

In The Circuit Court for Baltimore City
CIVIL

In the Matter of

THOMAS C. STUBBINS VS.
MARYLAND PAROLE COMMISSION

120063001

THOMAS C. STUBBINS

Appellant

v.

MARYLAND PAROLE COMM'N

Appellee

* IN THE
 * CIRCUIT COURT
 * FOR
 * BALTIMORE CITY
 * CASE NO. 93354003/CL173982

Handwritten initials and a checkmark.

* * * * *

ORDER

This matter having come before this court on May 2, 1994, having heard argument from counsel for both parties, and for the reasons stated by this court on the record at said hearing, it is, this 4th day of May, 1994, ORDERED that the decision of the Maryland Parole Commission dated November 22, 1993 be, and the same hereby is, AFFIRMED. Costs assessed against Appellant are to be collected through the Division of Corrections.

Ellen L. Hollander
 Judge Ellen L. Hollander

cc: Mr. Thomas C. Stubbins

DATE	DOCKET ENTRIES	NO.
5-2-94	Case submitted to the Court for determination without the aid of a jury. Hollander, J.	
5-2-94	The Decision of the Maryland Parol Commission is hereby, "Affirmed" Hollander, J.	
5-2-94	Cost assessed against Appellant are to be collected through the Division of Corrections. Hollander, J.	
5-4-94	Order signed. Hollander, J.	

PRESIDING JUDGE *Ellen S. Hallander*

COURTROOM CLERK *Louise C. Taylor*

STENOGRAPHER *John Sroubridge*

ASSIGNMENT FOR MONDAY MAY 02, 1994

CASE NUMBER - 93354003
CASE TITLE - STUBBINS VS MD. PAROLE COMMISSION CL173982 CL
CATEGORY - APPEAL FROM ADMINISTRATIVE AGENCY
PROCEEDING - COURT TRIAL - FAST TRACK

EICHHORN, GEORGE III DEFENSE ATTORNEY 764-4071
OSBORNE, HEATHER PLAINTIFF ATTORNEY 328-3295

Case submitted to the Court for determination without the aid of a jury. The Decision of the Maryland Parole Commission is hereby "Affirmed". Post assessed against appellant are to be collected through the Division of Corrections.

TYPE OF PROCEEDING: (___) JURY () NON-JURY (___) OTHER

POSITION (CHECK ONE)

- (___) SETTLED (___) CANNOT SETTLE (___) NEXT COURT DATE
- (___) VERDICT (___) REMANDED (___) NON PROS/DISMISSED
- (___) JUDGEMENT NISI (___) ORDER/DECREE SIGNED (___) OTHER
- (___) JUDGEMENT ABSOLUTE () ORDER/DECREE TO BE SIGNED PLEASE EXPLAIN:
- (___) POSTPONED (___) MOTION GRANTED
- (___) SUB CURIA (___) MOTION DENIED

JUDGE SIGNATURE *Ellen Hallander* DATE *5/2/94*

CIRCUIT COURT FOR BALTIMORE CITY
MSV523 CASE INQUIRY

DATE: 04/26/94
TIME: 10:36
TERMINAL: C136

CASE NUMBER: 93354003 STUBBINS VS MD. PAROLE COMMISSION CL173982
CATEGORY: APPAA
ORIG COURT: CL AMOUNT OF SUIT : \$ LAST PLEA DATE : 04/08/94
DATE FILED: 12/20/93 TRANSCRIPT PAGES : TERMINATION DATE: 04/08/95
STATUS: A CONSOLIDATED CASE: BOOK NUMBER :
STATUS CODE: 01/07/94 PROTRACTED: PAGE NUMBER :
WHO PAYS COSTS : WAIV
LAST MODIFIED ON: 04/15/94

DATE	CODE	TIME	PART	ROOM	SCHED	ACTUAL	DISP	REAS	JUDGE	ID	
05/02/94	CAL	09:30		219W	CTF						
12/20/93	FILE		PETITION FOR JUDICIAL REVIEW OF DECISION OF MARYLAND PAROLE								
12/20/93			COMMISSION. (1)								
12/20/93			PAROLE REVOCATION NO. 152357.								
01/07/94	ANSW		APP. OF ATTY GEORGE A. EICHHORN.III FOR DEFTS SAME DAY RESPONSE FD								
01/07/94			(2)								
01/28/94	PLEA		TRANSCRIPT OF RECORD FD.(3)								

NEXT PAGE P/N PAGE: 001
CIRCUIT COURT FOR BALTIMORE CITY DATE: 04/26/94
MSV523 CASE INQUIRY TIME: 10:36
CASE NUMBER: 93354003 STUBBINS VS MD. PAROLE COMMISSION CL173982

02/07/94 PLEA NOTICE SENT INACORDANCE TO MARYLAND RULE 7-207 (4)
02/28/94 PLEA MEMO. IN SUPPORT OF PET. FOR JUDICIAL REVIEW OF THE DECISION OF
02/28/94 THE MD. PAROLE COMM. (5)
04/08/94 PLEA RESPONDING MEMORANDUM (6)
CONN NAME
DEF * MARYLAND PAROLE COMMISSION IDENT D29624
NO ADDRESS ON RECORD

ADF EICHHORN, GEORGE III IDENT 380384
6776 REISTERSTOWN ROAD PHONE 301 764-4071
SUITE 312 SSN 219-38-0384
BALTIMORE MD 21215

NEXT PAGE P/N PAGE: 002
CIRCUIT COURT FOR BALTIMORE CITY DATE: 04/26/94
MSV523 CASE INQUIRY TIME: 10:36
CASE NUMBER: 93354003 STUBBINS VS MD. PAROLE COMMISSION CL173982

APL OSBORNE, HEATHER IDENT 913835
510 WEST BALTIMORE STREET PHONE 301 328-3295
UNIVERSITY OF MD LAW SCHOOL
BALTIMORE MD 21201

(b)
AS

THOMAS C. STUBBINS, #152-357

Appellant

v.

MARYLAND PAROLE COMMISSION

Appellee

* * * * *

RECEIVED IN THE
CIRCUIT COURT FOR
BALTIMORE CITY
1991 APR -8 A 9 16
FOR
BALTIMORE CITY
CIVIL DIVISION

Case No. 93354003/CL-172982

93354003/CL-173982

RESPONDING MEMORANDUM

Appellee, Maryland Parole Commission, by its attorneys, J. Joseph Curran, Jr., Attorney General of Maryland, and George A. Eichhorn, III, Assistant Attorney General, submits the within Responding Memorandum in support of its decision.

I. Background

On May 17, 1979, the Petitioner was sentenced to 15 years for assault with intent to murder, armed robbery and escape. On August 22, 1986, Petitioner was placed on parole subject to the usual conditions and an additional condition that he attend a specified drug treatment program.

On December 6, 1991 and April 4, 1993, the Petitioner appeared before members of the Parole Commission regarding alleged parole violations. The Petitioner's parole was continued at both of these hearings.

On September 21, 1993, a warrant was issued charging the Petitioner with the violations for which his appeal has now been revoked pursuant to a parole revocation hearing decision dated November 22, 1993.

Petitioner concedes that he was in violation of his parole at the time of the revocation hearing. These violations include:

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- 1) Petitioner's failure to report as required;
- 2) Petitioner's failure to notify the Division of Parole and Probation of his new address;
- 3) Petitioner's failure to submit to a urinalysis as required;
- 4) Petitioner's conviction of theft, battery, and unauthorized use while on parole;
- 5) Petitioner's failure to notify the Division of Parole and Probation of this new conviction.

Based on these violations, the Petitioner's parole was revoked by Commissioner Pappas of the Maryland Parole Commission.

Commissioner Pappas also ordered that the 19-month period between the Petitioner's first revocation hearing and the Petitioner's first violation be applied as "street time" to the sentence.

II. Argument

The decision of Commissioner Pappas of the Maryland Parole Commission to revoke the Petitioner's parole and apply 19 months' street time was a valid exercise of the Commissioner's discretion and must stand intact.

Maryland Code, Article 41, Section 4-311(d) provides:

(d) Portion of Sentence to be served--Subject to further actions by the Commission, if the order of parole is revoked, the prisoner shall serve the remainder of the sentence originally imposed unless the Commission member hearing the parole revocation, in his discretion, grants credit for time between release on parole and revocation of parole. (Emphasis supplied.)

Thus, the standard by which Parole Commissioner Pappas's decision must be judged is only whether it was a reasonable exercise of his discretion. The record here contains no evidence that Commissioner Pappas abused his discretion in applying only 19 months of "street time" to the Petitioner's sentence. The only logical interpretation of Maryland Code, Article 41, Sec. 4-

511(d) is that the presiding parole commissioner may allow all, some, or none of the "street time" to be credited to the Petitioner's sentence at his complete discretion.

Petitioner first argues that his good behavior for the first six years while on parole, as he believes is indicated by the two commissioners' decisions to continue his parole, precludes Commissioner Pappas from not crediting that time. Such an interpretation leads to a result contradictory to the basic idea of the American parole system. Under such logic, a parolee who serves ten years of a twenty year sentence and violates parole in December of year nineteen could only be returned to prison for one month on the original sentence because he was "good" for the first 9 years and 11 months of parole.

Clearly, this is not how the parole system was intended to function. Rather, an inmate who violates the terms of his parole is automatically returned to begin serving what remained of his prison sentence at the point he was paroled. The parolee's good behavior prior to the violation only becomes relevant for whatever purposes the parole commissioner gives to it when allowing for discretionary "street time" credit. The parole commissioner may give this factor any amount or no amount of weight in his determination as he sees fit.


The Petitioner's second argument is that Commissioner Pappas improperly considered the Petitioner's prior hearings alleging violations of his parole. Once again, the Petitioner is under the mistaken belief that his good behavior, or the lack of it as indicated by the prior hearings, is somehow dispositive in

determining whether his "street time" must now be credited to his sentence. Because the Commissioner may consider any number of factors in determining whether "street time" should be credited and, at his discretion, may or may not place weight on the defendant's behavior while on parole, the fact that references to these prior hearings for this purpose were made is not grounds for overturning the Commissioner's decision.

Conclusion

After examining the relevant information contained in the record of the Petitioner's revocation hearing, Commissioner Pappas revoked the Petitioner's parole and exercised his discretion in allowing 19 months of "street time" to be credited to the sentence. In coming to this decision, Commissioner Pappas placed varying amounts of weight on the available evidence and determined the 19 months was the appropriate amount of time to credit to the Petitioner's sentence. In so doing, Commissioner Pappas properly used his discretion as required by statute and should now be upheld on this appeal.

