

02-1092-CD
GLENN MILL, 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...

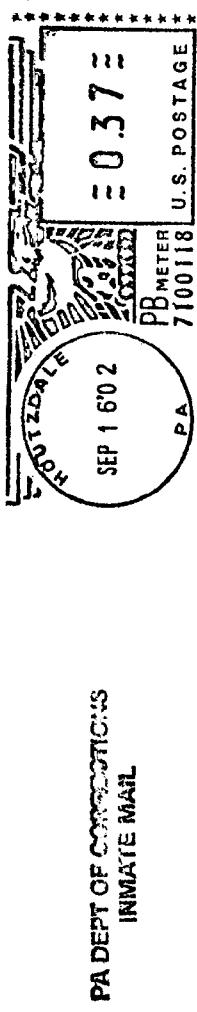
Sincerely yours,

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



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

Inmate Mail
PA Department of Corrections

16698-1000

16698-1000

for I had
a bag
for
you

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., : CIVIL ACTION COMPLAINT
Plaintiff : MANDAMUS
VS. :
: :
: : No. 2002-1093-CO
JOHN M. McCULLOUGH, SUPT., :
ET AL., :
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

1. : William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

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: 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 NUMBER	NAME LAST NULL	FIRST GLENN	MI L	OLD BALANCE 115.80
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BATCH #	DATE MO	TRANSACTION DESCRIPTION	TRANSACTION	BALANCE	AFTER
			AMOUNT	TRANSACTION	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	

306

WE WISH YOU
VISITATION

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

GLENN NULL SR., :
Plaintiff, : CIVIL ACTION-MANDAMUS
VS. :
: JURY TRIAL DEMANDED
JOHN M. McCULLOUGH, SUPT.; : TRIAL REFERENCE REQUEST
VICKIE HENRY, OFFICIAL RECORD'S :
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: 15/ 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. :
: JURY TRIAL DEMANDED
JOHN M. McCULLOUGH, SUPT.; : TRIAL REFERENCE REQUEST
VICKIE HENRY, OFFICIAL RECORD'S :
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 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.

19 86.

- 1) Kidnapping
- 2) Rape

JUSTICE: Mildred Hunt Becker

REB-1546-Allen Smith, ESQ.;
INTER'S APPEARANCE IS IN OR NOT GUILTY
ENTERED CASE REMAINED FOR May/June 1986
RM OF COURT.

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

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

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

May 28, 1986 - Notice of Alibi Defense filed

May 19, 1986 - Motion for trial postponement 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) Bauhauser, Judge

Aug. 19, 1986 - Points for charge filed.

Aug. 21, 1986 -- Reassignment for trial

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.

	Days	Miles	Days
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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 Judgement 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 #00039H2GJ7

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.

b 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		
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								

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

Non-incarcerated Offenses

Comments:

Summary or Remarks on Sentence
VERSION CREATED TO SHOW CORRECTED CREDIT

3. SENTENCE STRUCTURE

Commitment Credit	
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 Apr. 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) <u>Mr. McClure, Record's Office</u>	2. Date: <u>April 14, 2002</u>	3. By: (Print Inmate Name and Number) <u>Glenn Leroy, Null, Sr., AK-9541</u>	4. Counselor's Name <u>Mr. Rice</u>
<u>Glenn Leroy, Null, Sr.</u> Inmate Signature		5. Unit Manager's Name <u>Ms. Bailey</u>	6. Work Assignment <u>Laundry</u>
7. Housing Assignment <u>JB-33</u>		8. Subject: State your request completely but briefly. Give details. <u>Attention: Mr. McClure:</u> <u>This is an informal complaint regarding my erroneous maximum date of December 6, 2002.</u> <u>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</u>	9. Response: (This Section for Staff Response Only) <i>OK, Glenn (Glenn Null) is correct in we are not correct that is why I am</i>
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name Mark Peltz / Date 19/04/02
Print Mark Peltz Sign 19/04/02

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER		Commonwealth of Pennsylvania Department of Corrections
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) <u>Mr. McClure, Record's Office</u>	2. Date: <u>April 14, 2002</u>	
3. By: (Print Inmate Name and Number) <u>Glenn Leroy, Null, Sr., AK-9541</u> <u>Glenn Leroy, Null, Sr.</u> Inmate Signature	4. Counselor's Name <u>Mr. Rice</u>	
	5. Unit Manager's Name <u>Ms. Bailey</u>	
6. Work Assignment <u>Laundry</u>	7. Housing Assignment <u>JB-33</u>	
8. Subject: State your request completely but briefly. Give details.		
<p>by law.</p> <p>In <u>Commonwealth v. Casanove</u>, 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...."</p> <p>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: <u>Bethlehem Steel Corp v. W.C.A.B. (ZIMA)</u>, 777 A.2d 1245, 1248 [2] (Pa. Cmwlth. 2001).</p> <p>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..</p> <p>Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: <u>U.S.C.A. Const. Amend. 8</u>. Accord: <u>Sample v.</u></p>		
9. Response: (This Section for Staff Response Only)		
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 _____

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER		Commonwealth of Pennsylvania Department of Corrections
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) <u>Mr. McClure, Record's Office</u>	2. Date: <u>April 14, 2002</u>	
3. By: (Print Inmate Name and Number) <u>Glenn Leroy, Null, Sr., AK-9541</u>	4. Counselor's Name <u>Mr. Rice</u>	
<u>Glenn Leroy, Null, Sr.</u> Inmate Signature	5. Unit Manager's Name <u>Ms. Bailey</u>	
6. Work Assignment <u>Laundry</u>	7. Housing Assignment <u>JB-33</u>	
8. Subject: State your request completely but briefly. Give details. <u>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).</u>		
<p>WHEREFORE, for the above foregoing facts and reasons, you as an Official Record's Office personnel should honor my request and correct my maximum date date to reflect December 5, 2002, instead of December 6, 2002, and issue a new status sheet reflecting December 5, 2002.</p> <p style="text-align: right;">Sincerely,</p> <p>c: John M. McCullough, Superintendent</p>		
9. Response: (This Section for Staff Response Only)		
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 Ms. Kathy Emel	FACILITY: SCI-Houtzdale	DATE: April 20, 2002
FROM: (INMATE NAME & NUMBER) Glenn Leroy, Null, Sr., AK-9541	SIGNATURE of INMATE: <i>Glenn Leroy, Null, Sr.</i>	
WORK ASSIGNMENT: Laundry	HOUSING ASSIGNMENT: JB-33	

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.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

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.

