

Appendix

"A"

***AMENDED CLD-053**

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **22-2731**

ETHAN ANDREW HANNOLD, Appellant

VS.

SUPERINTENDENT ROCKVIEW SCI, ET AL.

(W.D. Pa. Civ. No. 2:19-cv-00744)

Present: GREENAWAY, JR., MATEY, and FREEMAN, Circuit Judges

Submitted:

***Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1)**

in the above-captioned case.

Respectfully,

Clerk

ORDER

The request for a certificate of appealability is denied. See 28 U.S.C. § 2253. Hannold cannot show that jurists of reason would debate the District Court's decision to dismiss his 28 U.S.C. § 2254 petition as untimely. See 28 U.S.C. § 2244(d); Slack v. McDaniel, 529 U.S. 473, 484 (2000); see also Holland v. Florida, 560 U.S. 631, 652 (2010) (describing an attorney's failure to file a timely § 2254 petition and ignorance "of the date on which the limitations period expired" as "simple negligence" that does not warrant equitable tolling); Lawrence v. Florida, 549 U.S. 327, 336–37 (2007) ("Attorney miscalculation is simply not sufficient to warrant equitable tolling, particularly in the

postconviction context."); Johnson v. Hendricks, 314 F.3d 159, 163 (3d Cir. 2002) (holding that misinformation from attorney as to filing deadline does not warrant tolling). Appellant's motion for an extension of time is denied.

By the Court,

s/Joseph A. Greenaway, Jr.
Circuit Judge

Dated: May 22, 2023

Sb/cc: Ethan A. Hannold
All Counsel of Record



A True Copy:

A handwritten signature in black ink, appearing to read "Patricia S. Dodsweit".

Patricia S. Dodsweit, Clerk
Certified Order Issued in Lieu of Mandate

Appendix "D"

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 22-2731

ETHAN ANDREW HANNOLD,
Appellant

V.

SUPERINTENDENT ROCKVIEW SCI;
ATTORNEY GENERAL PENNSYLVANIA;
DISTRICT ATTORNEY CLARION COUNTY

On Appeal from the United States District Court
for the Western District of Pennsylvania
(Related to Civ. No. 2:19-cv-00744)
District Judge: J. Nicholas Ranjan

PETITION FOR REHEARING

BEFORE: CHAGARES, *Chief Judge*, and JORDAN, HARDIMAN, SHWARTZ,
KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN,
MONTGOMERY-REEVES, CHUNG, *Circuit Judges**

* The Honorable Joseph A. Greenaway, Jr. was a member of the merits panel. Judge Greenaway retired from the Court on June 15, 2023 and did not participate in the consideration of the petition for rehearing.

The petition for rehearing filed by petitioner Ethan Andrew Hannold in the above-captioned matter has been submitted to the judges who participated in the decision of this Court and to all other available circuit judges of the Court in regular active service. No judge who concurred in the decision asked for rehearing, and a majority of the circuit judges of the Court in regular active service who are not disqualified did not vote for rehearing by the Court en banc. It is now hereby **ORDERED** that the petition is **DENIED**.

BY THE COURT

s/ Paul B. Matey
Circuit Judge

Dated: August 24, 2023
Sb/cc: Ethan A. Hannold
All Counsel of Record

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ETHAN ANDREW HANNOLD,)
Petitioner,) 2:19-cv-744-NR-LPL
v.)
SUPERINTENDENT MARK)
GARMAN, et al.,)
Respondents.)

ORDER ADOPTING REPORT & RECOMMENDATION (ECF 23)

Before the Court is Magistrate Judge Lenihan's Report and Recommendation (ECF 23), recommending that Petitioner Ethan Andrew Hannold's Petition for a Writ of Habeas Corpus be dismissed as untimely, or alternatively be denied on the merits. Mr. Hannold, proceeding *pro se*, has filed objections to the R&R. ECF 30. After carefully considering the record and upon a *de novo* review of the R&R, the Court adopts Magistrate Judge Lenihan's R&R as to the dismissal of Mr. Hannold's petition as untimely.¹

As to the R&R's dismissal of the petition as untimely, the Court overrules Mr. Hannold's objections, and adopts Magistrate Judge Lenihan's R&R as the opinion of the Court, with some additional explanation below. *See United States v. Raddatz*, 447 U.S. 667, 676 (1980) ("[I]n providing for a 'de novo determination' ... Congress intended to permit whatever reliance a district judge, in the exercise of sound judicial discretion, chose to place on a magistrate's proposed findings and recommendations." (cleaned up)); *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) ("[I]t must be

¹ Because the statute-of-limitations issue is dispositive, the Court need not and does not address the merits of Mr. Hannold's petition, or otherwise adopt the R&R's alternative conclusions on the merits of the petition. *See, e.g., Ohler v. Lamas*, 542 F. App'x 205, 208 (3d Cir. 2013) ("Because we hold that Ohler's petition is untimely under the AEDPA, we need not reach the merits of his claims.").

assumed that the normal practice of the district judge is to give some reasoned consideration to the magistrate's report before adopting it as the decision of the court. When a district court does accept the Magistrate's report, that is a judicial act, and represents the district court's considered judgment." (cleaned up)).

While Mr. Hannold concedes that his petition is untimely, he argues that equitable tolling should apply. But Magistrate Judge Lenihan concluded, and this Court agrees, that equitable tolling does not apply here. To equitably toll the AEDPA's one-year limitations period, a petitioner must show "(1) that he has been pursuing his rights diligently; and (2) that some extraordinary circumstance stood in his way and prevented timely filing." *Holland v. Florida*, 560 U.S. 631, 649 (2010) (cleaned up). "This conjunctive standard requires showing *both* elements" before tolling is permitted. *Sistrunk v. Rozum*, 674 F.3d 181, 190 (3d Cir. 2012) (emphasis in original).

"There are no bright lines in determining whether equitable tolling is warranted in a given case." *Id.* (cleaned up). That said, "courts must be sparing in their use of equitable tolling[.]" *Id.* (cleaned up). They should apply equitable tolling "only when the principles of equity would make the rigid application of a limitation period unfair." *Id.* (cleaned up). "Mere excusable neglect is not sufficient" to meet this standard. *Miller v. N.J. State Dep't of Corr.*, 145 F.3d 616, 619 (3d Cir. 1998) (citations omitted); *see also Holland*, 560 U.S. at 655-56 (Alito, J. concurring) ("[O]ur prior cases make it abundantly clear that attorney negligence is not an extraordinary circumstance warranting equitable tolling. ... [M]istakes of counsel are constructively attributable to the client, at least in the postconviction context.").

Additionally, "[i]n non-capital cases, attorney error, miscalculation, inadequate research, or other mistakes have not been found to rise to the 'extraordinary' circumstances required for equitable tolling." *Fahy v. Horn*, 240 F.3d 239, 244 (3d Cir. 2001) (citing cases). While Mr. Hannold relies extensively on the

Supreme Court's opinion in *Holland*, that case, unlike this one, rose in the death-penalty context, and so applied a stricter standard than the one applicable here.² *See, e.g.*, *Champney v. Sec. Pa. Dep't of Corrs.*, 469 F. App'x 113, 116, n.4 (3d Cir. 2012) ("We agree with the District Court's conclusion that Champney's instant appeal is not a capital case and therefore is not entitled to any special leniency."); *Gallawshew v. Kaufmann*, No. 15-4524, 2016 WL 4727155, at *2 (E.D. Pa. July 21, 2016), *report and recommendation adopted*, 2016 WL 4721114 (Sept. 8, 2016).

