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SUPREME COURT OF NEW JERSEY

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CRAIG BLACKMON,
 Plaintiff-Petitioner

v.

NEW JERSEY STATE PAROLE BOARD,
 Defendant-Respondent.

SAT BELOW:

Heather J. Salem
CLERK

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

DOCKET NO. A-003766-22

Hon. Gooden Brown

Hon. Torregrossa-O'Connor

On Appeal from a Final Decision of the
New Jersey Parole Board

CIVIL ACTION

**PETITION FOR CERTIFICATION OF
PLAINTIFF/PETITIONER CRAIG BLACKMON**

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QUESTIONS PRESENTED

1. Craig Blackmon challenged the New Jersey State Parole Board's calculation of his commutation credits for Future Eligibility Terms (FETs). Blackmon is now on parole, but the Parole Board's rule applies to 581 similarly-situated inmates. Is Blackmon's challenge to the Parole Board's calculation of his commutation credits moot?
2. N.J.A.C. 10A:71-3.2(c)(8) is a Parole Board rule stating the calculation of commutation of credits for future eligibility terms (FETs) must be based only on the length of the FET. By contrast, N.J.S.A. 30:4-140 calculates such credits based on the length of time an inmate serves, and N.J.S.A. 30:4-123.56 (1979) states that the "usual remission" of credits is applied to FETs. Does the Parole Board rule contradict N.J.S.A. 30:4-140 and N.J.S.A. 30:4-123.56?

PRELIMINARY STATEMENT

Craig Blackmon was imprisoned in 1985. In 2017, 32 years later, Blackmon first became eligible for parole. New Jersey law provided that, for his good behavior and based on his sentence, Blackmon was entitled to a set number of commutation credits that “shall be remitted” against his sentence and, should parole be denied, against the term that he would serve before again becoming parole eligible. In other provisions of the Parole Act, inmates receive commutation credits based off the entire time the inmate has served. But after denying him parole, the Parole Board awarded Blackmon commutation credits based only on the ten year Future Eligibility Term (FET) it imposed, as if his sentence only began in 2017. The Parole Board ignored that Blackmon served more than 30 years, basing its decision on its own rule, N.J.A.C. 10A:71-3.2(c)(8), and *Alevras v. Delanoy*, 245 N.J. Super. 32 (App. Div. 1990). Instead of a reduction of 1920 days, the Parole Board granted Blackmon only 996 credit days—a difference of more than 2.5 years in prison.

That was wrong. Blackmon should have received commutation credits based on the 30 years he served, and not just based on the ten-year FET. The statute applicable to Blackmon, N.J.S.A. 30:4-123.56, gave the Parole Board authority to determine the length of the FET, but also required that they “*shall* take into account *usual remissions* of sentence for good behavior[.]” P.L.1979,

c.441, sec. 12 (emphasis added). That language is specific, unambiguous, and mandatory. The “usual remissions” of commutation credits were specified by the Legislature in N.J.S.A. 30:4-140 and, for Blackmon who has served more than 30 years, was set at 1920 days. Nothing in the applicable statutes gave the Parole Board the authority to vary from the Legislature’s directives. The Parole Board erred when they failed to apply the “usual remissions” of commutation credits to Blackmon’s FET. The Parole Board’s decision should be reversed.

The Parole Board’s abuse of its discretion had real consequences for Blackmon—roughly 2.5 more years in state prison. While Blackmon has served those extra years and has now been paroled, there are hundreds of other incarcerated individuals like him who are subject to the Parole Board’s incorrect interpretation of what New Jersey law permits. The Court should accept Blackmon’s petition, provide guidance on this issue, and correct the Parole Board’s error.

STATEMENT OF THE CASE

A. Statutory Background

New Jersey parole is governed under an interlocking structure of several statutes, enacted under the Parole Act. The goal of the Parole Act was “to make the parole process more consistent, predictable, objective, and efficient,” Assembly Judiciary, Law, Public Safety and Defense Committee, Statement to Assembly, No. 3093 (Dec. 3, 1979), and “to eliminate many problem areas in existing law which have led to inequities in the administration of parole,” Sponsors’ Statement to Assembly, No. 3093 (Jan. 25, 1979).

Three of the Parole Act’s provisions use commutation credits (i.e., “good time” credits) for time served.