J. JOSEPH CURRAN, JR.
Attorney General of Maryland

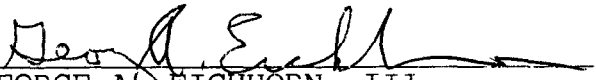


GEORGE A. EICHHORN, III
Assistant Attorney General
Department of Public Safety
and Correctional Services
6776 Reisterstown Road, Suite 312
Baltimore, Maryland 21215
(410) 764-4071

Attorneys for Appellee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of April, 1994, a copy of the foregoing Responding Memorandum was mailed, postage prepaid, to Heather A. Osborne, Assistant Public Defender, Collateral Review Division, 300 W. Preston Street, Room 213, Baltimore, Maryland 21201.


GEORGE A. EICHHORN, III
Assistant Attorney General

G

RECEIVED
COURT FOR BALTIMORE CITY
THOMAS C. STUBBINS, #152-357
MARYLAND CORRECTIONAL INSTITUTION
AT JESSUP
DIVISION
CIVIL ACTION
NO.
93352003
CL173982
PAROLE REVOCATION #152357

CIVIL ACTION NO. 93352003 CL173982 93354003

MEMORANDUM IN SUPPORT OF PETITION FOR JUDICIAL REVIEW OF THE DECISION OF THE MARYLAND PAROLE COMMISSION

The Petitioner, Thomas C. Stubbins, by his attorney, Heather A. Osborne, Assistant Public Defender, and pursuant to Maryland Rule 7-207, files this memorandum in support of his appeal from the Order of the Maryland Parole Commission, passed in the above case on November 22, 1993, revoking the parole of the Petitioner.

STATEMENT OF THE CASE

Petitioner was sentenced on May 17, 1979 to fifteen years to the Division of Corrections on his conviction for assault with intent to murder and related offenses. On August 22, 1986, Petitioner was placed on parole with, in addition to the standard parole conditions, a special condition to attend counseling. On September 21, 1993, a warrant was issued by the Maryland Parole Commission, pursuant to a Report and Request for a Warrant submitted by Agent Howard Selsky.

Petitioner was tried for the alleged violation of parole before Commissioner Frank G. Pappas on November 22, 1993. At the hearing on revocation, Petitioner was represented by Heather A. Osborne of the Office of the Public Defender. Petitioner's parole

W

agent, Agent Howard Selsky, was not present. The Division of Parole and Probation was represented by Agent Timothy McCarthy, who gave testimony from Agent Selsky's file. Mid-way through cross-examination by counsel of Agent McCarthy, Petitioner indicated that he wanted to submit on the allegations and simply address the issue of street time credit.

Petitioner requested that he be given street time from the time of his release on August 22, 1986 to the time of the first violation cited in Agent Selsky's report, June 19, 1993, when Petitioner failed to report to his agent as instructed.

Petitioner had had an earlier parole revocation hearing on December 6, 1991 before Commissioner Maceo Williams. Commissioner Williams continued Petitioner at that time. No determination of street time was made at this hearing, as Petitioner was continued.

Commissioner Pappas decided Petitioner should only receive nineteen months street time, calculated from the time of his first revocation hearing to the time of his first violation. Commissioner Pappas disregarded the time Petitioner had spent on parole from August of 1986 until that first revocation hearing in December of 1991. Because Commissioner Williams continued him at that earlier hearing, Petitioner has received no credit for that period of time.

QUESTION PRESENTED

Commissioner Pappas abused his discretion in refusing to allow Petitioner street time credit from August 22, 1986 to December 6, 1991 in addition to the time from December 6, 1991 to the occasion

of his first violation on June 19, 1993.

ARGUMENT

Petitioner concedes that he was in violation of his parole at the time of the revocation hearing before Commissioner Pappas. Petitioner also concedes that the Maryland Rules and case law provide the Parole Commission with discretion in the allowance of credit for street time. Nevertheless, Petitioner contends that Commissioner Pappas abused that discretion when he refused to allow street time from the time of parole until the first revocation hearing before Commissioner Williams.

On December 26, 1991, Commissioner Williams conducted a parole revocation hearing on the Petitioner. At that hearing he decided to continue the Petitioner on parole. This decision reflects that Petitioner was complying to the rules of parole to such a degree that revocation of parole was not the appropriate decision. Had Commissioner Williams revoked Petitioner at that time, he would have had to make a decision regarding street time credit. Even at that point in time, the record reflects that Petitioner had spent a measure of time in full compliance with the rules of parole before committing any violations. Petitioner has never received credit for that time spent on the street in compliance with the rules.

At the November 22, 1993 hearing, Commissioner Pappas found Petitioner in violation of parole and revoked him. Commissioner Pappas refused to give him any credit for street time Petitioner

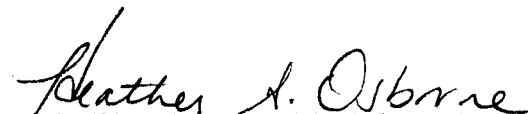
had accrued from his parole on August 22, 1986 to December 26, 1991. Commissioner Pappas did allow street time from the time of the earlier revocation hearing until Petitioner's next violation of parole on June 19, 1993.

It is clear from the transcript that Commissioner Pappas's primary reason for refusing to allow the earlier street time was that Petitioner had been before the Commission before, not that the violations presented to Commissioner Pappas warranted this punitive action. Commissioner Pappas refused to consider the fact that the reason Petitioner was continued at the earlier hearing was because his behavior was in compliance with the rules of parole enough to outweigh any violations. Commissioner Pappas's decision transcends all reasonable discretion that the Parole Commission is allowed to exercise and Petitioner has suffered by receiving an arbitrary decision that goes beyond the normal practices of the Commission.

RELIEF SOUGHT

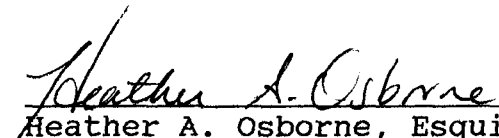
WHEREFORE, Petitioner respectfully requests that the decision on his parole revocation be reversed and he be granted street time from August 22, 1986 to June 19, 1993, or in the alternative, reverse Petitioner's parole revocation conviction and remand the case back to the Parole Commission for a new hearing.

Respectfully submitted,


Heather A. Osborne, Esquire
Assistant Public Defender
Collateral Review Division
300 W. Preston Street, Room 213
Baltimore, Maryland 21201
(410) 225-4809

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on this 28th day of February, 1994, a copy of the foregoing Memorandum in Support of Petition For Judicial Review of the Decision of The Maryland Parole Commission was mailed or hand-delivered to the Clerk of the Circuit Court for Baltimore City, 111 N. Calvert Street, Baltimore, Maryland 21202; George Eichhorn, III, Assistant Attorney General, Department of Public Safety and Correctional Services, Suite 312, 6776 Reisterstown Road, Baltimore, Maryland 21215; and Thomas Stubbins, #152-357, MCI-J, P.O. Box 549, Jessup, Maryland 20794.


Heather A. Osborne, Esquire
Assistant Public Defender

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

WILLIAM DONALD SCHAEFER
GOVERNOR

MELVIN A. STEINBERG
LT. GOVERNOR

BISHOP L. ROBINSON
SECRETARY



MARYLAND PAROLE COMMISSION
SUITE 307, PLAZA OFFICE CENTER
6776 REISTERSTOWN ROAD
BALTIMORE, MARYLAND 21215-2348
(410) 764-4231
TTY FOR THE DEAF: 486-0677

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY

PAUL J. DAVIS
CHAIRMAN

MICHAEL C. BLOUNT
PATRICIA K. CUSHWA
MARJORIE A. JENNINGS
FRANK G. PAPPAS
MACEO M. WILLIAMS
DAN D. ZACCAGNINI
COMMISSION MEMBERS

1994 JAN 28 A 7:20 AM

CIVIL DIVISION

7-207

January 27, 1994

Ms. Sandra E. Banks
Clerk of the Circuit Court
for Baltimore City
Courthouse East
111 N. Calvert Street
Baltimore, Maryland 21202

RE: Thomas C. Stubbins, #152-357
Case No. 93354003/CL173982

Dear Ms. Banks:

Enclosed please find an original transcript of the revocation hearing held 11/22/93, along with other pertinent documents. This information is necessary for the court's record to consider the appeal of the parole revocation hearing.

Please contact me should you need further information in this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Gene C. Grosh".

Gene C. Grosh
Acting Administrator for
Operations

GNC:cac

Enclosures

cc: Attorney General File
George A. Eichhorn, III
Assistant Attorney General
Paul J. Davis, Chairman
Heather Osborne, Esq.
Frank J. Pappas, Commissioner
Thomas C. Stubbins, #152-357, MCI-J

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on this 27th day of January, 1994 a copy of the foregoing Certificate of Record was mailed, with postage prepaid, to: Ms. Sandra E. Banks, Clerk of the Circuit Court for Baltimore City, Courthouse East, 111 N. Calvert Street, Baltimore, Maryland 21202; Thomas Stubbins, #152-357, Maryland Correctional Institution -Jessup, P. O. Box #549, Jessup, Maryland 20794 and George A. Eichhorn III, Assistant Attorney General, Department of Public Safety and Correctional Services, Suite 312, 6776 Reisterstown Road, Maryland 21215.



Gene C. Grosh, Acting Admin.
Maryland Parole Commission

IN THE MATTER OF

Thomas C. Stubbins
#152-357
vs.

MARYLAND PAROLE COMMISSION

*

IN THE

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY

*

*

1994 JAN 28 A 7 46
Baltimore City

*

CIVIL DIVISION
Case No. 93354003/CL173982

* * * * *

CERTIFICATE OF RECORD

I HEREBY CERTIFY THAT the attached documents, consisting of: (a) Revocation Decision dated 11/22/93; (b) Order Resulting from Parole Violation Hearing dated 11/22/93; (c) Transcript of testimony from Revocation hearing taken 1/18/94; (d) Order for Release on Parole dated August 22, 1986; (e) Warrant #11058 dated September 21, 1993; (f) Special Report - Supplemental dated 10/12/93; (g) Request for Warrant dated 7/21/93; and (h) Revocation Hearing decision dated 12/26/91 to be full completed and official records of these proceedings.

Paul J. Davis

Paul J. Davis, Chairman
Maryland Parole Commission

REVOCATION HEARING

Thomas Stubbins #152357
MRDCC
11/22/93

Commissioner: Pappas

DECISION: Revoke. (New Offense-Technical) - allow 19 months street time credit.

On 5/17/79, Mr. Stubbins was sentenced to 15 years for Assault with Intent to Murder, Armed Robbery and Escape. He was paroled on 8/22/86 from MCIJ with special condition of drug therapy as directed. His maximum expiration date is 2/6/95.

Mr. Stubbins was represented by Ms. Heather Osborne from the Public Defender's Office and Agent Tim McCarthy represented the Division of Parole and Probation substituting for Agent Howard Selsky.

A warrant was issued on 9/21/93, charging Mr. Stubbins with violation of Conditions #1, #3A, #6, #9, #4 and #5 of his parole release.