Nonetheless, Mr. Hannold's arguments and objections boil down to three essential points: his attorney did not inform him that the Pennsylvania Supreme Court denied his allowance of appeal; his attorney let the AEDPA deadline expire; and his attorney, due to the attorney's error and miscalculation, gave him incorrect information about the relevant AEDPA deadlines. But in this non-capital case, Mr. Hannold has not shown that these missteps rise to the level of "extraordinary circumstances."³ *See, e.g.*, *Holland*, 560 U.S. at 652 ("[Attorney] Collins failed to file

² Further, while not dispositive in this case, the petitioner in *Holland* produced numerous letters and other evidence showing his diligence and his attorney's malfeasance. The Supreme Court largely based its conclusion in that case on the plethora of evidence the petitioner provided. *See Holland*, 560 U.S. at 652; *see also id.* at 636-43 (describing the petitioner's letters to his attorney). In contrast, Mr. Hannold provides no such evidence.

³ Mr. Hannold, in his objections to the R&R, relies heavily on the Third Circuit's non-precedential opinion in *Schlager v. Superintendent Fayette SCI*, 789 F. App'x 938 (3d Cir. 2019). In *Schlager*, the panel concluded that the petitioner's post-conviction counsel had abandoned the petitioner, constituting extraordinary circumstances. *Id.* at 941-42. Even setting aside that *Schlager* is non-precedential, however, it is distinguishable from Mr. Hannold's case. In *Schlager*, petitioner and his father "repeatedly called counsel's office, wrote letters, and tried to make appointments to no avail." *Id.* at 941. Instead, counsel's office specifically and affirmatively told petitioner that they would advise him when the state court had ruled on his appeal. *Id.* Because of these affirmations, the court found that the attorney made "misleading statements" that "stymied" the petitioner's "ability to file" when counsel failed to inform the petitioner of the state court's ruling. *Id.* at 941-42; *see also id.* at 942 ("Schlager reasonably relied on his counsel's repeated representations that he would

Holland's petition on time and appears to have been unaware of the date on which the limitations period expired—two facts that, alone, might suggest simple negligence.”); *LaCava v. Kyler*, 398 F.3d 271, 276 (3d Cir. 2005) (“LaCava fares no better by implying that counsel was derelict in failing to timely notify him of the state court’s disposition. We have stated that in non-capital cases, attorney error, miscalculation, inadequate research, or other mistakes have not been found to rise to the ‘extraordinary’ circumstances required for equitable tolling.” (cleaned up)); *Middleton v. Warden*, No. 19-1594, 2020 WL 7059633, at *4 (M.D. Pa. Dec. 2, 2020) (“[E]xtraordinary circumstances have been found only where (1) the respondent has actively misled the petitioner, (2) the petitioner has in some extraordinary way been prevented from asserting his rights, (3) the petitioner has timely asserted his rights mistakenly in the wrong forum, or (4) the court itself has misled a party regarding the steps that the party needs to take to preserve a claim.” (citing *Brinson v. Vaughn*, 398 F.3d 225, 230 (3d Cir. 2005))). Because Mr. Hannold has not sufficiently shown extraordinary circumstances justifying equitable tolling, the Court overrules his objections.⁴

notify Schlager when the appeal was resolved.” (emphasis added)). In contrast, Mr. Hannold neither “repeatedly” reached out to counsel, nor received a specific affirmation that counsel would contact him as soon as the Pennsylvania Supreme Court ruled on his petition. Indeed, Mr. Hannold states that the only reason he had this expectation was because his attorney had “pr[e]viously inform[ed] Mr. Hannold of the outcome of all previous appeals in a timely manner, [so] Mr. Hannold had no reason to believe [his attorney] would do otherwise upon the outcome of his petition for allowance of appeal[.]” ECF 30, p. 5. But not only does Mr. Hannold’s acknowledgement conflict with his accusations of attorney abandonment, it also shows that he never received an affirmative representation from counsel that misled him.

⁴ Additionally, while Magistrate Judge Lenihan did not address the second requirement for equitable tolling—whether Mr. Hannold pursued his rights diligently—the Court doubts that Mr. Hannold meets this prong either. First, Mr. Hannold does not provide any evidence that he reached out to his attorney for updates on his appeals and petitions while they were pending. Second, after learning that the

Thus, with the addition of the discussion above, the Court adopts Magistrate Judge Lenihan's R&R (ECF 23) as to the dismissal of the petition as untimely, and overrules Mr. Hannold's objections (ECF 30). Mr. Hannold's petition (ECF 4) is DISMISSED with prejudice, and no certificate of appealability will issue. The Clerk of Court shall mark this case closed.

Date: September 2, 2022

BY THE COURT:

/s/ J. Nicholas Ranjan
United States District Judge

Pennsylvania Supreme Court denied his petition for allowance of appeal, thereby triggering the AEDPA clock, Mr. Hannold apparently waited fourteen days to act, including contacting his attorney and filing his *pro se* habeas petition. Third, the reason Mr. Hannold was short on time following the denial of his allowance of appeal was because most of his one-year limitations period expired before he filed his petition for allowance of appeal in the first place. *See Martin v. Administrator N.J. State Prison*, 23 F.4th 261, 273 (3d Cir. 2022) (“This ‘reasonable diligence’ requirement applies not only to a petitioner’s filing for federal habeas relief, but it also extends to the steps that the petitioner takes to exhaust available state court remedies.” (cleaned up)). While the Court need not decide whether Mr. Hannold met his burden of showing that he “pursu[ed] his rights with ‘reasonable diligence,’” which is a “fact-specific inquiry,” the Court finds that these considerations further support dismissing Mr. Hannold’s petition as untimely. *See id.*

Appendix

"C"

Appendix "E"

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ETHAN ANDREW HANNOLD,)	
)	Civil Action No. 19 - 744
Petitioner,)	
)	
v.)	District Judge J. Nicholas Ranjan
)	Magistrate Judge Lisa Pupo Lenihan
SUPERINTENDENT MARK)	
GARMAN, THE ATTORNEY)	
GENERAL OF THE STATE OF)	
PENNSYLVANIA, and CLARION)	
COUNTY DISTRICT ATTORNEY,)	
)	
Respondents.)	

REPORT AND RECOMMENDATION

I. RECOMMENDATION

For the following reasons, it is respectfully recommended that the Petition for Writ of Habeas Corpus (ECF No. 4) filed by Petitioner Ethan Andrew Hannold be dismissed as untimely or, in the alternative, be denied. It is also recommended that a certificate of appealability be denied.

II. REPORT

Currently pending before the Court is a Petition for Writ of Habeas Corpus ("Petition") filed by Petitioner Ethan Andrew Hannold ("Petitioner") pursuant to 28 U.S.C. § 2254. (ECF No. 4.) Petitioner challenges his June 18, 2014 judgment of sentence out of Clarion County, Pennsylvania. For the following reasons, it is recommended that the Petition be dismissed as untimely or, in the alternative, be denied. It is also recommended that a certificate of appealability be denied.

A. Factual and Procedural Summary

The Pennsylvania Superior Court, in Petitioner's direct appeal, provided the following summary of the underlying factual history:

These cases involved two brutal and senseless attacks on innocent women. During the one incident, at case number 170 CR 2013, [Petitioner] executed a plan of running a young woman off the road with his car and then coming to her aid[] for the bizarre purpose of making himself feel good about helping someone. When the young woman told [Petitioner] her father was coming and she did not need his help, he felt rejected and became incensed and punched her many times through her open car window, breaking her nose and bloodying her face. He then sexually assaulted her by grabbing her between her legs and ripping her pants off. He tried to pull her through the window, but he fell down and she managed to get away.

