 27, 2002

SUBJECT: Final Appeal of Grievance #HOU-18811-2002

FROM: Glenn Leroy, Null, Sr., AK-9541  
SCI-Houtzdale, JB-33

TO: Chief, Secretary's Office

This is a final appeal to the Chief, Secretary's Office from the decisions rendered by the Facility Grievance Officer Ms. Vickie Henry, on April 23, 2002, and John M. McCullough, Superintendent on April 26, 2002 who denied my grievance for said relief. I received the Superintendent John M. McCullough's decision through institutional mail on April 27, 2002.

#### STATEMENT OF FACTS

The Facility Grievance Officer Ms. Vickie Henry's and John M. McCullough, Superintendent's decisions denying my grievance for said relief is erroneous, because;

On April 4, 2002, per my request Mr. Mike McClure, Official Record's Office Specialist found an error in my pre-commitment credit time which he corrected and now sets my effective date as December 6, 1986 and my maximum date as December 6, 2002. Those actual dates total sixteen (16) years and one (1) day. My maximum sentence is sixteen (16) years. I have no problem with the effective date, that is correct. My problem now exist with my maximum date. On April 13, 2002, per my request I received a new status sheet from Mr. Mike McClure, Official Record's Office Specialist which still remains in error, because the expiration of my maximum date should reflect December 5, 2002, instead of December 6, 2002. See: Exhibit "A", Calculation Time Sheet. On April 14, 2002, I submitted a request to Mr. Mike McClure, Official Record's Office Specialist regarding my maximum date still being in error, but my request was denied and my maximum date still remains uncorrected. You can not have my effective date the same as my maximum date. For an example, one year exist of three hundred and sixty-five (365) days which would commence on December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. We must realize that one must not exceed his lawful maximum date by law. This violation will also denied me my right to be at liberty at 12:00 a.m. on December 6, 2002 and by confining be beyond that date and time would constitute false imprisonment.

The Facility Grievance Officer Ms. Vickie Henry and John M. McCullough, Superintendent denied my grievance and appeal to correct the expiration of my maximum date to reflect December 5, 2002, by claiming that their Computer Calculation Machine sets the maximum date. Maybe the Department of Corrections needs to up-date their Computer Calculation Machines to prevent these errors in the future.

In Commonwealth v. Casanove, 748 A.2d 205, 207 (Pa. Super. 2002), This Court held that a "year" is defined as "a period of 365 or 366 days, in the gregorian calendar, divided into 12 calendar months...."

In applying Fenati to the case sub judice, we follow the Supreme Court's lead that a calendar year encompasses 365 days, or 366 days in a leap year, beginning at any given point of the calendar. Accord: Bethlehem Steel Corp v. W.C.A.B. (ZIMA), 777 A.2d 1245, 1248 [2] (Pa. Cmwlth. 2001).

If you calculate three hundred and sixty-five (365) days commencing on December 6, 2001 you will end up on December 5, 2002, at 11:59 p.m..

Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: U.S.C.A. Const. Amend. 8. Accord: Homoki v. Northampton County, 86 F.3d 324 (3rd. Cir. 1996); quoting, Sample v. Diecks, 885 F.2d 1099 C.A.3 (Pa. 1989); London v. PA. Bd. of Probation & Parole, 135 F.Supp.2d 612, 614 (E.D. Pa. 2001).

In the event my maximum date is not corrected to reflect December 5, 2002, and I am not released on said date, each and every defendant mentioned herein and thereafter that has personal and direct knowledge of this constitutional violation will then be violating my United States Constitutional Guaranteed Rights (protected against unlawful confinement) under Amendments 5th, 8th, and 14th, and the Pennsylvania Constitution Article 1, Sections 1, 9, and 13 which protects one against unlawful confinement and will be sued in their individual and official capacity and will be liable for all damages in the excessive of \$50,000.00 dollars per each individual prison official for punitive and compensatory damages.

For the above foregoing stated facts and reasons, I request that you as the Chief Secretary grant my appeal and reverse John M. McCullough, Superintendent and the Facility Grievance Officer Ms. Vickie Henry's decisions and remand directing and ordering the Official Record's Office Supervisor Ms. Vickie Henry and John M. McCullough, Superintendent to correct the expiration of my maximum date to reflect December 5, 2002, so I am released on or before 11:59 p.m. of my actual maximum date and issue me a new status sheet reflecting that date accordingly.

Sincerely,

Glenn Leroy Null, Sr.  
Glenn Leroy Null, Sr.

---

**D. Appeal to Secretary's Office of Inmate Grievances and Appeals**

---

**1. Inmate Responsibilities**

- a. The decision from appeal to the Facility Manager must be received by the inmate before an appeal to the Secretary's Office of Inmate Grievances and Appeals can be sought.
- b. Any inmate who is dissatisfied with the disposition of an appeal from the Facility Manager, may submit an appeal to the Secretary's Office of Inmate Grievances and Appeals, within five working days of receiving the decision. Only issues appealed to the Facility Manager may be appealed at this level.
- c. Exceptions to the five day filing requirement will be made **only** where the inmate notifies the Secretary's Office of Inmate Grievances and Appeals of the reason for the delay and it is determined that the delay in filing was caused by:
  - (1) a temporary transfer from the institution where the grievance should have been filed;
  - (2) a permanent transfer to another institution from the institution where the grievance should have been filed;
  - (3) Authorized Temporary Absence (ATA) for an extended period; or
  - (4) other delays with mail delivery.
- d. If it is determined that a delay was caused by one of the circumstances listed in this paragraph, a reasonable extension of time for filing the formal grievance shall be permitted.
- e. An appeal at this level may not be permitted until the inmate has complied with all procedures established for Initial Review and Appeal to Facility Manager. **(See Sections VI. B and VI. C. above.)**
- f. The text of the appeal shall be legible, presented in a courteous manner, and the statement of facts shall not exceed two pages.
- g. All appeals to the Secretary's Office of Inmate Grievances and Appeals must be addressed to the following:

**Chief, Secretary's Office of Inmate Grievances and Appeals  
Department of Corrections  
2520 Lisburn Road, P. O. Box 598  
Camp Hill, PA 17001-0598**

Failure to properly address the appeal will delay the process.

- h. Inmates appealing to final review are responsible for providing the Secretary's Office of Inmate Grievances and Appeals with all available paperwork relevant to the appeal. A proper appeal to final review should include photocopies of the initial grievance, Initial Review, Initial Review Response, and the Appeal to

---

Facility Manager along with the Facility Manager's decision. Failure to provide the proper documentation may result in the grievance being dismissed.

- i. Indigent inmates as defined in Department policy **DC-ADM 803, "Inmate Mail and Incoming Publications,"** shall be afforded copy service in accordance with Department policy **DC-ADM 803, "Inmate Mail and Incoming Publications,"(Section VI. C. 2. a (3))** up to a maximum of \$10.00 per month and all monies received in the inmate's account shall be used to pay for the cost of the copies in accordance with Department policy **DC-ADM 803, "Inmate Mail and Incoming Publications,"(Section VI. C. 2. a (4))**. Non-indigent inmates shall incur copying charges in accordance with Department policy **3.4.5, "Photocopying Charges for Inmates."**

## 2. Staff Responsibilities

- a. The Secretary's Office of Inmate Grievances and Appeals will ensure that:
  - (1) appeals to final review are responded to within 30 working days; and
  - (2) appeals and responses are properly maintained in the Automated Inmate Grievance Tracking System.
- b. Upon request, the Facility Manager will forward to the Secretary's Office of Inmate Grievances and Appeals a copy of any formal investigation related to a grievance and conducted by the security office.
- c. The Secretary's Office of Inmate Grievances and Appeals will review the initial grievance and response, the Appeal to the Facility Manager and response, any investigative reports and the appeal to final review.
- d. The Secretary's Office of Inmate Grievances and Appeals may review appeals with the relevant bureau (i.e., health care issues with the Bureau of Health Care Services, education issues with the Bureau of Corrections Education, etc.).
- e. Upon completion of the review, the Secretary's Office of Inmate Grievances and Appeals will respond directly to the inmate in all cases.
- f. The Secretary's Office of Inmate Grievances and Appeals will issue a decision within 30 working days after receipt of an appeal. The decision may consist of upholding the decision, modification, reversal, remand, or reassignment for further fact-finding, and must include a brief statement of the reasons for the decision. The Chief/designee, Secretary's Office of Inmate Grievances and Appeals, shall notify the inmate and the Facility Manager of the decision and rationale. If the decision consists of modifying, reversing, or remanding the grievance, or if the inmate is placed on a grievance restriction, the appropriate Deputy Secretary shall also be notified. In instances where a determination of frivolousness is appealed, the Facility Grievance Coordinator shall also be notified.

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

GLENN NULL, SR.

-vs-

JOHN M. MCCULLOUGH, SUPT.;  
VICKIE HENRY, OFFICIAL  
RECORD'S OFFICE SUPERVISOR;  
MIKE MCCLURE, OFFICIAL  
RECORD'S OFFICE SPECIALIST,  
ET AL.

:  
:  
: No. 2002-1093-CD  
:

FILED

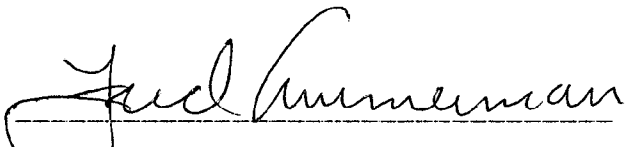
OCT 09 2002

O R D E R

William A. Shaw  
Prothonotary

NOW, this 8th day of October, 2002, the civil action filed by the Plaintiff requesting various forms of relief based upon his assertion that his maximum date is December 5, 2002, not December 6, 2002; the Court believing that the Plaintiff's remedy (if any) lies with the Department of Corrections/Board of Probation and Parole and through the Commonwealth Court; and this Court believing that the Plaintiff's various requests for relief are frivolous, it is the ORDER of this Court that the request for in forma pauperis status be and is hereby denied.