Agent McCarthy testified as to violation of Rule #1 Mr. Stubbins failed to report on 6/9/93 and 7/7/93 or anytime thereafter. Condition #3 was violated when he changed his address and moved and his current whereabouts have been unknown and the agent was not able to locate Mr. Stubbins. Relative to Condition #6 Mr. Stubbins failed to submit to urinalysis according to his agent on 6/9/93. Regarding Condition #9 Mr. Stubbins has not submitted any verification of attendance and counseling. He violated Condition #4 when on 7/19/93 he was charged with Theft, Battery and Unauthorized Use. On 9/13/93 he was convicted of Battery and Unauthorized Use and Mr. Stubbins received 6 months suspend 3 months and 18 months probation. He violated Condition #5 when he failed to notify his agent of his arrest and charges.

It should be noted that Mr. Stubbins appeared before Commissioner Williams on 12/6/91 who continued his parole at that time and he also appeared before Commissioner Blount on 4/19/93.

In view of this testimony and information, this Commissioner finds Mr. Stubbins in violation of Conditions #1, #3A, #6, #9, #4 and #5, revoked his parole and allowed him 19 months street time credit.

jcb
T: 11/30/93
11-23

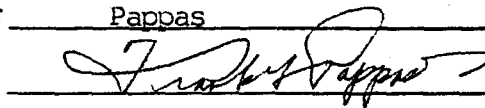
MARYLAND PAROLE COMMISSION

Certificate of Decision Notification

Name Thomas Stubbins Date 11/22/93

Inst. No. #152357 Hearing Officer _____

Location MRDCC Commissioner Pappas



Type of Action: (Example: Commission Case, Appellate decision, Corrected decision, Revocation decision, etc.)

Revocation Hearing

Certificate of Service:

I hereby certify that the attached copy of this decision was served upon the inmate whose name appears hereon by delivering same to said inmate personally this

_____ day of _____ 19 _____

Casework Associate / Parole & Probation Agent

NOTICE

THIS NOTIFICATION OF PAROLE COMMISSION ACTION IS NOT SUBJECT TO APPEAL. HOWEVER, APPEAL FROM A PAROLE REVOCATION DECISION ONLY, MAY BE FILED IN THE STATE CIRCUIT COURT HAVING VENUE.

WHITE - Inmate's Copy
PINK - Parole Commission's Copy
CANARY - Institution's Copy
BLUE - Parole Commission's Copy (Certified)

REVOCATION HEARING

MR. THOMAS C. STUBBINS, #152357

JANUARY 18, 1994

TESTIMONY TRANSCRIPTON IN THE CASE
THOMAS C. STUBBINS, #152-357

COMMISSIONER PAPPAS: I'm Commissioner Pappas and I'm here to conduct your Revocation Hearing. You're Thomas Stubbins, S-T-U-B-B-I-N-S #152-357. Is that correct?...

MR. STUBBINS: ...Yes Sir.

COMMISSIONER PAPPAS: ..Present is Agent Tim McCarthy substituting for Agent Howard Selsky and representing you from the Public Defenders Office is Mrs. Heather Osborne. (Uh) You have the right to remain silent at this hearing, Mr. Stubbins. You don't have to say anything on your behalf and if you choose to remain silent there is no penalty for your silence. You also have the opportunity to ask any questions you want of the agent and then I'll allow you to put anything into the record that you want at the conclusion of this hearing if you feel that your rights have been violated in any way. You have the right to appeal at the Circuit Court in Baltimore City. Are there any questions?

MR. STUBBINS: No sir.

COMMISSIONER PAPPAS: Alright, at this time I would like to have both you and the Agent please stand, raise your right hand to be sworn please. Under the penalties of perjury, do you solemnly swear and affirm that the testimony you're going to give in this matter is the truth, the whole truth and nothing but the truth?...

MR. STUBBINS: ...Yes.

AGENT MCCARTHY: ...I do.

COMMISSIONER PAPPAS: Alright, please be seated. Keep

your voice up Mr. Stubbins. Uh, a warrant was issued on 9/21/93 alleging he violated rules #1, #3A, #6, #9, #4 and #5 and at this time, I'm going to call on the agent to give his testimony and then afterwards I'll hear from you.

MR. STUBBINS:

Alright.

COMMISSIONER PAPPAS:

Alright, sir.

AGENT MCCARTHY:

O.K.

COMMISSIONER PAPPAS:

I'll go right to the charge sheet...

AGENT MCCARTHY:

...Sure, I'm looking at the report dated 2/23/93 by being charged April 16, 1992...

COMMISSIONER PAPPAS:

...What about the one on 7/21/93?...Is that the...

AGENT MCCARTHY:

I didn't know that was...uh

COMMISSIONER PAPPAS:

...Was that the latest?...Was that the latest?...Was that the latest one?

AGENT MCCARTHY:

This is a supplemental from 4/2/93. I guess we could add that.

COMMISSIONER PAPPAS:

No, does it change the rules in any way?

AGENT MCCARTHY:

Uh...Well the new...new offense convictions, we've got true test copies...

COMMISSIONER PAPPAS:

...Alright, O.K.

AGENT MCCARTHY:

...The...Uh...I will find that uh...I had the unfortunate occurrence that this entire file spread itself all over the back of my car...

COMMISSIONER PAPPAS:

...Does this...

AGENT MCCARTHY:

...coming in. (papers shuffling)

pause. (papers shuffling) We do
have the new offense
convictions...

COMMISSIONER PAPPAS:

...Alright, O.K. Go ahead

AGENT MCCARTHY:

You want to just fill it out?

COMMISSIONER PAPPAS:

O.K.

AGENT MCCARTHY:

The Rule #4 violations are as follows: by being charged on April 16, 1992 in Baltimore County and being convicted on December 14, 1992 in the Baltimore County Circuit Court. The offense of battery. The sentence was 2 years suspended all but time served and 3 years probation by being charged this is the true test for that conviction. By being charged on 8/7/92 in Baltimore County. The offenses of violate or to vacate CDS and battery by being charged on 10/6/92 in Anne Arundel County for the offense of unauthorized use and being sentenced to one year probation on Article 27, Section 641. The subject failed to report on February 17th as previously arranged on February 11th.

COMMISSIONER PAPPAS:

Is that the report dated 10/12/93 that you're reading from?

AGENT MCCARTHY:

I'm reading from 3/1/93 Commissioner and...

MR. STUBBINS:

...that's wrong.

AGENT MCCARTHY:

...If that's the report you want, we'll find it...

COMMISSIONER PAPPAS:

...No that's alright.

AGENT MCCARTHY:

...But, uh...we'll uh...be a while...

COMMISSIONER PAPPAS:

...I wish...I wish he had...I wish the agent would consolidate into one. Alright, go ahead.

We get a copy of that before you leave the building, go down the hall here and get a copy...

AGENT MCCARTHY:

...O.K. this...this is probably my error, Commissioner, 'cause this was spread in 200 separate pages over the back of my chair and I thought that with the new offense convictions we had basically what we needed. I was unaware of an October Report. (papers shuffling)

COMMISSIONER PAPPAS:

Um...go ahead.

AGENT MCCARTHY:

Go ahead, that's it. That takes care of the April 16th report. Most of the charges filed in that report. (papers shuffling) I'm sorry, here we go...O.K. October 8th and I apologize for tying up the Commission. October 8, 1993 failed laws, being arrested charged on July 19th and convicted on September 13th, Baltimore County District Court for battery and unauthorized use. That's from October 8th. Are you also referring...

COMMISSIONER PAPPAS:

...Six months suspended and 3 months...18th months probation?

AGENT MCCARTHY:

...October 8th Report...

COMMISSIONER PAPPAS:

...It says 10/12/93...

AGENT MCCARTHY:

...That's right, 6 months suspended 3 months...

COMMISSIONER PAPPAS:

...Where are you getting that other date?...I said 10/12/93, right here...

AGENT MCCARTHY:

...Yeah...

COMMISSIONER PAPPAS:

...O.K. Alright...

AGENT MCCARTHY:

...That's probably the date it was dictated...

COMMISSIONER PAPPAS:

...That's where you're reading

from, the charge sheet. That's the date that I'm looking at. That's the date that I want. Is that what you're reading from.

AGENT MCCARTHY:

Yes, Commissioner.

COMMISSIONER PAPPAS:

Alright, go ahead.

AGENT MCCARTHY:

By being arrested, charged on July 19th and convicted on September 13 in Baltimore County District Court for battery and unauthorized use. The sentence was 6 months suspended; time served was 3 months, 18 months probation.

COMMISSIONER PAPPAS:

Alright.

AGENT MCCARTHY:

(papers shuffling) (pause).

COMMISSIONER PAPPAS:

What about the one on 7/16/93?

AGENT MCCARTHY:

(papers shuffling)...(low tone)
It's on the same thing.

COMMISSIONER PAPPAS:

O.K...alright, go ahead.

AGENT MCCARTHY:

This is not Mr. Selsky's fault, Commissioner; this is my fault.

COMMISSIONER PAPPAS:

Alright, go ahead.

AGENT MCCARTHY:

Uh...the other report you cited was dated 7/21/93...

COMMISSIONER PAPPAS:

...right.

AGENT MCCARTHY:

...for Rules #1, #3A, #6, #9, #4 and #5. Rule #1 report (inaudible) that the agent's directed failed to report on 6/9/93 on 7/7/93 or anytime thereafter according to Agent Wallen's notes. Rule #3A to get permission before changing his home address. The subject is not residing at his last stated home of 353 Dublin Drive in Glen Burnie, Maryland 21061 confirmed June 30th by Mrs. Snowden. The subject's current whereabouts are unknown. By the subject's whereabouts

being unknown, this agent was not afforded an opportunity to visit the subject at his home. Rule #6 - Urinalysis; the subject refused to submit to urinalysis according to Agent Wayland on June 9, 1993. Rule #9 - Counseling; the subject has not submitted any verification of attendance of counseling. Rule #4 Obey all laws. Charged on July 16, 1993 and thought that was a nolle prossed. On September 17, 1993 was for destruction of property. Rule #5, notify agent of arrest: subject has not notified the Rider Probation Department of any new arrest or charges. That will be the report of July 21st...

COMMISSIONER PAPPAS:

..Alright, now when was that...uh Rule #4 there that you said nolle prossed...

AGENT MCCARTHY:

...Nope...

COMMISSIONER PAPPAS:

...7/16/93 in Baltimore County, destruction of property. When was that nolle prossed?

AGENT MCCARTHY:

September 17,1993.

COMMISSIONER PAPPAS:

O.K. alright, go ahead.

AGENT MCCARTHY:

I think that's...that's the charges.

COMMISSIONER PAPPAS:

Alright, is there any arrest or detainers outstanding on the....

AGENT MCCARTHY:

...I aware...

COMMISSIONER PAPPAS:

...to your knowledge, O.K. (...O.K. I have acknowledged it)

MS. OSBORNE:

...There are no detainers?

COMMISSIONER PAPPAS:

...there are...

MS. OSBORNE:

...there are..

COMMISSIONER PAPPAS: There are.