First, N.J.S.A. 30:4-140 applies commutation credits to the calculation of an inmate’s minimum and maximum sentences.¹ Under this provision, commutation credits are automatically applied to reduce both:

For every year . . . of a custodial sentence imposed upon any person there shall be remitted to the person from both the maximum and minimum term of the person’s sentence, for continuous orderly deportment, the progressive time credits indicated in the schedule in this section. . . . Any sentence in excess of 30 years shall be reduced by time credits for continuous orderly deportment at the rate of 192 days for each such additional year[.]

¹ A minimum sentence is the amount of time an inmate must serve for a conviction before becoming eligible for release on parole; a maximum sentence is the maximum amount of time an inmate can be confined on that conviction.

N.J.S.A. 30:4-140. In other words, the longer an inmate serves, the more credits that person is entitled to for each additional year served.

Second, N.J.S.A. 30:4-123.51 determines the date when an incarcerated person is first eligible for parole. Under this provision, inmates with a term sentence become first eligible for parole after having served a mandatory minimum term or after having served one-third of the sentence imposed minus commutation credits as calculated under N.J.S.A. 30:4-140, as well as other credits. Inmates with a sentence of life imprisonment become first eligible for parole after having served a mandatory minimum term or after having served 25 years minus commutation credits as calculated under N.J.S.A. 30:4-140, as well as other credits. As this Court noted, the provision's effect was that "parole eligibility is now a function of the sentence received." *Application of Trantino*, 89 N.J. 347, 368 (1982).

Third, if the Parole Board denies parole on the first eligibility date, N.J.S.A. 30:4-123.56 determines the schedule for future parole eligibility dates—*i.e.*, the FET. The statute delegates to the Parole Board the authority to determine the inmate's next eligibility date. But when calculating the length of the FET, the statute prescribes that the Parole Board "shall take into account *usual remissions* of sentence for good behavior and diligent application to work

and other assignments.” N.J.S.A. 30:123.56(b), L.1979, c. 441, § 12, eff. April 21, 1980.²

In 1985, the Parole Board issued a regulation about how it would calculate FETs under N.J.S.A. 30:4-123.56:

Where the inmate has been denied parole and required to serve a future eligibility term pursuant to N.J.A.C. 10A:71-3.21, a new book eligibility date shall be established by adding the additional term to the current actual eligibility date and by including, in the case of an adult inmate, commutation credits based on the additional term only.

N.J.A.C. 10A:71-3.2(c)(8) (emphasis added).³ So, rather than applying credits based on the time served, the award of credits was based only on the FET’s length. Consequently, credits would be accrued at a slower rate. The regulation was further affirmed in *Aletras v. Delanoy*, 245 N.J. Super. 32 (App. Div. 1990). The two-judge panel, ruling on a *pro se* appeal, found that this regulation did not conflict with N.J.S.A. 30:4-140 and N.J.S.A. 30:4-123.56. The panel held that the “usual remissions” language in N.J.S.A. 30:4-123.56 does not “direct

² The 1979 version of the Parole Act, which was in effect when Blackmon committed the crime, governs Blackmon’s parole. *See Berta v. New Jersey State Parole Bd.*, 473 N.J. Super. 284, 304 (App. Div. 2022). This statute was amended in 1997 as part of a major overhaul of the Parole Act to make it much more severe. Under the amended version of the statute, commutation credits do not reduce FETs at all. *See* N.J.S.A. 30:4-123.56(b) (“The future parole eligibility date shall not be altered to take into account remissions of sentence for good behavior and diligent application to work and other assignments.”).

³ Originally enacted as N.J.A.C. 10A:71-3.2(c)(7). *See* 16 N.J.R. 3391(a).

the manner in which remission should be taken into account, but delegates that responsibility to the board.” *Alevras*, 245 N.J. Super. at 37.

B. Facts and Procedural History

Blackmon was incarcerated in 1985. Blackmon became eligible for parole for the first time on November 17, 2017. The Parole Board denied Blackmon parole, and set an FET of 120 months. As required by the 1979 version of the Parole Act, the board applied commutation credits to the FET. But only 996 days, the amount applicable to a ten-year sentence, and not the 1920 days for those who have served more than 30 years, like Blackmon.

