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VIA HAND DELIVERY

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SUPREME COURT
OF NEW JERSEY

Heather J Baker
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Re: Craig Blackmon v. New Jersey State Parole Board
Docket No. Not Yet Docketed
Appellate Division Docket No. A-3766-22

On Petition for Certification to the Superior Court, Appellate
Division

Sat Below:

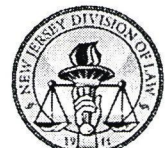
Hon. Greta Gooden Brown, P.J.A.D.

Hon. Ellen Torregrossa-O'Connor, J.A.D.

Letter on Behalf of Respondent New Jersey State Parole
Board in Opposition to Petition for Certification

Dear Ms. Baker:

Please accept this letter on behalf of Respondent, New Jersey State Parole Board, in opposition to the petition for certification filed by Craig Blackmon. The Board relies primarily on its briefs filed in the Appellate Division, and adds the following.



Upon becoming eligible for parole, Blackmon's initial parole eligibility date (PED) was November 17, 2017. (Ppa7; Ppa15.)¹ At his hearing, the Board denied Blackmon parole, and on January 3 2018, the Board established a ten-year future eligibility term (FET). Ibid. The ten-year FET was added to the PED of November 17, 2017, and, based solely upon the ten-year FET, the Board, in accordance with the commutation credit statute, N.J.S.A. 30:4-140, applied 996 days' commutation credit to reduce the FET. Ibid. The ten-year FET was further reduced by 282 days' earned work credit. (Ppa7-8.) This resulted in a revised PED of May 18, 2024, as of April 28, 2023. (Ppa8.)

Blackmon wrote a letter to the Board challenging the accuracy of his PED calculation, contending that he was entitled to "progressive" commutation credit on FET, where the amount of commutation credit increases for each additional year of incarceration, which would further reduce his PED. (Ppa1-3; Ppa15.) He claimed that the Board's PED calculation was inconsistent with N.J.S.A. 30:4-140, and its reduction schedule for minimum-maximum sentences. (Ppa1-3; Ppa15-16.) Ibid. According to Blackmon, the Board, in calculating his PED, failed to provide progressive commutation credits, and that, because his

¹ "Pc" refers to the petition for certification and "Ppa" refers to the appendix to the petition.

sentence was in excess of thirty years, he was entitled to additional commutation credit under N.J.S.A. 30:4-140 in the amount of 192 days for each additional year of incarceration that the Board imposed in establishing his FET. Ibid.

On April 12, 2023, the Board responded to Blackmon's letter and his claim that he was entitled to additional commutation credit to reduce his PED. (Ppa4; Ppa16.) The Board rejected his claim, explaining that

the award of commutation credit on a progressive basis applie[d] only to the calculation of the initial parole eligibility date and . . . upon denial of parole and establishment of a[n] [FET], a new parole eligibility date [wa]s calculated by adding the future eligibility term to the revised book eligibility date . . . including commutation credit based on the future eligibility term only.

[Ibid. (alterations in original).]

In finding that Blackmon was not entitled to the application of progressive commutation credits to reduce his FET, the Board relied upon Alevras v. Delaney, 245 N.J. Super. 32 (App. Div. 1990), in which the court affirmed the Board's application of non-progressive commutation credits based on the offender's future eligibility term only, and not on the length of the entire sentence. (Ppa4; Ppa16-17.)

Blackmon administratively appealed the Board's denial of his request for progressive commutation credit in the amount of 192 days for each additional year of incarceration to reduce his FET, re-asserting his claim that he was entitled to

progressive commutation credit to reduce his FET. (Ppa5-6.) On June 28, 2023, the Board affirmed its initial decision, citing N.J.A.C. 10A:71-3.2(c)(8), which provides that,

where an inmate has been denied parole and [is] required to serve a future eligibility term, a new parole eligibility date shall be established by adding the additional term . . . to the current actual eligibility date and by including commutation credits based on the additional term . . . only.

[Ppa7.]

The Board, relying upon Alevras, found that the calculation of Blackmon's PED date is in accordance with the Board's administrative regulation, practice, and procedure. (Ppa8; Ppa17).

On July 28, 2023, Blackmon appealed from the Parole Board's June 28, 2023 final decision denying his appeal of his PED calculation. (Ppa9.) Then, on June 17, 2024, the full Board granted Blackmon parole and set a parole date of August 16, 2024. (Ppa11; Ppa17.)

On August 5, 2024, the Board filed a motion to dismiss the appeal as moot, which Blackmon opposed. (Ppa11.) The Board argued that the appeal was moot because Blackmon could no longer receive the relief he sought in this appeal, namely, a reduction of his PED, because he had been paroled and released from custody. Ibid. In opposing the motion, Blackmon argued that the appeal was

not moot because it presented an issue of public importance that is capable of repetition while evading review, “namely that uncounseled incarcerated inmates serve out extended future eligibility terms without noticing that the Parole Commission denied them commutation credits they were entitled to.” Ibid. According to Blackmon, the Board “incorrectly applies N.J.S.A. 30:4-123.56’s ‘usual remissions’ provision of commutation credits to calculate an inmate’s future eligibility date.” Ibid. On August 22, 2025, the court denied the motion to dismiss as moot, relying upon Blackmon’s assertion that “there are at least 581 incarcerated persons for whom the same issue presented by him could arise.” (Ppa12.)

