

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 0374

September Term, 2015

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MELVIN WAYNE MURRAY

v.

KATHLEEN GREEN, WARDEN

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Eyler, Deborah S.,  
Arthur,  
Kenney, James A., III  
(Retired, Specially Assigned),

JJ.

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Opinion by Arthur, J.

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Filed: March 29, 2016

\*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Melvin Wayne Murray, a person confined at the Eastern Correctional Institution in Westover, Maryland, appeals from an order of the Circuit Court for Baltimore City that denied his petition for writ of habeas corpus. Because the court did not err in denying the petition, we affirm the order.

**FACTUAL AND PROCEDURAL BACKGROUND**

**A. Murray’s Mandatory Supervision Release**

Since 1987, Murray has been serving consecutive sentences for his convictions for crimes including second-degree rape, assault, and driving a motor vehicle while his license was revoked. In 2011, the Division of Correction released Murray on mandatory supervision pursuant to Md. Code (1999, 2008 Repl. Vol.), § 7-501 of the Correctional Services Article (“CS”). At that time, the Division of Parole and Probation certified that his term of confinement would expire on January 14, 2022.

“An individual on mandatory supervision is subject to: (1) all laws, rules, regulations, and conditions that apply to parolees; and (2) any special conditions established by a commissioner.” CS § 7-502(b); *see* Code of Maryland Regulations (COMAR) 12.08.01.21(D)-(E). Murray’s mandatory supervision release certificate included an “Acknowledgement of the Conditions of Mandatory Supervision Release,” in which he recognized his obligation to observe and abide by all conditions of his release. The certificate listed eight “Conditions of Mandatory Supervision Release”<sup>1</sup> and eight

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<sup>1</sup> The eight standard conditions are virtually identical to the “general conditions of every parole” required by regulations of the Maryland Parole Commission. *See* COMAR 12.08.01.21(D).

“Special Conditions of Mandatory Supervision Release.” Number 1 on the list of standard conditions was the condition that Murray “[r]eport as directed to and follow [his] Parole Agent’s instructions.”

The special conditions included: special condition 34, that Murray “[c]omply as directed by [his] parole/probation agent with the Division of Parole and Probation’s sexual offender management program, which may include intensive reporting requirements [and] specialized sexual offender treatment”; and special condition 35, that Murray “[c]omply with any curfew or site restrictions imposed by [his] parole/probation agent” and “[c]ooperate with any program which is established to monitor [his] compliance with th[o]se restrictions[.]”

**B. Decision Revoking Murray’s Mandatory Supervision Release**

In September 2012, Murray’s parole agent requested a warrant to detain Murray for violating the conditions of his release. The accompanying statement of charges included the agent’s sworn allegations: that Murray had violated his daily curfew on 30 occasions over the previous six months (in violation of condition 1 and special condition 35); and that Murray had tampered with his GPS tracking unit and had failed to attend sexual offender treatment meetings (in violation of special condition 34).

Murray appeared with counsel at a hearing before the Parole Commission on November 28, 2012. Based on the evidence at the hearing, a parole commissioner found that Murray had violated the conditions of his release.

The commissioner issued a written decision on a standard, preprinted form (MPC-45 (Revised 7/2001)) provided by the Maryland Parole Commission.<sup>2</sup> The form included empty boxes for the commissioner’s finding as to each “Rule” that an offender had violated. The commissioner checked the box for “Rule 1” for “failing to report[.]” On a line provided to indicate the dates of the violations, the commissioner handwrote the words, “violated curfew 9/1/12[.]”

The form also included a box to indicate violations of “special conditions” and a line to specify “other” special conditions that were not listed on the form. Instead of checking the box provided, the commissioner drew three more boxes in the space below that portion of the form. The commissioner checked each of those three boxes, to indicate violations for failure to comply with “spec. cond[s].” related to “sex offender” treatment, with “cond. 34” through a “GPS violation: tampering [with] a unit,” and with “cond. 35” for failure to “comply with curfew.”