(See Attached Additional Paper)

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.

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.

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

Signature of Facility Grievance Coordinator.

Date

EXHIBIT "D"

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

Revised

July 2000

Page 2, of Grievance.

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.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, 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, 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.)	FACILITY	HOUSING LOCATION	GRIEVANCE DATE
Glen Null, Sr.	SCI-Houtzdale	JB-33	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	SIGNATURE OF GRIEVANCE OFFICER	DATE
<u>Vickie Henry, IRS</u>	<u>Vickie Henry</u>	4/23/02

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

RECEIVED
SUPERINTENDENT OFF.

APR 26 2002

SCI-HOUTZDALE
PO BOX 1000 HOUTZDALE PA

Appeal
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 Datum
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

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., : CIVIL ACTION COMPLAINT
Plaintiff : MANDAMUS
VS. :
: :
: : No. 2002-1093-CD
JOHN M. McCULLOUGH, SUPT., :
ET AL., :
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 J. How
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

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

AFFIDAVIT IN SUPPORT OF APPLICATION TO PROCEED IEP

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: 131 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: 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 NUMBER	NAME LAST	FIRST	MI	OLD BALANCE
AK9541	NULL	GLENN	L	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
Receipt

NO. 1845480

Time: 02:35 PM

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
Total:		0.00

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. :
: JURY TRIAL DEMANDED
JOHN M. McCULLOUGH, SUPT.; : TRIAL REFERENCE REQUEST
VICKIE HENRY, OFFICIAL RECORD'S :
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.,	:	
Defendants.	:	NO.

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,

/s/ GLENN NULL SR.

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

Dated: July 10, 2002.

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 Judgement 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 #000339HGGJ7

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 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) EPb, 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.

b 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		
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								

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

Non-incarcerated Offenses

Comments:

Summary or Remarks on Sentence

VERSION CREATED TO SHOW CORRECTED CREDIT

3. SENTENCE STRUCTURE

Commitment Credit

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: mmcclure

Received on April 19, 2002

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER		Commonwealth of Pennsylvania Department of Corrections
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	4. Counselor's Name Mr. Rice	
<i>Glenn Leroy, Null, Sr.</i> Inmate Signature		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>OK - Glenn Leroy Glenn Leroy is correct We will correct</i>		

Staff Member Name _____ / _____ Date _____
Print _____ Sign _____

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER		Commonwealth of Pennsylvania Department of Corrections
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) <u>Mr. McClure, Record's Office</u>	2. Date: <u>April 14, 2002</u>	
3. By: (Print Inmate Name and Number) <u>Glenn Leroy, Null, Sr., AK-9541</u> <u>Glenn Leroy, Null, Sr.</u> Inmate Signature	4. Counselor's Name <u>Mr. Rice</u>	
	5. Unit Manager's Name <u>Ms. Bailey</u>	
6. Work Assignment <u>Laundry</u>	7. Housing Assignment <u>JB-33</u>	
8. Subject: State your request completely but briefly. Give details.		
<p>by law.</p> <p>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...."</p> <p>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).</p> <p>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..</p> <p>Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: U.S.C.A. Const. Amend. 8. Accord: Sample v.</p>		
9. Response: (This Section for Staff Response Only)		
<input type="checkbox"/> To DC-14 CAR only <input type="checkbox"/> To DC-14 CAR and DC-15 IRS		

Staff Member Name _____ / _____ Date _____
 Print _____ Sign _____

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER		Commonwealth of Pennsylvania Department of Corrections
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) <u>Mr. McClure, Record's Office</u>	2. Date: <u>April 14, 2002</u>	
3. By: (Print Inmate Name and Number) <u>Glenn Leroy, Null, Sr., AK-9541</u>	4. Counselor's Name <u>Mr. Rice</u>	
<u>Glenn Leroy, Null, Sr.</u> Inmate Signature	5. Unit Manager's Name <u>Ms. Bailey</u>	
6. Work Assignment <u>Laundry</u>	7. Housing Assignment <u>JB-33</u>	
8. Subject: State your request completely but briefly. Give details. <u>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).</u>		
<p><u>WHEREFORE, for the above foregoing facts and reasons, you as an Official Record's Office personnel should honor my request and correct my maximum date to reflect December 5, 2002, instead of December 6, 2002, and issue a new status sheet reflecting December 5, 2002,</u></p> <p style="text-align: right;">Sincerely,</p> <p><u>c: John M. McCullough, Superintendent</u></p>		
9. Response: (This Section for Staff Response Only)		
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 Ms. Kathy Emel	FACILITY: SCI-Houtzdale	DATE: April 20, 2002
FROM: (INMATE NAME & NUMBER) Glenn Leroy, Null, Sr., AK-9541	SIGNATURE of INMATE: <i>Glenn Leroy, Null, Sr.</i>	
WORK ASSIGNMENT: Laundry	HOUSING ASSIGNMENT: JB-33	

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.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

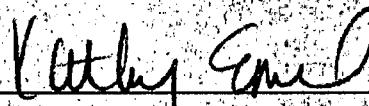
On April 4, 2002, per my request Mr. Mike McClure, Official Record's Office Specialist found an error in my pre-commitment credit time which he corrected and now sets my effective date as December 6, 1986 and my Maximum date as December 6, 2002. I have no problem with the effective date, that is correct. 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.