MS. OSBORNE: For which case, I'm sorry if I'm...not able to follow (paper shuffling) all the rules that have been presented.

COMMISSIONER PAPPAS: Additional sentence for Baltimore Circuit Court, Judge Smith, violation of probation - 2 years and in the Baltimore Detainer for violation and ordered to vacate in 90 days...and they...(inaudible)

MS. OSBORNE: I don't think that 2 years was...(inaudible)...Agent, did you have any knowledge of this 2 year sentence that Mr. Stubbins is doing in Baltimore City?

AGENT MCCARTHY: That's on the true test copy. We will submit that.

MS. OSBORNE: I have something from Anne Arundel County and I have something from Baltimore County. (papers shuffling) Agent McCarthy do you have any notes that would indicate Mr. Stubbins was reporting as directed from the time of his release in 1986 until 1993? (long pause, paper shuffling)

AGENT MCCARTHY: No.

MS. OSBORNE: Um...then as far as you know, Mr. Stubbins was keeping Mr. Selsky abreast of where he was residing up until uh...this move in the summer of 1993, is that correct?

AGENT MCCARTHY: The first report date would be the one we will have to cite. I don't think it was the summer. Um...(mumbles) I think that was in February...February 23rd...

MS. OSBORNE:1993?

AGENT MCCARTHY: ...1993...that's correct.

MS. OSBORNE: That was the last home visit or that was the last report? Why are you citing that date in particular?

AGENT MCCARTHY: That's the date the warrant was requested and in that report he was specifically charged with failure to report and violation of rule #1.

MS. OSBORNE: O.K., I'm talking about Rule #3A at this point about his address. The report of uh...July...

AGENT MCCARTHY: ..20th. uh...huh.

MS. OSBORNE: ...21st indicates that Mr. Stubbins moved from his last known address and that was confirmed in June...on June 30, 1993. My question is...when ...when did Agent Selsky first become aware that he didn't know where Mr. Stubbins was? (pause)

AGENT MCCARTHY: ...Well, we would use the date that he first advised uh...June 30, 1993...

MS. OSBORNE: ...O.K...Rule #6 indicates that Mr. Stubbins failed to or refused to submit to urinalysis on 6/9/93. Was Mr. Stubbins being...uh...routinely subjected to urinalysis prior to that time? (pause, continuation on side #2)

MS. OSBORNE: ...Well, maybe I can ask you this, Agent McCarthy, are you aware of any indication that Agent Selsky or Agent Wayland had that Mr. Stubbins was using drugs again? Do you know if there is any indication of that? (paper shuffling)

AGENT MCCARTHY: Yes.

MS. OSBORNE: Commissioner, my...Mr. Stubbins has indicated that he wishes me

to stop asking the agent questions at this time. I think...um...basically he's admitting to the new convictions. Um...and basically would like to discuss street time and there aren't diminution credits issued.? Is that correct Mr. Stubbins?

MR. STUBBINS:

Yes. The reason why I didn't um...I...I...it was the first time I needed to submit to urinalysis due to having a new agent and I...I couldn't...um give urinalysis at the time. The reason why I didn't report after 6/7/93 was because I was incarcerated and upon release there was already a...a summons issued for my arrest. I've been out for 7-1/2 years. I report I...um at that time to Mr. Selsky...um I worked for Anne Arundel County Department of Utilities for 5-1/2 years. I never had a dirty urine the whole time I was out. I am married with 2 children and um...I think my sentence is up in about 9 months. (paper shuffling) Further...charges that he had me one...that I did not report and then when I found out that the summons was issued for me um...I did call in after I was released and notified them of the subsequent offenses and she told me that there was a bench warrant out for my arrest or a retake warrant. So she really didn't give me a chance to um...after issuing the summons to come and answer to these charges.

MS. OSBORNE:

Commissioner, I'm going to ask that you consider Mr. Stubbins' um...request uh...there are these detainers on him, so obviously he can't be supervised on the street. Um...he was paroled *(2.4 on tape, side 2 of tape #1)...credits are issued

I would ask you to consider giving him street time from the time of his release in 1986 up until the time of his first arrest which I believe was July 19, 1993. Mr. Stubbins.

MR. STUBBINS:

Well, I would like to get time up until the point where I was reporting which was in July...July 19th.

MS. OSBORNE:

So, that would be our request...

MR. STUBBINS:

...I did everything...

MS. OSBORNE:

...Commissioner.

MR. STUBBINS:

...I could under the Parole System. I'm State certified and um...I was working hard, had a family life and um...I did develop a drinking problem due to some marital problems I was having for a while and uh...I didn't get a chance to go to um...counseling and that's probably...you know some things I really needed but I was never ordered to go. They just said go and go to the um...Evaluator.

AGENT MCCARTHY:

...If it please the Commission I certainly have no quarrel with uh...giving the defendant time off for his first arrest. That's just what I'm trying to confirm here. I think the days are a little bit earlier than that. Looking at the February 23rd report, 4/16/92 Baltimore County.

MR. STUBBINS:

I did report after that, after I was released while I was awaiting trial and I uh... reported 3 or 4 times for the last time that I failed to report on...on the case that Ms. Wayland said was in um...months...6 months in July.

AGENT MCCARTHY:

I would simply note that the

true test confirms it as 1992. Initiated in uh...the Circuit Court on June 17th which would be compatible with the District Court Case initiating as the Agent has said here on April 16th, that's about a 2 month delay.

COMMISSIONER PAPPAS:

Sounds right. Anything else.

MS. OSBORNE:

I just think Commissioner that was a 2 year, suspend all but the time served on that case and I think that there was some indication that Mr. Stubbins was still trying to um...conform to the rules of his parole through the ...

MR. STUBBINS:

...I did.

MS. OSBORNE:

...summer months.

MR. STUBBINS:

It took a lot to stay out there for 7 years on parole. But after a while it became just a reporting. Agent um...Selsky and I had a...really nice repoire together and um...he would show up at my work sometimes just to sit down and drink a cup of coffee and I report in like that and I would report in...in another month and it just got to a point where I was calling in. And um...I did um...abide by the rules of Parole & Probation until this past summer. I am sorry that this happened and I regret anything that may happen to me because of that...

COMMISSIONER PAPPAS:

...(inaudible).

MR. STUBBINS:

...yes, Sir.

COMMISSIONER PAPPAS:

...(inaudible).

MS. OSBORNE:

Um...yes, Commissioner I mean, we aare aware that he has been before the Commission before and

um...*(3.0 on tape, side 2, tape #1)...he be given that street time evidently it wasn't bad enough...

COMMISSIONER PAPPAS:

...12/26/91 did you appear before Commissioner Williams um...Mr. Stubbins?...

MR. STUBBINS:

...Yes Sir...

COMMISSIONER PAPPAS:

...you're talking...I hear you put yourself on record how well you've been doing these past 6 years. Did you appear before Commissioner Williams on 12/26/91?

MR. STUBBINS:

Yes Sir.

COMMISSIONER PAPPAS:

What did he do then?

MR. STUBBINS:

He...(mumbles)

COMMISSIONER PAPPAS:

He...continued you.

MR. STUBBINS:

Yes Sir.

COMMISSIONER PAPPAS:

He severely reprimanded you and continued you didn't he?

MR. STUBBINS:

Yes Sir.

COMMISSIONER PAPPAS:

April 30, 1993 did you come...appear before Commissioner Blount?

MR. STUBBINS:

Yes Sir.

COMMISSIONER PAPPAS:

And what did he do then?

MR. STUBBINS:

He paroled me and continued me to my detainers...these charges...I did time for.

COMMISSIONER PAPPAS:

Anything else, Mrs. Osborne?

MS. OSBORNE:

Well, Commissioner I would say as to the...the April 30, 1993 hearing um...it seems to me although I'm not entirely clear as to all the dates the agent has presented that he probably had no new convictions at that

point and it was probably not a basis for revoking him so I don't know that that is...

COMMISSIONER PAPPAS:

...Just bringing up a record...

MS. OSBORNE:

...I understand...and I...

COMMISSIONER PAPPAS:

...what I'm saying, he's telling me how well he's done.

MS. OSBORNE:

Well, Commissioner...I think that there's...I don't know all what the um...the rules that were cited at those different hearings um...but for whatever reasons whether it was because he was working regularly or because he had somewhat of a stable um...home life um... Commissioner Williams felt that he was an O.K. risk. Um... obviously he's picked up these charges and picked up some convictions but I still think that he is entitled to that street time since he was not revoked at those prior hearings and there's no indication um...that he shouldn't be... shouldn't be given that street time.

COMMISSIONER PAPPAS:

Anything else, Ma'am?

MS. OSBORNE:

No, Commissioner.

COMMISSIONER PAPPAS:

Alright, I'm going to find you in violation of #1, #3A, #6, #9, #4 and #5 and I'm going to allow you 19 months street time credit. The date that Commissioner Blount heard you on 4/20/93 until the date that you uh...violated. Any questions, sir.

MR. STUBBINS:

I've been...

MS. OSBORNE:

...Commissioner, I would strongly...

MR. STUBBINS:

I've been...out

MS. OSBORNE: ...strongly object...

MR. STUBBINS: ...since 1986...

MS. OSBORNE: ...I strongly object to him not receiving that street time from 1986...

COMMISSIONER PAPPAS: ...You may object...

MS. OSBORNE: ...there's no indication...

COMMISSIONER PAPPAS: ...you have the right to appeal, alright, that's my decision. Any other questions? (pause)

MS. OSBORNE: No. Commissioner.

TRANSCRIBED BY Bonita Pinkney
Bonita Pinkney
Maryland Parole Commission
January 18, 1994



STATE OF MARYLAND

MARYLAND PAROLE COMMISSION

ORDER RESULTING FROM PAROLE VIOLATION/REVOCATION HEARING

Re: Thomas Matthews #132357
Name & Commitment Number

8/27/86 - MCF - J
Date of Parole &
Institution From Which Paroled

To: WARDEN/SHERIFF/SUPERINTENDENT/MANAGING OFFICER:

The above named inmate appeared in person on 11/27/86 at MCF - J for a parole violation hearing. As a result, the decision is to:

- 1. A. Revoke parole and terminate conditions thereof. Allow credit of 19 months (street) time toward expiration of sentence. It is directed that the subject be returned to the authority from which paroled, if applicable.
- * B. Credits allowed from date of release to date of warrant issuance _____
- 2. Continue parole and recall the Parole Violator Warrant and Detainer. This is your authorization to release the above-named subject from the Parole Violator Warrant and Detainer.
- 3. Close case for administrative purposes. This is your authorization to release the above-named subject from the Parole Violator Warrant.
- 4. Other: _____

[Signature]
Parole Commissioner

Orig.: Institution
Copy: Parole File

* Use only in cases where warrant was issued subsequent to imposition of new sentence.