In the second case, number 41 CR 2014, [Petitioner] drove up behind a woman who was walking in town in a residential area. Without warning, he ran her down with his car and then fled the scene. She suffered a traumatic brain injury.

Commonwealth v. Hannhold, Nos. 1088 WDA 2014, 1089 WDA 2014, 2016 WL 509468, at *1 (Pa. Super. Feb. 5, 2016) (quoting Trial Court Opinion, 9/5/14, at 1). As a result of both incidents, Petitioner was charged with multiple crimes. He proceeded to negotiate plea agreements in both cases. At 170 CR 2013, Petitioner entered a guilty plea on August 28, 2013, to aggravated assault, robbery by threat of immediate serious injury, recklessly endangering another person ("REAP"), and indecent assault by forcible compulsion. All other charges were *nol prossed* by the Commonwealth. The indecent assault charge required an assessment by the Sexual Offenders Assessment Board to determine if Petitioner was a sexually violent predator ("SVP"). The SVP hearing was held on May 16, 2014. Following the hearing, the trial court deemed Petitioner to be an SVP. At 41 CR 2014, Petitioner entered a guilty plea to aggravated assault on June 18, 2014. All other charges were *nol prossed* by the Commonwealth. On June 18, 2014, Petitioner was sentenced, at both dockets, to an aggravated sentence of twenty-five to

fifty years of incarceration in conformity with the plea agreements. The sentence included lifetime registration as an SVP. *See Commonwealth v. Hannold*, No. 86 WDA 2018, 2018 WL 3737971, at *1 (Pa. Super. Aug. 7, 2018).

Petitioner timely filed a direct appeal, and on February 5, 2016, the Superior Court affirmed Petitioner's judgment of sentence. (ECF No. 9-1.) Petitioner did not file a petition for allowance of appeal to the Pennsylvania Supreme Court.

On January 30, 2017, Petitioner, through counsel, filed a timely petition pursuant to Pennsylvania's Post-Conviction Relief Act ("PCRA") where he asserted several instances of ineffective assistance of trial counsel. After a series of continuances, the PCRA court held an evidentiary hearing on August 22, 2017. (ECF No. 13-2.) On December 12, 2017, the PCRA court entered an order and opinion denying the PCRA petition. (ECF No. 13-3.) Petitioner timely filed a notice of appeal, and on August 7, 2018, the Superior Court affirmed the denial of PCRA relief. (ECF Nos. 13-4, 13-5.) Petitioner subsequently filed a petition for allowance of appeal, which was denied by the Pennsylvania Supreme Court on February 26, 2019. (ECF No. 9-4.)

Petitioner initiated the instant habeas proceeding on June 18, 2019.¹ (ECF No. 1.) In his Petition, he raises two claims. The first is not so much a claim, but rather an excuse to excuse the untimely filing of his Petition. Specifically, he asserts that he is entitled to equitable tolling due to the ineffectiveness of his PCRA counsel in failing inform him that the Pennsylvania Supreme Court denied his petition for allowance of appeal. The second claim is a series of ineffective assistance of counsel claims, including (1) failing to attend the Sexual Offenders

¹ This is the filing date pursuant to the prison mailbox rule. *See Houston v. Lack*, 487 U.S. 266 (1988).

Assessment Board Hearing and advise him of his right to remain silent during such assessment, at which Petitioner incriminated himself by confessing to other criminal acts for which he was later charged; (2) failing to obtain mental health evaluation reports and/or a psychiatric evaluation to obtain a more favorable sentence for Petitioner despite being aware that he had previously received psychiatric treatment; (3) failing to obtain a psychiatric evaluation of Petitioner because, according to Petitioner, he has impulse control disorder which caused him to enter an involuntary guilty plea; and (4) failing to “suppress” a letter between the judge and an independent citizen. (ECF No. 4.) Respondents filed their Answer to the Petition on September 20, 2019, asserting that the Petition should be dismissed because it was untimely filed and/or denied because there is no merit to any of Petitioner’s claims. (ECF No. 13.) Petitioner filed a Reply to their Answer on December 23, 2019. (ECF No. 18.)

B. Discussion

1. The Petition should be dismissed as untimely.

The Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”) imposes a one-year limitations period for state prisoners seeking federal habeas review. It is codified at 28 U.S.C. § 2244(d) and it provides:

- (1) A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of –
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;

- (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (D) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this section.

28 U.S.C. § 2244(d).

The statute of limitations set out in § 2244(d)(1) must be applied on a claim-by-claim basis. Fielder v. Varner, 379 F.3d 113 (3d Cir. 2004), *cert denied*, 543 U.S. 1067 (2005). In analyzing whether a petition for writ of habeas corpus has been timely filed under the one-year limitations period, a federal court must undertake a three-part inquiry. First, the court must determine the “trigger date” for the one-year limitations period pursuant to section 2244(d)(1). Second, the court must determine whether any “properly filed” applications for post-conviction or collateral relief were pending during the limitations period that would toll the statute pursuant to section 2244(d)(2). Third, the court must determine whether any of the other exceptions or equitable tolling should be applied on the facts presented.

Here, it appears that the “trigger date” for all of Petitioner’s claims is the date on which his judgment of sentence became final, which in this case was March 7, 2016, the last day Petitioner had to file a petition for allowance of appeal in the Pennsylvania Supreme Court after

the Superior Court affirmed his judgment of sentence.² *See Swartz v. Meyers*, 204 F.3d 417, 419 (3d Cir. 2000) (noting that a judgment becomes “final” at the conclusion of direct review or the expiration of time for seeking such review). Thus, the first day of Petitioner’s one-year statute of limitations was March 8, 2016, and, absent any tolling for “properly filed” applications for post-conviction relief, Petitioner had until March 8, 2017, to file a timely federal habeas petition challenging his judgment of sentence. As previously noted, however, Petitioner did not file his Petition in this case until June 18, 2019. Accordingly, the Court must next determine whether Petitioner can take advantage of the tolling provision in section 2244(d)(2).

Section 2244(d)(2) provides that the one-year limitations period is tolled during the pendency of a “properly filed” state post-conviction proceeding. Here, Petitioner filed a PCRA Petition on January 30, 2017, which was 328 days after his judgment of sentence became final. After the filing of the PCRA Petition, Petitioner’s one-year statute of limitations was tolled until the Pennsylvania Supreme Court denied his petition for allowance of appeal on February 26, 2019. With only 37 days remaining (365-328=37), Petitioner’s one-year statute of limitations started to run again on February 27, 2019, and it fully expired on April 4, 2019. As previously stated, however, Petitioner did not file the instant Petition until June 18, 2019, which was 74 days after his statute of limitations expired. As such, the Petition was untimely filed.

Having failed to meet AEDPA’s one-year statute of limitations, the Petition can only be saved by the application of equitable tolling or the Supreme Court’s recognized fundamental miscarriage of justice exception. *See Holland v. Florida*, 560 U.S. 631 (2010); *see also*

² The thirtieth day, the final day Petitioner had to file a petition for allowance of appeal, fell on March 6, 2016, a Sunday. Petitioner therefore had until the next day, March 7, 2016, to file his petition for allowance of appeal. *See* Pa. R. Civ. P. 106(b).