On April 4, 2023, Blackmon sent a letter to the Parole Board asking why they did not give him the full number of credits required under the statute. The Parole Board responded on April 12, 2023, affirming its own decision. Blackmon appealed. On June 28, 2023, the Parole Board issued a final decision rejecting Blackmon’s argument that he was entitled to 1920 days, or 192 days for each year because he served more than 30 years. (Ppa-7) The Parole Board relied on N.J.A.C. 10A:71-3.2(c)(8) and found that Blackmon was entitled to 996 days based on the 120-month FET without regard to the actual length of Blackmon’s sentence.

Blackmon filed a notice of appeal on July 28, 2023. (Ppa-9) On June 17, 2024, Blackmon was granted parole after serving the 120-month FET (minus the

996 days of credit the Parole Board awarded). On August 5, 2024, the Parole Board moved to dismiss the appeal on the grounds of mootness. Blackmon opposed the motion, arguing that the issue was of public importance that is capable of repetition while evading review. On August 23, 2024, the Appellate Division denied the motion to dismiss that the appeal was moot. The Appellate Division scheduled and held oral argument on Blackmon's appeal on September 10, 2025. On September 23, 2025, despite previously concluding otherwise, the Appellate Division dismissed the appeal as moot because Blackmon was paroled. (Ppa-13) The Appellate Division did not consider the merits of Blackmon's arguments in its decision.

LEGAL ARGUMENT

POINT I

**THE COURT SHOULD HEAR THIS APPEAL
BECAUSE IT PRESENTS AN ISSUE OF
CONSIDERABLE PUBLIC IMPORTANCE THAT
IS CAPABLE OF REPETITION WHILE
EVADING REVIEW.**

The Court should hear this appeal because it presents a legal issue of considerable public importance that might otherwise escape judicial scrutiny. This petition concerns the interpretation of a New Jersey statute that affects the liberty interests of hundreds of incarcerated persons. But this legal issue may evade the Court's review as uncounseled incarcerated persons—like

Blackmon—serve out extended FETs without noticing, or noticing too late, that the Parole Commission denied them commutation credits to which they were entitled. In cases of public importance that are capable of happening over and over while escaping judicial scrutiny, the Court may set aside mootness concerns and hear the appeal. The Court should do so here.

This Court has held that courts may adjudicate controversies that are moot when they are of “considerable public importance” that are “capable of repetition” and “yet may evade review.” *State v. Mercedes*, 233 N.J. 152, 169 (2018) (quoting *State v. Robertson*, 228 N.J. 138, 147 (2017)); accord *State v. Smith*, 251 N.J. 244, 253 n.1 (2022); *State v. Bell*, 241 N.J. 552, 558 (2020); *State v. Gathers*, 234 N.J. 208, 217 (2018). Courts have considered parole issues despite mootness. See, e.g., *Williams v. New Jersey State Parole Bd.*, 255 N.J. 36, 43 (2023) (considering the merits of the appeal where the appellate division had found the issue moot); *Bd. of Trustees of Youth Corr. Ctr. v. Davis*, 147 N.J. Super. 540, 544 (App. Div. 1977) (finding the right to appeal parole revocation was not affected by appellant’s re-parole).

This case presents an important issue that implicates the liberty interests of hundreds of currently incarcerated persons. At the time of submission in the Appellate Division and based on Department of Corrections records, there are at least 581 incarcerated persons for whom the same issue presented here could

arise. These incarcerated persons were convicted before 1997, so the 1979 version of N.J.S.A. 30:4-123.56 applies, just like in Blackmon's case. Undoubtedly, the Board will continue to award commutation credits based on FETs for these individuals. As demonstrated in Blackmon's case, the difference between how the commutation credits should be calculated and how the Board does so could be *years in prison*. Such liberty interests demand the Court's attention.

The issue is also likely to evade judicial review. Without the assistance of counsel, it took Blackmon years to realize that he was not awarded the proper commutation credits. It then took more than a year to appeal the Board's decision and assign counsel. Similarly situated incarcerated persons likely face the same challenges. For those with a shorter FET, they could very well be paroled before the issue can be adjudicated by the Court, as has now happened for Blackmon. Therefore, the issue may well evade the Court's review.

In fact, the Appellate Division in *this case* agreed that the issues Blackmon raised in his appeal were not moot. (Ppa-11) (denying the Parole Board's motion to dismiss for mootness). The Appellate Division reversed itself later when it denied Blackmon's appeal on mootness grounds. (Ppa-13). For that reason alone, if the Court does not decide the issue on the merits, the Court should remand to the Appellate Division and order it to address the substantive issues,

to avoid inconsistencies between different rulings of the same court in the same case. *See Arizona v. California*, 460 U.S. 605, 618 (1983) (“[W]hen a court decides upon a rule of law, that decision should continue to govern the same issues in subsequent stages in the same case.”).