MARYLAND PAROLE COMMISSION

ORDER FOR RELEASE ON PAROLE

The Parole Commission, by virtue of the authority conferred upon it by the laws of the State of Maryland, does hereby grant parole to:

(True Name) Thomas C. Stubbins DOC #152-357 DOB: 2-1-62
(Commitment Name/s)

who was convicted of: **1) Assault With Intent to Murder; Armed Robbery; Escape 2) Car Theft**

**COURT: 1) Howard County Circuit Court; Worcester Co. Circuit Court
2) Anne Arundel County District Court**

SENTENCED: 1) 11-6-79; 11-8-79 2) 2-15-80

TERM: 1) Twelve Years; Fifteen Years; One Year 2) Ninety Days

FROM: 1) 3-17-79; Concurrent; Concurrent 2) Consecutive From 11-8-

TOTAL: Fifteen Years From 5-17-79

Therefore, the said Commission does hereby order the release on parole of the said prisoner from

MARYLAND CORRECTION INSTITUTE - JESSUP

(Correctional Institution or Jail)

The Parolee, upon release shall be deemed to remain in legal custody until the expiration of the full, undiminished term and upon violation of any condition of his parole shall be remanded to the authority from which paroled, where a hearing shall be conducted by the Parole Commission. If parole is revoked, the Commission shall determine the amount of time spent on parole, if any, which shall be credited to the parolee.

This order is subject to the rules, regulations and conditions of this parole as set forth on the reverse side of this agreement, and such further conditions as the Commission may impose at any time during the period of parole.

Upon being released, report to the Division of Parole and Probation office located at Multi-Service Center: 7500 Ritchie Highway, Glen Burnie, Maryland 21061 787-2200

Parole Expiration Date: February 6, 1986
dvw

By: Philip G. Dantes
Commissioner
August 22, 1986

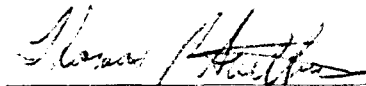
Date

HOME: Mr. & Mrs. Thomas Stubbins, 103 67 North Charter Road, Glen Burnie, Maryland 21061 (Parents) (301 789-5928)
EMPLOYMENT: Pevsner Press, 412 Water Street, Baltimore, Maryland 21202 (301 752-8100) CONTACT: Mr. Mel Pevsner - Owner

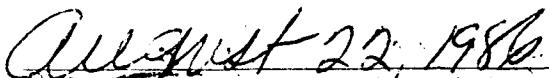
CONDITIONS OF PAROLE

1. Report as directed to and follow your Parole Agent's instructions.
2. Work regularly.
3. Get permission before:
 - a. Changing your home
 - b. Changing your job
 - c. Leaving the State of Maryland
4. Obey all laws.
5. Notify your Parole Agent immediately if you are arrested.
6. You shall not illegally possess, use or sell any narcotic drug, "controlled dangerous substance," or related paraphernalia.
7. You shall not own, possess, use, sell or have under your control, any dangerous weapon or firearms of any description without approval of the Parole Board.
8. You shall so conduct yourself as not to present a danger to yourself or others.
9. Special conditions: **Drug Therapy As Directed.**

I have read, or have had read to me, the foregoing conditions of parole. I fully understand them and I agree, in consideration of granting of parole, to observe and abide by such conditions of parole. Further, I hereby waive extradition to the State of Maryland and expressly agree that I will not contest any effort to return me to the State of Maryland in consequence of my violating any of the terms and conditions of this parole.



Signature of Parolee



Date





11058

MARYLAND PAROLE COMMISSION

WARRANT

FOR ARREST AND DETENTION OF PAROLED PRISONER

TO ANY SHERIFF OR POLICE OFFICER authorized to serve criminal process, and to the superintendent or other person in charge of any jail, lockup or other place of detention (in this State):

Name	STUBBINS, Thomas	Number	152-357	Date of Parole	8/22/86
D.O.B.	2/1/62	Charge	Aslt. w/1 Murder; Armed Rob.; Escape; Car Theft	Max. Exp. Sent.	2/6/95
Sex	M	Race	W	Eyes	blue
HT.	600	WT.	180	Hair	brown

WHEREAS, there is reasonable cause to believe that the above-named parolee, who is under the supervision of the Maryland Division of Parole and Probation, has violated the conditions of his/her parole as described on the attached statement of charges.

THEREFORE, the MARYLAND PAROLE COMMISSION, pursuant to its authority under the laws of this State, does hereby direct that the said parolee be taken into custody wherever found, and returned to the authority from which he/she was paroled, there to remain subject to the further order of the Commission.

White-Warrant
Blue-Detainer
Pink-File
Goldenrod-Parolee's Attorney

Commissioner

September 21, 1993

STUBBINS, THOMAS C
W/M DOB: 2/1/62

SPECIAL REPORT - SUPPLEMENTAL

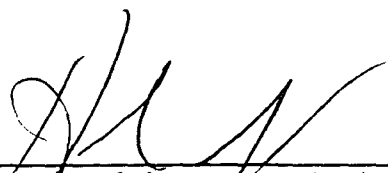
SPECIFICATION OF CONDITIONS VIOLATED

It is alleged that the subject has violated the following conditions of his Parole.

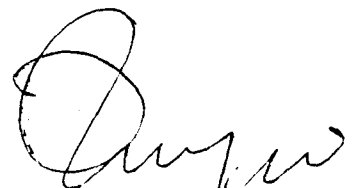
Rule #4: Obey All Laws:

By being arrested, charged on 7/19/93 and convicted 9/13/93 in the Baltimore County District Court for Battery and Unauthorized Use.

Sentence: 6 months suspended, 3 months; 18 months probation.



Howard Selsky, Agent Senior 10/12/93 DATE
Division of Parole & Probation
900 Walker Avenue
Baltimore, Maryland 21228



Priscilla E Griffith 10/12/93 DATE
Parole/Probation Field Supervisor I

STUBBINS, THOMAS
White/Male DOB: 2/1/62

SPECIFICATIONS OF CONDITIONS VIOLATED

It is alleged that the subject has again violated the following conditions of parole.

Rule #1: Report to agent as directed: Failed to report 6/9/93 and July 7, 1993 or anytime thereafter, according to agent Whalen's notes.

Rule #3A: Get permission before changing his home address: The subject is not residing at his last stated home of 353 Dublin Drive, Glen Burnie, Maryland 21061. (Confirmed 6/30/93 by Ms. Snowden). The subject's current whereabouts are unknown. By the subjects whereabouts being unknown this agent is not afforded an opportunity to visit the subject at his home.

Rule #6: Urinalysis: The subject refused to submit to urinalysis, according to Agent Whalen on 6/9/93.

Rule #9: Counseling: The subject has not submitted any verification of attendance at counseling.

Rule #4: Obey all laws. Charged 7/16/93 in Baltimore County with Destruction of Property, Case No: 685572A6. Also charged with DWI on 6/14/93 and Battery with \$1,500.00 bond.

Rule #5: Notify agent of arrests. The subject has not notified the writer/probation department of any new arrests/charges.

Howard Selsky 7/21/93
Howard Selsky Date
Parole/Probation Agent Senior
Division of Parole & Probation
900 Walker Avenue
Baltimore, Maryland 21228
410-788-9774

APPROVED

Priscilla E. Griffith 7/21/93
Priscilla E. Griffith Date
Parole/Probation Division
900 Walker Avenue
Baltimore, Maryland 21228

HS:md

I hereby certify under penalties of perjury that the information contained in the above report is true and correct to the best of my knowledge and belief.

Certified Howard Selsky

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF PAROLE AND PROBATION

SPECIAL REPORT DISPOSITION SHEET



93 SEP 21 12 18

CASE NAME: Stubbins, Thomas C. DOC # 152-357

DATE OF REPORT: July 20, 1993

COMMISSIONER'S DECISION:

- Report noted, concur with agent's recommendation.
- No action pending adjudication of charges.
- Issue Warrant enter MILES only _____ N.C.I.C. _____
- Schedule reprimand: date _____ time _____ place _____
- Insufficient information. See attached memorandum.
- Other: _____
- Close case.

[Handwritten Signature]
COMMISSIONER'S SIGNATURE

9/21/93
DATE

RETURN FORM TO: Howard Selsky
SUPERVISOR'S NAME: Priscilla E. Griffith
OFFICE: Parole/Probation Division

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF PAROLE AND PROBATION



SUPERVISION SUMMARY

SPECIAL REPORT - SUPPLEMENTAL
TYPE OF REPORT

STUBBINS, Thomas C. W/M DOB: 2/1/62

Md Correctional Inst. Jessup 152-357

Name
Theft, Escape
Offense
Intensive - Unsatisfactorily
Level of Supervision
7/20/93 to 10/8/93
Period Covered by Report
8/22/86
Paroled/Released

Institution/Court Number
Fischer
Judge
15 yrs. From 5/17/79
Sentence
5/17/79
Date of Sentence
2/6/95
Expiration

RESIDENCE

Anne Arundel County Jail

Address

EMPLOYMENT

Employer Wages
Address Occupation

Home Adjustment: Satisfactory Unknown Unsatisfactory
Reporting Pattern: Satisfactory Marginal Unsatisfactory
Overall Adjustment: Satisfactory Marginal Unsatisfactory

COMMENTS AND RECOMMENDATIONS

SEE ATTACHED

APPROVED: _____
Supervisor Date Agent/Monitor Date

STUBBINS, THOMAS C.
W/M DOB: 2/1/62

SPECIAL REPORT - SUPPLEMENTAL

INTRODUCTION

Reference is made to the Request for Warrant submitted 7/21/93.

HISTORY OF SUPERVISION

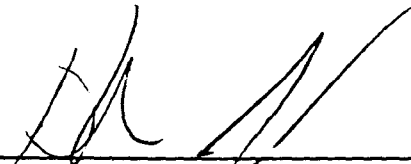
The subjects progress and conduct continues to be unsatisfactory.

REASON FOR THE REPORT

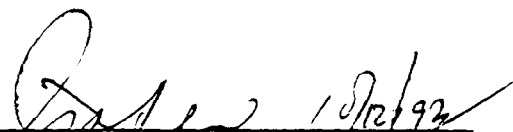
On 7/19/93 in Baltimore County, the subject was charged with Theft, Battery and Unauthorized Use. On 9/13/93 in the Baltimore County District Court, the subject was convicted of Battery and Unauthorized Use. The subject received 6 months suspend 3 months; 18 months probation.

EVALUATION AND RECOMMENDATION

It is respectfully requested that the above be added to the pending Violation of Parole.



Howard Selsky, Agent Senior 10/12/93 DATE
Division of Parole & Probation
900 Walker Avenue
Baltimore, Maryland 21228
410-455-5036



Priscilla E. Griffith 10/12/93 DATE
Parole/Probation Field Supervisor I

STUBBINS, THOMAS C
W/M DOB: 2/1/62

SPECIAL REPORT - SUPPLEMENTAL

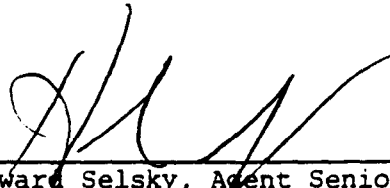
SPECIFICATION OF CONDITIONS VIOLATED

It is alleged that the subject has violated the following conditions of his Parole.