McQuggin v. Perkins, 569 U.S. 383 (2013). Here, Petitioner recognizes that his Petition was untimely filed, but he argues that he is entitled to equitable tolling because he did not learn that his petition for allowance of appeal had been denied until he was informed by his father on June 6, 2019. Petitioner claims that his father had been informed of the denial by Petitioner's attorney via email "sometime after said denial," but that "during that time period" his father "received a double-lung transplant from Cleveland Clinic" and was not discharged until mid-May of 2019.³ (ECF No. 9, pp.19-20.)

A petitioner is entitled to equitable tolling only if he shows that: (1) he has been pursuing his rights diligently, and (2) some extraordinary circumstance stood in his way and prevented timely filing. Holland, 560 U.S. at 649 (citing Pace, 544 U.S. at 418). *See also Ross v. Varano*, 712 F.3d 784, 798-804 (3d Cir. 2013); United States v. Thomas, 713 F.3d 165, 174 (3d Cir. 2013); Munchinski v. Wilson, 694 F.3d 308, 329-32 (3d Cir. 2012). "This conjunctive standard requires showing *both* elements before we will permit tolling." Sistrunk v. Rozum, 674 F.3d 181, 190 (3d Cir. 2012) (emphasis in original). The Third Circuit has advised that:

"[t]here are no bright lines in determining whether equitable tolling is warranted in a given case." Pabon v. Mahanoy, 654 F.3d 385, 399 (3d Cir. 2011). Nevertheless, "courts must be sparing in their use of equitable tolling," Seitzinger v. Reading Hosp. & Medical Ctr., 165 F.3d 236, 239 (3d Cir. 1999), and should do so "only when the principles of equity would make the right application of a limitation period unfair." Miller [v. New Jersey State Dept. of Corr.], 145 F.3d [616, 618 (3d Cir. 1998)].

Sistrunk, 674 F.3d at 190. "[E]ven in situations in which equitable tolling initially applies, a party must file suit within a reasonable period of time after realizing that such a suit has become

³ The evidence submitted by Petitioner, which includes a letter from a doctor at Cleveland Clinic's Lung Transplant Program, demonstrates that Petitioner's father was admitted to Cleveland Clinic on March 10, 2019, and discharged from The Transplant House on April 29, 2019. (ECF No. 9-5.)

necessary.” Walker v. Frank, 56 F. App’x 577, 582 (3d Cir.2003) (citing Hentosh v. Herman M. Finch University of Health Sciences, 167 F.3d 1170, 1175 (7th Cir. 1999)). “A grant of equitable tolling, unlike statutory tolling, does not shift the deadline so that each day of tolling results in a one day postponement of the deadline.” Ragan v. Horn, 598 F.Supp.2d 677, 680 (E.D. Pa. 2009) (citing Phillips v. Heine, 984 F.2d 489, 492 (D.C.Cir. 1993)). “Rather, once the ‘extraordinary circumstances’ justifying equitable tolling have disappeared, the petitioner must file as soon as ‘reasonably possible’”. Id. (quoting Walker, 56 F. App’x at 581-82). “The United States Court of Appeals for the Third Circuit has suggested that one month is a sufficient period of time for a petitioner to file a pro se habeas petition.” Mitchell v. Beard, No. 06-4746, 2010 WL 1135998, at *1 n.3 (E.D. Pa., 2010) (citing Brown v. Shannon, 322 F.3d 768, 774 (3d Cir. 2003)). The Third Circuit has also held that eleven months is an unreasonable time to wait to file a habeas corpus petition. Id. (citing Walker, 56 F. App’x at 582 n.5).

Petitioner does not state what day his attorney emailed his father to inform him of the Pennsylvania Supreme Court’s decision on his petition for allowance of appeal, nor does he provide this Court with evidence, either by way of an affidavit or a copy of the aforementioned email, that demonstrates that his attorney informed his father, but not him, of the state court’s unfavorable decision and on what day that occurred. Furthermore, despite the fact that Petitioner states that it was “impossible” for his father to inform him of the denial of the petition for allowance of appeal because he was receiving a double-lung transplant at the Cleveland Clinic, Petitioner has failed to demonstrate such an impossibility. Petitioner does not state the day his father received the email from the attorney, only that it was “sometime after said denial” of his petition for allowance of appeal. However, his petition for allowance of appeal was denied on February 26, 2019 and his father was not admitted to Cleveland Clinic for his procedure until

March 10, 2019. Without knowing the day the email was sent, the Court cannot assume that it was in fact impossible for Petitioner's father to inform his son of the denial of the petition for allowance of appeal as he could have been notified before he was admitted for his procedure or even shortly after he was discharged from The Transplant House on April 29, 2019, both of which occurred before the day Petitioner alleges he was notified, on June 4, 2019.

However, even taking Petitioner's allegations as true, the undersigned does not find the instant matter to be one of the "rare situation[s] where equitable tolling is demanded by sound legal principals as well as the interests of justice." Jones v. Morton, 195 F.3d 153, 159 (3d Cir. 1999). In addressing the "extraordinary circumstances" prong for equitable tolling in non-capital cases, the Third Circuit found that a prisoner's allegation of delayed notice of the Pennsylvania Supreme Court's disposition of his petition for allowance of appeal did not constitute extraordinary circumstances required to warrant equitable tolling. *See LaCava v. Kyler*, 398 F.3d 271, 276 (3d Cir. 2005). According to the court, neither the fact that the petitioner did not receive personal notice of the Pennsylvania Supreme Court's denial of his petition, nor petitioner's attorney's failure to timely notify him of the denial, constituted extraordinary circumstances to warrant equitable tolling of the limitations period for filing a habeas petition. Id. In fact, district courts in the Third Circuit have consistently rejected claims of equitable tolling solely based on an attorney's failure to provide their client with notice of a state court's unfavorable decision finding them to be the type of "garden variety attorney neglect" that does not amount to an extraordinary circumstance. *See Pennington v. Tice*, No. 17-cv-0330, 2018 WL 7683408, at *5 (E.D. Pa. Jan. 29, 2018); Howard v. Kerestes, No. 2:14-cv-1234, 2016 WL 3455372, at *3 (W.D. Pa. May 26, 2016); Etienne v. Sobina, No. 10-5522, 2011 WL 3497337, at *5 (E.D. Pa. Aug. 10, 2011); London v. Miner, No. 07-10, 2008 WL 2952860, at *4 (W.D. Pa.

July 30, 2008); Painter v. Wilson, No. 05-588, 2006 WL 3489792, at *2 (W.D. Pa. Nov. 30, 2006); Casiano v. Folino, 2006 WL 1030246, at *1 (E.D. Pa. Apr. 19, 2006); Smith v. Gillis, No. 03-6186, 2004 WL 573957, at *3 (E.D. Pa. Mar. 4, 2004); Poller v. Kyler, No. 02-CV-982, 2003 WL 22025882, at *2 (E.D. Pa. Aug. 26, 2003). Accordingly, even if Petitioner’s attorney failed to notify him directly of the Pennsylvania Supreme Court’s denial of his petition for allowance of appeal, this failure alone, which in the undersigned’s opinion amounts to simple attorney neglect rather than an instance of serious attorney misconduct that courts have found could rise to the level of an extraordinary circumstance, *see Holland v. Florida*, 560 U.S. 631 (2010), is not an extraordinary circumstance that warrants equitable tolling.