Upon those findings, the commissioner revoked Murray’s conditional release. The commissioner allowed credit for the days between the release date and the revocation date, but rescinded all diminution credits previously earned by Murray. Murray received a copy of the written decision, which informed him that he had “30 days after receiving this written decision to appeal the revocation of [his] parole/mandatory supervision release to the circuit court.” *See generally* CS § 7-401(f); Md. Rule 7-203(a)(3).

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<sup>2</sup> An image of the document is appended to this opinion.

**C. Murray's Efforts to Obtain Judicial Review of Revocation Decision**

Nearly five months after the decision revoking his release, Murray filed a “Motion to Waive Prepayment of Filing Fee” in the Circuit Court for Baltimore City. The court construed his motion as an untimely request for judicial review of the Parole Commission decision. The court denied his request on May 20, 2013.

Thirty days later, Murray moved for reconsideration. A few months later, Murray filed another “Motion to Waive Prepayment of Filing Fee.” The court then issued another order on November 18, 2013, stating that his requests were denied as untimely.

In July 2014, Murray filed three additional motions asking the court to reconsider the denial of his requests to review the Parole Commission’s decision.<sup>3</sup> On August 21, 2014, the court issued an order denying Murray’s requests, explaining that the court had determined that Murray’s “claim/appeal is frivolous,” because his petition for judicial review had previously been “denied as time barred[.]”

Murray did not appeal from any of the orders in that action.

**D. The Petition for Writ of Habeas Corpus**

On October 14, 2014, Murray, representing himself, commenced the present action by filing a petition for writ of habeas corpus in the Circuit Court for Baltimore City. Murray asserted that he was unlawfully confined as a result of actions of the Maryland

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<sup>3</sup> Murray filed a “Motion for Reconsideration of the Waiver” on July 7, 2014; a “Motion for Reconsideration and other papers” on July 18, 2014; and then a “Request for Disposition Regarding Waiver to File Appeal Based on Technical Irregularities” on July 30, 2014. A later court order indicates that the court treated the July 18 filing as a petition for writ of habeas corpus.

Parole Commission. He contended that the revocation of his release violated his rights under the Fourteenth Amendment of the United States Constitution and under Article 17 of the Maryland Declaration of Rights.<sup>4</sup>

Murray's claim of illegal confinement was based on certain characteristics of the parole commissioner's written decision revoking his release. Murray pointed out that the commissioner had checked only one of the preprinted boxes on the form, which indicated a violation for "failing to report," without checking the box on the form to indicate violations of "special conditions." Murray alleged that the commissioner had "unlawfully altered an official document," by making handwritten notations in a space below the preprinted boxes on the form. Murray also asserted (incorrectly) that his release certificate had included no special conditions other than sex offender registration. He accused the parole commissioner of creating and then retroactively applying new conditions.

According to Murray, as a result of the manner in which the commissioner had filled out the decision form, the commissioner could lawfully consider only whether Murray had "fail[ed] to report" each week to his parole agent. Murray argued that the commissioner "incorrectly applied" that rule by finding a violation for his failure to follow instructions regarding daily curfew and electronic monitoring. He attached a photocopy of a reporting card, in an effort to prove his perfect record of weekly reporting to his parole agents.

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<sup>4</sup> In full, Article 17 provides: "That retrospective Laws, punishing acts committed before the existence of such Laws, and by them only declared criminal are oppressive, unjust and incompatible with liberty; wherefore, no ex post facto Law ought to be made; nor any retrospective oath or restriction be imposed, or required."

After receiving the petition, the circuit court ordered the warden of Eastern Correctional Institution to show cause why the writ should not issue. In its response, the State contended that Murray was “belatedly attempting to seek judicial review of the Parole Commission’s revocation decision” and that Murray “should not be permitted to challenge” that decision “by way of a habeas corpus petition.” The State asserted that, because Murray had failed to seek timely judicial review of the Parole Commission’s decision, the audio recording from the revocation hearing had already been erased. *See generally* COMAR 12.08.01.22(F)(6) (authorizing Parole Commission to destroy recording of parole revocation hearing unless a transcript request is received within 60 days after a hearing). The State argued that a review of the lawfulness of the Commission’s revocation decision was no longer possible.