For these reasons, the Court should adjudicate this issue and reject the Parole Board’s invitation to defer to its interpretation of the applicable New Jersey Statute. In the alternative, the Court should remand to the Appellate Division and summarily order them to address the substantive issues.

POINT 2

INMATES FOR WHOM THE 1979 PAROLE ACT APPLIES MUST HAVE COMMUTATION CREDITS BASED ON THE LENGTH OF TIME THEY HAVE SERVED APPLIED TO THEIR FUTURE ELIGIBILITY TERMS.

This case presents a conflict between the text of a statute and the interpretation of that statute by the agency in charge of implementing it. New Jersey law establishes the formula for calculating good behavior time credits, also known as “commutation” or “progressive time” credits, and sets the number of credits that “shall be remitted” based on the length of an incarcerated person’s custodial sentence. When Blackmon received a 120-month FET, N.J.S.A. 30:4-123.56 required that he receive the “usual remissions” of credits, which N.J.S.A. 30:4-140 prescribes as 1,920 days. Nothing in these statutes granted the Parole

Board the authority to alter the number of credits to be applied for any purpose, including for the calculation of an FET. Nevertheless, pursuant to their own interpretation of these statutes as reflected in New Jersey's administrative code, the Parole Board limited the credits awarded to Blackmon. But where there is a conflict between the statute and the Parole Board's interpretation, the statute must control. Therefore, the Parole Board's decision to award Blackmon 996 days in commutation credits against the FET should be reversed. Blackmon should have been awarded commutation credits for his FET in accordance with the plain text of N.J.S.A. 30:4-140 and N.J.S.A. 30:4-123.56.

A. Legal Standard

The Parole Board's decision, even if in line with the Administrative Code, cannot stand when it contravenes the plain language of a statute. "An administrative regulation must be within the fair contemplation of the delegation of the enabling statute." *N.J. Guild of Hearing Aid Dispensers v. Long*, 75 N.J. 544, 561 (1978). "An administrative agency only has the powers that have been 'expressly granted' by the Legislature and such 'incidental powers [as] are reasonably necessary or appropriate to effectuate' those expressly granted powers." *Borough of Avalon v. New Jersey Dep't of Env't Prot.*, 403 N.J. Super. 590, 607 (App. Div. 2008). "Where there exists reasonable doubt as to whether such power is vested in the administrative body, the power is denied." *In re*

Closing of Jamesburg High Sch., Sch. Dist. of Borough of Jamesburg, Middlesex Cty., 83 N.J. 540, 549 (1980).

While “[a]gency regulations are accorded a presumption of validity and reasonableness,” “a rule will be set aside if it is ‘inconsistent with the statute it purports to interpret.’” *In re Freshwater Wetlands Prot. Act Rules*, 180 N.J. 478, 489 (2004).⁴ “[I]f an agency’s statutory interpretation is contrary to the statutory language, or if the agency’s interpretation undermines the Legislature’s intent, no deference is required.” *N.J. Tpk. Auth. v. Am. Fed’n of State, Cty. & Mun. Emps., Council 73*, 150 N.J. 331, 351 (1997); *GE Solid State, Inc. v. Dir., Div. of Tax’n*, 132 N.J. 298, 306 (1993) (“[Courts] have invalidated regulations that flout the statutory language and undermine the intent of the Legislature.”); *Eherenstorfer v. Div. of Pub. Welfare, Dep’t of Hum. Servs. of State of N.J.*, 196 N.J. Super. 405, 412 (App. Div. 1984) (“There can be no doubt that ‘any regulation which contravenes a statute is of no force.’”). Accordingly, where, as here, the administrative agency’s rule contradicts the plain language of the statute, the Court must disregard the rule.

⁴ See also *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024) (overruling *Chevron* and holding that federal courts need not defer to a federal agency’s interpretation of an ambiguous statute).