BY THE COURT,

  
Judge



FILED

OCT 19:29 2002

4cc p15f -

AK-9541

PO Box 1000

Leitzdale, PA 16628

William A. Shaw  
Prothonotary

WAS

OFFICE OF PROTHONOTARY AND CLERK OF COURTS

**WILLIAM A. SHAW**

**PROTHONOTARY  
AND  
CLERK OF COURT**

**CLEARFIELD COUNTY**



**DAVID S. AMMERMAN**

**SOLICITOR**

**JACQUELINE KENDRICK**

**DEPUTY PROTHONOTARY**

**P.O. Box 549  
CLEARFIELD, PENNSYLVANIA 16830  
(814) 765-2641 Ext. 1330  
FAX(814)-765-7659**

**COPY**

October 9, 2002

Glenn Null, Sr.  
AK-9541  
PO Box 1000  
Houtzdale, PA 16698-1000

RE: Complaint in Mandamus

Dear Mr. Null:

Please be advised that your Petition to Proceed In Forma Pauperis in the above case has been denied by the Court.

You may proceed with this action by forwarding the \$80.00 filing fee to this office.

A certified copy of the Court's Order is enclosed. According to the Rules of Civil Procedure, the Prothonotary's Office may strike your filing if payment is not received in full within ten (10) working days from the date of this letter.

Sincerely,

William A. Shaw  
Prothonotary/Clerk of Courts

Enclosures

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

GLENN NULL, SR.

-vs-

JOHN M. MCCULLOUGH, SUPT.;  
VICKIE HENRY, OFFICIAL  
RECORD'S OFFICE SUPERVISOR;  
MIKE MCCLURE, OFFICIAL  
RECORD'S OFFICE SPECIALIST,  
ET AL.

:  
:  
: No. 2002-1093-CD  
:

**FILED**

William A. Shaw  
Prothonotary

O R D E R

NOW, this 8th day of October, 2002, the civil action filed by the Plaintiff requesting various forms of relief based upon his assertion that his maximum date is December 5, 2002, not December 6, 2002; the Court believing that the Plaintiff's remedy (if any) lies with the Department of Corrections/Board of Probation and Parole and through the Commonwealth Court; and this Court believing that the Plaintiff's various requests for relief are frivolous, it is the ORDER of this Court that the request for in forma pauperis status be and is hereby denied.

BY THE COURT,

/s/ Fredric J. Ammerman

\*\*\* TRANSMISSION REPORT \*\*\*

Nov.12 '02 9:57

DATE	START	TIME	PARTNER	MODE	PAGE	RESULT
Nov.12	9:56	1'07	9752217	G3	02	OK

PO Box 549  
Clearfield, PA 16830  
Phone: 814-765-2641, Ext. 1330  
Fax: 814-765-7659

**Clearfield County  
Courthouse**

# Fax

**To:** *Heidi* **From:** William A. Shaw  
**Fax:** *717-975-2217* **Date:** *11-12-07*  
**Phone:** *Dept of Corrections* **Pages:** *2*  
**Re:** *Null vs. McCullough* **CC:**  
☐ **Urgent**   ☐ **For Review**   ☐ **Please Comment**   ☐ **Please Reply**   ☐ **Please Recycle**

**•Comments:**

GLENN LEROY NULL, SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, PA 16698-1000

DECEMBER 2, 2002

Office of The Prothonotary  
MR. WILLIAM SHAW  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830

**In re:** GLENN L. NULL, SR. -vs- JOHN M. McCULLOUGH, SUPT.,  
et al.  
No. 2002-01093-CD;  
No. 847 M.D. 2002.

Dear MR. SHAW:

This correspondence is in reference to the above captioned  
Civil Action Complaint In Mandamus.

Please forward all mail after Friday December 6, 2002 to the  
following new address: 2450 Emerald Avenue, York, Pennsylvania  
17404.

I would like to thank you in advance for your time and  
attention to the above said matter. I remain...

Sincerely yours,

GLENN L. NULL, SR.  
GLENN L. NULL, SR.

c: gln sr.

File

OFFICE OF PROTHONOTARY AND CLERK OF COURTS

**WILLIAM A. SHAW**

**PROTHONOTARY  
AND  
CLERK OF COURT**

**CLEARFIELD COUNTY**



**P.O. Box 549  
CLEARFIELD, PENNSYLVANIA 16830  
(814) 765-2641 Ext. 1330  
FAX(814)-765-7659**

**DAVID S. AMMERMAN**

**SOLICITOR**

**JACQUELINE KENDRICK**

**DEPUTY PROTHONOTARY**

December 3, 2002

Case #2002-1093-CD

Glenn Null, Sr.  
AK-9541  
PO Box 1000  
Houtzdale, PA 16698-1000

DEAR Dear Mr. Null:

PLEASE BE ADVISED THAT THE ACTION YOU FILED TO THE ABOVE  
TERM AND NUMBER HAS BEEN STRICKEN EFFECTIVE December 3, 2002.  
YOU MAY NOT PROCEED WITH THIS ACTION WITHOUT GOOD CAUSE FROM  
THE COURT.

---

William A. Shaw, Prothonotary

OFFICE OF PROTHONOTARY AND CLERK OF COURTS

**WILLIAM A. SHAW**

**PROTHONOTARY  
AND  
CLERK OF COURT**

**CLEARFIELD COUNTY**



**DAVID S. AMMERMAN**

**SOLICITOR**

**JACQUELINE KENDRICK**

**DEPUTY PROTHONOTARY**

P.O. Box 549  
CLEARFIELD, PENNSYLVANIA 16830  
(814) 765-2641 Ext. 1330  
FAX(814)-765-7659

December 3, 2002

Case #2002-1093-CD

Glenn Null, Sr.  
AK-9541  
PO Box 1000  
Houtzdale, PA 16698-1000

DEAR Dear Mr. Null:

PLEASE BE ADVISED THAT THE ACTION YOU FILED TO THE ABOVE  
TERM AND NUMBER HAS BEEN STRICKEN EFFECTIVE December 3, 2002.  
YOU MAY NOT PROCEED WITH THIS ACTION WITHOUT GOOD CAUSE FROM  
THE COURT.

---

William A. Shaw, Prothonotary



OFFICE OF PROTHONOTARY AND CLERK OF COURTS

**WILLIAM A. SHAW**

**PROTHONOTARY  
AND  
CLERK OF COURT**

**CLEARFIELD COUNTY**



**DAVID S. AMMERMAN**

**SOLICITOR**

**JACQUELINE KENDRICK**

**DEPUTY PROTHONOTARY**

P.O. Box 549  
CLEARFIELD, PENNSYLVANIA 16830  
(814) 765-2641 Ext. 1330  
FAX(814)-765-7659

**COPY**

October 9, 2002

Glenn Null, Sr.  
AK-9541  
PO Box 1000  
Houtzdale, PA 16698-1000

RE: Complaint in Mandamus

Dear Mr. Null:

Please be advised that your Petition to Proceed In Forma Pauperis in the above case has been denied by the Court.

You may proceed with this action by forwarding the \$80.00 filing fee to this office.

A certified copy of the Court's Order is enclosed. According to the Rules of Civil Procedure, the Prothonotary's Office may strike your filing if payment is not received in full within ten (10) working days from the date of this letter.

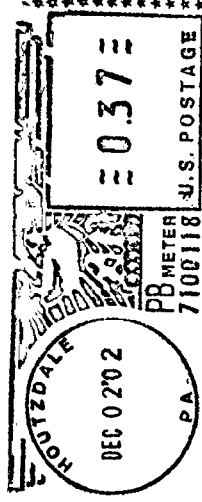
Sincerely,

William A. Shaw  
Prothonotary/Clerk of Courts

Enclosures

NAME GLENN LEROY NULL, SR.  
NUMBER AK-9541  
P.O. BOX 1000  
HOUTZDALE PA 16698-1000

PA DEPT OF CORRECTIONS  
INMATE MAIL

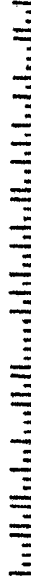


Office of The Prothonotary  
MR. WILLIAM SHAW  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, Pennsylvania 16830

Inmate Mail

PA Department of Corrections

16698-1000 04



Glen Noll

Bill

Put These documents in  
The file and forget about  
it. The  $\Delta$ -<sup>Noll</sup> was saying  
his MAX date was 12/5  
instead of 12/6.

its moot. He has  
MAXed out & is  
released. you won't  
hear from him again.