The State also argued that Murray’s petition lacked merit because Murray’s imprisonment was lawful in any event. The State attached several supporting exhibits, including copies of Murray’s commitment records, his release certificate, the retake warrant request, the statement of charges that had been served upon Murray, the parole commissioner’s written decision, docket entries in Murray’s judicial review action, and the court order that had ultimately denied his claims as “frivolous.”

Murray submitted a reply, in which he argued that the evidence at the revocation hearing was not relevant because his petition was based on the form of the written decision. He reiterated his contention that the parole commissioner “did not establish her official right to try [him] for violating ‘special conditions,’” because the commissioner did not check the box on the preprinted form for “special conditions.” Murray accused the parole

commissioner of “deceptively plac[ing]” handwritten information on an improper area of the form.

Murray further argued that a writ of habeas corpus was a proper remedy for addressing “administrative errors” in the revocation decision. He asserted that he had “made a substantial effort to comply” with procedures for seeking judicial review of the revocation decision, by submitting an “initial letter of intent to appeal” at some unspecified time, and by sending a filing fee through an inmate banking system four months after the decision (which was later remitted to him).

Without a hearing, the circuit court entered an order on February 20, 2015, stating that Murray’s petition was: “DENIED and DISMISSED for reasons set forth in the attached Respondent’s Answer to Petition for Writ of Habeas Corpus, which clearly demonstrates both the reasons for him being properly held and that the Petitioner’s claims are not properly before the Court, as a Writ of Habeas Corpus is not the proper way to seek judicial review of Petitioner’s parole revocation.”

Murray noted an appeal from that order on March 2, 2015.<sup>5</sup>

### **QUESTIONS PRESENTED**

Murray raises a number of issues on appeal, many of which are not properly before

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<sup>5</sup> Appellate jurisdiction over this case is authorized by Md. Code (2001, 2008 Repl. Vol., 2015 Supp.), § 7-107(b) of the Criminal Procedure Article, a statute that “[t]he Court of Appeals has construed . . . to ‘grant[] a right of appeal in a habeas corpus case not involving a challenge to the criminal conviction and sentence . . . which led to the prisoner’s confinement.’” *Simms v. Shearin*, 221 Md. App. 460, 472 (2015) (quoting *Gluckstern v. Sutton*, 319 Md. 634, 662 (1990)); see *Maryland Corr. Inst. v. Lee*, 362 Md. 502, 517 (2001). Murray does not challenge his underlying convictions or sentences, but rather the imprisonment that resulted from the revocation of his release.

this Court because those issues were neither raised in nor decided by the circuit court in the habeas corpus action. *See* Md. Rule 8-131(a).

Most notably, Murray attempts to attack rulings made in his 2013 action for judicial review (Case No. 24-C-13-002444), rather than orders of the circuit court in his separate 2014 habeas corpus action (Case No. 24-H-14-000199). In his appellate brief, Murray now asserts for the first time that he had filed a petition for judicial review of the revocation decision one day after the Parole Commission issued its November 28, 2011, decision. Although the record includes nothing to support that assertion, Murray also attaches what he asserts is a copy of a handwritten letter dated January 14, 2013, in which he asked the clerk whether the circuit court had set a date for hearing his petition. He argues that the circuit court’s denial of his efforts to seek judicial review deprived him of various constitutional rights.

Because Murray did not appeal any of the orders in his unsuccessful judicial review action, this Court has no power to reverse the orders in that action. The only questions properly before this Court relate to whether an error affected the circuit court’s denial of Murray’s habeas corpus petition on February 20, 2015. *See* Md. Rule 8-131(d) (providing that “[o]n an appeal from a final judgment, an interlocutory order previously entered *in the action* is open to review by the Court”) (emphasis added). Whatever merit (if any) there may be to Murray’s new factual assertions or legal arguments about the judicial review proceedings, Murray did not make those matters known to the court that denied his habeas corpus petition.