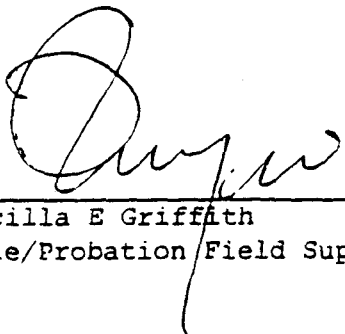
Rule #4: Obey All Laws:

By being arrested, charged on 7/19/93 and convicted 9/13/93 in the Baltimore County District Court for Battery and Unauthorized Use.

Sentence: 6 months suspended, 3 months; 18 months probation.



Howard Selsky, Agent Senior 10/12/93 DATE
Division of Parole & Probation
900 Walker Avenue
Baltimore, Maryland 21228



Priscilla E Griffith 10/12/93 DATE
Parole/Probation Field Supervisor I

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF PAROLE AND PROBATION



SUPERVISION SUMMARY

SPECIAL REPORT - REQUEST FOR WARRANT

TYPE OF REPORT

STUBBINS, THOMAS C. W/M DOB: 2/1/62

MD. CORRECTIONAL INST. JESSUP 152-357

Name Assault W/I to Murder, Armed Robbery Auto
Theft, Escape

Institution/Court Number
Fischer

Offense
Intensive - Unsatisfactorily

Judge
15 yrs. from 5/17/79

Level of Supervision
4/2/93 - 7/20/93

Sentence
5/17/79

Period Covered by Report
8/22/86

Date of Sentence
2/6/95

Paroled/Released

Expiration

RESIDENCE
Absconded

Address
LKA: 353 Dublin Drive
Glen Burnie, Md. 21061

EMPLOYMENT
Absconded

Employer Wages

Address Occupation

Home Adjustment:	Satisfactory <input type="checkbox"/>	Unknown <input type="checkbox"/>	Unsatisfactory <input checked="" type="checkbox"/>
Reporting Pattern:	Satisfactory <input type="checkbox"/>	Marginal <input type="checkbox"/>	Unsatisfactory <input checked="" type="checkbox"/>
Overall Adjustment:	Satisfactory <input type="checkbox"/>	Marginal <input type="checkbox"/>	Unsatisfactory <input checked="" type="checkbox"/>

COMMENTS AND RECOMMENDATIONS

*10/2/93 - STP - Violation - leaving. Guilty allowed
12 months street time
See attached*

APPROVED: _____

Supervisor Priscilla Griffith Date
Address: Parole/Probation Division

Agent/Monitor Howard Selsky Date
Address: Parole/Probation Division

STUBBINS, THOMAS
White/Male DOB: 2/1/62

INTRODUCTION

Reference is made to the Special Report Request for Warrant dated 2/23/93, and the Violation of Probation Hearing of 4/30/93 wherein the subject was continued on parole.

HISTORY OF SUPERVISION

The subject continues to exhibit at this time unsatisfactory compliance with the parole conditions. The subject is currently unemployed. The subject's home situation is unstable, and he is not residing at the last stated home address of 353 Dublin Drive, Glen Burnie, Maryland 21061.

REASON FOR REPORT

On 7/16/93 the subject was charged with destruction of property in Baltimore County in Case No. 685572A6. No court date has been set as of the writing of this report. NP 9-17-93

He has also been charged with DWI on 6/14/93 and Battery with \$1,500 bond. Mr. Stubbins was instructed by Agent Whalen to report 6/9/93 and 7/6/93 to discuss the subject's current situation, however, the subject failed to report both dates. - Ct. 1/20/94

Also, he refused to submit to urinalysis, according to Agent Whalen.

EVALUATION AND RECOMMENDATION

It is respectfully requested that a Retake Warrant be issued for the subject's arrest for Violation of Parole.

Howard R. Selsky 7/21/93
Date
Howard R. Selsky
Parole/Probation Division
900 Walker Avenue
Baltimore, Maryland 21228

APPROVED

Miscilla E. Griffith 7/20/93
Date
Miscilla E. Griffith
Parole/Probation Division
900 Walker Avenue
Baltimore, Maryland 21228

I hereby certify under penalties of perjury that the information contained in the above report is true and correct to the best of my knowledge and belief.

Certified [Signature]

STUBBINS, THOMAS
White/Male DOB: 2/1/62

SPECIFICATIONS OF CONDITIONS VIOLATED

It is alleged that the subject has again violated the following conditions of parole.

Rule #1: Report to agent as directed: Failed to report 6/9/93 and July 7, 1993 or anytime thereafter, according to agent Whalen's notes.

Rule #3A: Get permission before changing his home address: The subject is not residing at his last stated home of 353 Dublin Drive, Glen Burnie, Maryland 21061. (Confirmed 6/30/93 by Ms. Snowden). The subject's current whereabouts are unknown. By the subjects whereabouts being unknown this agent is not afforded an opportunity to visit the subject at his home.

Rule #6: Urinalysis: The subject refused to submit to urinalysis, according to Agent Whalen on 6/9/93.

Rule #9: Counseling: The subject has not submitted any verification of attendance at counseling.

Rule #4: Obey all laws. Charged 7/16/93 in Baltimore County with Destruction of Property, Case No: 685572A6. Also charged with DWI on 6/14/93 and Battery with \$1,500.00 bond. ^{NP 9-17-93} - ct 1/20/94

Rule #5: Notify agent of arrests. The subject has not notified the writer/probation department of any new arrests/charges.

Howard Seisky ^{7/21/93}
Howard Seisky Date
Parole/Probation Agent Senior
Division of Parole & Probation
900 Walker Avenue
Baltimore, Maryland 21228
410-788-9774

APPROVED

Priscilla E. Griffith ^{7/21/93}
Priscilla E. Griffith Date
Parole/Probation Division
900 Walker Avenue
Baltimore, Maryland 21228

HS:md

I hereby certify under penalties of perjury that the information contained in the above report is true and correct to the best of my knowledge and belief.

Certified [Signature]

REVOCATION HEARING

Thomas Stubbins #152357
MRDCC
12/26/91

Commissioner: WILLIAMS

DECISION: Continue on parole

Mr. Stubbins was paroled at the MCIJ on 8/22/86. He was serving a sentence of 12 years from 5/17/79 for assault with intent to murder, 15 years concurrent from 11/8/79 for arm robbery and 1 year concurrent for escape, 90 days consecutive for car theft. His maximum expiration date is 2/6/95.

A warrant was signed for his arrest, dated 9/6/91, alleging that Mr. Stubbins had violated several conditions of his parole. He violated Rule #1, by failing to report to his parole agent for the months of June, July and through the date of the report, 8/26/91. He violated Rule #3, by changing his home address from 604 33rd Street, Baltimore, Maryland to a currently unknown home. He violated Rule #3B, by leaving his last known employment with the Anne Arundel County Department of Utilities, located in Annapolis, Maryland to an unknown employment. He violated Rule #4, by being charged on 4/13/91 in Baltimore County, with driving while intoxicated and negligent driving and failing to appear on 6/3/91 in the District Court of Maryland to answer those charges.

Mr. Stubbins chose not be represented by counsel and represented himself. Agent Eggleston of the Catonsville Artbutus Office represented the Division of Parole and Probation.

This Commissioner did find Mr. Stubbins in violation of Rules #1, #3 and #3B, not in violation of Rule #4, that was still pending before the court.

This Commissioner after severely reprimanding Mr. Stubbins for his poor judgement and continued violation of his parole conditions, did continue him on parole with the following stipulations: (1) Mr. Stubbins will remain in the intensive supervision category (2) He must be evaluated by the EDR Unit as soon as possible and let the parole and probation agent submit a 60 day progress report as to Mr. Stubbins' performance on parole.

It should noted that he has a detainer from a Baltimore County pending case. When that case has been adjudicated, the parole and probation agent is to notify the Parole Commission as to the disposition. It was on this basis, Mr. Stubbins was continued on parole.

lrr/12-119
1/22/92

MARYLAND PAROLE COMMISSION

Certificate of Decision Notification

Name Thomas Stubbins Date 12/26/91
Inst. No. 152357 Hearing Officer _____
Location MRDCC Commissioner WILLIAMS
James H. Williams

Type of Action: (Example: Commission Case, Appellate decision, Corrected decision, Revocation decision, etc.)

REVOCATION CASE

Certificate of Service:

I hereby certify that the attached copy of this decision was served upon the inmate whose name appears hereon by delivering same to said inmate personally this

_____ day of _____ 19____

Casework Associate / Parole & Probation Agent

NOTICE

THIS NOTIFICATION OF PAROLE COMMISSION ACTION IS NOT SUBJECT TO APPEAL. HOWEVER, APPEAL FROM A PAROLE REVOCATION DECISION ONLY, MAY BE FILED IN THE STATE CIRCUIT COURT HAVING VENUE.

WHITE - Inmate's Copy
PINK - Parole Commission's Copy
CANARY - Institution's Copy
BLUE - Parole Commission's Copy (Certified)

Circuit Court for Balto. City
111 N. Calvert St. Rm. 462
21202

George A. Eichhorn, III
Asst. Atty. General
Dept. of Public Safety
and Correctional Services
6776 Reisterstown Rd. Ste. 312
Baltimore, Maryland 21215

Circuit Court for Balto. City
111 N. Calvert St. Rm. 462
21202

Heather A. Osborne, Esquire
Asst. Public Defender
Collateral Review Division
300 W. Preston St, Rm. 213
Baltimore, Maryland 21201

NOTICE SENT IN ACCORDANCE WITH MARYLAND RULE 7-207

Thomas C. Stubbins

Docket:

vs.

Maryland Parole Commission

Folio:

File: 93354003/CL173982

Date of Notice: 2-7-94

STATE OF MARYLAND, ss:

I HEREBY CERTIFY, That on the 28th day of January
Nineteen Hundred and ninety-four, I received from the Administrative
Agency, the record, in the above captioned case.

SAUNDRA E. BANKS, Clerk
Circuit Court for Baltimore City

CC-39

MARYLAND RELAY SERVICE VOICE 1-800-735-2258



NOTICE SENT IN ACCORDANCE WITH MARYLAND RULE 7-207

Thomas C. Stubbins

Docket:

vs.