Date: 12/18/2002

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 10:01 AM

ROA Report

Page 1 of 1

Case: 2002-01093-CD

Current Judge: No Judge

Glenn Null Sr. vs. John M. McCullough

Civil Other

Date		Judge
07/15/2002	Filing: IFP Petition Paid by: Null, Glenn Sr. (plaintiff) Receipt number: 1845480 Dated: 07/15/2002 Amount: \$.00 (Cash) Original to C/A	No Judge
10/09/2002	Order, NOW, this 8th day of October, 2002, the civil action filed by the Plaintiff requesting various forms of relief based upon his assertion that his maximum date is December 5, 2002, not December 6, 2002; the Court believing that the Plaintiff's remedy (if any) lies with the Department of Corrections/Board of Probation and Parole and through the Commonwealth Court; and this Court believing that the Plaintiff's various requests for relief are frivolous, it is the ORDER of this Court that the request for in forma pauperis status be and is hereby denied. BY THE COURT: /s/Fredric J. Ammerman, Judge Four CC and IFP denied letter to Plaintiff	Fredric J. Ammerman
12/03/2002	Letter to Plaintiff notifying action has been STRICKEN.	No Judge
12/18/2002	Miscellaneous Docket Sheet, #847 MD 2002 from Commonwealth Court of Pennsylvania, with ORDER, IFP, and Petition. Returned copy of Contents of Original Record to Commonwealth Court.	No Judge



Commonwealth Court of Pennsylvania

Charles R. Hostutler  
Deputy Prothonotary/Chief Clerk

December 10, 2002

Room 624, Sixth Floor  
Harrisburg, PA 17120  
717-255-1650

TO:

RE: Null, Sr. v. McCullough et al  
No.847 MD 2002  
Trial Court/Agency Dkt. Number:  
Trial Court/Agency Name:

Annexed hereto pursuant to Pennsylvania Rules of Appellate Procedure 2571 and 2572  
is the entire record for the above matter.

**Contents of Original Record:**

Original Record Item	Filed Date	Description
----------------------	------------	-------------

Date of Remand of Record:

Enclosed is an additional copy of the certificate. Please acknowledge receipt by signing,  
dating, and returning the enclosed copy to the Prothonotary Office or the Chief Clerk's office.

Commonwealth Court Filing Office

Signature

William A. Shaw

Printed Name

12-18-02

Date

**FILED**

DEC 18 2002 *fm*

William A. Shaw  
Prothonotary

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

DEC 18 2002

Attest.

*William A. Shaw*  
Prothonotary/  
Clerk of Courts

## Miscellaneous Docket Sheet

## Commonwealth Court of Pennsylvania

Docket Number: 847 MD 2002

Page 1 of 4

December 10, 2002

2002-1093-CD



Glenn L. Null, Sr.,  
 Petitioner  
 v.  
 John M. McCullough, Supt.;  
 Vickie Henry, Official Record's  
 Office Supervisor; Mike McClure,  
 Official Record's Office Specialist,  
 et al.,  
 Respondents

FILED

DEC 10 2002

m/ 9:00/ur  
 William A. Shaw  
 Prothonotary

Initiating Document: Petition for Review

Case Status: Closed  
 November 4, 2002 Completed

Case Processing Status:

Journal Number:

Case Category: Miscellaneous CaseType: Inmate Petition for Review

Consolidated Docket Nos.:

Related Docket Nos.:

## COUNSEL INFORMATION

Petitioner Null Sr., Glenn L.

Pro Se: ProSe

Appoint Counsel Status:

IFP Status:

Attorney: Null Sr., Glenn L.

Bar No.:

Law Firm:

Address: AK-9541, SCI-Houtzdale  
 PO Box 1000  
 Houtzdale, PA 16698-1000  
 Phone No.:

Fax No.:

Receive Mail: Yes

Certified from the Record

DEC 10 2002

and Order Exit

Respondent McCullough, John M.

Pro Se:

Appoint Counsel Status:

IFP Status:

Attorney: Farnan, Michael A.

Bar No.:

Law Firm:

Address: Office of Chief Counsel  
 55 Utley Drive  
 Camp Hill, PA 17011

**Miscellaneous Docket Sheet**

**Commonwealth Court of Pennsylvania**

**Docket Number: 847 MD 2002**

**Page 2 of 4**

**December 10, 2002**



Phone No.: (717)731-0444

Fax No.:

Receive Mail: Yes

---

**TRIAL COURT/AGENCY INFORMATION**

Court Below:

County:

Date of Order Appealed From:

Date Documents Received: October 31, 2002

Order Type:

Judge:

Division:

Judicial District:

Date Notice of Appeal Filed:

Lower Court Docket No.:

---

**ORIGINAL RECORD CONTENTS**

**Original Record Item**

**Filed Date**

**Content/Description**

**Date of Remand of Record:**

---

**BRIEFING SCHEDULE**

**Miscellaneous Docket Sheet****Commonwealth Court of Pennsylvania****Docket Number: 847 MD 2002****Page 3 of 4****December 10, 2002****DOCKET ENTRIES**

<b>Filed Date</b>	<b>Docket Entry/Document Name</b>	<b>Exit Date</b>	<b>Party Type</b>	<b>Filed By</b>
October 31, 2002	Petition for Review Filed		Petitioner	Null Sr., Glenn L.
October 31, 2002	Application to Proceed In Forma Pauperis		Petitioner	Null Sr., Glenn L.
November 4, 2002	Transfer	11/6/2002		Per Curiam
Petitioner failed to name the Cmwlth Government or an officer. This matter is transferred to Clearfiled Court of Common Pleas. Record to be transmitted and a certified photocopy of the docket enteries shall be transmitted to the prothonotary of the Clearfield County Court of Common Pleas.				
December 10, 2002	Transfer to Court of Common Pleas			
	Clearfield County.			Commonwealth Court Filing Office

**SESSION INFORMATION**

Journal Number:  
 Consideration Type:  
 Date Listed/Submitted:

**DISPOSITION INFORMATION**

Related Journal Number: Judgment Date: 11/4/2002

Disposition Category: Disposed Before Decision Disposition Author: Per Curiam

Disposition: Transfer Disposition Date: 11/4/2002

Dispositional Comments: Petitioner failed to name the Cmwlth Government or an officer. This matter is transferred to Clearfiled Court of Common Pleas. Record to be transmitted and a certified photocopy of the docket enteries shall be transmitted to the prothonotary of the Clearfield County Court of Common Pleas.

Dispositional Filing: Author:

Filed Date:



**Miscellaneous Docket Sheet**

**Commonwealth Court of Pennsylvania**

**Docket Number: 847 MD 2002**

**Page 4 of 4**

**December 10, 2002**



---

**REARGUMENT/RECONSIDERATION/REMITTAL**

---

Reargument/Reconsideration Filed Date:

Reargument Disposition:

Date:

Record Remitted:

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

GLENN L. NULL, SR.,  
Petitioner

v.

JOHN M. McCULLOUGH, SUPT. et  
al.,

Respondents : No. 847 M.D. 2002

PER CURIAM

ORDER

NOW, November 4, 2002, upon consideration of petitioner's petition for review, and it appearing that petitioner has failed to name the Commonwealth government or an officer thereof so as to vest this court with original jurisdiction, 42 Pa. C.S. §761; Mickens v. Jeffes, 453 A.2d 1092 (Pa. Cmwlth. 1983); Opie v. Glasgow, Inc., 375 A.2d 396, 398 (Pa. Cmwlth. 1977), this matter is transferred to the Court of Common Pleas of Clearfield County. 42 Pa. C.S. §5103.

The Chief Clerk shall transmit the record and certify a photocopy of the docket entries in this matter to the prothonotary of the Court of Common Pleas of Clearfield County.

Certified from the Record  
NOV - 6 2002  
and Order Exit

GLENN L. NULL, SR., : PETITION FOR REVIEW  
Petitioner : (In the nature of a Mandamus)  
VS. :  
JOHN M. McCULLOUGH, SUPT., : No.  
ET AL., :  
Defendants. :

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2002, upon consideration of Petitioner's within Application to proceed In Forma Pauperis, with verification and affidavit in filing and litigating the attached Petition For Review (In the nature of a mandamus).

BY THE COURT:

J

SL

IN THE COMMONWEALTH COURT OF PENNSYLVANIA  
MIDDLE DISTRICT

GLENN L. NULL, SR.,	:	PETITION FOR REVIEW
Petitioner	:	(In the nature of a mandamus)
VS.	:	
	:	
JOHN M. McCULLOUGH, SUPT.,	:	No. 847 MD 2002
ET AL.,	:	
Defendants.	:	

**APPLICATION TO PROCEED IN FORMA PAUPERIS IN  
FILING AND LITIGATING PRO-SE THE ATTACHED PETITION  
FOR REVIEW (IN THE NATURE OF A MANDAMUS)**

**NOW COMES**, the Petitioner, GLENN L. NULL, SR., pro-se, and says:

1. That as demonstrated by the attached affidavit, verification and prison inmate accounting statement, Petitioner is indigent and cannot afford the costs associated with the filing, litigating or employing of counsel to litigate the attached Petition For Review (In the nature of a mandamus).

2. That Petitioner submits this Petition For Review (In the nature of a mandamus) in good faith that the claims raised therein are meritorious and that Defendants has an administrative duty to correct inaccurate records under his/her direct supervision and control but to date has failed and to date has refused to perform.

3. That Petitioner will suffer irreparable harm if this application is denied.

**WHEREFORE**, for the foregoing reasons, this honorable court is requested to grant this application.

Dated: October 29, 2002

By: GLENN L. NULL, SR.

GLENN L. NULL, SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000

GLENN L. NULL, SR., : PETITION FOR REVIEW  
Petitioner : (In the nature of a mandamus)  
VS. :  
JOHN M. McCULLOUGH, SUPT., : No.  
ET AL., :  
Defendants. :

2.

VERIFICATION

I, GLENN L. NULL, SR., Petitioner, pro-se, do hereby verify that the information contained in the foregoing annexed application to proceed I.F.P. with attached documents, are true and correct to the best of my information, knowledge and belief.