In this action, the circuit court denied Murray’s petition on the grounds that: (1) his claims were not the proper subject of a habeas corpus petition; and (2) that the response to the petition showed that his imprisonment was lawful. As discussed below, we agree with the second ground relied upon by the circuit court. Therefore, we hold that the court did not err in finding that Murray was not entitled to relief.<sup>6</sup>

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<sup>6</sup> In full, the questions included in Murray’s brief were:

1. Whether petitioner with a liberty interest claim can use the petition for writ of habeas corpus and especially in cases when petitioner has made a robust effort to address such by way of judicial review process?
2. Whether Parole Commissioner Sullivan’s actions such as:
  - a. Altering the parole form needlessly constituted a [sic] improper procedure and hence, forfeited her right to charge petitioner with violating special conditions?
3. Was appellant’s First Amendment right(s) violated?
  - a. The Circuitry [sic] Court for Baltimore City Civil Division did not allow appellant access to the court?
4. Did Parole Agent Simmons and the Parole Commission abuse her discretion by ordering petitioner to observe a curfew after being on the street for 7 months before such requirements were imposed by previous parole agents: petitioner was in a shelter, an agency not subject to rules and regulations of the Department of Parole and Probation?
5. Was a writ for habeas corpus the right and correct petitions [sic] to file in this matter to support petitioner illegal incarceration?
6. Did the attorney prejudice appellant’s case, when his performance was not up to the standard of his representation, and his deficiency of appellant’s safeguard of his rights [sic]?
7. Did the court violate the “technical irregularities” of the Maryland Law of the Maryland Annotated Code [sic]?

**DISCUSSION**

“The writ of *habeas corpus* is a common law writ, having for its great object the liberation of persons imprisoned without sufficient cause.” *Deckard v. State*, 38 Md. 186, 203 (1873). The writ is frequently used as a civil remedy through which a prisoner may compel the person with custody of the prisoner to bring the prisoner to court to ensure that the imprisonment is not illegal. *See, e.g., Simms v. Shearin*, 221 Md. App. 460, 468 (2015).

Current law provides that: “A person committed, detained, confined, or restrained from his lawful liberty within the State for any alleged offense or under any color or pretense or any person in his behalf, may petition for the writ of habeas corpus to the end that the cause of the commitment, detainer, confinement, or restraint may be inquired into.” Md. Code (1974, 2013 Repl. Vol., 2015 Supp.), § 3-702 of the Courts and Judicial Proceedings Article. Upon a properly filed habeas corpus petition, “the judge shall grant the writ unless . . . the judge finds from the petition, any response, reply, document filed with the petition or with a response or reply, or public record that the individual confined or restrained is not entitled to any relief[.]” Md. Rule 15-303(e)(3)(A).<sup>7</sup>

On appeal from a denial of a habeas corpus petition, this Court “will review the case on both the law and the evidence, and we will not set aside the judgment on the evidence

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<sup>7</sup> In addition, a judge may deny a habeas corpus petition on the grounds that “there is no good reason why new grounds now raised by the petitioner were not raised in previous proceedings; or [] there has been an unjustified delay in filing the petition that has prejudiced the ability of the person having custody of the individual confined or restrained to respond to the petition.” Md. Rule 15-303(e)(3)(C)-(D). The judge may not deny the writ on either of those two grounds unless the petitioner receives additional notice and opportunity to reply. Md. Rule 15-303(e)(4). The circuit court did not deny the petition on either of those grounds.

unless clearly erroneous.” *Wilson v. Simms*, 157 Md. App. 82, 91 (2004) (citing Md. Rule 8-131(c)).