(See Attached Additional Paper)

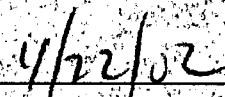
B. List actions taken and staff you have contacted, before submitting this grievance. Attach the copy of the DC-135A with the staff member's response of your informal resolution attempt.

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.

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



Signature of Facility Grievance Coordinator



Date

EXHIBIT "D"

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

Revised

July 2000

Page 2, of Grievance.

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.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, 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.)	FACILITY	HOUSING LOCATION	GRIEVANCE DATE
Glen Null, Sr.	SCI-Houtzdale	JB-33	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	SIGNATURE OF GRIEVANCE OFFICER	DATE
Vickie Henry, IRS	Vickie Henry	4/23/02

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

RECEIVED
SUPERINTENDENT OFF.

APR 26 2002

SCI-HOUTZDALE
PO BOX 1000 HOUTZDALE PA

APPEAL
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 Datum
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., :
Plaintiff, : CIVIL ACTION-MANDAMUS
VS. :
: JURY TRIAL DEMANDED
JOHN M. McCULLOUGH, SUPT.; : TRIAL REFERENCE REQUEST
VICKIE HENRY, OFFICIAL RECORD'S :
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: 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.,	:	
Defendants.	:	NO.

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,

/s/ GLENN NULL SR.

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

Dated: July 10, 2002.

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

Allen Smith, ESQ.;
MATERIAL APPEARANCE FOR A OF NOT GUILTY
ENTERED CASE REMANDED 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 postponement 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 - REASSIGNEMENT for trial filed.

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

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

September 16, 1986 - Defendant's brief in support of Motions for new trial and arrest of judgment filed.

NAME OF COURT OR THE DEFENDANT'S REQUEST COMMONWEALTH WITNESSES	JANUARY	FEBRUARY MARCH	MAY		JULY		SEPTEMBER		NOVEMBER		TOTAL	
			Days	Miles	Days	Miles	Days	Miles	Days	Miles	Doll's	Cts.
Wenda L. Davis												
Ordon Hughes												
Mr. Richard Turnamian												
Mr. Dennis Loose												
Dennis Williams												
William Fargell												
Mike Costello	1/2										5.00	
Eric Daniels	1										5.00	
Jeff Edw. Smith											5.00	
	118											

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 Judgement 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 #00039H3G07

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

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								

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

Non-incarcerated Offenses

Comments:

Summary or Remarks on Sentence

VERSION CREATED TO SHOW CORRECTED CREDIT

3. SENTENCE STRUCTURE

Commitment Credit

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 Apr. 19, 2002

Staff Member Name

Print

Sign

Date

INMATE'S REQUEST TO STAFF MEMBER

Commonwealth of Pennsylvania
Department of Corrections

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) <u>Mr. McClure, Record's Office</u>	2. Date: <u>April 14, 2002</u>
3. By: (Print Inmate Name and Number) <u>Glenn Leroy, Null, Sr., AK-9541</u> <u>Glenn Leroy, Null, Sr.</u> Inmate Signature	4. Counselor's Name <u>Mr. Rice</u>
	5. Unit Manager's Name <u>Ms. Bailey</u>
6. Work Assignment <u>Laundry</u>	7. Housing Assignment <u>JB-33</u>
8. Subject: State your request completely but briefly. Give details.	

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).

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: Sample v.

9. Response: (This Section for Staff Response Only)

To DC-14 CAR only To DC-14 CAR and DC-15 IRS

Staff Member Name _____ / _____ Date _____
Print _____ Sign _____

Commonwealth of Pennsylvania
Department of Corrections

INSTRUCTIONS

Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.

INMATE'S REQUEST TO STAFF MEMBER		
1. To: (Name and Title of Officer) <u>Mr. McClure, Record's Office</u>	2. Date: <u>April 14, 2002</u>	
3. By: (Print Inmate Name and Number) <u>Glenn Leroy, Null, Sr., AK-9541</u>	4. Counselor's Name <u>Mr. Rice</u>	
<u>Glenn Leroy, Null, Sr.</u> Inmate Signature	5. Unit Manager's Name <u>Ms. Bailey</u>	
6. Work Assignment <u>Laundry</u>	7. Housing Assignment <u>JB-33</u>	
8. Subject: State your request completely but briefly. Give details. <u>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).</u>		

WHEREFORE, for the above foregoing facts and reasons, you as an Official Record's Office personnel should honor my request and correct my maximum date to reflect December 5, 2002, instead of December 6, 2002, and issue a new status sheet reflecting December 5, 2002.

Sincerely,

c: John M. McCullough,
Superintendent

9. Response: (This Section for Staff Response Only)

To DC-14 CAR only

To DC-14 CAR and DC-15 IRS

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 Ms. Kathy Emel	FACILITY: SCI-Houtzdale	DATE: April 20, 2002
FROM: (INMATE NAME & NUMBER) Glenn Leroy, Null, Sr., AK-9541	SIGNATURE of INMATE: <i>Glenn Leroy, Null, Sr.</i>	
WORK ASSIGNMENT: Laundry	HOUSING ASSIGNMENT: JB-33	

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.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

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.

(See Attached Additional Paper)

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.

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.

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

Revised
July 2000

Page 2, of Grievance.

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.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, 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 Kull, 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.)	FACILITY	HOUSING LOCATION	GRIEVANCE DATE
Glen Null, Sr.	SCI-Houtzdale	JB-33	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	SIGNATURE OF GRIEVANCE OFFICER	DATE
Vickie Henry, IRS	Vickie Henry	4/23/02

DATE: April 25, 2002

SUBJECT: Appeal of Grievance #HOU-8811-2002.