Dated: October 29, 2002

By: GLENN L. NULL, SR.  
GLENN L. NULL, SR.  
c/o Inst No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000

PA DEPT. OF CORRECTIONS  
BUREAU OF COMPUTER SERVICES  
REMOTE PRINT TIME 10:31

INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
FROM PURGE FILE

RUN IAS365  
DATE 10/22/2002  
PAGE 1

INMATE NUMBER	NAME LAST	FIRST	MI	STARTING BALANCE
AK9541	NULL	GLENN	L	68.65

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
4399	10-01-2001	31 OUTSIDE PURCHASES		
		ACCESS CATALOG (RIBBONS)	-30.97	37.68
8277	10-04-2001	32 HOU COMMISSARY		
		FOR 10/04/2001	-23.04	14.64
9110	10-08-2001	34 RADIO/TV		
		CABLE TV SERVICE	-9.00	5.64
4479	10-09-2001	38 INSIDE PURCHASES		
		VENDACARD OCT 9, 2001	-2.00	3.64
4674	10-25-2001	10 MAINTENANCE PAYROLL		
		PAY GR. #2 9/15 - 10/14/01	63.84	67.48
8305	11-01-2001	32 HOU COMMISSARY		
		FOR 11/01/2001	-38.34	29.14
4762	11-02-2001	14 MISCELLANEOUS		
		ADD BACK (FOOT LOCKER) 193150	80.00	109.14
9111	11-05-2001	34 RADIO/TV		
		CABLE TV SERVICE	-9.00	100.14
4887	11-14-2001	31 OUTSIDE PURCHASES		
		PROTHONOTARY'S OFFICE (LEGAL)	-2.00	98.14
4910	11-15-2001	31 OUTSIDE PURCHASES		
		GIANT SHOES (SNEAKERS)	-80.00	18.14
4970	11-20-2001	10 MAINTENANCE PAYROLL		
		PAY GR. #2 10/15 - 11/14/01	70.56	88.70
5000	11-27-2001	14 MISCELLANEOUS		
		ADD BK PROTHONOTARY 191563	2.00	90.70
8333	11-29-2001	32 HOU COMMISSARY		
		FOR 11/29/2001	-27.43	63.27
5084	12-03-2001	31 OUTSIDE PURCHASES		
		DIVISION OF VITAL REC (CERT)	-4.00	59.27
5162	12-10-2001	37 POSTAGE		
		POSTAGE DEC 10, 2001	-.34	58.93
5162	12-10-2001	37 POSTAGE		
		POSTAGE DEC 10, 2001	-.23	58.70
9112	12-13-2001	34 RADIO/TV		
		CABLE TV SERVICE	-9.00	49.70
5252	12-17-2001	37 POSTAGE		
		POSTAGE DEC 17, 2001	-.34	49.36
5263	12-18-2001	10 MAINTENANCE PAYROLL		
		PAY GR. #2 11/15 - 12/14/01	70.56	119.92
8354	12-20-2001	32 HOU COMMISSARY		
		FOR 12/20/2001	-33.87	86.05
		BALANCE AFTER THESE TRANSACTIONS----->		86.05

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INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
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INMATE NUMBER	NAME LAST	FIRST	MI	STARTING BALANCE
AK9541	NULL	GLENN	L	86.05

BATCH #	DATE MO DY YEAR		TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
9201	01-10-2002	34	RADIO/TV		
			CABLE TV SERVICE	-9.58	76.47
5633	01-22-2002	32	COMMISSARY		
			CHARGES: 1/19 THRU 1/22/02	-5.20	71.27
5633	01-22-2002	32	COMMISSARY		
			CHARGES: 1/19 THRU 1/22/02	-1.95	69.32
5633	01-22-2002	86	ADJUST PAYMENT		
		32	WRONG TRAN CODE	5.20	74.52
5633	01-22-2002	86	ADJUST PAYMENT		
		32	WRONG TRAN CODE	1.95	76.47
5633	01-22-2002	37	POSTAGE		
			CHARGES: 1/19 THRU 1/22/01	-5.20	71.27
5633	01-22-2002	37	POSTAGE		
			CHARGES: 1/19 THRU 1/22/01	-1.95	69.32
5667	01-24-2002	10	MAINTENANCE PAYROLL .		
			PAY GR. #2 12/15/01-01/14/02	63.84	133.16
8025	01-25-2002	32	HOU COMMISSARY		
			FOR 1/25/2002	-15.24	117.92
9202	02-11-2002	34	RADIO/TV		
			CABLE TV SERVICE	-9.58	108.34
5989	02-21-2002	42	SAVINGS		
			ACCESS CATALOG (RIBBONS)	-10.99	97.35
5989	02-21-2002	86	ADJUST PAYMENT		
		42	WRONG TRAN CODE	10.99	108.34
5989	02-21-2002	31	OUTSIDE PURCHASES		
			ACCESS CATALOG (RIBBONS)	-10.99	97.35
8052	02-21-2002	32	HOU COMMISSARY		
			FOR 2/21/2002	-16.63	80.72
5993	02-21-2002	10	MAINTENANCE PAYROLL		
			PAY GR.#2 1/15 - 2/14/02	70.25	150.97
6112	03-04-2002	37	POSTAGE		
			CHARGES: 3/2/02 THRU 3/4/02	-.23	150.74
6294	03-19-2002	38	INSIDE PURCHASES		
			VENDACARD MARCH 19, 2002	-5.00	145.74
6294	03-19-2002	38	INSIDE PURCHASES		
			VENDACARD MARCH 19, 2002	-25.00	120.74
6306	03-20-2002	37	POSTAGE		
			POSTAGE MARCH 20, 2002	-2.18	118.56
6306	03-20-2002	37	POSTAGE		
			POSTAGE MARCH 20, 2002	-2.18	116.38
6306	03-20-2002	37	POSTAGE		
			POSTAGE MARCH 20, 2002	-2.18	114.20
6306	03-20-2002	37	POSTAGE		
			POSTAGE MARCH 20, 2002	-.80	113.40



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PAGE 2

INMATE	NAME		
NUMBER	LAST	FIRST	MI
AK9541	NULL	GLENN	L

BATCH	DATE		TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
#	MO DY YEAR				
6324	03-21-2002	37	POSTAGE		
			POSTAGE MARCH 21, 2002	-1.95	111.45
6324	03-21-2002	37	POSTAGE		
			POSTAGE MARCH 21, 2002	-1.95	109.50
6324	03-21-2002	37	POSTAGE		
			POSTAGE MARCH 21, 2002	-1.95	107.55
6324	03-21-2002	37	POSTAGE		
			POSTAGE MARCH 21, 2002	-1.95	105.60
8080	03-21-2002	32	HOU COMMISSARY		
			FOR 3/21/2002	-31.26	74.34
6331	03-21-2002	10	MAINTENANCE PAYROLL		
			PAY GR#2 2/15 - 3/14/02	61.74	136.08
6361	03-25-2002	37	POSTAGE		
			POSTAGE MARCH 25, 2002	-.23	135.85
6368	03-26-2002	31	OUTSIDE PURCHASES		
			COMM OF PA (DR. LICENSE)	-32.00	103.85
6415	03-28-2002	37	POSTAGE		
			POSTAGE CHARGES 3/28/02	-1.03	102.82
			BALANCE AFTER THESE TRANSACTIONS----->		102.82

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INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
FROM PURGE FILE

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INMATE NUMBER	NAME LAST	FIRST	MI	STARTING BALANCE
AK9541	NULL	GLENN	L	102.82

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
6537	04-08-2002	37 POSTAGE POSTAGE APRIL 8, 2002	- .80	102.02
6567	04-10-2002	37 POSTAGE POSTAGE APRIL 10, 2002	-1.03	100.99
6567	04-10-2002	37 POSTAGE POSTAGE APRIL 10, 2002	-2.18	98.81
8108	04-18-2002	32 HOU COMMISSARY FOR 4/18/2002	-33.13	65.68
6748	04-25-2002	10 MAINTENANCE PAYROLL PAY GR.#2 3/15 - 4/14/02	70.56	136.24
6785	04-30-2002	37 POSTAGE POSTAGE APRIL 30, 2002	- .46	135.78
6828	05-02-2002	31 OUTSIDE PURCHASES ACCESS CATALOG (RIBBONS)	-19.98	115.80
6927	05-13-2002	37 POSTAGE POSTAGE MAY 13, 2002	- .46	115.34
8136	05-16-2002	32 HOU COMMISSARY FOR 5/16/2002	-26.70	88.64
6994	05-17-2002	37 POSTAGE POSTAGE MAY 17, 2002	- .23	88.41
7026	05-21-2002	37 POSTAGE POSTAGE MAY 21, 2002	- .23	88.18
7050	05-22-2002	10 MAINTENANCE PAYROLL PAY GR.#2 4/15 - 5/14/02	73.92	162.10
7088	05-28-2002	37 POSTAGE POSTAGE 5/28/02	- .23	161.87
7247	06-11-2002	37 POSTAGE POSTAGE JUNE 11, 2002	-1.49	160.38
7247	06-11-2002	37 POSTAGE POSTAGE JUNE 11, 2002	- .57	159.81
8164	06-13-2002	32 HOU COMMISSARY FOR 6/13/2002	-29.20	130.61
7365	06-20-2002	10 MAINTENANCE PAYROLL PAY GRP 2 (5/15-6/14/02)	73.50	204.11
8178	06-27-2002	32 HOU COMMISSARY FOR 6/27/2002	-28.33	175.78
BALANCE AFTER THESE TRANSACTIONS----->				175.78