On September 23, 2025, after the parties had briefed the merits and argued the appeal, the court dismissed the appeal on mootness grounds. (Ppa13-14.) In so doing, the court cited the well-established principle that, “[a] case is moot if the disputed issue has been resolved, at least with respect to the parties who instituted the litigation,’ and ‘a judgment cannot grant effective relief, or there is no concrete adversity of interest between the parties.’” (Ppa21.) (quoting Caput Mortuum, L.L.C. v. S & S Crown Servs., Ltd., 366 N.J. Super. 323, 330 (App. Div. 2004)). The court correctly found that, since Blackmon is no longer incarcerated, the court’s decision “would exact no impact on appellant’s release,

which has already occurred.” Ibid. The court also rejected Blackmon’s argument that his case presented an issue of public importance that is capable of repetition while evading review, noting that N.J.S.A. 30:4-123.56, which had previously provided for the application of commutation credit to reduce an FET, had been amended to eliminate the application of credits to an FET. (Ppa21-22.)² As such, the court found that its determination on the merits in Blackmon’s case would “hold[s] significance to only a finite number of potentially similarly situated inmates.” (Ppa21-22.) The court further found that there was no reason to disturb the Alevras decision, which Blackmon argued had been wrongly decided (Ppa18), “in the absence of a specific case or controversy.” (Ppa22.) Finally, the court rejected the argument that future claims would evade review, noting that, “[j]ust as appellant raised these challenges before the Board and subsequently sought review before this court, any potential future inmates seeking to raise a similar challenge would be afforded the same avenues of administrative review and appeal of the PED determinations.” Ibid.

² In August 1997, the Parole statute was amended, which included the elimination of commutation credits to reduce an FET. N.J.S.A. 30:4-123.56(b); Alevras, 245 N.J. Super. at 34. However, because Blackmon was sentenced prior to August 1997, he was entitled to have his FET reduced by credits.



Blackmon now seeks certification of the Appellate Division's September 23, 2025 decision dismissing the appeal as moot. (Ppa13-22.)

A petition for certification of a final decision of the Appellate Division will be granted only for special reasons. R. 2:12-4. Certification will be denied where the Appellate Division's decision is essentially an application of settled principles to the facts of a case, does not present a conflict among judicial decisions requiring clarification or calling for supervision by the Supreme Court, and does not raise issues of general importance. See Fox v. Woodbridge Twp. Bd. of Educ., 98 N.J. 513, 515-16 (1985) (O'Hern, J. concurring); In re Route 280 Contract, 89 N.J. 1, 2 (1982).

Blackmon meets none of these requirements. His petition presents no question of general public importance, nor does it conflict with any other decisions of the Court. The Appellate Division correctly found that Blackmon's appeal challenging the denial of additional credits to reduce his sentence had become moot after the Board granted him parole and he was no longer incarcerated. (Ppa20-22.)

Blackmon argues now, as he did below, that his case is not moot because, he claims, it presents an issue of public importance that is capable of repetition while evading review. (Pc8-11.) In so doing, he alleges, without providing any

support in the record, that “there are at least 581 incarcerated persons for whom the same issue presented here could arise.” (Pc9-10.) Notably, however, other than this bald statement, Blackmon has not provided any documentation, either to the Appellate Division or the Court, to support his claim about the number of other incarcerated persons that his case could potentially impact. Thus, Blackmon’s claim that his case presents an issue of public importance that is capable of repetition is not supported by the record.

Furthermore, and more importantly, Blackmon has failed to demonstrate that any potential future claims would evade review. As the Appellate Division found, “any potential future inmates seeking to raise a similar challenge would be afforded the same avenues of administrative review and appeal of their PED determinations.” (Ppa22.) Thus, the Appellate Division correctly dismissed Blackmon’s appeal as moot, and also correctly determined that his case did not raise an issue that warranted addressing the merits of the appeal.

Blackmon’s petition asks the Court to address the merits of his appeal, notwithstanding the fact that the Appellate Division did not reach the merits. (Pc11-20.) In the alternative, Blackmon requests a summary remand to the Appellate Division to address the merits of case. (Pc20.) Clearly, it would be improper for the Court to consider the merits of this case in the first instance

where the Appellate Division has not done so. The Board, as discussed herein, argues that the Appellate Division's decision dismissing the appeal was correct and should be affirmed, and that the Court should decline to address the merits of the appeal.

For these reasons, Blackmon's petition for certification should be denied.

Respectfully submitted,

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