

04-849-CD
SAMUEL MONROE vs. GEORGE PATRICK

**Samuel Monroe vs George Patrick
2004-849-CD**

24 THE STORY OF CRIMINAL PLATES IN CHESTERFIELD COUNTY, PENNSYLVANIA

DET 1000 874171,
Petitioner
vs.
DET 1000 874171,
Respondent

PERIODICITY OF PROGRESSIVE TAX FORMA PROJECTS

I, Daniel Toncos, declare that I am the plaintiff in the above captioned case. I am unable to pay the filing fee in this action or give security therefor. In support of this claim I aver the following:

1. I am incarcerated at the State Correctional Institution at Moutdale, P.O. Box 1000, Moutdale, WA 98041.
2. My institutional number is BX-7355.
3. My prison wages are less than \$10.00 per month.
4. I have no savings sources of income.
5. I have no household items or goods of any but nominal value.
6. I have attached a statement of account.
7. I declare the statements made herein are true and correct.
8. I understand that false statements will render the subject to 42 Pa. C.S.A. § 4306 relating to Uniform Falsification.

614104

Garrett Monroe
Samuel Monroe
Petitioner, 420 80
BX-7355
P.O. Box 1000
Montezuma, KS 66342

FILED

JUN 10 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SAMUEL MORRIS, :
Petitioner :
vs. : Civil Case No. _____
GEORGE PATRICK, :
Respondent :
:

FINANCIAL WORKSHEET

| | |
|-------------------|------------------|
| WIDOW'S BENEFITS | \$ 0.00 |
| PRIEST EMPLOYMENT | \$ 15.00 / month |

Paid by: SCI Duncansville
Duncansville, PA 16693

| | |
|----------------|---------|
| OTHER EXPENSES | \$ 0.00 |
|----------------|---------|

I verify that the statements made herein are true and correct.
I understand that false statements made herein are subject to
42 Pa. C.S.A. § 4004 relating to witness falsification.

Date: 6/6/64

Samuel Monroe
Samuel Monroe

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SAMUEL MONROE, :
Petitioner :
vs. : Civil Case No. _____
GEORGE PATRICK, :
Respondent :
:

PETITION FOR WRIT OF HABEAS CORPUS FOR RELEASE

FROM UNLAWFUL CUSTODY, IMMEDIATE REVIEW REQUESTED PRO SE

Your Petitioner, Samuel Monroe, avers that he is being unlawfully held in custody beyond the maximum term of sentence imposed and respectfully requests immediate relief, in support thereof your Petitioner avers the following facts in support:

1. Petitioner is currently being held beyond the expiration of his maximum sentence which occurred on May 13, 2004.
2. The Department of Corrections, through its agents: Ileana Jusino, Audrey A. Matsko and George Patrick have incorrectly calculated the maximum sentence to be October 30, 2004.
3. The Pennsylvania Board of Probation and Parole, through its agents: Lawrence F. Murray and Charles Myers, have participated in this act by illegally denying Petitioner credit for time served as an inmate, in custody, at the Kintock Community Correction Center, 1347 Wood St., Philadelphia, PA, 19102.
4. Petitioner was sentenced to a period of one (1) to two (2) years by Judge Levan in Philadelphia County for theft.
5. Petitioner was incarcerated at S.C.I. Houtzdale on this charge from January 13, 2002 to February 3, 2003.
6. Petitioner was released on parole to Kintock on February 3, 2003.

7. Petitioner was in custody at Kintock from February 3, 2003 to June 12, 2003, a period of five (5) months, 14 days.

8. Petitioner's custodians at Kintock, including: Ms. Mines, the case worker and Mr. Coats, case worker supervisor and all other employees are contract employees of the Department of Corrections through Kintock.

9. Kintock must comply with Department of Corrections rules and regulations governing the care, custody and control of inmates in the Pennsylvania prison system.

10. Petitioner was addressed as inmate by the above listed employees of Kintock.

11. Petitioner had to receive permission from staff to leave the building at any time, including: job searches, religious ceremonies, medical appointments and grocery shopping while housed in custody at Kintock.