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PAGE 1

INMATE NUMBER	NAME LAST	FIRST	MI	STARTING BALANCE
AK9541	NULL	GLENN	L	175.78

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
7562	07-11-2002	37 POSTAGE POSTAGE JULY 11, 2002	-3.95	171.83
8199	07-18-2002	32 HOU COMMISSARY FOR 7/18/2002	-30.71	141.12
7671	07-19-2002	38 INSIDE PURCHASES VENDACARD JULY 19, 2002	-5.00	136.12
7734	07-25-2002	31 OUTSIDE PURCHASES ACCESS CATALOG (RIBBONS)	-19.98	116.14
7740	07-25-2002	10 MAINTENANCE PAYROLL PAY GR.#2 6/15 - 7/14/02	60.48	176.62
7857	08-02-2002	31 OUTSIDE PURCHASES UNION SUPPLY CO (SNEAKERS)	-57.15	119.47
8220	08-08-2002	32 HOU COMMISSARY FOR 8/08/2002	-28.00	91.47
61	08-22-2002	10 MAINTENANCE PAYROLL PAY GR. #2 7/15 - 8/14/02	73.92	165.39
63	08-23-2002	14 MISCELLANEOUS ADD BK UNION SUPPLY 941211	57.15	222.54
85	08-26-2002	37 POSTAGE POSTAGE 8/24/02	-11.62	210.92
129	08-29-2002	41 MEDICAL MEDICAL COPAY 8/26-28/02	-4.00	206.92
131	08-29-2002	37 POSTAGE POSTAGE AUG 29, 2002	-5.34	201.58
8241	08-29-2002	32 HOU COMMISSARY FOR 8/29/2002	-24.04	177.54
224	09-06-2002	31 OUTSIDE PURCHASES JACK L. MARCUS (SNEAKERS)	-48.70	128.84
8249	09-06-2002	32 HOU COMMISSARY FOR 9/06/2002	-43.32	85.52
8255	09-12-2002	32 HOU COMMISSARY FOR 9/12/2002	-44.12	41.40
8262	09-19-2002	32 HOU COMMISSARY FOR 9/19/2002	-41.08	.32
470	09-26-2002	10 MAINTENANCE PAYROLL PAY GR. #2 8/15 - 9/14/02	68.46	68.78
8276	10-03-2002	32 HOU COMMISSARY FOR 10/03/2002	-12.50	56.28
BALANCE AFTER THESE TRANSACTIONS----->				56.28

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847 m 2002

(In the nature of a mandamus)

## INTRODUCTION

This Petition For Review (In the nature of a mandamus) is being filed against the above named defendants to compel the performance of their mandatory administrative duty to correct those inaccurate records under their direct supervision and control pursuant to 18 Pa. C.S.A. Section 9101 et. seq. and for damages and costs pursuant to 42 Pa. C.S.A. Section 8303.

## JURISDICTIONAL STATEMENT

1. This court has exclusive original jurisdiction over this Petition For Review (In the nature of a mandamus) pursuant to 42 Pa C.S.A. §761 and via Pa. R.Civ.Proc. 1091; and to grant all relief as is right, just and equitable.

## PARTIES TO THIS ACTION

2. Petitioner, GLENN L. NULL, SR., is a citizen of the Commonwealth of Pennsylvania and of the United States with his present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

3. Defendant, JOHN M. McCULLOUGH is employed as the Superintendent at SCI-Houtzdale who is a citizen of the Commonwealth of Pennsylvania and of the

United States with his present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

4. Defendant, VICKIE HENRY is employed as the Official Record's Office Supervisor at SCI-Houtzdale who is a citizen of the Commonwealth of Pennsylvania and of the United States with her present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

5. Defendant, MIKE McCLURE is employed as an Official Record's Office Specialist at SCI-Houtzdale who is a citizen of the Commonwealth of Pennsylvania and of the United States with his present address being: Post Office Box 1000, Houtzdale, Clearfield County, Pennsylvania 16698-1000.

#### STATEMENT OF FACTS

6. On December 15, 1986, Petitioner in COMMONWEALTH v. GLENN L. NULL, CP. #345-CA-1986 (York County), was sentenced to a term of incarceration of no less than eight (8) years nor no more than sixteen (16) years with pre-commitment time credit of nine (9) days to set his maximum date of confinement at December 5, 2002. (See: Court's sentencing order attached hereto as exhibit "A").

7. Thereafter, and following the receipt of a new institutional status summary sheet, Defendants set Petitioner's maximum date of confinement at December 6, 2002. (See: Defendants' institutional status summary sheet dated April 11, 2002 and attached hereto as exhibit "B").

8. On April 14, 2002, Petitioner, via Pa. Department of Corrections official request to staff slip, contacted Defendants MIKE McCLURE, as well as Defendant JOHN M. McCULLOUGH, and advised them that their institutional status summary sheet was inaccurate via the expiration of my maximum date; and should reflect December 5, 2002, rather than December 6, 2002. Petitioner requested the correction of their records.

9. On April 19, 2002, however, Defendants' McCULLOUGH and McCLURE refused

to correct those inaccurate records and stated: "Glenn our calculation that we just sent you is correct". (See: Attached exhibit "C").

10. On April 20, 2002, Petitioner then filed a grievance to correct the maximum date to reflect December 5, 2002, rather than December 6, 2002. (See: Attached exhibit "D").

11. On April 23, 2002, however, Defendant VICKIE HENRY denied petitioner's grievance to correct those inaccurate records. (See: Attached exhibit "E").

12. On April 25, 2002, Petitioner appealed the denial of his grievance to Defendant McCULLOUGH who on April 26, 2002 affirmed the denial of Petitioner's grievance. (See: Attached exhibit "F").

13. On April 27, 2002, Petitioner appealed the denial and affirmation of the denial of his grievance to the Chief Grievance Coordinator Thomas L. James of the Pa. Department of Corrections for final review. (See: exhibit "G" attached hereto).

14. On August 2, 2002, however, the Chief Grievance Coordinator THOMAS L. JAMES of the Pa. Department of Corrections issued a decision denying petitioner's appeal and affirmed the denial of defendants decisions. (See: Exhibit "H" attached hereto).

#### **FIRST CAUSE OF ACTION**

15. That Paragraphs 1 through 14 above are incorporated herein by reference as though fully set forth.

16. That Defendants had the mandatory administrative duty as a "Criminal Justice Agency" under 18 Pa. C.S.A. Section 9101 et seq., to timely create and maintain accurate records. This Duty, however, Defendants have failed to perform by maintaining an inaccurate record regarding petitioner's maximum date of confinement.

#### **SECOND CAUSE OF ACTION**

17. That Paragraphs 1 through 16 are incorporated herein by reference as though fully set forth.

18. That Defendants have the mandatory administrative duty as a "Criminal Justice Agency" under 18 Pa. C.S.A. Section 9101 et seq., to correct any and all inaccurate records under their direct supervision and control. However, and even after Petitioner requested Defendants to correct his maximum date of confinement Defendants refused, and to date are refusing, to perform their mandatory ministerial administrative duties.

#### INDEPENDENT INTEREST

19. That Petitioner has a direct interest in the correction of this inaccurate record that is separate and distinct from the public in that Petitioner will be confined over his lawful maximum date of confinement if Defendants are not compelled to correct those inaccurate records under their direct supervision and control.

20. That Petitioner has no other means or remedy available to compel Defendants to perform their mandatory administrative duty.

#### RELIEF REQUESTED

**WHEREFORE**, and based on the foregoing, this Honorable Court is hereby respectfully requested to:

A. Find that Defendants had and have the mandatory ministerial administrative duty to timely create and maintain accurate records, as well as to correct those inaccurate records, under their direct supervision and control, pursuant to 18 Pa. C.S.A. Section 9101 et seq., but have failed and are refusing to perform those duties; to

B. Find that Defendants calculation of Petitioner's maximum

term of incarceration is inaccurate, viz, that the maximum date of confinement should be December 5, 2002 rather than December 6, 2002; to

C. Issue an order in Mandamus directing Defendants to perform their mandatory ministerial administrative duties and correct those inaccurate records under their direct supervision and control, as referenced herein; to

D. Award Petitioner damages and costs against each and every Defendant, pursuant to 42 Pa. C.S.A. Section 8303, for their failure and refusal to perform their mandatory administrative duties; and

E. Grant Petitioner such other relief as would be right, just and equitable, as well as to preclude a multiplicitous of proceedings.

Dated: October 29, 2002

By: GLENN L. NULL, SR.  
GLENN L. NULL, SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000



VERIFICATION

I, GLENN L. NULL, SR., do hereby verify that the facts set forth in the above Petition For Review (In the nature of a mandamus) are true and correct to the best of my personal knowledge, information and belief, and that any false statements herein are made subject to the penalties of Section 4904 of the Crimes Code (18 Pa. C.S. §4904), relating to unsworn falsification to authorities.

Respectfully submitted,

GLENN L. NULL, SR.

GLENN L. NULL, SR.  
c/o Inst. No. AK-9541  
Post Office Box 1000  
Houtzdale, Pennsylvania  
16698-1000

Dated: October 29, 2002

COURT COMMITMENT  
CONTINUATION SHEET  
STATE OR COUNTY CORRECTIONAL INSTITUTION  
Commonwealth of Pennsylvania

VS.

NULL, BLEN L.