Finally, the undersigned notes that the more likely explanation for why Petitioner’s Petition was untimely filed is found in Petitioner’s Brief in Support of his Petition wherein he states that on June 18, 2019, which coincidentally is the day Petitioner signed and mailed his Petition to this Court, his attorney advised him in a phone call that he provided him with incorrect advice about the time period to file a federal petition for writ of habeas corpus and that he should “immediately file” a petition with the federal court. *See* ECF No. 9, pp.23-24. Even if this were the true reason for Petitioner’s untimely filing of his Petition, courts have “consistently rejected the argument that an attorney’s mistake in determining the date a habeas petition is due constitutes extraordinary circumstances for purposes of equitable tolling.” Johnson v. Hendriks, 314 F.3d 159, 163 (3d Cir. 2002) (citing cases and ultimately finding that attorney’s erroneous written advice regarding date of the AEDPA deadline did not constitute extraordinary circumstances warranting equitable tolling, even though petitioner relied on counsel’s advice); *see also* Fahy v. Horn, 240 F.3d 239, 244 (3d Cir. 2001) (“In non-capital cases, attorney error, miscalculation, inadequate research, or other mistakes have not been found to rise to the

‘extraordinary’ circumstances required for equitable tolling”). Accordingly, such a situation would not entitle Petitioner to equitable tolling anyway.

As Petitioner has failed to meet his burden of demonstrating extraordinary circumstances sufficient to warrant equitable tolling, it is not necessary to determine whether he has also demonstrated that he has been pursuing his rights diligently, as a showing of both is required before equitable tolling will be granted. Thus, it is recommended that the Petition be dismissed as untimely.

2. Alternatively, the Petition should be denied.

Alternatively, even if the Petition is not found to be untimely, it is recommended that the Petition be denied because Petitioner is not entitled to habeas relief on his claims of ineffective assistance of counsel. As previously noted, Petitioner raises four claims of ineffective assistance of counsel in his Petition, including: (1) failing to attend the Sexual Offenders Assessment Board Hearing and advise him of his right to remain silent during such assessment, at which Petitioner incriminated himself by confessing to other criminal acts for which he was later charged; (2) failing to obtain mental health evaluation reports and/or a psychiatric evaluation to obtain a more favorable sentence for Petitioner despite being aware that he had previously received psychiatric treatment; (3) failing to obtain a psychiatric evaluation of Petitioner because, according to Petitioner, he has impulse control disorder which caused him to enter an involuntary guilty plea; and (4) failing to “suppress” a letter between the judge and an independent citizen. (ECF No. 4.)

As to Petitioner’s first claim of ineffective assistance regarding his attorney’s failure to attend Petitioner’s Sexual Offenders Assessment Board Hearing and advise him of his right to remain silent during such assessment, the Superior Court determined that such claim was not cognizable under the PCRA pursuant to Commonwealth v. Masker, 34 A.3d 841 (Pa. Super.

2011). *See* ECF No. 13-5, pp.7-8. Since the Superior Court did not adjudicate this claim on the merits because it determined that it was not cognizable, AEDPA's standard of review found in 28 U.S.C. § 2254(d) does not apply to this Court's review of it and the Court reviews the claim *de novo*. *See, e.g.*, Appel v. Horn, 250 F.3d 203, 210 (3d Cir. 2001). However, even under a *de novo* standard of review, the undersigned finds that the claim would be subject to denial for the same persuasive reasons the PCRA court gave when it denied this claim in its thorough Opinion and Order dated December 12, 2017.

As to Petitioner's second and third claims of ineffective assistance, the Superior Court found that Petitioner had not established that he was prejudiced by his attorney's failure to obtain mental health records and a psychiatric evaluation of Petitioner prior to entering his plea because Petitioner did not present any evidence to the PCRA court to substantiate his claims that he suffers from an impulse control disorder or any other mental health disorder. The undersigned finds that the Superior Court's decision clearly withstands AEDPA review as it is neither "contrary to" or an "unreasonable application of" Strickland v. Washington, 466 U.S. 668 (1984), nor it is an unreasonable determination of the facts in light of the evidence presented in the state court proceedings. *See* 28 U.S.C. § 2254(d).

Finally, as to Petitioner's fourth claim of ineffective assistance, that his attorney was ineffective for failing to "suppress" a letter sent to the judge from a concerned citizen, this claim is unexhausted because Petitioner did not pursue it on appeal after it was denied by the PCRA court and it is procedurally defaulted because he would be barred from going back and doing so now. *See* 28 U.S.C. § 2254(b); *see also* Rolan v. Coleman, 680 F.3d 311, 317 (3d Cir. 2012) ("Procedural default occurs when a claim has not been fairly presented to the state courts (i.e., is unexhausted) and there are no additional state remedies available to pursue . . . or, when an issue

is properly asserted in the state system but not addressed on the merits because of an independent and adequate state procedural rule” (internal citations omitted). Additionally, Petitioner has demonstrated neither cause and prejudice, nor a fundamental miscarriage of justice, which would allow this Court to consider the merits of Petitioner’s procedurally defaulted claim. *See Coleman v. Thompson*, 501 U.S. 722, 750 (1991).

For these reasons, the Petition should be denied in the event that the Court determines that it is not subject to dismissal as untimely.

C. Certificate of Appealability

AEDPA codified standards governing the issuance of a certificate of appealability for appellate review of a district court’s disposition of a habeas petition. As provided for in 28 U.S.C. § 2253, “[a] certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). “A petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court’s resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)). “When the district court denies a habeas petition on procedural grounds without reaching the prisoner’s underlying constitutional claim, a [certificate of appealability] should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack*, 529 U.S. at 484. Petitioner has not made the requisite showing in these circumstances. Accordingly, a certificate of appealability should be denied.

III. CONCLUSION

For the aforementioned reasons, it is respectfully recommended that the Petition for Writ of Habeas Corpus (ECF No. 4) filed by Petitioner Ethan Andrew Hannold be dismissed as untimely or, in the alternative, be denied. It is also recommended that a certificate of appealability be denied.

In accordance with the applicable provisions of the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B)&(C), and Rule 72.D.2 of the Local Rules of Court, Petitioner shall have fourteen (14) days from the date of the service of this report and recommendation to file written objections thereto. Petitioner's failure to file timely objections will constitute a waiver of his appellate rights.

Dated: July 20, 2021.



Lisa Pupo Lenihan
United States Magistrate Judge

Cc: Ethan Andrew Hannold
ND7966
SCI Rockview
Box A
1 Rockview Place
Bellefonte, PA 16823

Counsel of Record
(via CM/ECF electronic mail)



