

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Brandon M. Drayton,	:	
Petitioner	:	
	:	
v.	:	No. 1407 C.D. 2024
	:	
Pennsylvania Parole Board,	:	
Respondent	:	Submitted: February 3, 2026

BEFORE: HONORABLE ANNE E. COVEY, Judge
HONORABLE STACY WALLACE, Judge
HONORABLE MATTHEW S. WOLF, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY
JUDGE WOLF

FILED: September 21, 2026

Brandon M. Drayton petitions this Court for review of the Pennsylvania Parole Board's (Board) denial of administrative relief from its previous decision to rescind Drayton's automatic reparole due to misconduct. Also before this Court is an application (Application) submitted by Drayton's counsel, Nicholas E. Newfield, Esquire (Counsel) to withdraw from representation on the ground that Drayton's Petition for Review (Petition) is meritless. Because Drayton's maximum sentence expired on July 15, 2025, and Drayton is no longer subject to the Board's authority, we dismiss the Application and Petition as moot.

The Board initially granted Drayton parole by action recorded March 12, 2019, and he was released on parole on June 27, 2019, with a controlling maximum sentence date of June 27, 2025. Certified Record (C.R.) at 7-11. Through

a series of decisions from 2020 to 2023, the Board recommitted Drayton as a technical parole violator due to repeated new criminal charges. *Id.* at 25-27, 30-33, 52-55, 60-62. Drayton's maximum sentence date was then July 6, 2025. *Id.* at 30-33. On January 12, 2024, the Board released Drayton on parole. *Id.* at 48.

By action recorded April 10, 2024, the Board again recommitted Drayton as a technical parole violator, noting his arrest shortly after release, poor supervision history, and violation of parole by failing to disclose a change in address. C.R. at 73-75. The recommitment was for a term of nine months, with automatic reparole after six months. *Id.* Drayton's maximum sentence date was recalculated as July 15, 2025. *Id.* at 75.

On or about April 11, 2024, while incarcerated at State Correctional Institution – Coal Township, Drayton was charged with misconduct for alleged assaultive behavior. C.R. at 76. A Department of Corrections hearing examiner held a misconduct hearing on April 16, 2024, and found Drayton had committed misconduct. *Id.* at 78. On April 30, 2024, the Board issued an automatic reparole rescission report, recommending that based on the misconduct, the Board should rescind the automatic reparole in its April 10, 2024 recommitment decision. *Id.* at 82.

By action recorded April 30, 2024, the Board formally rescinded the automatic reparole. *Id.* at 83. Drayton timely petitioned for administrative review of the decision to rescind automatic reparole, which the Board denied by response mailed September 17, 2024. *Id.* at 93-94. The Board noted a statutory provision restricting automatic reparole for those who commit violent assaultive behavior. *Id.*

(citing 61 Pa.C.S. § 6138(d)(5)). Drayton timely petitioned this Court for review.¹ On January 17, 2025, Counsel filed the Application and a *Turner*² letter asserting the Petition lacks merit.

Drayton’s maximum sentence date expired July 15, 2025.³ C.R. at 73-75. “The expiration of a parolee’s maximum term renders an appeal from the Board’s revocation order moot” if there is “no relief that can be afforded.” *Johnson v. Pa. Parole Bd.*, 300 A.3d 525, 527 (Pa. Cmwlth. 2023). No relief can be afforded when the parolee has already served his maximum sentence and has been released from the Commonwealth’s custody and control. *Id.* at 528.

Here, nothing in the record shows Drayton is subject to new criminal charges that could extend his maximum sentence date or implicate the Board’s revocation of automatic reparole. It appears Drayton is no longer under the custody or control of the Commonwealth.⁴ We conclude any judgment entered would be without effect, and the exceptions to the mootness doctrine do not apply.

Accordingly, we will dismiss the Application and Petition as moot. *See Johnson*, 300 A.3d at 527; *Simmons v. Pa. Parole Bd.*, (Pa. Cmwlth., No. 4 C.D. 2025, filed Apr. 6, 2026), 2026 WL 923233 (dismissing application to

¹ Our review of a Board decision is limited to determining whether necessary findings of fact are supported by substantial evidence, whether the Board committed an error of law, or whether the parolee’s constitutional rights were violated. Section 704 of the Administrative Agency Law, 2 Pa.C.S. § 704.

² In matters that are collateral to an underlying criminal proceeding, such as parole matters, counsel seeking to withdraw may file a “no-merit” letter that includes information describing the extent and nature of counsel’s review, listing the issues the client wants to raise, and informing the Court why counsel believes the issues have no merit. *Commonwealth v. Turner*, 544 A.2d 927, 928-29 (Pa. 1988).

³ We note the Board’s April 30, 2024 decision, which modified its April 10 decision, indicates a maximum sentence date of July 6, 2025. C.R. at 83. That date has also passed.

⁴ *See Inmate Locator*, Pennsylvania Department of Corrections, <http://inmatelocator.cor.pa.gov> (last visited September 18, 2026).

withdraw and petition for review as moot).⁵

MATTHEW S. WOLF, Judge

⁵ Unreported opinions of this Court filed after January 15, 2008, may be cited for their persuasive value. Pa.R.A.P. 126(b); 210 Pa. Code § 69.414(a).

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ORDER

AND NOW, this 21st day of September 2026, the above captioned petition for review is DISMISSED as moot. Additionally, the application to withdraw filed by counsel, Nicholas E. Newfield, Esquire, is DISMISSED as moot.

MATTHEW S. WOLF, Judge