B. The Parole Board's Rule on FETs Conflicts with the Plain Language of the Statute

The 1979 version of N.J.S.A. 30:4-123.56 provides that when the Parole Board determines the future parole eligibility date, “[s]uch future parole eligibility date shall take into account *usual remissions* of sentence for good behavior[.]” P.L.1979, c.441, sec. 12 (emphasis added). The language is clear: The Parole Board is authorized to determine an FET, but the “usual remissions of sentence for good behavior” must be deducted. N.J.S.A. 30:4-140 sets forth how many credits for good behavior “shall be remitted.”

Nothing in the statute authorizes the Parole Board to change how commutation credits would be calculated. To the contrary, the statute specified that the “usual” remissions should apply. This comports with the legislative purpose to promote uniformity in amending N.J.S.A. 30:4-140 in 1957 to provide for a “fixed and mandatory” schedule of progressive time credits based on the length of an incarcerated person’s sentence. *See* Att. Gen. Formal Op. 1976, No. 16. Regardless of whether an incarcerated person is up for parole for the first time or the second time—a distinction that the statute does not make—the person would receive the prescribed commutation credits based on the time he has actually served.

Yet, the Parole Board promulgated rules that changes how the commutation credit would be calculated and deducted from the FET:

Where the inmate has been denied parole and required to serve a future eligibility term pursuant to N.J.A.C. 10A:71-3.21, a new book eligibility date shall be established by adding the additional term to the current actual eligibility date and by including, in the case of an adult inmate, commutation credits based on the additional term only.

N.J.A.C. 10A:71-3.2(c)(8). The Parole Board's rule deviates from "usual remissions" by disregarding the statutory scheme under N.J.S.A. 30:4-140 that provides progressive commutation credits based on the time the incarcerated person has served. Under N.J.S.A. 30:4-140, because Blackmon served more than 30 years, 192 days "shall be remitted" for each additional year he served, which meant 1920 days. However, under the Parole Board's rule, Blackmon was treated as though he just began his sentence and could only receive 996 days—a 2.5 year difference.

The Parole Board's rule conflicts with the text of N.J.S.A. 30:4-123.56. Calculating commutation credit during the FET at the accrual rate set for the length of the FET as if a prisoner has just begun his sentence, as opposed to the accrual rate a prisoner should be entitled to based on the length of time he has served, is not the "usual remissions" prescribed under N.J.S.A. 30:4-140. The rule also conflicts with the spirit of the statute, because it results in uneven and inconsistent commutation credits for different inmates and belies the purpose of the 1979 Parole Act to "make the parole process more consistent." *See* Assembly

Judiciary, Law, Public Safety and Defense Committee, Statement to Assembly, No. 3093 (Dec. 3, 1979).

The 1979 Parole Act revamped the parole system and specifically instituted a scheme where both primary and future “parole eligibility” would no longer be determined by the Parole Board and would become “a judicial responsibility to be exercised at the time of sentencing and within the bounds set by the Legislature.” *Trantino*, 89 N.J. at 368; *see Berta v. N.J. State Parole Bd.*, 473 N.J. Super. 284, 305 (App. Div. 2022) (“[T]he parole release decision is fundamentally different from the decision made by a trial court when imposing the initial sentence.”). N.J.S.A. 30:4-123.51 sets forth how the primary parole eligibility date would be determined based on the sentence and the statutorily prescribed commutation credits. N.J.S.A. 30:4-123.56 sets forth how the future parole eligibility date would be determined based on the FET and the statutorily prescribed commutation credits, allowing only authority for the Parole Board to determine the length of the FET. However, the legislation provides no basis for the Parole Board to change how the statutorily prescribed commutation credits would be calculated.

C. Alevras v. Delanoy Was Wrongly Decided

The Parole Board relies on the decision in *Alevras v. Delanoy*, 245 N.J. Super. 32 (App. Div. 1990), which involved a *pro se* appellant and considered

the same issue raised here. But that panel decision misinterpreted the statute's language and, consequently, expanded the Parole Board's authority beyond what the statute had allowed.⁵

How did the *Aletras* panel get it wrong? They acknowledged N.J.S.A. 30:4-123.56's language that the Board must take into account "usual remissions" for good behavior, but then claimed that this language "does not [] direct the manner in which remission should be taken into account, but delegates that responsibility to the board." 245 N.J. Super. at 37. That reasoning is wrong. First, it disregards the statutory language that the "*usual*" remission of commutation credits should apply. Second, it grafts a delegation of authority to the Parole Board that is not found in the statute's plain language. We expand on both errors below.