12. Petitioner was required to observe all Department of Corrections rules and regulations while housed in custody at Kintock.

13. Petitioner was subject to Department of Corrections administrative and disciplinary sanctions while housed in custody at Kintock.

14. Petitioner was required to attend all treatment programs ordered by the case workers while housed in custody at Kintock.

15. The Supreme Court has defined "custody" more broadly than the term "imprisonment" Commonwealth v. Chiappini, 782 A.2d 490, 2001.

16. Legal restraint constitutes custody based on the extent

of control exercised by the restraining authority in consideration of granting time credit for sentencing. Id.

17. A voluntary in-patient drug rehabilitation center constitutes "imprisonment" in regards to credit for a mandatory minimum sentence. Commonwealth v. Conahan, 589 A.2d 1107 (1991).

18. Petitioner was sent to Kintock by the Pennsylvania Board of Probation and Parole as a mandatory condition of parole.

19. Petitioner was informed by a parole board member that he was to be slowly filtered back into society.

20. Kintock is a secure facility which has locked windows, locked doors, standing counts three times a day and bed checks with an enforced bedtime.

21. A person committed to the Department of Corrections as a convicted parole violator would receive credit for time spent at a Community Correction Center if there are sufficient restraints on his liberty. McMillian v. Pennsylvania Board of Probation and Parole, 824 A.2d 350 (Pa. Cmwlth 2003).

22. Petitioner was returned to custody as a convicted parole violator on November 20, 2004.

23. On May 26, 2004 Petitioner received a Sentence Status Summary DC-16E from the records room at S.C.I. Houtzdale.

24. This summary listed Petitioner's maximum sentence date as October 30, 2004 which does not give Petitioner any of the rightful time credit for time in custody at Kintock.

25. For the above listed reasons Petitioner has been wrongfully incarcerated from May 13, 2004 to the present

Wherefore, your Petitioner respectfully requests this Honorable Court expeditiously ORDER a hearing on the instant petition at the earliest possible date.

6/6/64

Respectfully submitted,

Samuel Monroe EX-7365

Samuel Monroe
Petitioner, Pro se
EX-7365
P.O. Box 1000
Houtzdale, PA 16698

VERIFICATION

I verify the statements made herein re true and correct. I understand that false statements are made subject to 42 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Samuel Monroe
Samuel Monroe

Subpart B. DEPARTMENT OF CORRECTIONS

| Chap. | | Sec. |
|-------|--|--------|
| 91. | ADMINISTRATION | 91.1 |
| 93. | STATE CORRECTIONAL INSTITUTIONS AND FACILITIES | 93.1 |
| 94. | RELEASE AND PRERELEASE PROGRAMS | 94.1 |
| 95. | COUNTY CORRECTIONAL INSTITUTIONS | 95.141 |

CHAPTER 91. ADMINISTRATION

| Sec. | |
|-------|-------------------------------------|
| 91.1. | Definitions. |
| 91.2. | Agency purpose. |
| 91.3. | Reception and discharge of inmates. |
| 91.4. | Catchment areas. |
| 91.5. | [Reserved]. |
| 91.6. | Use of force and restraints. |

L. HOUTZDALE
LIBRARY

Authority

The provisions of this Chapter 91 issued under section 916 of The Administrative Code of 1929 (71 P. S. § 306), unless otherwise noted.

Source

The provisions of this Chapter 91 adopted August 14, 1971, 1 Pa.B. 1655, amended through February 17, 1984, effective February 18, 1984, 14 Pa.B. 534. Immediately preceding text appears at serial page (32658).

§ 91.1. Definitions.

The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

Board—Pennsylvania Board of Probation and Parole.

Community corrections center—A minimum security community-oriented facility operated by the Department for the purpose of facilitating special programs.