Monthly Account Statement - Individual

From Date: 11/17/2022

To Date: 11/17/2023

Housing	Case ID	Offender Name	Location	
A-A-1021-02	ND7966	HANNOLD,ETHAN	ALBION	
Batch#	Txn Date	Txn Description	Txn Amount(\$)	Balance After Transaction(\$)
ROC-048963	11/17/2022	32 - Commissary (ROC COMMISSARY FOR 11/17/2022)	-14.88	21.67
ROC-049007	11/22/2022	34 - Cable	-17.00	4.67
ROC-049015	11/23/2022	32 - Commissary (ROC COMMISSARY FOR 11/23/2022)	-3.24	1.43
ROC-049027	11/28/2022	37 - Postage (First Class Mail)	-0.63	0.80
ROC-049027	11/28/2022	37 - Postage (First Class Mail)	-0.63	0.17
ROC-049027	11/28/2022	37 - Postage (First Class Mail)	-0.63	-0.46
ROC-049091	12/05/2022	10 - Maintenance Payroll (GRP 1 - 1st - End of Month)	+73.92	73.46
ROC-049091	12/05/2022	50 - Act 84 (CP-16-CR-0000170-2013)	-18.48	54.98
ROC-049108	12/07/2022	37 - Postage (First Class Mail)	-0.63	54.35
ROC-049125	12/08/2022	32 - Commissary (ROC COMMISSARY FOR 12/08/2022)	-27.25	27.10
ROC-049172	12/14/2022	37 - Postage (JOHN HANNOLD 12/12/22)	-5.40	21.70
ROC-049172	12/14/2022	37 - Postage (JOHN HANNOLD 12/12/22)	-6.10	15.60
ROC-049173	12/14/2022	37 - Postage (6 X \$.36)	-2.34	13.26
ROC-049185	12/15/2022	37 - Postage (First Class Mail)	-4.62	8.64
ROC-049186	12/15/2022	32 - Commissary (ROC COMMISSARY FOR 12/15/2022)	-8.08	0.56
ROC-049213	12/20/2022	37 - Postage (HANNOLD 12/16/22)	-1.44	-0.88
ROC-049213	12/20/2022	37 - Postage (BILL EISENHUTH 12/16/22)	-0.63	-1.51
ROC-049213	12/20/2022	37 - Postage (JOHN HANNOLD 12/16/22)	-1.44	-2.95
ROC-049232	12/22/2022	37 - Postage (First Class Mail)	-1.44	-4.39
ROC-049241	12/22/2022	37 - Postage (First Class Mail)	-0.96	-5.35
ROC-049250	12/25/2022	13 - Personal Gifts (BLY , VICKI)	+25.00	19.65
ROC-049250	12/25/2022	50 - Act 84 (CP-16-CR-0000170-2013)	-6.25	13.40
ROC-049250	12/25/2022	13 - Personal Gifts (HANNOLD , JOHN)	+100.00	113.40
ROC-049250	12/25/2022	50 - Act 84 (CP-16-CR-0000170-2013)	-25.00	88.40
ROC-049272	12/28/2022	32 - Commissary (ROC COMMISSARY FOR 12/28/2022)	-19.43	68.97
ROC-049280	12/29/2022	34 - Cable	-17.00	51.97
ROC-049309	01/04/2023	10 - Maintenance Payroll (GRP 1 - 1st - End of Month)	+84.00	135.97
ROC-049309	01/04/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-21.00	114.97
ROC-049335	01/05/2023	32 - Commissary (ROC COMMISSARY FOR 01/05/2023)	-33.10	81.87
ROC-049395	01/12/2023	32 - Commissary (ROC COMMISSARY FOR 01/12/2023)	-35.28	46.59
ROC-049450	01/19/2023	32 - Commissary (ROC COMMISSARY FOR 01/19/2023)	-18.67	27.92
ROC-049463	01/23/2023	37 - Postage (First Class Mail)	-1.44	26.48
ROC-049482	01/25/2023	37 - Postage (DENNY WEAVER 1/23/23)	-0.84	25.64
ROC-049482	01/25/2023	37 - Postage (US COURT OF APPEALS 1/23/23)	-1.74	23.90
ROC-049497	01/26/2023	34 - Cable	-17.00	6.90



Monthly Account Statement - Individual

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A-A-1021-02	ND7966	HANNOLD,ETHAN	ALBION	
Batch#	Txn Date	Txn Description	Txn Amount(\$)	Balance After Transaction(\$)
ROC-049513	01/30/2023	37 - Postage (First Class Mail)	-0.24	6.66
ROC-049513	01/30/2023	37 - Postage (First Class Mail)	-0.24	6.42
ROC-049513	01/30/2023	37 - Postage (First Class Mail)	-0.24	6.18
ROC-049540	02/01/2023	13 - Personal Gifts (HANNOLD , JOHN)	+100.00	106.18
ROC-049540	02/01/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-25.00	81.18
ROC-049551	02/02/2023	13 - Personal Gifts (GRIEBEL , JOHN)	+25.00	106.18
ROC-049551	02/02/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-6.25	99.93
ROC-049563	02/02/2023	32 - Commissary (ROC COMMISSARY FOR 02/02/2023)	-56.15	43.78
ROC-049578	02/06/2023	10 - Maintenance Payroll (GRP 1 - 1st - End of Month)	+80.00	123.78
ROC-049578	02/06/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-20.00	103.78
ROC-049576	02/06/2023	32 - Commissary (ROC COMMISSARY CR FOR 02/06/2023)	+3.23	107.01
ROC-049607	02/09/2023	32 - Commissary (ROC COMMISSARY FOR 02/09/2023)	-31.46	75.55
ROC-049666	02/16/2023	32 - Commissary (ROC COMMISSARY FOR 02/16/2023)	-2.92	72.63
ROC-049669	02/17/2023	36 - Library Copies (COPIES 2/9/23)	-1.20	71.43
ROC-049709	02/23/2023	37 - Postage (First Class Mail)	-3.66	67.77
ROC-049709	02/23/2023	37 - Postage (First Class Mail)	-3.66	64.11
ROC-049709	02/23/2023	37 - Postage (First Class Mail)	-2.46	61.65
ROC-049709	02/23/2023	37 - Postage (First Class Mail)	-2.46	59.19
ROC-049709	02/23/2023	37 - Postage (First Class Mail)	-2.46	56.73
ROC-049719	02/23/2023	32 - Commissary (ROC COMMISSARY FOR 02/23/2023)	-15.45	41.28
ROC-049720	02/23/2023	34 - Cable	-17.00	24.28
ROC-049726	02/24/2023	36 - Library Copies (2/16/23)	-22.40	1.88
ROC-049737	02/26/2023	13 - Personal Gifts (GRIEBEL , JOHN)	+25.00	26.88
ROC-049737	02/26/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-6.25	20.63
ROC-049776	03/01/2023	10 - Maintenance Payroll (GRP 1 - 1st - End of Month)	+80.00	100.63
ROC-049776	03/01/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-20.00	80.63
ROC-049794	03/02/2023	32 - Commissary (ROC COMMISSARY FOR 03/02/2023)	-17.98	62.65
ROC-049814	03/06/2023	32 - Commissary (ROC COMMISSARY CR FOR 03/06/2023)	+0.80	63.45
ROC-049840	03/09/2023	37 - Postage (First Class Mail)	-0.66	62.79
ROC-049840	03/09/2023	37 - Postage (First Class Mail)	-0.66	62.13
ROC-049846	03/09/2023	32 - Commissary (ROC COMMISSARY FOR 03/09/2023)	-18.19	43.94
ROC-049894	03/16/2023	32 - Commissary (ROC COMMISSARY FOR 03/16/2023)	-14.93	29.01
ROC-049958	03/23/2023	32 - Commissary (ROC COMMISSARY FOR 03/23/2023)	-13.10	15.91
ROC-049960	03/24/2023	37 - Postage (First Class Mail)	-1.26	14.65
ROC-049976	03/27/2023	13 - Personal Gifts (HANNOLD , JOHN)	+100.00	114.65
ROC-049976	03/27/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-25.00	89.65