FROM: Lenn Leroy Null, Sr., AK-9541
B-33

TO: JOHN M. McCULLOUGH
Superintendent

RECEIVED
SUPERINTENDENT OFF.

APR 26 2002

SCI-HOUTZDALE
PO BOX 1000 HOUTZDALE PA

Approved
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-Houzdale, 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.,

Plaintiff,

VS.

: CIVIL ACTION-MANDAMUS
: :
: JURY TRIAL DEMANDED
: TRIAL REFERENCE REQUEST
: :
: NO. :
: :

JOHN M. MCCULLOUGH, SUPT.;
VICKIE HENRY, OFFICIAL RECORD'S
OFFICE SUPERVISOR;
MIKE McCLURE, OFFICIAL RECORD'S
OFFICE SPECIALIST, ET AL.,
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.,	:	
Defendants.	:	NO.

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.

By: GLENN NULL SR.

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

Dated: July 10, 2002

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,

/s/ GLENN NULL SR.

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

Dated: July 10, 2002.

**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

186 - Allen Smith, ESQ.;
METERS APPEARANCE - SEA OF NOT GUILTY
METERED CASE REMANDED FOR May/June 1966
RM OF COURT.

*January 31, 1986 - Petition for Reduction of Bail filed. Hearing scheduled for February 4, 1986 at 1:59PM. (See Order) Miller, Judge.

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

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

May 28, 1986 - Notice of Alihi Defense filed

May 19, 1986 - Motion for trial postponement 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 Aukg.

(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)

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

Aug. 19, 1985 - Points for charge filed

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

at Aug. 21, 1906 O Verdict - Guilty both

Aug. 25, 1986 - Motions for new trial
and appeal of the case of 5-1-1

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

term of court at the defendant's request. *See*

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 Judgement 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 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

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								

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

Non-incarcerated Offenses

Comments:

Summary or Remarks on Sentence

VERSION CREATED TO SHOW CORRECTED CREDIT

3. SENTENCE STRUCTURE

Commitment Credit

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: mmcclure

Received on Apr. 18, 2002

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER		Commonwealth of Pennsylvania Department of Corrections
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) <u>Mr. McClure, Record's Office</u>	2. Date: <u>April 14, 2002</u>	
3. By: (Print Inmate Name and Number) <u>Glenn Leroy, Null, Sr., AK-9541</u> <u>Glenn Leroy, Null, Sr.</u> Inmate Signature	4. Counselor's Name <u>Mr. Rice</u>	
	5. Unit Manager's Name <u>Ms. Bailey</u>	
6. Work Assignment <u>Laundry</u>	7. Housing Assignment <u>JB-33</u>	
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 Leroy Null AK-9541 My maximum date is correct and we must not exceed it</i>		
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>

Staff Member Name Mark P. Peltz / Date 4/18/02
Print Mark P. Peltz Sign Mark P. Peltz

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER		Commonwealth of Pennsylvania Department of Corrections
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) <u>Mr. McClure, Record's Office</u>	2. Date: <u>April 14, 2002</u>	
3. By: (Print Inmate Name and Number) <u>Glenn Leroy, Null, Sr., AK-9541</u> <u>Glenn Leroy, Null, Sr.</u> Inmate Signature	4. Counselor's Name <u>Mr. Rice</u>	
	5. Unit Manager's Name <u>Ms. Bailey</u>	
6. Work Assignment <u>Laundry</u>	7. Housing Assignment <u>JB-33</u>	
8. Subject: State your request completely but briefly. Give details.		
<p>by law.</p> <p>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...."</p> <p>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).</p> <p>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..</p> <p>Imprisonment beyond one's term constitutes punishment for purposes of the Eighth Amendment. See: U.S.C.A. Const. Amend. 8. Accord: Sample v.</p>		
9. Response: (This Section for Staff Response Only)		
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 _____

Form DC-135A

INMATE'S REQUEST TO STAFF MEMBER

Commonwealth of Pennsylvania
Department of Corrections

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) <u>Mr. McClure, Record's Office</u>	2. Date: <u>April 14, 2002</u>
3. By: (Print Inmate Name and Number) <u>Glenn Leroy, Null, Sr., AK-9541</u>	4. Counselor's Name <u>Mr. Rice</u>
<u>Glenn Leroy, Null, Sr.</u> Inmate Signature	5. Unit Manager's Name <u>Ms. Bailey</u>
6. Work Assignment <u>Laundry</u>	7. Housing Assignment <u>JB-33</u>
8. Subject: State your request completely but briefly. Give details.	

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).

WHEREFORE, for the above foregoing facts and reasons, you as an Official Record's Office personnel should honor my request and correct my maximum ~~date~~ date to reflect December 5, 2002, instead of December 6, 2002, and issue a new status sheet reflecting December 5, 2002.

Sincerely,

c: John M. McCullough,
Superintendent

9. Response: (This Section for Staff Response Only)

To DC-14 CAR only To DC-14 CAR and DC-15 IRS

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

1881

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>Glenn Leroy, Null Sr.</i>	
WORK ASSIGNMENT: Laundry	CLOSING ASSIGNMENT: JB-33	

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.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

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.

(See Attached Additional Paper)

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.

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.

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

Signature of Facility Grievance Coordinator

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.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, 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.)	FACILITY	HOUSING LOCATION	GRIEVANCE DATE
Glen Null, Sr.	SCI-Houtzdale	JB-33	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	SIGNATURE OF GRIEVANCE OFFICER	DATE
<u>Vickie Henry, IRS</u>	<u>Vickie Henry</u>	4/23/02

DATE: April 25, 2002

SUBJECT: Appeal of Grievance #HOU-8811-2002.