When the circuit court refused to grant Murray’s petition, it first stated that the State’s response showed that Murray’s claims were “not properly before the Court, as a Writ of Habeas Corpus is not the proper way to seek judicial review of [Murray]’s parole revocation.” Similarly, the State argues on appeal that “[p]arole revocation decisions are generally not subject to judicial review by way of habeas corpus[.]” This argument relied on dicta from a footnote in *Frost v. State*, 336 Md. 125 (1994).

In *Frost*, the Court of Appeals held that two prisoners could use habeas corpus proceedings to challenge the imprisonment resulting from decisions to revoke their mandatory supervision release. The Court rejected the State’s contention that the petitions should have been denied, without any consideration of the merits, on the grounds that neither prisoner had sought judicial review of his parole revocation proceedings. *Id.* at 134-36. In a footnote, the Court added:

[I]f the appellants sought habeas corpus relief based on mere errors or irregularities in their revocation hearings, without first raising such allegations in an [petition for judicial review] to the circuit court, transcripts of the revocation hearing might be unavailable. *See* COMAR 12.08.01.22F(6) (providing that upon suit for judicial review a transcript shall be made available and that if a request for a transcript is not made within 60 days of the hearing, the recording of the revocation hearing may be destroyed). Thus, if prisoners were permitted to bypass [petitions for judicial review] with respect to ordinary defects in their revocation proceedings, habeas courts might be faced with a plethora of contentions without any way of ascertaining whether the Parole Commission had the opportunity to address them. *See Reynolds v. Cunningham*, 131 N.H. 312, 556 A.2d 300 (1988) (holding that habeas corpus petition should have been dismissed where the petitioner delayed action approximately 16 months after parole revocation hearing and after transcript of proceeding had been routinely

destroyed, thus leaving no indication of objection aside from unsupported after-the-fact allegations). Therefore, absent a claim such as appellants', *i.e.*, that the Parole Commissioner's order was an absolute nullity because the Commissioner lacked the authority to take any action, the State's argument – that it is improper to consider the merits of a habeas corpus petition where a [petition for judicial review] was bypassed – may well have merit.

*Frost*, 336 Md. at 135-36 n.6.

At some points in his habeas corpus petition here, Murray appeared to challenge factual findings from the revocation hearing. For instance, he accused his parole agent of fabricating the charges against him, blamed his curfew violations on the policies of the shelter in which he was placed, and alleged that an unnamed “GPS supervisor” had concluded that Murray did not tamper with his GPS equipment. Because no transcript of the revocation hearing was provided to the circuit court at the time of the habeas corpus petition, the court had no way to ascertain whether the commissioner's findings were correct or whether Murray had even tried to present those matters to the commissioner. *See Frost*, 336 Md. at 135 n.6. The court could not grant him relief on those grounds.

Murray's main argument, however, was his theory that the parole commissioner “did not establish her official right” to try Murray and that the commissioner's decision violated the constitutional guarantee of due process and prohibition on ex post facto laws. The State argues that Murray should be barred from seeking habeas corpus relief on that basis. Relying on an aggressive reading of footnote 6 from *Frost*, the State asserts that judicial review is the “exclusive remedy” for challenging the legality of imprisonment resulting from a parole revocation decision.

We decline the State’s invitation to endorse an expansive interpretation of the carefully qualified dicta from *Frost*, 336 Md. at 135-36 n.6. Although claims of errors or irregularities in parole revocation proceedings normally should be raised through an action for judicial review, it is not necessarily correct that judicial review is the “exclusive remedy” for asserting that a person’s release has been illegally revoked.

In *Maryland House of Correction v. Fields*, 348 Md. 245 (1997), *abrogated on other grounds by Moats v. Scott*, 358 Md. 593 (2000), the Court of Appeals held that inmates “could properly petition the circuit court for writs of habeas corpus despite any failure to invoke and exhaust the inmate grievance administrative and judicial review procedures.” *Id.* at 257. The Court explained that, “[i]f a habeas corpus proceeding . . . were nothing more than a common-law or statutory remedy,” then an “inmate would be required first to invoke and exhaust administrative remedies.” *Id.* at 260. The writ of habeas corpus “is not simply a common-law or statutory remedy over which the General Assembly has full control[,]” but rather “a remedy authorized and protected by the Constitution of Maryland.” *Id.* (citing Md. Const., Art. III, § 55). In light of *Fields*, we shall assume (but not decide) that a prisoner may seek habeas corpus relief based on a claim that an agency has illegally revoked the prisoner’s release, regardless of whether the prisoner sought judicial review of the revocation decision.