Monthly Account Statement - Individual

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A-A-1021-02	ND7966	HANNOLD,ETHAN	ALBION	
Batch#	Txn Date	Txn Description	Txn Amount(\$)	Balance After Transaction(\$)
ROC-050027	03/30/2023	32 - Commissary (ROC COMMISSARY FOR 03/30/2023)	-21.79	67.86
ROC-050029	03/30/2023	34 - Cable	-17.00	50.86
ROC-050070	04/05/2023	10 - Maintenance Payroll (GRP 1 - 1st - End of Month)	+88.00	138.86
ROC-050070	04/05/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-22.00	116.86
ROC-050080	04/06/2023	37 - Postage (First Class Mail)	-1.50	115.36
ROC-050080	04/06/2023	37 - Postage (First Class Mail)	-1.50	113.86
ROC-050085	04/06/2023	32 - Commissary (ROC COMMISSARY FOR 04/06/2023)	-22.71	91.15
ROC-050131	04/12/2023	31 - Outside Purchase (BLICK ART MATERIALS)	-51.20	39.95
ROC-050148	04/13/2023	32 - Commissary (ROC COMMISSARY FOR 04/13/2023)	-20.54	19.41
ROC-050207	04/20/2023	32 - Commissary (ROC COMMISSARY FOR 04/20/2023)	-17.36	2.05
ROC-050227	04/23/2023	13 - Personal Gifts (HANNOLD , JOHN)	+100.00	102.05
ROC-050227	04/23/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-25.00	77.05
ROC-050248	04/25/2023	37 - Postage (RHONDA HANNOLD 4/21/23)	-0.66	76.39
ROC-050265	04/26/2023	36 - Library Copies (COPIES 4/20/23)	-3.50	72.89
ROC-050265	04/26/2023	36 - Library Copies (COPIES 4/21/23)	-4.00	68.89
ROC-050290	04/27/2023	32 - Commissary (ROC COMMISSARY FOR 04/27/2023)	-26.25	42.64
ROC-050291	04/27/2023	34 - Cable	-17.00	25.64
ROC-050328	05/02/2023	37 - Postage (First Class Mail)	-9.65	15.99
ROC-050330	05/02/2023	10 - Maintenance Payroll (GRP 1 - 1st - End of Month)	+76.00	91.99
ROC-050330	05/02/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-19.00	72.99
ROC-050336	05/03/2023	13 - Personal Gifts (HODGE , JENNY)	+20.00	92.99
ROC-050336	05/03/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-5.00	87.99
ROC-050350	05/04/2023	37 - Postage (FLEMING 2 @ \$1.50 5/2/23)	-3.00	84.99
ROC-050359	05/04/2023	32 - Commissary (ROC COMMISSARY FOR 05/04/2023)	-5.41	79.58
ROC-050411	05/11/2023	37 - Postage (First Class Mail)	-1.50	78.08
ROC-050414	05/11/2023	32 - Commissary (ROC COMMISSARY FOR 05/11/2023)	-13.98	64.10
ROC-050442	05/15/2023	10 - Maintenance Payroll (GRP 1 - 1st - End of Month)	+44.00	108.10
ROC-050442	05/15/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-11.00	97.10
	05/17/2023	37 - Postage (POSTAGE- SHIPPING)	-92.35	4.75
ROC-050467	05/18/2023	37 - Postage (First Class Mail)	-10.75	-6.00
ROC-050477	05/19/2023	37 - Postage (3 BOXES TO SCI-ALBION 5/17/23)	-92.35	-98.35
	05/19/2023	37 - Postage (Release Escrow)	+92.35	-6.00
	05/19/2023	Transfer Out (ROCKVIEW)		-6.00
	05/19/2023	Transfer In (ALBION)		-6.00
ALB-063404	05/20/2023	13 - Personal Gifts (HANNOLD , JOHN)	+100.00	94.00
ALB-063404	05/20/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-25.00	69.00



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Batch#	Txn Date	Txn Description	Txn Amount(\$)	Balance After Transaction(\$)
ALB-063465	05/25/2023	32 - Commissary (ALB COMMISSARY FOR 05/25/2023)	-36.27	32.73
ALB-063476	05/25/2023	34 - Cable	-17.00	15.73
ALB-063533	06/01/2023	32 - Commissary (ALB COMMISSARY FOR 06/01/2023)	-14.79	0.94
ALB-063638	06/08/2023	32 - Commissary (ALB COMMISSARY FOR 06/08/2023)	-0.80	0.14
ALB-063640	06/09/2023	13 - Personal Gifts (HANNOLD , JOHN)	+100.00	100.14
ALB-063640	06/09/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-25.00	75.14
ALB-063641	06/09/2023	37 - Postage (First Class Mail)	-0.24	74.90
ALB-063641	06/09/2023	37 - Postage (First Class Mail)	-0.24	74.66
ALB-063641	06/09/2023	37 - Postage (First Class Mail)	-0.24	74.42
ALB-063666	06/12/2023	37 - Postage (First Class Mail)	-2.22	72.20
ALB-063672	06/12/2023	10 - Maintenance Payroll (GRP 2 - 7th -6th)	+48.75	120.95
ALB-063672	06/12/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-12.19	108.76
ALB-063716	06/15/2023	37 - Postage (First Class Mail)	-1.24	107.52
ALB-063716	06/15/2023	37 - Postage (First Class Mail)	-1.48	106.04
ALB-063714	06/15/2023	32 - Commissary (ALB COMMISSARY FOR 06/15/2023)	-70.52	35.52
ALB-063766	06/21/2023	10 - Maintenance Payroll (GRP 3 - 14th -13th)	+0.86	36.38
ALB-063766	06/21/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-0.22	36.16
ALB-063782	06/22/2023	32 - Commissary (ALB COMMISSARY FOR 06/22/2023)	-18.73	17.43
ALB-063840	06/28/2023	13 - Personal Gifts (HANNOLD , JOHN)	+100.00	117.43
ALB-063840	06/28/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-25.00	92.43
ALB-063850	06/29/2023	13 - Personal Gifts (HANNOLD , JOHN)	+50.00	142.43
ALB-063850	06/29/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-12.50	129.93
ALB-063855	06/29/2023	32 - Commissary (ALB COMMISSARY FOR 06/29/2023)	-45.53	84.40
ALB-063865	06/29/2023	34 - Cable	-17.00	67.40
ALB-063904	07/05/2023	37 - Postage (First Class Mail)	-0.48	66.92
ALB-063926	07/06/2023	32 - Commissary (ALB COMMISSARY FOR 07/06/2023)	-30.41	36.51
ALB-063927	07/06/2023	27 - Misc/Other (Volleyball Contest Winners)	+7.50	44.01
ALB-064011	07/13/2023	10 - Maintenance Payroll (GRP 2 - 7th -6th)	+15.00	59.01
ALB-064011	07/13/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-3.75	55.26
ALB-064015	07/13/2023	32 - Commissary (ALB COMMISSARY FOR 07/13/2023)	-21.87	33.39
ALB-064063	07/19/2023	37 - Postage (First Class Mail)	-1.83	31.56
ALB-064087	07/20/2023	32 - Commissary (ALB COMMISSARY FOR 07/20/2023)	-18.67	12.89
ALB-064088	07/20/2023	10 - Maintenance Payroll (GRP 3 - 14th -13th)	+15.48	28.37
ALB-064088	07/20/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-3.87	24.50
ALB-064155	07/27/2023	32 - Commissary (ALB COMMISSARY FOR 07/27/2023)	-5.97	18.53
ALB-064169	07/27/2023	34 - Cable	-17.00	1.53