FROM: Lenn Leroy Null, Sr., AK-9541
B-33

TO: JOHN M. McCULLOUGH
Superintendent

RECEIVED
SUPERINTENDENT OFF.

APR 26 2002

SCI-HOUTZDALE
PO BOX 1000 HOUTZDALE PA
McCullough

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

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., :
Plaintiff, : CIVIL ACTION-MANDAMUS
VS. :
: JURY TRIAL DEMANDED
JOHN M. McCULLOUGH, SUPT.; : TRIAL REFERENCE REQUEST
VICKIE HENRY, OFFICIAL RECORD'S :
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: 1st 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.,	:	
Defendants.	:	NO.

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,

/s/ GLENN NULL SR.

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

Dated: July 10, 2002.

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

1586 - Allen Smith ESQ.:
INTER'S APPEARANCE DEF OF NOT GUILTY
INTERED CASE REMAILED FOR May/June 1986
RM OF COURT.

⁴January 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
Re-Trial Discovery filed.

May 28, 1986 - Notice of Alibi Defense filed

May 19, 1986. - Motion for trial postponement 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 Aukg.

(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 each party or attorney of record. (See Order)

August 8, 1986 Order entered.
(See Order) Bauhauser, 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.

Days Miles Days

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 Judgement 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 #00039H8G37

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, P.J

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, P.J

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

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

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

Dec. 5, 1988- Pro Se application filed.

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

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

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								

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

Non-incarcerated Offenses

Comments:

Summary or Remarks on Sentence

VERSION CREATED TO SHOW CORRECTED CREDIT

3. SENTENCE STRUCTURE

Commitment Credit

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: mmcclure

Received on Apr. 19, 2002

Staff Member Name

[Print](#)

Sign

Date

INMATE'S REQUEST TO STAFF MEMBER

Commonwealth of Pennsylvania
Department of Corrections

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) <u>Mr. McClure, Record's Office</u>	2. Date: <u>April 14, 2002</u>
3. By: (Print Inmate Name and Number) <u>Glenn Leroy, Null, Sr., AK-9541</u> <u>Glenn Leroy, Null, Sr.</u> Inmate Signature	4. Counselor's Name <u>Mr. Rice</u>
	5. Unit Manager's Name <u>Ms. Bailey</u>
6. Work Assignment <u>Laundry</u>	7. Housing Assignment <u>JB-33</u>
8. Subject: State your request completely but briefly. Give details.	

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).

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: Sample v.

9. Response: (This Section for Staff Response Only)

To DC-14 CAR only

To DC-14 CAR and DC-15 IRS

Staff Member Name _____ / _____ Date _____
Print _____ Sign _____

<p>Form DC-135A</p> <p>INMATE'S REQUEST TO STAFF MEMBER</p>		<p>Commonwealth of Pennsylvania Department of Corrections</p> <p>INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.</p>
<p>1. To: (Name and Title of Officer) <u>Mr. McClure, Record's Office</u></p>	<p>2. Date: <u>April 14, 2002</u></p>	
<p>3. By: (Print Inmate Name and Number) <u>Glenn Leroy, Null, Sr., AK-9541</u></p>	<p>4. Counselor's Name <u>Mr. Rice</u></p>	
<p><u>Glenn Leroy, Null, Sr.</u> Inmate Signature</p>	<p>5. Unit Manager's Name <u>Ms. Bailey</u></p>	
<p>6. Work Assignment <u>Laundry</u></p>	<p>7. Housing Assignment <u>JB-33</u></p>	
<p>8. Subject: State your request completely but briefly. Give details.</p> <p>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).</p> <p>WHEREFORE, for the above foregoing facts and reasons, you as an Official Record's Office personnel should honor my request and correct my maximum date to reflect December 5, 2002, instead of December 6, 2002, and issue a new status sheet reflecting December 5, 2002.</p>		
<p>Sincerely,</p>		
<p>c: John M. McCullough, Superintendent</p>		
<p>9. Response: (This Section for Staff Response Only)</p>		
<p>To DC-14 CAR only <input type="checkbox"/></p>		<p>To DC-14 CAR and DC-15 IRS <input type="checkbox"/></p>

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

1881

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>Glenn Leroy, Null, Sr.</i>	
WORK ASSIGNMENT: Laundry	WORK ASSIGNMENT: JB-33	

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.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

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.

(See Attached Additional Paper)

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.

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.

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

Revised

July 2000

Page 2, of Grievance.

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).

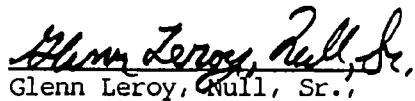
If you calculate three hundred and sixty-five (365) days starting from December 6, 2001 you will end up on December 5, 2002. You can not exceed my maximum date of December 5, 2002, at 11:59 p.m..

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.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, 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.)	FACILITY	HOUSING LOCATION	GRIEVANCE DATE
Glen Null, Sr.	SCI-Houtzdale	JB-33	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	SIGNATURE OF GRIEVANCE OFFICER	DATE
Vickie Henry, IRS	Vickie Henry	4/23/02

DATE: April 25, 2002

SUBJECT: Appeal of Grievance #HOU-8811-2002.