Maryland Parole Commission

Folio:

File: 93354003/CL173982

Date of Notice: 2-7-94

STATE OF MARYLAND, ss:

I HEREBY CERTIFY, That on the 28th day of January
Nineteen Hundred and ninety-four, I received from the Administrative
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SAUNDRA E. BANKS, Clerk
Circuit Court for Baltimore City

CC-39

MARYLAND RELAY SERVICE VOICE 1-800-735-2258



PETITION OF
THOMAS C. STUBBINS, #152-357

FOR JUDICIAL REVIEW OF
THE DECISION OF THE
MARYLAND PAROLE COMMISSION

IN THE
CIRCUIT COURT FOR
BALTIMORE CITY

1994 JAN - 7 FOR 8:27

CIVIL DIVISION BALTIMORE CITY

* Case No. 93354003/CL173982

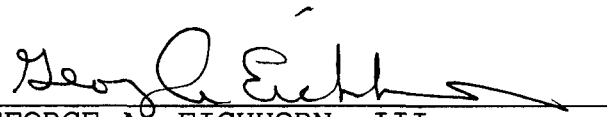
* * * * *

RESPONSE TO PETITION

The Maryland Parole Commission, Appellee, by its attorneys,
J. Joseph Curran, Jr., Attorney General of Maryland, and George
A. Eichhorn, III, Assistant Attorney General, pursuant to
Maryland Rule 7-204, notes its intention to participate in the
action for judicial review of the decision rendered by the
Maryland Parole Commission.

J. JOSEPH CURRAN, JR.
Attorney General of Maryland

380 384



GEORGE A. EICHHORN, III
Assistant Attorney General
Department of Public Safety
and Correctional Services
6776 Reisterstown Road, Suite 312
Baltimore, Maryland 21215
(410) 764-4071

Attorneys for Appellee



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of January, 1994, a copy of the foregoing Response to Petition was mailed, postage prepaid, to Heather A. Osborne, Esquire, Assistant Public Defender, Collateral Review Division, 300 W. Preston Street, Room 213, Baltimore, Maryland 21201.



GEORGE A. EICHHORN, III
Assistant Attorney General

913835

IN THE CIRCUIT COURT FOR BALTIMORE CITY
PETITION OF: THOMAS C. STUBBINS, #152-357
MARYLAND CORRECTIONAL INSTITUTION
AT JESSUP

FOR THE JUDICIAL REVIEW OF THE DECISION OF THE
MARYLAND PAROLE COMMISSION
6776 REISTERSTOWN ROAD
BALTIMORE, MARYLAND 21215

IN THE CASE OF: PAROLE REVOCATION #152357

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY
*
92 DEC 20 AM 10:26
*
CIVIL DIVISION
*
ACTION
*
NO.
*
9335400
*
CL 173982
*
*

PETITION FOR JUDICIAL REVIEW OF THE DECISION OF
THE MARYLAND PAROLE COMMISSION

The Petitioner, Thomas C. Stubbins, by his attorney, Heather A. Osborne, Assistant Public Defender, and pursuant to Maryland Code Annotated Article 41, § 4-511 (c), petitions this Court for an appeal of the Order of the Maryland Parole Commission, passed in the above case on November 22, 1993, revoking the parole of the Petitioner.

STATEMENT OF THE CASE

Petitioner was sentenced on May 17, 1979 to fifteen years to the Division of Corrections on his conviction for assault with intent to murder and related offenses. On August 22, 1986, Petitioner was placed on parole with, in addition to the standard parole conditions, a special condition to attend counseling. On September 21, 1993, a warrant was issued by the Maryland Parole Commission, pursuant to a Report and Request for a Warrant submitted by Agent Howard Selsky. (See attached exhibit).

Petitioner was tried for the alleged violation of parole before Commissioner Frank G. Pappas on November 22, 1993. At the hearing on revocation, Petitioner was represented by Heather A.

pc
copy sent

ACW

Osborne of the Office of the Public Defender. Petitioner's parole agent, Agent Howard Selsky, was not present. The Division of Parole and Probation was represented by Agent Timothy McCarthy, who gave testimony from Agent Selsky's file. Mid-way through cross-examination by counsel of Agent McCarthy, Petitioner indicated that he wanted to submit on the allegations and simply address the issue of street time credit.

Petitioner requested that he be given street time from the time of his release on August 22, 1986 to the time of the first violation cited in Agent Selsky's report, June 19, 1993, when Petitioner failed to report to his agent as instructed.

Petitioner had had an earlier parole revocation hearing on December 6, 1991 before Commissioner Maceo Williams. Commissioner Williams continued Petitioner at that time.

Commissioner Pappas decided that Petitioner should only receive nineteen months street time for his good behavior calculated from the time of his first revocation hearing to the time of his first new violation. Commissioner Pappas disregarded the good time Petitioner had accumulated from August of 1986 until that first revocation hearing in December of 1991. Because Commissioner Williams continued him at that earlier hearing, Petitioner has received no credit for that period of time.

QUESTION PRESENTED

Commissioner Pappas abused his discretion in refusing to allow Petitioner street time credit from August 22, 1986 to December 6, 1991 in addition to the time from December 6, 1991 to the occasion

of his first violation on June 19, 1993.

RELIEF SOUGHT

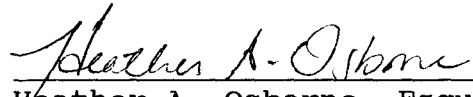
WHEREFORE, Petitioner respectfully requests that the decision on his parole revocation be reversed and he be granted street time from August 22, 1986 to June 19, 1993, or in the alternative, reverse Petitioner's parole revocation conviction and remand the case back to the Parole Commission for a new hearing, with instructions to grant Petitioner the requested street time credit.

Further, Petitioner requests the right to amend this Petition after the hearing transcript is produced and counsel has had an opportunity to review it.

Respectfully submitted,



Thomas C. Stubbins
Petitioner



Heather A. Osborne, Esquire
Assistant Public Defender
Collateral Review Division
300 W. Preston Street, Room 213
Baltimore, Maryland 21201
(410) 225-1664

STATEMENT OF INDIGENCY

I, the Petitioner in the foregoing Petition for Post Conviction Relief, hereby certify that I have no funds available whatsoever from anyone, including my family and associates, nor do I own any interest in any real or personal property that could be used to compensate counsel or to pay the costs of this action. I further certify that this statement is made with full knowledge and understanding on my part with an intent to induce the Court to appoint counsel to represent me in this action and further to induce this Honorable Court to waive the costs of these proceedings and I further understand these representations, if later proven to have been falsely made by me, may result in my being prosecuted for a crime.



Petitioner



11058

MARYLAND PAROLE COMMISSION

WARRANT

FOR ARREST AND DETENTION OF PAROLED PRISONER

TO ANY SHERIFF OR POLICE OFFICER authorized to serve criminal process, and to the superintendent or other person in charge of any jail, lockup or other place of detention (in this State):

Name	STUBBINS, Thomas	Number	152-357	Date of Parole	8/22/86
D.O.B.	2/1/62	Charge	Asst. w/ Murder; Armed Rob.; Escape; Car Theft	Max. Exp. Sent.	2/6/95
Sex	M	Race	W	Eyes	blue
HT.	600	WT.	180	Hair	brown

WHEREAS, there is reasonable cause to believe that the above-named parolee, who is under the supervision of the Maryland Division of Parole and Probation, has violated the conditions of his/her parole as described on the attached statement of charges.

THEREFORE, the MARYLAND PAROLE COMMISSION, pursuant to its authority under the laws of this State, does hereby direct that the said parolee be taken into custody wherever found, and returned to the authority from which he/she was paroled, there to remain subject to the further order of the Commission.

White-Warrant
Blue-Detainer
Pink-File
Goldenrod-Parolee's Attorney

Commissioner

September 21, 1993

Date

STUBBINS, THOMAS C
W/M DOB: 2/1/62

SPECIAL REPORT - SUPPLEMENTAL

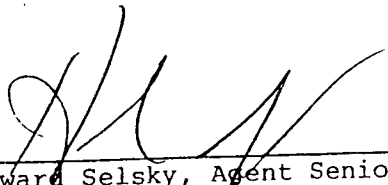
SPECIFICATION OF CONDITIONS VIOLATED

It is alleged that the subject has violated the following conditions of his Parole.

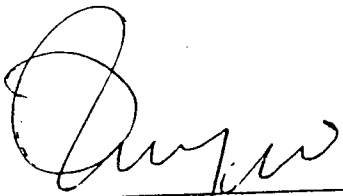
✓ Rule #4: Obey All Laws:

By being arrested, charged on 7/19/93 and convicted 9/13/93 in the Baltimore County District Court for Battery and Unauthorized Use.

Sentence: 6 months suspended, 3 months; 18 months probation.



Howard Selsky, Agent Senior 10/12/93 DATE
Division of Parole & Probation
900 Walker Avenue
Baltimore, Maryland 21228



Priscilla E Griffith 10/12/93 DATE
Parole/Probation Field Supervisor I

STUBBINS, THOMAS
White/Male DOB: 2/1/62

SPECIFICATIONS OF CONDITIONS VIOLATED

It is alleged that the subject has again violated the following conditions of parole.

Rule #1: Report to agent as directed: Failed to report 6/9/93 and July 7, 1993 or anytime thereafter, according to agent Whalen's notes.

Rule #3A: Get permission before changing his home address: The subject is not residing at his last stated home of 353 Dublin Drive, Glen Burnie, Maryland 21061. (Confirmed 6/30/93 by Ms. Snowden). The subject's current whereabouts are unknown. By the subjects whereabouts being unknown this agent is not afforded an opportunity to visit the subject at his home.

Rule #6: Urinalysis: The subject refused to submit to urinalysis, according to Agent Whalen on 6/9/93.

Rule #9: Counseling: The subject has not submitted any verification of attendance at counseling.

Rule #4: Obey all laws. Charged 7/16/93 in Baltimore County with Destruction of Property, Case No: 685572A6. Also charged with DWI on 6/14/93 and Battery with \$1,500.00 bond.

Rule #5: Notify agent of arrests. The subject has not notified the writer/probation department of any new arrests/charges.

Howard Selsky 7/21/93
Howard Selsky Date
Parole/Probation Agent Senior
Division of Parole & Probation
900 Walker Avenue
Baltimore, Maryland 21228
410-788-9774

APPROVED

Priscilla E. Griffith 7/21/93
Priscilla E. Griffith Date
Parole/Probation Division
900 Walker Avenue
Baltimore, Maryland 21228

HS:md

I hereby certify under penalties of perjury that the information contained in the above report is true and correct to the best of my knowledge and belief.