COMMITMENT NAME (LAST, FIRST, INITIAL, SUFFIX)

COURT NUMBER

#345 Criminal Action, 1986

OFFENSE TRACKING NUMBER (OTN)

B414981-08

Type or Print Legibly

COMMONWEALTH OF PENNSYLVANIA  
BUREAU OF CORRECTION  
BOX 598, CAMP HILL, PA. 17011

NOTE: Additional supply of this form available at above address:

The above defendant after ☐ pleading guilty ☐ nolo contendere ☒ being found guilty was on  
December 15, 1986 sentenced by Judge/District Justice Wilson Bucher to a term of  
not less than 6 years 0 months 0 days nor more than 12 years 0 months 0 days, or  
for the offense of Rape

(Section 3121 of the Crimes Code) or (other statute)

FINE

AMOUNT \$ N/A

To Be Paid To:

☐ COUNTY ☐ COMMONWEALTH

COSTS

AMOUNT \$ 1,245.82

To Be Paid By:

☐ COUNTY ☒ DEFENDANT

RESTITUTION

N/A

CREDIT FOR TIME SERVED

N/A

EFFECTIVE DATE OF SENTENCE

December 15, 1986

This sentence shall be deemed to run concurrent to any existing sentences, effective the date of imposition unless otherwise stipulated below:

This sentence shall run consecutive with any sentence presently serving.

COURT NUMBER

OFFENSE TRACKING NUMBER (OTN)

The above defendant after ☐ pleading guilty ☐ nolo contendere ☐ being found guilty was on  
19\_\_\_\_ sentenced by Judge/District Justice\_\_\_\_ to a term of  
not less than\_\_\_\_ years\_\_\_\_ months\_\_\_\_ days nor more than\_\_\_\_ years\_\_\_\_ months\_\_\_\_ days, or  
for the offense of\_\_\_\_

(Section\_\_\_\_ of the Crimes Code) or (other statute)

FINE

AMOUNT \$

To Be Paid To:

☐ COUNTY ☐ COMMONWEALTH

COSTS

AMOUNT \$

To Be Paid By:

☐ COUNTY ☐ DEFENDANT

RESTITUTION

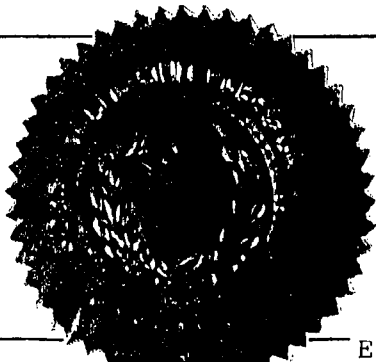
CERTIFIED A TRUE COPY

*Marlyn L. Holtzaple*  
Marlyn L. Holtzaple  
Clerk of Courts

CREDIT FOR TIME SERVED

EFFECTIVE DATE OF SENTENCE

This sentence shall be deemed to run concurrent to any existing sentences, effective the date of imposition unless otherwise stipulated below:



In witness of the above sentence(s) for offense(s) as well as those found on the reverse side of this document, I have hereunto set my hand and seal of said court

this 28th day of January 19 87

*Marlyn L. Holtzaple*  
AUTHORIZED SIGNATURE  
Marlyn L. Holtzaple, Clerk of Courts

EXHIBIT "A"

COURT COMMITMENT  
CONTINUATION SHEET  
STATE OR COUNTY CORRECTIONAL INSTITUTION  
Commonwealth of Pennsylvania

VS.

NULL, BLEN L.

COMMITMENT NAME (LAST, FIRST, INITIAL, SUFFIX)

Type or Print Legibly

COMMONWEALTH OF PENNSYLVANIA  
BUREAU OF CORRECTION  
BOX 598, CAMP HILL, PA. 17011

NOTE: Additional supply of this form available at above address:

COURT NUMBER

#345 Criminal Action, 1986

OFFENSE TRACKING NUMBER (OTN)

B414981-08

The above defendant after ☐ pleading guilty ☐ nolo contendere ☒ being found guilty was on  
December 15, 1986 sentenced by Judge/District Justice Wilson Bucher to a term of  
not less than 6 years 0 months 0 days nor more than 12 years 0 months 0 days, or  
for the offense of Rape

(Section 3121 of the Crimes Code) or (other statute)

FINE

AMOUNT \$ N/A

To Be Paid To:

☐ COUNTY ☐ COMMONWEALTH

COSTS

AMOUNT \$ 1,245.82

To Be Paid By:

☐ COUNTY ☒ DEFENDANT

RESTITUTION

N/A

CREDIT FOR TIME SERVED

N/A

EFFECTIVE DATE OF SENTENCE

December 15, 1986

This sentence shall be deemed to run concurrent to any existing sentences, effective the date of imposition unless otherwise stipulated below:

This sentence shall run consecutive with any sentence presently serving.

COURT NUMBER

OFFENSE TRACKING NUMBER (OTN)

The above defendant after ☐ pleading guilty ☐ nolo contendere ☐ being found guilty was on  
19\_\_\_\_ sentenced by Judge/District Justice\_\_\_\_ to a term of  
not less than\_\_\_\_ years\_\_\_\_ months\_\_\_\_ days nor more than\_\_\_\_ years\_\_\_\_ months\_\_\_\_ days, or  
for the offense of\_\_\_\_

(Section\_\_\_\_ of the Crimes Code) or (other statute)

FINE

AMOUNT \$

To Be Paid To:

☐ COUNTY ☐ COMMONWEALTH

COSTS

AMOUNT \$

To Be Paid By:

☐ COUNTY ☐ DEFENDANT

RESTITUTION

CERTIFIED A TRUE COPY

Marlyn L. Holtzapple  
Clerk of Courts

CREDIT FOR TIME SERVED

EFFECTIVE DATE OF SENTENCE

This sentence shall be deemed to run concurrent to any existing sentences, effective the date of imposition unless otherwise stipulated below:



In witness of the above sentence(s) for offense(s) as well as those found on the reverse side of this document, I have hereunto set my hand and seal of said court

this 28th day of January 19 87.

Marlyn L. Holtzapple  
AUTHORIZED SIGNATURE  
Marlyn L. Holtzapple, Clerk of Courts

(For optional use as work sheet and list of additional Sentences or Detainers.)

Date of Sentence	County or Magisterial Dist.	Court Number and Term	Type Sent.	Minimum			Maximum			Judge or District Justice	OTN (Include Alpha Suffix)
				Yrs.	Mos.	Days	Yrs.	Mos.	Days		
12/15/86	York	#345 C.A. 1986	CS	2	0	0	4	0	0	Bucher	B414981-0A
12/15/86	York	#345 C.A. 1986	CS	6	0	0	12	0	0	Bucher	B414981-0B
Total Sent.				6	0	0	12	0	0		

Locked Up (Location)	Dates		No. of Days
	From	To	
York County Prison	01/28/86	02/05/86	9
			.
			:
		Total	9

Dated	Indict - Warrant Nos.	Remarks

Marlyn L. Holtzapfle  
Clerk of Courts

☐ Continuation Sheet  
( BC-300B, Part II)      ☐ Arrest Report      ☐ FBI

☒ Presentence or  
Postsentence Investigation      ☐ Behavior Clinic      ☐ PSP

DC-16E	SENTENCE STATUS SUMMARY	COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS
--------	-------------------------	---

### 1. REFERENCES AND IDENTIFICATION

DOC Number AK9541	Commitment Name GLENN L NULL	PBPP No 3071T	SID No 14401598	FBI Number 130881X9	Phila Photo #
Date of Birth 08/01/1961	Place of Birth YORK PA USA	Race W		Sex M	

### 2. SENTENCE SUMMARY

Sent Date	County	Indictments	Sent Type	Minimum			Maximum		
				Y	M	D	Y	M	D
12/15/1986	YORK	345 A/1986		2			4		
<b>Plea:</b>	Found Guilty	<b>OTN:</b> B4149810	<b>Judge:</b> BUCHER, WILSON						
<b>Offense:</b>	KIDNAPPING								
12/15/1986	YORK	345 B/1986	CS	6			12		
<b>Plea:</b>	Found Guilty	<b>OTN:</b> B4149810	<b>Judge:</b> BUCHER, WILSON						
<b>Offense:</b>	RAPE								

Controlling Minimum Date	12/06/1994		Reentered from Previous DOC#:	
Controlling Maximum Date	12/06/2002		New Maximum - PV	

<b>Non-incarcerated Offenses</b> Comments:
<b>Summary or Remarks on Sentence</b> VERSION CREATED TO SHOW CORRECTED CREDIT

### 3. SENTENCE STRUCTURE

<b>Commitment Credit</b>   1/28/86 TO 2/5/86
---

Item	Computation 1	Computation 2	-----	-----
Indictments Included	345 A/1986 345 B/1986			
Effective Date	12/06/1986			
Expiration of Minimum	12/06/1994			
Expiration of Maximum	12/06/2002			
Custody for Return - PV				
Delinquent Time				
Backtime Credit				
Backtime Owed				
New Maximum - PV				
Sentence Computation Date	04/11/2002			
Basis for Computation	Credit Adjustment			
Total Sentence	8Y TO 16Y			
Status	Active			

#### 4. DETAINERS

Number	Date	From	Indict-Warrant Nos.	OTN	Type
None					

Detainer Remarks		
Detainer #	Date Deleted	Remarks (for those deleted since last DC16)
None		

#### 5. PRIOR DOC NUMBERS

None								
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#### 6. FINES, COSTS AND RESTITUTION AT TIME OF RECEPTION

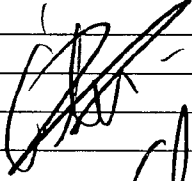
Date	County	Indictment	Fines	Costs	Restitution
12/15/1986	YORK	345 A/1986		\$1245.82	
12/15/1986	YORK	345 B/1986		\$1245.82	