FROM: Lenn Leroy Null, Sr., AK-9541
B-33

TO: JOHN M. McCULLOUGH
Superintendent

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 Datum
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-Houzdale, 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-

: No. 2002-1093-CD

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

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AK-9541

OCT 09 2002

PO Box 1000

Harrisburg, PA 16608

William A. Shaw
Prothonotary

WAS

OFFICE OF PROTHONOTARY AND CLERK OF COURTS

WILLIAM A. SHAW

PROTHONOTARY
AND
CLERK OF COURT

JACQUELINE KENDRICK

DEPUTY PROTHONOTARY

CLEARFIELD COUNTY



DAVID S. AMMERMAN

SOLICITOR

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- : No. 2002-1093-CD
:
JOHN M. MCCULLOUGH, SUPT.; :
VICKIE HENRY, OFFICIAL : **FILED**
RECORD'S OFFICE SUPERVISOR; :
MIKE MCCLURE, OFFICIAL :
RECORD'S OFFICE SPECIALIST, :
ET AL. :
:

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,

(/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:** 11-12-02

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
GLENN L. NULL, SR.

c: gln sr.

File

OFFICE OF PROTHONOTARY AND CLERK OF COURTS

WILLIAM A. SHAW

PROTHONOTARY
AND
CLERK OF COURT

JACQUELINE KENDRICK

DEPUTY PROTHONOTARY

CLEARFIELD COUNTY



DAVID S. AMMERMAN

SOLICITOR

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

JACQUELINE KENDRICK

DEPUTY PROTHONOTARY

CLEARFIELD COUNTY



DAVID S. AMMERMAN

SOLICITOR

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

JACQUELINE KENDRICK

DEPUTY PROTHONOTARY

CLEARFIELD COUNTY



DAVID S. AMMERMAN

SOLICITOR

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.

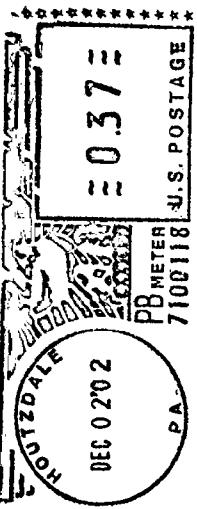
A certified copy of the Court's Order is enclosed. According to the Rules of Civil Procedure, the Prothonotary's Office may strike your filing if payment is not received in full within ten (10) working days from the date of this letter.

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

1623042498 04

Inmate Mail
PA Department of Corrections

Glen Null

Bill

PUT These documents in
the file and forget about
IT. The Δ ^{Null} 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: \$0.00 (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.

CR Hostutler

Commonwealth Court Filing Office


Signature

12-18-02
Date

William A. Shaw
Printed Name

FILED

DEC 18 2002 *rem*

William A. Shaw
Prothonotary

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

Attest.

DEC 18 2002

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-C0



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 AM

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.

Law Firm:

Bar No.:
Address: AK-9541, SCI-Houtzdale
PO Box 1000
Houtzdale, PA 16698-1000

Certified from the Record

Phone No.:
Fax No.:

DEC 10 2002

and Order Exit

Receive Mail: Yes

Respondent McCullough, John M.

Pro Se:

Appoint Counsel Status:

IFP Status:

Attorney: Farnan, Michael A.

Law Firm:

Bar No.: 69158
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:

Division:

Date of OrderAppealed From:

Judicial District:

Date Documents Received: October 31, 2002

Date Notice of Appeal Filed:

Order Type:

Judge:

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**

Filed Date	Docket Entry/Document Name	Exit Date	Party Type	Filed By
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
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

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.
ET AL., :
Defendants. :

O R D E R

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).

IT IS HEREBY ORDERED and DECREED, that the Application is
GRANTED.

BY THE COURT:

J

54

IN THE COMMONWEALTH COURT OF PENNSYLVANIA
MIDDLE DISTRICT

GLENN L. NULL, SR., : PETITION FOR REVIEW
Petitioner : (In the nature of a mandamus)
VS. :
: No. 847 MD 2002
JOHN M. McCULLOUGH, SUPT., :
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

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.
ET AL., :
Defendants. :
:

AFFIDAVIT IN SUPPORT OF APPLICATION TO PROCEED IFP

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

1. That I am the Petitioner 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 Petitioner 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 Petition For Review (In the nature of a 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: 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., 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	NAME				
NUMBER	LAST	FIRST	MI		STARTING BALANCE
AK9541	NULL	GLENN	L		68.65

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION BALANCE AFTER	
			AMOUNT	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

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	NAME				
NUMBER	LAST	FIRST	MI	STARTING BALANCE	
AK9541	NULL	GLENN	L	86.05	

BATCH #	DATE			TRANSACTION BALANCE AFTER		
	MO	DAY	YEAR	TRANSACTION DESCRIPTION	AMOUNT	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

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 2

INMATE	NAME		
NUMBER	LAST	FIRST	MI
AK9541	NULL	GLENN	L

BATCH #	DATE MO	TRANSACTION DESCRIPTION	TRANSACTION BALANCE AFTER	
			AMOUNT	TRANSACTION
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

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	102.82

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION BALANCE AFTER	
			AMOUNT	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

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 10:31

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM ACTIVE FILE

RUN IAS365
DATE 10/22/2002
PAGE 1

INMATE NUMBER	NAME LAST	FIRST	MI	STARTING BALANCE
AK9541	NULL	GLENN	L	175.78

BATCH #	DATE			TRANSACTION BALANCE AFTER		
	MO	DAY	YEAR	TRANSACTION DESCRIPTION	AMOUNT	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

IN THE COMMONWEALTH COURT OF PENNSYLVANIA
MIDDLE DISTRICT

GLENN L. NULL, SR., : PETITION FOR REVIEW
Petitioner : (In the nature of a mandamus)
VS. :
: No. 847 M.D. 2002
JOHN M. McCULLOUGH, SUPT.; :
VICKIE HENRY, OFFICIAL RECORD'S :
OFFICE SUPERVISOR; :
MIKE McCLURE, OFFICIAL RECORD'S :
OFFICE SPECIALIST, ET AL., :
Defendants. :
:

PETITION FOR REVIEW
(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) B414981-0B
--	---