Even though Murray may be able to clear that potential procedural bar, he must still show that the circuit court was wrong on the merits in order to prevail in this appeal. As an alternative ground for denying Murray’s petition, the circuit court found that Murray was not entitled to relief because the response and the other records attached to that

response “demonstrate[d] . . . the reasons for him being properly held[.]” That judgment on the evidence cannot be set aside unless it is clearly erroneous. *Wilson v. Simms*, 157 Md. App. at 91 (citing Md. Rule 8-131(c)).

In his petition, Murray had stated that he “had no special conditions of record (see mandatory release certificate) upon release other than to register as a sex offender[.]” The State disproved that assertion by producing the actual 2011 certificate, with an acknowledgement signed by Murray, showing that his release conditions included: standard condition 1, that he not only “[r]eport as directed to” his parole agent but also “follow [his] Parole Agent’s instructions”; special condition 34, that Murray comply as directed by his parole agent with the reporting, electronic monitoring, and treatment requirements of the sexual offender management program; and special condition 35, that Murray comply with curfew or site restrictions imposed by his parole agent and cooperate with programs such as GPS tracking to monitor his compliance with those restrictions. The record included no support for his claim that a parole commissioner retroactively imposed those conditions during the 2012 release violation hearing.

Murray had also argued that the parole commissioner had authority to consider only his weekly reporting violations. The State refuted that assertion by producing the retake warrant that had been served upon Murray in September 2012. The warrant included a statement of charges that adequately informed Murray of the nature of the charges against him, including the alleged violations for failing to follow his parole agent’s instructions (standard condition 1), failing to comply with sexual offender treatment (special condition 34), and failing to comply with curfew restrictions and to cooperate with electronic

monitoring program (special condition 35). After granting Murray the opportunity to contest those charges at a hearing at which he was represented by counsel, the parole commissioner found that Murray had violated those conditions.

Contrary to Murray’s argument, the function of the written decision was not to “establish [the commissioner’s] official right” to consider the charges against Murray, but to inform him of the reasons why his conditional release had already been revoked at the hearing. *See* COMAR 12.08.01.22(F)(8)(a) (requiring parole commissioner to “announce[.]” the decision at the conclusion of the hearing and then to prepare a “concise statement of the findings of fact and the determinations of contested issues . . . as soon as practicable *after* the hearing”) (emphasis added). Finally, there was nothing “deceptive[.]” about the handwritten summary of findings on the decision form. To the contrary, the arguments in Murray’s petition showed that Murray in fact understood which conditions the commissioner found that he had violated.

In sum, based on the submissions before it, the circuit court did not err in finding that Murray’s imprisonment was lawful. *See Frost*, 336 Md. at 129 n.3 (rejecting petitioner’s argument that Parole Commission revoked his diminution credits without due process where record showed that petitioner received mandatory release certificate informing him of that possible consequence, where petitioner was represented by counsel at revocation hearing at which he had opportunity to explain circumstances of offense, and

where petitioner received written decision adequately informing him why his credits had been revoked). Therefore, the circuit court's judgment is affirmed.