Certified [Signature]

STATE OF MARYLAND
 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
 DIVISION OF PAROLE AND PROBATION



SUPERVISION SUMMARY

SPECIAL REPORT - REQUEST FOR WARRANT
 TYPE OF REPORT

STUBBINS, THOMAS C. W/M DOB: 2/1/62

MD. CORRECTIONAL INST. JESSUP 152-357

Name Assault W/I to Murder, Armed Robbery Auto Theft, Escape
 Offense Intensive - Unsatisfactorily
 Level of Supervision 4/2/93 - 7/20/93
 Period Covered by Report 8/22/86
 Paroled/Released

Institution/Court Fischer Number
 Judge 15 yrs. from 5/17/79
 Sentence 5/17/79
 Date of Sentence 2/6/95
 Expiration

RESIDENCE Absconded

Address LKA: 353 Dublin Drive
 Glen Burnie, Md. 21061

EMPLOYMENT Absconded

Employer _____ Wages _____

Address _____ Occupation _____

Home Adjustment:	Satisfactory	<input type="checkbox"/>	Unknown	<input type="checkbox"/>	Unsatisfactory	<input checked="" type="checkbox"/>
Reporting Pattern:	Satisfactory	<input type="checkbox"/>	Marginal	<input type="checkbox"/>	Unsatisfactory	<input checked="" type="checkbox"/>
Overall Adjustment:	Satisfactory	<input type="checkbox"/>	Marginal	<input type="checkbox"/>	Unsatisfactory	<input checked="" type="checkbox"/>

COMMENTS AND RECOMMENDATIONS

See attached

APPROVED: _____

Supervisor Priscilla Griffith Date _____
 Address: Parole/Probation Division
900 Walker Avenue
 Phone: 410-788-0774

Agent/Monitor Howard Selsky Date _____
 Address: Parole/Probation Division
900 Walker Avenue
 Phone: 410-788-9774

STUBBINS, THOMAS
White/Male DOB: 2/1/62

INTRODUCTION

Reference is made to the Special Report Request for Warrant dated 2/23/93, and the Violation of Probation Hearing of 4/30/93 wherein the subject was continued on parole. 7.

HISTORY OF SUPERVISION

The subject continues to exhibit at this time unsatisfactory compliance with the parole conditions. The subject is currently unemployed. The subject's home situation is unstable, and he is not residing at the last stated home address of 353 Dublin Drive, Glen Burnie, Maryland 21061.

REASON FOR REPORT

On 7/16/93 the subject was charged with destruction of property in Baltimore County in Case No. 685572A6. No court date has been set as of the writing of this report.

He has also been charged with DWI on 6/14/93 and Battery with \$1,500 bond. Mr. Stubbins was instructed by Agent Whalen to report 6/9/93 and 7/6/93 to discuss the subject's current situation, however, the subject failed to report both dates.

Also, he refused to submit to urinalysis, according to Agent Whalen.

EVALUATION AND RECOMMENDATION

It is respectfully requested that a Retake Warrant be issued for the subject's arrest for Violation of Parole.

Howard R. Selsky 7/21/93
Howard R. Selsky Date
Parole/Probation Division
900 Walker Avenue
Baltimore, Maryland 21228

APPROVED

Priscilla E. Griffith 7/20/93
Priscilla E. Griffith Date
Parole/Probation Division
900 Walker Avenue
Baltimore, Maryland 21228

I hereby certify under penalties of perjury that the information contained in the above report is true and correct to the best of my knowledge and belief.

Certified [Signature]

STUBBINS, THOMAS
White/Male DOB: 2/1/62

SPECIFICATIONS OF CONDITIONS VIOLATED

It is alleged that the subject has again violated the following conditions of parole.

Rule #1: Report to agent as directed: Failed to report 6/9/93 and July 7, 1993 or anytime thereafter, according to agent Whalen's notes.

Rule #3A: Get permission before changing his home address: The subject is not residing at his last stated home of 353 Dublin Drive, Glen Burnie, Maryland 21061. (Confirmed 6/30/93 by Ms. Snowden). The subject's current whereabouts are unknown. By the subjects whereabouts being unknown this agent is not afforded an opportunity to visit the subject at his home.

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Rule #9: Counseling: The subject has not submitted any verification of attendance at counseling.

Rule #4: Obey all laws. Charged 7/16/93 in Baltimore County with Destruction of Property, Case No: 685572A6. Also charged with DWI on 6/14/93 and Battery with \$1,500.00 bond.

Rule #5: Notify agent of arrests. The subject has not notified the writer/probation department of any new arrests/charges.

Howard Selsky 7/21/93
Howard Selsky Date
Parole/Probation Agent Senior
Division of Parole & Probation
900 Walker Avenue
Baltimore, Maryland 21228
410-788-9774

455 5022

APPROVED

Priscilla E. Griffith 7/21/93
Priscilla E. Griffith Date
Parole/Probation Division
900 Walker Avenue
Baltimore, Maryland 21228

HS:md

I hereby certify under penalties of perjury that the information contained in the above report is true and correct to the best of my knowledge and belief.

Certified Howard Selsky

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on this 20th day of December, 1994, a copy of the foregoing Petition For Judicial Review of the Decision of the Maryland Parole Commission was mailed or hand-delivered, to the Office of the Maryland Parole Commission, 6776 Reisterstown Road, Suite 307, Baltimore, Maryland 21215-2342.

Heather A. Osborne
Heather A. Osborne, Esquire
Assistant Public Defender

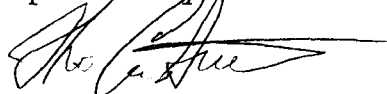
IN THE CIRCUIT COURT FOR BALTIMORE CITY	*	
PETITION OF: THOMAS C. STUBBINS, #152-357	*	
MARYLAND CORRECTIONAL INSTITUTION	*	
AT JESSUP	*	
	*	CIVIL
FOR THE JUDICIAL REVIEW OF THE DECISION OF THE	*	ACTION
MARYLAND PAROLE COMMISSION	*	NO. _____
6776 REISTERSTOWN ROAD	*	
BALTIMORE, MARYLAND 21215	*	
	*	
IN THE CASE OF: PAROLE REVOCATION #152357	*	
	*	
	*	

REQUEST FOR TRANSMITTAL OF THE RECORD

Dear Sir/Madam Clerk:

I have no funds to pay for the transcript of the record in the above-captioned matter and request that the Court order the Maryland Parole Commission to transmit the record without cost to me. Maryland Rule B7a., Mears v. Bruce, Inc., 39 Md. App. 649 (1978).

Respectfully submitted,



Mr. Thomas C. Stubbins, #152-357
 Maryland Correctional Institution
 at Jessup

MSAREF.NET, MSA SC 5458
An Archives of Maryland Publication

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COB
2010-02-18
66 images

MSA SC 5458-82-152

Dates: 2010/02/17

Description: Case numbers received from J. Hollander -

BALTIMORE CITY CIRCUIT COURT (Paternity Papers) Arrington v. Rodriguez, 1989, Box 169
Case No. 119070 [MSA T3351-923, CW/16/31/25]
File should be named msa_sc5458_82_152_[full case number]-####

BALTIMORE CITY CIRCUIT COURT (Civil Papers, Equity and Law) Rolnik v. Union Labor Life
Ins. Co., 1987, Case No. 87313071

Case is split between 2 boxes:

Box 387 [MSA T2691-2026, HF/8/35/8]

Box 388 [MSA T2691-2027, HF/8/35/9]

File should be named msa_sc5458_82_152_[full case number]-####

BALTIMORE CITY CIRCUIT COURT (Civil Papers, Equity and Law) Shofer v. The Stuart Hack
Co., Box 128 Case No. 88102069 [MSA T2691-2232, HF/11/30/3]

See also for "brick binders":

Box 527 [MSA T2691-2631, HF/11/38/18]

Box 528 [MSA T2691-2632, HF/11/38/19]

File should be named msa_sc5458_82_152_[full case number]-####

BALTIMORE CITY CIRCUIT COURT (Civil Papers, Equity and Law) Attorney Grievance
Commission v. Yacono, 1992, Box 1953 Case No. 92024055 [MSA T2691-4591,
OR/12/14/65]

File should be named msa_sc5458_82_152_[full case number]-####

BALTIMORE CITY CIRCUIT COURT (Civil Papers, Equity and Law) Feldmann v. Coleman,
1993, Box 391 Case No. 93203022 [MSA T2691-5466, OR/22/08/037]

File should be named msa_sc5458_82_152_[full case number]-####

BALTIMORE CITY CIRCUIT COURT (Civil Papers, Equity and Law) Jefferson v. Ford Motor
Credit Corp., 1993, Box 470 Case No. 93251040 [MSA T2691-5545, OR/22/10/20]

File should be named msa_sc5458_82_152_[full case number]-####

BALTIMORE CITY CIRCUIT COURT (Civil Papers, Equity and Law) Shofer v. The Stuart Hack
Co. and Blum, Yumkas, Mailman, 1993, Box 518 Case No. 93285087 [MSA T2691-5593,
OR/22/11/20]

File should be named msa_sc5458_82_152_[full case number]-####

BALTIMORE CITY CIRCUIT COURT (Civil Papers, Equity and Law) Booth v. Board of Appeals,
1993, Box 589 Case No. 93330026 [MSA T2691-5665, OR/22/12/45]

File should be named msa_sc5458_82_152_[full case number]-####

BALTIMORE CITY CIRCUIT COURT (Civil Papers, Equity and Law) Scott v. Dept. of Public
Safety, 1993, Box 603 Case No. 93342002 [MSA T2691-5679, OR/22/13/11]

File should be named msa_sc5458_82_152_[full case number]-####

BALTIMORE CITY CIRCUIT COURT (Civil Papers, Equity and Law) Stubbins v. Md. Parole Comm'n., 1993, Box 616 Case No. 93354003 [MSA T2691-5692, OR/22/13/24]
File should be named msa_sc5458_82_152_[full case number]-####

66
images
2-18-10
CEB

BALTIMORE CITY CIRCUIT COURT (Civil Papers, Equity and Law) Fitch v. DeJong, 1994, Box 109 Case No. 94077005 [MSA T2691-5817, OR/28/9/2]
File should be named msa_sc5458_82_152_[full case number]-####

BALTIMORE CITY CIRCUIT COURT (Criminal Papers) State v. Bowden, 1987, Box 142 Case No. 18721501 [MSA T3372-984, CW/2/23/13]
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BALTIMORE CITY CIRCUIT COURT (Criminal Papers) State v. Redmond, 1988, Box 191 Case No. 48828071 [MSA T3372-1282, HF/11/23/43]
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BALTIMORE CITY CIRCUIT COURT (Criminal Papers) State v. Parker, 1990 Box 100 Case Nos. 290213034,35 [MSA T3372-1476, OR/16/16/8]
Box 104 Case Nos. 290221060,61 [MSA T3372-1480, OR/16/16/12]
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BALTIMORE CITY CIRCUIT COURT (Criminal Transcripts) State v. Monk, 1991, Box 78 Case No. 591277019 [MSA T3657-403, OR/17/11/21]
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BALTIMORE CITY CRIMINAL COURT (Transcripts) Eraina Pretty, 1978, Box 43 Case Nos. 57811846, 57811847, 57811848, 57811858, 57811859, 57811860 [MSA T496-3990, OR/18/22/41]
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BALTIMORE CITY CIRCUIT COURT (Criminal Papers) State v. Johnson (or Johnson-Bey), 1987, Box 11 Case No. 28701917 [MSA T3372-853, CW/2/20/26]

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