The above defendant after pleading guilty nolo contendre being found guilty was on 08/21/86
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	COSTS AMOUNT \$ 1,245.82	RESTITUTION N/A
To Be Paid To: <input type="checkbox"/> COUNTY <input type="checkbox"/> COMMONWEALTH	To Be Paid By: <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> DEFENDANT	

CREDIT FOR TIME SERVED EFFECTIVE DATE OF SENTENCE
December 15, 1986

N/A 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)
--------------	-------------------------------

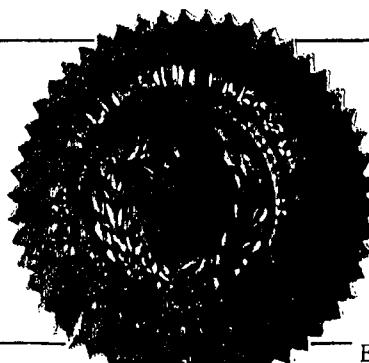
The above defendant after pleading guilty nolo contendre being found guilty was on
19, 1986 sentenced by Judge/District Justice to a term of
not less than years months days nor more than years months days, or
for the offense of

(Section of the Crimes Code) or (other statute)

FINE AMOUNT \$	COSTS AMOUNT \$	RESTITUTION <i>Marilyn L. Holtzapple</i> Marilyn L. Holtzapple Clerk of Courts
To Be Paid To: <input type="checkbox"/> COUNTY <input type="checkbox"/> COMMONWEALTH	To Be Paid By: <input type="checkbox"/> COUNTY <input type="checkbox"/> DEFENDANT	

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.

Marilyn L. Holtzapple
AUTHORIZED SIGNATURE
Marilyn L. Holtzapple, 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)

COURT NUMBER

#345 Criminal Action, 1986

OFFENSE TRACKING NUMBER (OTN)

B414981-0B

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 contendre being found guilty was on 08/21/86
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 \$ <u>N/A</u>	COSTS AMOUNT \$ <u>1,245.82</u>	RESTITUTION N/A
To Be Paid To: <input type="checkbox"/> COUNTY <input type="checkbox"/> COMMONWEALTH		To Be Paid By: <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> DEFENDANT

CREDIT FOR TIME SERVED <u>N/A</u>	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)
--------------	-------------------------------

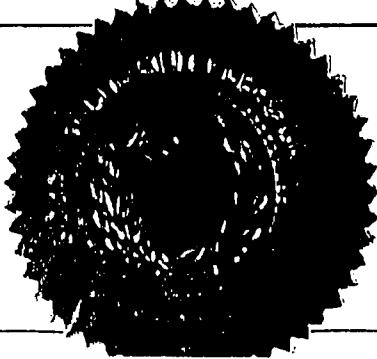
The above defendant after pleading guilty nolo contendre being found guilty was on
, 19 sentenced by Judge/District Justice to a term of
not less than years months days nor more than years months days, or
for the offense of

(Section of the Crimes Code) or (other statute)

FINE AMOUNT \$	COSTS AMOUNT \$	RESTITUTION <u>Marilyn L. Holtzapple</u> Marilyn L. Holtzapple Clerk of Courts
To Be Paid To: <input type="checkbox"/> COUNTY <input type="checkbox"/> COMMONWEALTH		To Be Paid By: <input type="checkbox"/> COUNTY <input type="checkbox"/> DEFENDANT

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

Marilyn L. Holtzapple
Marilyn L. Holtzapple, Clerk of Courts

AUTHORIZED SIGNATURE

SUPPLEMENTAL INFORMATION
(For optional use as work sheet and list of additional Sentences or Detainers.)

The sentence of this defendant was computed as follows:

Credit for Time Served:

All Retainers Must Be Attached To This Form

Total Number Of Detainers Attached:

Total Number of Detainers Attached		
Dated	Indict - Warrant Nos.	Remarks

Recommendations of the Court

MARKED A TRUE COPY
John J. Holtzapple

Marlyn L. Holtzapple
Clerk of Courts

The Following Additional Reports are Attached:

The Following Additional Reports will be Forthcoming:

Continuation Sheet
(BC-300B, Part III)

Presentence or Postsentence Investigation

Arrest Report

Arrest Report

E81

FBI

Arrest Report

Arrest Report

Presentence or
Postsentence Investigation

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		
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								

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

Non-incarcerated Offenses

Comments:

Summary or Remarks on Sentence

VERSION CREATED TO SHOW CORRECTED CREDIT

3. SENTENCE STRUCTURE

Commitment Credit

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: mmcclure

Received on April 19, 2002

<p>Form DC-135A</p> <p>INMATE'S REQUEST TO STAFF MEMBER</p>		<p>Commonwealth of Pennsylvania Department of Corrections</p> <p>INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.</p>
<p>1. To: (Name and Title of Officer) <u>Mr. McClure, Record's Office</u></p> <p>3. By: (Print Inmate Name and Number) <u>Glenn Leroy, Null, Sr., AK-9541</u></p> <p><u>Glenn Leroy, Null, Sr.</u> Inmate Signature</p>		<p>2. Date: <u>April 14, 2002</u></p> <p>4. Counselor's Name <u>Mr. Rice</u></p> <p>5. Unit Manager's Name <u>Ms. Bailey</u></p>
<p>6. Work Assignment <u>Laundry</u></p>		<p>7. Housing Assignment <u>JB-33</u></p>
<p>8. Subject: State your request completely but briefly. Give details.</p> <p>Attention: Mr. McClure:</p> <p>This is an informal complaint regarding my erroneous maximum date of December 6, 2002.</p> <p>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</p>		
<p>9. Response: (This Section for Staff Response Only)</p> <p><i>Glenn Leroy Inmate My maximum date is correct I am not over time</i></p>		