**ORDER OF THE CIRCUIT COURT  
FOR BALTIMORE CITY  
AFFIRMED. COSTS TO BE PAID  
BY APPELLANT.**

MARYLAND PAROLE COMMISSION  
Decision Resulting from Parole/Mandatory Supervision Release Violation Hearing

Offender's Name: Murray, Melvin PARIS/DOC Number (s): 185455  
Hearing Date: 11/28/12  Parole  Mandatory Supervision Release  
Correctional Facility: MED CC Attorney: Meade  
Date of Release: 4/19/11 Parole Agent: Simmons

- Based upon the testimony and evidence presented at the hearing, I find the offender guilty of violating the terms and conditions of release as set forth below.
- In accordance with the knowing and voluntary admission of guilt by the offender, I find the offender guilty of violating the terms and conditions of release as set forth below.
- Disposition only. See DISPOSITION, below.
- Based upon the testimony and evidence presented at the hearing, I find the offender not guilty of violating the terms and conditions of release.

FINDINGS OF FACTS

Rule Violated

- Rule 1 ..... By failing to report on the following dates: violated curfew 9/1/12
  - Rule 2 ..... By failing to work regularly and failing to make sufficient effort to do so.
  - Rule 3 ..... By failing to obtain the permission of your Parole Agent when you:  changed your home address;  changed your employment; or  left the State of Maryland.
  - Rule 4 ..... By failing to obey all laws as evidenced by the finding of guilt on the charge(s) of \_\_\_\_\_ in the \_\_\_\_\_ court for \_\_\_\_\_ (County/City)
  - Rule 5 ..... By failing to notify your Parole Agent of your arrest on \_\_\_\_\_ (date) for \_\_\_\_\_
  - Rule 6 ..... By using, possessing, or selling a controlled dangerous substance (CDS) as evidenced by:  positive urine test(s) conducted on \_\_\_\_\_;  conviction(s) of a CDS violation(s) on \_\_\_\_\_;  by your own admission of same.
  - Rule 7 ..... By having under your control a dangerous weapon without the approval of the Parole Commission.
  - Rule 8 ..... By constituting a threat to  yourself;  or others, namely, \_\_\_\_\_
  - Rule 9 ..... By violating the special condition requiring:  satisfactory completion of drug/alcohol treatment;  drug/alcohol testing as directed;  participation in the Correctional Options Program;  payment of restitution, costs, or fees in the amount of \$ \_\_\_\_\_;  no contact with the person(s) specified in the order for parole or mandatory supervision release;  other \_\_\_\_\_
  - Rule 10 ..... By failing to pay a monthly supervision fee as required by law.
  - Rule 11 ..... By failing to pay for drug or alcohol abuse testing, ordered by the Parole Commission, after being required to do so by the Division of Parole and Probation.
- Special: FT sex offense management.  
 Cond 34: GPS violation: tampering unit  
 Cond 35: FT comply with curfew.
- As a result of the findings specified above, the following disposition is entered:

Revoke your parole/mandatory supervision release and terminate the conditions thereof. Allow credit from 4/19/11 to 9/14/12, between release and revocation, against the original term from which you were released. \*You shall be returned to the authority from which you were released.

\*Note: You may not receive credit for time between release on parole and revocation of parole if: (1) you were serving a sentence for a violent crime committed after 10/1/94 when parole was revoked; and (2) the parole was revoked due to a finding that you committed a violent crime while on parole.

- MANDATORY SUPERVISION RELEASE REVOCATION ONLY. Rescind ALL diminution of confinement credits.
- Continue parole/mandatory supervision release and recall the retake warrant and detainer. The detaining correctional facility shall release the above-named offender from the retake warrant and detainer.
- Continue on parole/mandatory supervision release as active, but unavailable for supervision, and recall the retake warrant and detainer. The offender is to serve a sentence(s) for the offense(s) of: \_\_\_\_\_
- Close case for administrative purposes. The detaining correctional facility shall release the above-named offender from the retake warrant and detainer.
- Withhold disposition pending: \_\_\_\_\_
- Other: Waive fees.

By: [Signature] Commissioner Date: 11/28/12

I acknowledge that I have received a copy of this decision.  
[Signature] Offender Date: 11/28/12

You have 30 days after receiving this written decision to appeal the revocation of your parole/mandatory supervision release to the circuit court.  
MPC-45 (Revised 7/2001) White: Correctional Facility Pink: Offender Yellow: Maryland Parole Commission