Contraband—Material listed as contraband in 18 Pa.C.S. §§ 5122 and 5123 (relating to weapons or implements for escape; and contraband), the Commonwealth of Pennsylvania *Department of Corrections Inmate Handbook*, or any Department document that is disseminated to inmates, such as material that an inmate is prohibited from possessing or material that an inmate is permitted to possess that has been altered or is being used for something other than its intended purpose.

Department—The Department of Corrections.

Diagnostic and classification center—Facilities designated to receive and classify persons who have been committed to the custody of the Department.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SAMUEL MONROE, :
Petitioner :
VS. : Civil Case No. _____
GEORGE PATRICK, :
Respondent :

PROOF OF SERVICE

I verify that I have served the attached PETITION FOR WRIT OF HABEAS CORPUS on the persons list below in the manner indicated. This satisfies the Pennsylvania Rules of Appellate Procedure.

SERVICE BY FIRST CLASS MAIL FROM HOUTZDALE, PA 16698

George Patrick
Superintendent
S.C.I. Houtzdale
Houtzdale, PA 16698

Office of the Attorney General
of Pennsylvania
Strawberry Square
Harrisburg, PA 17120

ON THIS DATE: 6/6/04

Samuel Monroe
Samuel Monroe
Petitioner, Pro se
EX-7365
P.O. Box 1000
Houtzdale, PA 16698

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SAMUEL MONROE,
Petitioner
vs.
GEORGE PATRICK,
Respondent

Civil Case No. 2004-849-CD

PETITION TO PROCEED IN FORMA PAUPERIS

I, Samuel Monroe, declare that I am the plaintiff in the above captioned case. I am unable to pay the filing fee in this action or give security therefor. In support of this claim I aver the following:

1. I am incarcerated at the State Correctional Institution at Moutzdale, P.O. Box 1000, Moutzdale, PA 16698.
2. My institutional number is EX-7365.
3. My prison wages are less than \$15.00 per month.
4. I have no other sources of income.
5. I have no household items or goods of any but nominal value.
6. I have attached a statement of account.
7. I declare the statements made herein are true and correct.
8. I understand that false statements made herein are subject to 42 Pa. C.S.A. § 4904 relating to unsworn falsification.

6/15/64
Date

General Mouse

Samuel Monroe
Petitioner, Pro se
Ex-7365
P.O. Box 1000
Houtzdale, PA 16698

FILED

JUN 22 2004

86-22001
N (12:10/6)

William A. Shaw

Prothonotary/Clerk of Courts
~~I Went to Puff~~

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SAMUEL MORROE,
Petitioner
vs.
GEORGE PATRICK,
Respondent

Civil Case No. 2004-849 CD

FINANCIAL WORKSHEET

| | |
|--------------------|------------------|
| VETERAN'S BENEFITS | \$ 0.00 |
| PRISON EMPLOYMENT | \$ 15.00 / month |

Paid by: SCI Moutdale
Moutdale, PA 16698

| | |
|--------------|---------|
| OTHER INCOME | \$ 0.00 |
|--------------|---------|

I verify that the statements made herein are true and correct.
I understand that false statements made herein are subject to
42 Pa. C.S.A. § 4904 relating to unsworn falsification.

Date: 6/16/04

Samuel Monroe
Samuel Monroe

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

SAMUEL MONROE,
Plaintiff

vs.

GEORGE PATRICK,
Defendant

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*
*
* No. 2004-849 -C.D.

O R D E R

NOW, this 10th day of June, 2004, the Court being in receipt of Petitioner's Writ of Habeas Corpus for Relief; the Court being satisfied that the Petitioner's remedy lies through the Department of Corrections, the Pennsylvania Board of Probation and Parole and then to the Commonwealth Court, the Petition for Habeas Corpus has been inappropriately submitted. As such, it is the ORDER of this Court that the Petitioner's request to proceed In Forma Pauperis be and is hereby denied.

By the Court,

By the court,

FREDRIC J. AMMERMAN
President Judge

FILED

JUN 10 2004

William A. Shaw
Prothonotary/Clerk of Courts