The Legislature specified that the remission of credits should be "usual"; for the word "usual" to have any meaning, the remission must be consistent with N.J.S.A. 30:4-140, which governs how many commutation credits "shall be remitted." Allowing the Parole Board to determine "the manner in which remission should be taken into account" as the *Aletras* court did runs counter to

⁵ The Parole Board in its Final Agency Decision also cited *Auge v. New Jersey State Parole Bd.*, where the panel denied a *pro se* incarcerated person's appeal without providing a rationale in a written opinion. No. A-0395-07T2, 2008 WL 2939467 (N.J. Super. Ct. App. Div. July 31, 2008). Because the *per curiam* decision in *Auge* lacks any explanation for its conclusion, it should not be relied on as authority.

the principle that each word in a statute should be given effect and not rendered superfluous. See *Med. Soc. of N.J. v. N.J. Dep't of L. & Pub. Safety, Div. of Consumer Affs.*, 120 N.J. 18, 26–27 (1990) (“[W]e should try to give effect to every word of the statute, and should not assume that the Legislature used meaningless language. Nor should we construe the statute to render part of it superfluous.”); *State v. Reynolds*, 124 N.J. 559, 564 (1991) (“A construction that will render any part of a statute inoperative, superfluous, or meaningless, is to be avoided.”). The reasoning in *Alevras*, and by extension that of the Parole Board, not only renders the word “usual” superfluous, but in fact envisions that the Parole Board would apply an “unusual” remission of commutation credits by devising its own calculation, separate and apart from the one already established in the applicable statute.

Moreover, the assertion that N.J.S.A. 30:4-123.56 “delegates [the] responsibility” of determining how commutation credits should be remitted is wholly unsupported by the statute’s text. N.J.S.A. 30:4-123.56 states that “[t]he board shall develop a schedule of future parole eligibility dates for adult inmates denied release at their eligibility date. . . . Such future parole eligibility date shall take into account usual remissions of sentence for good behavior[.]” It does not direct the Parole Board to develop a method for the calculation of commutation credits and only authorizes the Parole Board to develop a schedule

of future parole eligibility dates, to which the usual commutation credits would apply.

The plain language of the statute governs the application of commutation credits, irrespective of any potential policy arguments the Parole Board might have. The *Alevras* panel approvingly cited the Parole Board's rationale behind N.J.A.C. 10A:71-3.2, which is to promote uniformity and prevent two incarcerated persons who receive the same FET from benefiting from different commutation credits. *Alevras*, 245 N.J. Super. at 36-37. This rationale cannot prop up the Parole Board's decision when it conflicts with the plain language of a statute. Furthermore, this argument ignores the reality, reflected in N.J.S.A. 30:4-140, that incarcerated persons who have served a longer term should be incentivized and awarded with more commutation credits. See *In re Mahoney*, 17 N.J. Super. 99, 103 (Co. 1951) (“[S]hort-term prisoners derive from the statute less remission time on the obvious premise that they need less incentive for good conduct.”). The rationale also contradicts the legislative intent behind the Parole Act to make “parole eligibility . . . a function of the sentence received” and calculated based on the length of the custodial sentence and not on terms set by the Parole Board. *Trantino*, 89 N.J. at 368.

The concluding note in *Alevras* demonstrates the inconsistency between the statute and the Parole Board's rule. It notes that “[o]f course, if defendant is

not paroled he will be entitled to the full commutation credit authorized in N.J.S.A. 30:4-140 against his maximum sentence.” 245 N.J. Super. at 38. When an incarcerated person is granted parole, he serves as a parolee the remainder of his sentence minus the commutation credits as calculated under N.J.S.A. 30:4140 based on his entire sentence; when he is denied parole, he serves that amount of time in prison. It does not make sense to award an incarcerated person two different kinds of commutation credits for good behavior during the FET: one for the calculation of his entire sentence and one for the calculation of his future eligibility date.

CONCLUSION

Because it presents critical questions relating to the rights of hundreds of inmates, this Petition should be granted, the decision of the Appellate Division should be reversed, and the matter remanded. Alternatively, the matter should be summarily remanded with instructions that the Appellate Division address the substantive arguments it erroneously failed to consider.

Respectfully submitted,

Dated: October 23, 2025

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CERTIFICATION

I hereby certify that this Petition for Certification presents a substantial question and is filed in good faith and not for purposes of delay.

Dated: October 23, 2025

/s/ Lee M. Cortes
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