Monthly Account Statement - Individual

From Date: 11/17/2022

To Date: 11/17/2023

Housing	Case ID	Offender Name	Location	
A-A-1021-02	ND7966	HANNOLD,ETHAN	ALBION	
Batch#	Txn Date	Txn Description	Txn Amount(\$)	Balance After Transaction(\$)
ALB-064221	08/02/2023	13 - Personal Gifts (HANNOLD , JOHN)	+100.00	101.53
ALB-064221	08/02/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-25.00	76.53
ALB-064241	08/03/2023	32 - Commissary (ALB COMMISSARY FOR 08/03/2023)	-19.83	56.70
ALB-064247	08/04/2023	37 - Postage (First Class Mail)	-0.24	56.46
ALB-064247	08/04/2023	37 - Postage (First Class Mail)	-3.03	53.43
ALB-064271	08/07/2023	10 - Maintenance Payroll (GRP 1 - 1st - End of Month)	+6.00	59.43
ALB-064271	08/07/2023	50 - Act 84 (CP-16-CR-0000170-2013)	-1.50	57.93
ALB-064310	08/10/2023	32 - Commissary (ALB COMMISSARY FOR 08/10/2023)	-11.39	46.54
ALB-064346	08/14/2023	44 - Inmate Organization (2023 ANIVO Condiment Fundraiser)	-23.00	23.54
ALB-064351	08/15/2023	37 - Postage (First Class Mail)	-0.40	23.14
ALB-064382	08/17/2023	32 - Commissary (ALB COMMISSARY FOR 08/17/2023)	-4.92	18.22
ALB-064401	08/18/2023	10 - Maintenance Payroll (GRP 3 - 14th -13th)	+8.60	26.82
ALB-064401	08/18/2023	50 - Act 84 (CP-61-CR-0000035-2010)	-1.72	25.10
ALB-064465	08/24/2023	32 - Commissary (ALB COMMISSARY FOR 08/24/2023)	-6.28	18.82
ALB-064489	08/28/2023	37 - Postage (First Class Mail)	-0.87	17.95
ALB-064517	08/29/2023	34 - Cable	-17.00	0.95
ALB-064538	08/31/2023	32 - Commissary (ALB COMMISSARY FOR 08/31/2023)	-0.95	0.00
ALB-064587	09/07/2023	13 - Personal Gifts (HANNOLD , JOHN)	+25.00	25.00
ALB-064587	09/07/2023	50 - Act 84 (CP-61-CR-0000035-2010)	-5.00	20.00
ALB-064593	09/07/2023	32 - Commissary (ALB COMMISSARY FOR 09/07/2023)	-10.26	9.74
ALB-064603	09/08/2023	10 - Maintenance Payroll (GRP 1 - 1st - End of Month)	+84.00	93.74
ALB-064603	09/08/2023	50 - Act 84 (CP-61-CR-0000035-2010)	-16.80	76.94
ALB-064608	09/08/2023	37 - Postage (First Class Mail)	-0.24	76.70
ALB-064608	09/08/2023	37 - Postage (First Class Mail)	-0.40	76.30
ALB-064608	09/08/2023	37 - Postage (First Class Mail)	-2.79	73.51
ALB-064622	09/11/2023	37 - Postage (First Class Mail)	-0.40	73.11
ALB-064634	09/12/2023	37 - Postage (First Class Mail)	-0.40	72.71
ALB-064677	09/14/2023	32 - Commissary (ALB COMMISSARY FOR 09/14/2023)	-38.65	34.06
ALB-064731	09/20/2023	37 - Postage (First Class Mail)	-1.59	32.47
ALB-064748	09/21/2023	32 - Commissary (ALB COMMISSARY FOR 09/21/2023)	-11.08	21.39
ALB-064798	09/26/2023	13 - Personal Gifts (HANNOLD , JOHN)	+100.00	121.39
ALB-064798	09/26/2023	50 - Act 84 (CP-61-CR-0000035-2010)	-20.00	101.39
ALB-064834	09/28/2023	36 - Printed Materials (Top Notch Inmate Services)	-6.00	95.39
ALB-064828	09/28/2023	32 - Commissary (ALB COMMISSARY FOR 09/28/2023)	-59.53	35.86
ALB-064838	09/28/2023	34 - Cable	-17.00	18.86
ALB-064851	09/29/2023	27 - Misc/Other (Softball Winners I/J Olympics)	+7.50	26.36



Monthly Account Statement - Individual

From Date: 11/17/2022

To Date: 11/17/2023

Housing	Case ID	Offender Name	Location	
A-A-1021-02	ND7966	HANNOLD,ETHAN	ALBION	
Batch#	Txn Date	Txn Description	Txn Amount(\$)	Balance After Transaction(\$)
ALB-064917	10/05/2023	32 - Commissary (ALB COMMISSARY FOR 10/05/2023)	-25.72	0.64
ALB-064937	10/06/2023	10 - Maintenance Payroll (GRP 1 - 1st - End of Month)	+66.50	67.14
ALB-064937	10/06/2023	50 - Act 84 (CP-61-CR-0000035-2010)	-13.30	53.84
ALB-064964	10/11/2023	27 - Misc/Other (Field Day Winners)	+5.00	58.84
ALB-064978	10/12/2023	32 - Commissary (ALB COMMISSARY FOR 10/12/2023)	-20.03	38.81
ALB-065001	10/16/2023	37 - Postage (First Class Mail)	-0.64	38.17
	10/17/2023	Transfer Out (ALBION)		38.17
	10/17/2023	Transfer In (ROCKVIEW)		38.17
ROC-051796	10/17/2023	27 - Misc/Other (VENDA CARD REFUND)	+5.00	43.17
	10/23/2023	Transfer Out (ROCKVIEW)		43.17
	10/23/2023	Transfer In (ALBION)		43.17
ALB-065071	10/23/2023	27 - Misc/Other (Flu Vaccine Incentive)	+5.00	48.17
ALB-065078	10/23/2023	37 - Postage (First Class Mail)	-0.40	47.77
ALB-065110	10/26/2023	32 - Commissary (ALB COMMISSARY FOR 10/26/2023)	-22.44	25.33
ALB-065112	10/26/2023	34 - Cable	-17.00	8.33
ALB-065113	10/27/2023	13 - Personal Gifts (HANNOLD, JOHN)	+150.00	158.33
ALB-065113	10/27/2023	50 - Act 84 (CP-61-CR-0000035-2010)	-30.00	128.33
ALB-065148	10/30/2023	37 - Postage (First Class Mail)	-0.24	128.09
ALB-065163	10/31/2023	32 - Commissary (ALB COMMISSARY CR FOR 10/31/2023)	+1.13	129.22
ALB-065173	11/01/2023	27 - Misc/Other (ANIVO REFUND)	+1.00	130.22
ALB-065187	11/02/2023	32 - Commissary (ALB COMMISSARY FOR 11/02/2023)	-29.71	100.51
ALB-065189	11/02/2023	37 - Postage (First Class Mail)	-1.83	98.68
ALB-065223	11/07/2023	34 - Cable (Ref-Cable-2 OOS CH-10/1 to 10/22/23)	+0.44	99.12
ALB-065228	11/07/2023	10 - Maintenance Payroll (GRP 1 - 1st - End of Month)	+70.00	169.12
ALB-065228	11/07/2023	50 - Act 84 (CP-61-CR-0000035-2010)	-14.00	155.12
ALB-065242	11/08/2023	37 - Postage (First Class Mail)	-0.24	154.88
ALB-065252	11/09/2023	32 - Commissary (ALB COMMISSARY FOR 11/09/2023)	-8.85	146.03
ALB-065251	11/09/2023	32 - Commissary (ALB COMMISSARY CR FOR 11/09/2023)	+2.27	148.30
ALB-065260	11/09/2023	41 - Medical Co-Pay (Medical Co-Pay - 11/3/23)	-5.00	143.30
ALB-065308	11/15/2023	32 - Commissary (ALB COMMISSARY FOR 11/15/2023)	-19.44	123.86

Current, Escrow, & Available Balances as of 11/17/2023 12:51:22 PM

Current Balance	123.86
Escrow Balance	0.00
Available Balance	123.86

PROCESSED

NOV 17 2023

INMATE
ACCOUNTS

Appendix "B"