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Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A11-1237**

Ronnie Leroy Snyder, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

**Filed February 13, 2012
Affirmed
Connolly, Judge**

Fillmore County District Court
File No. 23-K4-99-000603

Ronnie Snyder, Sandstone, Minnesota (pro se appellant)

Lori Swanson, Attorney General, St. Paul, Minnesota; and

Brett Corson, Fillmore County Attorney, Jocelyn Poehler, Assistant County Attorney,
Preston, Minnesota (for respondent)

Considered and decided by Worke, Presiding Judge; Connolly, Judge; and
Crippen, Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

UNPUBLISHED OPINION

CONNOLLY, Judge

Appellant raises four issues in his challenge to the district court's denial of his petition for postconviction relief. Because one issue was previously addressed by this court on direct appeal, two issues could have been raised but were not raised on direct appeal, and the remaining issue fails to state a viable claim, we affirm.

FACTS

In 1999, appellant Ronnie Snyder was charged in Minnesota with motor-vehicle theft, criminal damage to property, escape, and fleeing a peace officer. He was later arrested in Illinois, where additional unrelated Illinois charges were filed against him. He was convicted and incarcerated in that state.

In 2005, following his release from prison in Illinois, he was extradited to Minnesota. He was convicted under a *Lothenbach* plea, and his conviction was affirmed. *State v. Snyder*, No. A06-504, 2007 WL 1815497 (Minn. App. June 26, 2007), *review denied* (Minn. Aug. 21, 2007). In 2008, appellant filed documents with this court that were construed as a motion for clarification of that decision, and the motion was denied. He filed further documents in 2009; these were dismissed because they gave “no indication that appellant ha[d] filed a timely appeal from an appealable order.”

Appellant also filed a postconviction petition with the district court, alleging that he was denied his right to a speedy trial, effective assistance of pretrial counsel, due process through prosecutorial misconduct, and effective assistance of appellate counsel. His petition was denied, and he challenges that denial.

DECISION

I. Right to a Speedy Trial

“Once a direct appeal has been taken, all claims that were raised in the direct appeal . . . will not be considered upon a subsequent petition for postconviction relief.” *White v. State*, 711 N.W.2d 106, 109 (Minn. 2006). There are two exceptions: “(1) if a novel legal issue is presented, or (2) if the interests of justice require review.” *Id.* “The second exception may be applied if fairness requires it and the petitioner did not deliberately and inexcusably fail to raise the issue on direct appeal.” *Id.* (quotation omitted).

In appellant’s direct appeal, this court noted that he “argues that the state violated his constitutional right to a speedy trial by failing to bring him to trial for nearly six years,” analyzed the issue at length, and concluded that “[t]he district court did not err by finding that the state did not violate [appellant’s] right to a speedy trial.” *Snyder*, 2007 WL 1815497, at *4, *7. The district court correctly concluded that “[because t]he issue of [appellant’s] right to a speedy trial was raised on direct appeal and was considered by the Minnesota Court of Appeals. . . . [This c]ourt declines to consider it in a petition for post-conviction relief.”

II. Ineffective Assistance of Pretrial Counsel and Prosecutorial Misconduct

When a direct appeal has been taken, “all claims that were known or should have been known but were not raised will not be considered upon a subsequent petition for postconviction relief” unless either a novel legal issue is presented or the interests of justice require review. *White*, 711 N.W.2d at 109.

On direct appeal, appellant argued three issues: (1) violation of Minn. Stat. § 629.294, subd. 1; (2) violation of the right to a speedy trial; and (3) refusal to appoint substitute or standby counsel. *See Snyder*, 2007 WL 1815497 at *3, *4, *7. The district court concluded that appellant could have raised, but did not raise, the issues of prosecutorial misconduct and ineffective assistance of pretrial counsel on direct appeal. These issues are not novel, and, as the district court noted, appellant has “made no showing that fairness requires consideration” of either issue.

Thus, neither of the exceptions applies, and the district court did not err in declining to consider these issues.

III. Ineffective Assistance of Appellate Counsel

The only novel issue raised in appellant’s postconviction petition was the ineffective assistance of counsel on his direct appeal. A postconviction decision regarding a claim of ineffective assistance of counsel involves mixed questions of fact and law and is reviewed de novo. *Opsahl v. State*, 677 N.W.2d 414, 420 (Minn. 2004).

Appellant’s postconviction petition includes a list of exhibits his counsel did not produce and a “Motion for Discovery” with a list of witnesses his counsel did not call in connection with the exhibits, but the exhibits pertain to events occurring in Illinois and in Iowa and are irrelevant to this case. As the district court noted, appellant’s petition “failed to sufficiently allege facts to establish that his appellate counsel’s performance fell below an objective standard of reasonableness and that the outcome would have been different but for appellate counsel’s errors.” Appellant failed to make a viable claim for ineffective assistance of appellate counsel.

The district court did not err in denying appellant's postconviction petition.

Affirmed.