#### 7. ACTIONS: BOARD OF PARDONS

Decision Date	File Number	Action	Comments

Last Modified by: mmccleure

Received on April 19, 2002

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
<b>INMATE'S REQUEST TO STAFF MEMBER</b>		<b>INSTRUCTIONS</b> Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) Mr. McClure, Record's Office		2. Date: April 14, 2002	
3. By: (Print Inmate Name and Number) Glenn Leroy, Null, Sr., AK-9541  <u>Glenn Leroy, Null, Sr.</u> Inmate Signature		4. Counselor's Name Mr. Rice	
		5. Unit Manager's Name Ms. Bailey	
6. Work Assignment Laundry		7. Housing Assignment JB-33	
8. Subject: State your request completely but briefly. Give details. Attention: Mr. McClure: This is an informal complaint regarding my erroneous maximum date of December 6, 2002. On April 04, 2002, per my request you found an error in my pre-commitment credit time which you corrected and now sets my effective date as December 6, 1986. I have no problem with the effective date, that is correct. My problem exist with my maximum date. My maximum date and only my maximum is in error, because the expiration of my maximum date should be December 5, 2002, instead of December 6, 2002. One (1) year exist of three hundred and sixty-five days which would start at the December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. In my calculation of sixteen (16) years would start on the effective date of December 6, 1986 and expire on December 5, 2002, at 11:59 p.m.. We must realize that one must not exceed his maximum date			
9. Response: (This Section for Staff Response Only)			
<div style="text-align: center;"> <i>Glenn Leroy, Null, Sr.</i> <i>Our calculation is correct</i> <i>that we sent you is correct</i></div>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name \_\_\_\_\_ / \_\_\_\_\_  
Print Sign Date \_\_\_\_\_







## "CALCULATION OF TIME"

Effective date:

December 6, 1986 to December 5, 1987, at 11:59 p.m., 1 yr.  
December 6, 1987 to December 5, 1988, at 11:59 p.m., 2 yrs.  
December 6, 1988 to December 5, 1989, at 11:59 p.m., 3 yrs.  
December 6, 1989 to December 5, 1990, at 11:59 p.m., 4 yrs.  
December 6, 1990 to December 5, 1991, at 11:59 p.m., 5 yrs.  
December 6, 1991 to December 5, 1992, at 11:59 p.m., 6 yrs.  
December 6, 1992 to December 5, 1993, at 11:59 p.m., 7 yrs.  
December 6, 1993 to December 5, 1994, at 11:59 p.m., 8 yrs.  
December 6, 1994 to December 5, 1995, at 11:59 p.m., 9 yrs.  
December 6, 1995 to December 5, 1996, at 11:59 p.m., 10 yrs.  
December 6, 1996 to December 5, 1997, at 11:59 p.m., 11 yrs.  
December 6, 1997 to December 5, 1998, at 11:59 p.m., 12 yrs.  
December 6, 1998 to December 5, 1999, at 11:59 p.m., 13 yrs.  
December 6, 1999 to December 5, 2000, at 11:59 p.m., 14 yrs.  
December 6, 2000 to December 5, 2001, at 11:59 p.m., 15 yrs.  
December 6, 2001 to December 5, 2002, at 11:59 p.m., 16 yrs.

My maximum date expire now on December 5, 2002, at 11:59 p.m..

Status sheet issued on April 11, 2002, is still in error, because maximum date on status sheet reflects December 6, 2002, instead of December 5, 2002. The effective date of December 6, 1986 is correct because I did nine (9) days in the county jail during my arrest from January 28 1986 to February 5, 1986 totals nine (9) days.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

18811  
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR Ms. Kathy Emel	FACILITY: SCI-Houtzdale	DATE: April 20, 2002
FROM: (INMATE NAME & NUMBER) Glenn Leroy, Null, Sr., AK-9541	SIGNATURE of INMATE: <i>[Signature]</i>	
WORK ASSIGNMENT: Laundry	HOUSING ASSIGNMENT: JB-33	
<p><b>INSTRUCTIONS:</b></p> <ol style="list-style-type: none"> <li>1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.</li> <li>2. State your grievance in Block A in a brief and understandable manner.</li> <li>3. List in Block B the specific actions you have taken to resolve this matter informally. Be sure to include the identity of staff members you have contacted.</li> </ol>		
<p><b>A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.</b></p> <p>On April 4, 2002, per my request Mr. Mike McClure, Official Record's Office Specialist found an error in my pre-commitment credit time which he corrected and now sets my effective date as December 6, 1986 and my Maximum date as December 6, 2002. I have no problem with the effective date, that is correct. My problem now exist with my maximum date. On April 13, 2002, per my request I received a new status sheet from Mr. Mike McClure, Official Record's Office Specialist which still remains in error, because the expiration of my maximum date should be December 5, 2002, instead of December 6, 2002. On April 14, 2002, I submitted a request to Mr. Mike McClure, Official Record's Office Specialist regarding my maximum date still being in error, but my request was denied and my maximum date remains uncorrected. You can not have my effective date the same as my maximum date. For an example, One (1) year exist of three hundred and sixty-five (365) days which would start on December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. In my calculation of sixteen (16) years would start on the effective date of December 6, 1986 and expire at 11:59 p.m. on December 5, 2002. We must realize that one must not exceed his maximum date by law.</p> <p>(See Attached Additional Paper)</p>		
<p><b>B. List actions taken and staff you have contacted, before submitting this grievance. Attach the copy of the DC-135A with the staff member's response of your informal resolution attempt.</b></p> <p>I have submitted a copy of the request slip to Superintendent John M. McCullough on April 14, 2002, regarding the above matter, and it still remains unresolved.</p>		

Your grievance has been received and will be processed in accordance with DC-ADM 804.

*[Signature]*  
Signature of Facility Grievance Coordinator

4/22/02  
Date

WHITE - Facility Grievance Coordinator Copy    CANARY - File Copy    PINK - Action Return Copy    GOLDENROD - Inmate Copy

In Commonwealth v. Casanove, 748 A.2d 205, 207 (Pa. Super. 2002), This Court held that a "year" is defined as "a period of 365 or 366 days, in the gregorian calendar, divided into 12 calendar months...."

In applying Fenati to the case sub judice, we follow the Supreme Court's lead that a calendar year encompasses 365 days, or 366 days in a leap year, beginning at any given point of the calendar. Accord: Bethlehem Steel Corp v. W.C.A.B. (ZIMA), 777 A.2d 1245, 1248 [2] (Pa. Cmwltth. 2001).

If you calculate three hundred and sixty-five (365) days starting from December 6, 2001 you will end up on December 5, 2002. You can not exceed my maximum date of December 5, 2002, at 11:59 p.m..

Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: U.S.C.A. Const. Amend. 8. Accord: Homoki v. Northampton County, 86 F.3d 324 (3rd Cir. 1996); quoting, Sample v. Diecks, 885 F.2 1099 C.A.3 (Pa. 1989); London v. PA. Bd. of Probation & Parole, 135 F.Supp.2d 612, 614 (E.D. Pa. 2001).

In the event my maximum date is not corrected to reflect December 5, 2002, each and every defendant mentioned herein and thereafter that has personal and direct knowledge of this constitutional violation will then be violating my United States Constitutional Guaranteed Rights under Amendment 5th, 8th, and 14th, and the Pennsylvania Constitution Article 1, Section 1, 9, and 13. which constitutes unlawful confinement and will be sued in their individual and official capacity and will be liable for all damages in the excessive of \$50,000.00 dollars per each individual prison official for punitive and compensatory damages.

For the above foregoing reasons, I request that you direct and order Mr. Mike McClure, Official Record's Office Specialist to correct my status sheet to reflect Thursday, December 5, 2002, so I am released within the last day of my maximum date and issue me a new status sheet accordingly.

Sincerely,

  
Glenn Leroy, Null, Sr.

DC-804  
Part 2COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001OFFICIAL INMATE GRIEVANCE  
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

18811

AK-9541

TO: (Inmate Name & DC No.) <i>Glenn Null, Sr.</i>	FACILITY <i>SCI-Houtzdale</i>	HOUSING LOCATION <i>JB-33</i>	GRIEVANCE DATE <i>4/20/02</i>
--	----------------------------------	----------------------------------	----------------------------------

The following is a summary of my findings regarding your grievance:

*Mr. Null,*

*I cannot change the computer calculation of your max date and I cannot change DOC policy regarding the time of day you will be released. Your grievance is denied.*

Cc: Superintendent McCullough  
Superintendent's Assistant  
Deputies (2)  
Majors (2)  
DC15  
File

Print Name and Title of Grievance Officer <i>Vickie Henry, IRS</i>	SIGNATURE OF GRIEVANCE OFFICER <i>Vickie Henry</i>	DATE <i>4/23/02</i>
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EXHIBIT "E"

DATE: April 25, 2002  
SUBJECT: Appeal of Grievance #HOU-18811-2002.  
FROM: Glenn Leroy Null, Sr., AK-9541  
B-33  
TO: JOHN M. McCULLOUGH, Jr.  
Superintendent

APPEAL

RECEIVED  
SUPERINTENDENT OFF.

APR 26 2002

SCI-HOUTZDALE  
PO BOX 1000 HOUTZDALE PA

This is an appeal to the Superintendent John M. McCullough from the decision rendered by the Facility Grievance Officer Ms. Vickie Henry who denied my grievance. I have received the Facility Grievance Officer Ms. Vickie Henry's decision through institution mail on April 25, 2002.