To DC-14 CAR only

To DC-14 CAR and DC-15 IRS

Staff Member Name

[Print](#)

Sign

Date

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER		Commonwealth of Pennsylvania Department of Corrections
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) <u>Mr. McClure, Record's Office</u>	2. Date: <u>April 14, 2002</u>	
3. By: (Print Inmate Name and Number) <u>Glenn Leroy, Null, Sr., AK-9541</u> <u>Glenn Leroy, Null, Sr.</u> Inmate Signature	4. Counselor's Name <u>Mr. Rice</u>	
	5. Unit Manager's Name <u>Ms. Bailey</u>	
6. Work Assignment <u>Laundry</u>	7. Housing Assignment <u>JB-33</u>	
8. Subject: State your request completely but briefly. Give details. by law. In <u>Commonwealth v. Casanove</u> , 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: <u>Bethlehem Steel Corp v. W.C.A.B. (ZIMA)</u> , 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>U.S.C.A. Const. Amend. 8.</u> Accord: <u>Sample v.</u>		
9. Response: (This Section for Staff Response Only)		
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 _____

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER		Commonwealth of Pennsylvania Department of Corrections
<p>INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.</p>		
1. To: (Name and Title of Officer) <u>Mr. McClure, Record's Office</u>	2. Date: <u>April 14, 2002</u>	
3. By: (Print Inmate Name and Number) <u>Glenn Leroy, Null, Sr., AK-9541</u>	4. Counselor's Name <u>Mr. Rice</u>	
<u>Glenn Leroy, Null, Sr.</u> Inmate Signature		5. Unit Manager's Name <u>Ms. Bailey</u>
6. Work Assignment <u>Laundry</u>	7. Housing Assignment <u>JB-33</u>	
8. Subject: State your request completely but briefly. Give details. <u>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).</u>		
<p>WHEREFORE, for the above foregoing facts and reasons, you as an Official Record's Office personnel should honor my request and correct my maximum date to reflect December 5, 2002, instead of December 6, 2002, and issue a new status sheet reflecting December 5, 2002.</p>		
Sincerely,		
<p>c: John M. McCullough, Superintendent</p>		
9. Response: (This Section for Staff Response Only)		
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

1881
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR Ms. Kathy Emei	FACILITY: SCI-Houtzdale	DATE: April 20, 2002
FROM: (INMATE NAME & NUMBER) Glenn Leroy, Null, Sr., AK-9541	SIGNATURE of INMATE: <i>Glenn Leroy, Null, Sr.</i>	
WORK ASSIGNMENT: Laundry	HOUSING ASSIGNMENT: JB-33	

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.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

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.

(See Attached Additional Paper)

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.

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.

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

Kathy Emei

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).

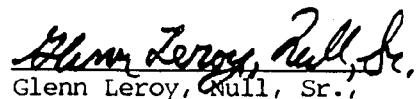
If you calculate three hundred and sixty-five (365) days starting from December 6, 2001 you will end up on December 5, 2002. You can not exceed my maximum date of December 5, 2002, at 11:59 p.m..

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.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, 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.)	FACILITY	HOUSING LOCATION	GRIEVANCE DATE
Glenn Null, Sr.	SCI-Houtzdale	JB-33	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: Lenn Leroy Null, Sr., AK-9541
B-33

TO: JOHN M. MCCULLOUGH
Superintendent

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 Datum
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).

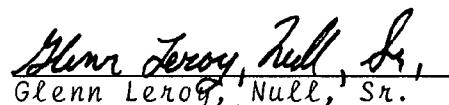
If you calculate three hundred and sixty-five (365) days commencing on December 6, 2001 you will end up on December 5, 2002, at 11:59 p.m..

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.

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:

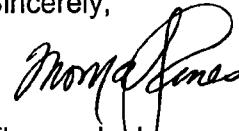
This is to acknowledge receipt of your appeal to final review of the above numbered grievance.

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

"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"

IN THE COMMONWEALTH COURT OF PENNSYLVANIA
MIDDLE DISTRICT

GLENN L. NULL, SR., Petitioner : PETITION FOR REVIEW
VS. : (In the nature of a mandamus)
: :
JOHN M. McCULLOUGH, SUPT., : No.
VICKIE HENRY, OFFICIAL RECORD'S :
OFFICE SUPERVISOR; :
MIKE McCLURE, OFFICIAL RECORD'S :
OFFICE SPECIALIST, ET AL., :
Defendants. :
:

PROOF OF SERVICE

I, GLENN L. NULL, SR., Petitioner, pro se, do hereby certify that I have served a true and correct copy of the foregoing annexed Petition For Review (In the nature of a mandamus), Application To Proceed In Forma Pauperis, and Affidavit In Support Of Application To Proceed IFP upon the person(s) by first class U.S. mail and in the manner indicated below:

Certified Mail; Return Receipt Requested
Addressed as Followed:

Office of The Attorney General
MR. MIKE FISHER, ESQUIRE
16th Fl. Strawberry Square
Harrisburg, PA 17120
Certified Mail:
#7000 0600 0023 9370 0065

MS. VICKIE HENRY, OFFICIAL
RECORD'S OFFICE SUPERVISOR
SCI-Houtzdale
Post Office Box 1000
Houtzdale, PA 16698-1000
Certified Mail:
#7000 0600 0023 9370 0041

JOHN M. McCULLOUGH, SUPT.
SCI-Houtzdale
Post Office Box 1000
Houtzdale, PA 16698-1000
Certified Mail:
#7000 0600 0023 9370 0058

MR. MIKE McCLURE, OFFICIAL
RECORD'S OFFICE SPECIALIST
SCI-Houtzdale
Post Office Box 1000
Houtzdale, PA 16698-1000
Certified Mail:
#7000 0600 0023 9370 0034

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