### STATEMENT OF FACTS

The Facility Grievance Officer Ms. Vickie Henry's decision denying my grievance for relief is in error, because:

On April 4, 2002, per my request Mr. Mike McClure, Official Record's Office Specialist found an error in my pre-commitment credit time which he corrected and now sets my effective date as December 6, 1986 and my maximum date as December 6, 2002. I have no problem with the effective date, that is correct. My problem now exist with my maximum date. On April 13, 2002, per my request I received a new status sheet from Mr. Mike McClure, Official Record's Office Specialist which still remains in error, because the expiration of my maximum date should be December 5, 2002, instead of December 6, 2002. On April 14, 2002, I submitted a request to Mr. Mike McClure, Official Record's Office Specialist regarding my maximum date still being in error, but my request was denied and my maximum date remains uncorrected. You can not have my effective date the same as my maximum date. For an example,, one (1) year exist of three hundred and sixty-five (365) days which would start on December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. We must realize that one must not exceed his maximum date by law.

In Commonwealth v. Casanove, 748 A.2d 205, 207 (Pa. Super. 2002), This Court held that a "year" is defined as "a period of 365 or 366 days, in the gregorian calendar, divided into 12 calendar months...."

In applying Fenati to the case sub judice, we follow the Supreme Court's lead that a calendar year encompasses 365 days, or 366 days in a leap year, beginning at any given point of the calendar. Accord: Bethlehem Steel Corp v. W.C.A.B. (ZIMA), 777 A.2d 1245, 1248 [2] (Pa. Cmwlth. 2001).

Page 2, of Appeal.

If you calculate three hundred and sixty-five (365) days starting from December 6, 2001 you will end up on December 5, 2002. You can not exceed my maximum date of December 5, 2002, at 11:59 p.m..

Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: U.S.C.A. Const. Amend. 8. Accord: Homoki v. Northampton County, 86 F.3d 324 (3rd. Cir. 1996); quoting, Sample v. Diecks, 885 F.2d 1099 C.A.3 (Pa. 1989); London v. PA. Bd. of Probation & Parole, 135 F.Supp.2d 612, 614 (E.D. Pa. 2001).

In the event my maximum date is not corrected to reflect December 5, 2002, and released on that date, each and every defendant mentioned herein and thereafter that has personal and direct knowledge of this constitutional violation will then be violating my United States Constitutional Guaranteed Rights under Amendments 5th, 8th, and 14th, and the Pennsylvania Constitution Article 1, Sections 1, 9, and 13 which constitutes unlawful confinement and will be sued in their individual and official capacity and will be liable for all damages in the excessive of \$50,000.00 dollars per each individual prison official for punitive and compensatory damages.

For the above foregoing stated facts and reasons, I request that you reverse Ms. Vickie Henry's decision and direct or order her to correct the expiration of my maximum date of December 5, 2002, so I am released on or before 11:59 p.m. of my maximum date and issue me a new status sheet accordingly.

Sincerely,

Glenn Leroy, Null, Sr.  
Glenn Leroy, Null, Sr.,



COMMONWEALTH OF PENNSYLVANIA  
Department of Corrections  
State Correctional Institution at Houtzdale  
Office of the Superintendent  
April 26, 2002

**SUBJECT:** Appeal of Grievance #18811

**TO:** Glenn Null, AK9541

JB-33

**FROM:** John M. McCullough  
Superintendent

Your max date is correctly computed.

Grievance appeal is denied.

JMM:mlb

c: Deputy Tatum  
Deputy Patrick  
Major U.M.  
Major Barone  
Ms. Emel  
Ms. Henry  
Case Record  
file

DATE: April 27, 2002

SUBJECT: Final Appeal of Grievance #HOU-18811-2002

FROM: Glenn Leroy, Null, Sr., AK-9541  
SCI-Houtzdale, JB-33

TO: Chief, Secretary's Office

This is a final appeal to the Chief, Secretary's Office from the decisions rendered by the Facility Grievance Officer Ms. Vickie Henry, on April 23, 2002, and John M. McCullough, Superintendent on April 26, 2002 who denied my grievance for said relief. I received the Superintendent John M. McCullough's decision through institutional mail on April 27, 2002.

#### STATEMENT OF FACTS

The Facility Grievance Officer Ms. Vickie Henry's and John M. McCullough, Superintendent's decisions denying my grievance for said relief is erroneous, because;

On April 4, 2002, per my request Mr. Mike McClure, Official Record's Office Specialist found an error in my pre-commitment credit time which he corrected and now sets my effective date as December 6, 1986 and my maximum date as December 6, 2002. Those actual dates total sixteen (16) years and one (1) day. My maximum sentence is sixteen (16) years. I have no problem with the effective date, that is correct. My problem now exist with my maximum date. On April 13, 2002, per my request I received a new status sheet from Mr. Mike McClure, Official Record's Office Specialist which still remains in error, because the expiration of my maximum date should reflect December 5, 2002, instead of December 6, 2002. See: Exhibit "A", Calculation Time Sheet. On April 14, 2002, I submitted a request to Mr. Mike McClure, Official Record's Office Specialist regarding my maximum date still being in error, but my request was denied and my maximum date still remains uncorrected. You can not have my effective date the same as my maximum date. For an example, one year exist of three hundred and sixty-five (365) days which would commence on December 6, 2001 and expire at 11:59 p.m. on December 5, 2002. We must realize that one must not exceed his lawful maximum date by law. This violation will also denied me my right to be at liberty at 12:00 a.m. on December 6, 2002 and by confining be beyond that date and time would constitute false imprisonment.

The Facility Grievance Officer Ms. Vickie Henry and John M. McCullough, Superintendent denied my grievance and appeal to correct the expiration of my maximum date to reflect December 5, 2002, by claiming that their Computer Calculation Machine sets the maximum date. Maybe the Department of Corrections needs to up-date their Computer Calculation Machines to prevent these errors in the future.

In Commonwealth v. Casanove, 748 A.2d 205, 207 (Pa. Super. 2002), This Court held that a "year" is defined as "a period of 365 or 366 days, in the gregorian calendar, divided into 12 calendar months...."

In applying Fenati to the case sub judice, we follow the Supreme Court's lead that a calendar year encompasses 365 days, or 366 days in a leap year, beginning at any given point of the calendar. Accord: Bethlehem Steel Corp v. W.C.A.B. (ZIMA), 777 A.2d 1245, 1248 [2] (Pa. Cmwlth. 2001).

If you calculate three hundred and sixty-five (365) days commencing on December 6, 2001 you will end up on December 5, 2002, at 11:59 p.m..

Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: U.S.C.A. Const. Amend. 8. Accord: Homoki v. Northampton County, 86 F.3d 324 (3rd. Cir. 1996); quoting, Sample v. Diecks, 885 F.2d 1099 C.A.3 (Pa. 1989); London v. PA. Bd. of Probation & Parole, 135 F.Supp.2d 612, 614 (E.D. Pa. 2001).

In the event my maximum date is not corrected to reflect December 5, 2002, and I am not released on said date, each and every defendant mentioned herein and thereafter that has personal and direct knowledge of this constitutional violation will then be violating my United States Constitutional Guaranteed Rights (protected against unlawful confinement) under Amendments 5th, 8th, and 14th, and the Pennsylvania Constitution Article 1, Sections 1, 9, and 13 which protects one against unlawful confinement and will be sued in their individual and official capacity and will be liable for all damages in the excessive of \$50,000.00 dollars per each individual prison official for punitive and compensatory damages.

For the above foregoing stated facts and reasons, I request that you as the Chief Secretary grant my appeal and reverse John M. McCullough, Superintendent and the Facility Grievance Officer Ms. Vickie Henry's decisions and remand directing and ordering the Official Record's Office Supervisor Ms. Vickie Henry and John M. McCullough, Superintendent to correct the expiration of my maximum date to reflect December 5, 2002, so I am released on or before 11:59 p.m. of my actual maximum date and issue me a new status sheet reflecting that date accordingly.

Sincerely,

Glenn Leroy Null, Sr.  
Glenn Leroy Null, Sr.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
2520 LISBURN ROAD, P.O. BOX 598  
CAMP HILL, PA 17001-0598

THE SECRETARY'S OFFICE OF  
INMATE GRIEVANCES AND APPEALS

August 2, 2002

Glenn Null, AK-9541  
SCI-Houtzdale

Re: DC-ADM 804 – Final Review  
Grievance No. 18811

Dear Mr. Null:

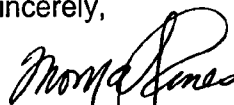
This is to acknowledge receipt of your appeal to final review of the above numbered grievance.

In accordance with the provisions of DC-ADM 804, effective January 1, 2001, I have reviewed the entire record of this grievance; including your initial grievance, the grievance officer's response, your appeal from initial review and the superintendent's response. I have also carefully reviewed the issues you raise to final review.

Upon completion of this review, it is the decision of this office to uphold the responses provided by staff at the institutional level. Your controlling maximum date is December 6, 2002. It has been correctly computed.

The responses provided at the institutional level are appropriate and in accordance with Department of Corrections policies and procedures. Accordingly, your appeal to final review must be denied.

Sincerely,



Thomas L. James  
Chief Grievance Coordinator

TLJ:mj

cc: Superintendent McCullough  
Grievance Office  
Central File

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"Our mission is to protect the public by confining persons committed to our custody in safe secure facilities, and to provide opportunities to inmates to acquire the skills and values necessary to become productive law-abiding citizens; while respecting the rights of crime victims."

EXHIBIT "H"

