

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
WILLIAMS COUNTY

State of Ohio

Court of Appeals Nos. WM-09-002
WM-09-003

Appellee

Trial Court Nos. 09 CI 22
09 CI 23

v.

Randall D. Snyder
Noah A. Snyder

DECISION AND JUDGMENT

Appellants

Decided: December 18, 2009

* * * * *

Thomas A. Thompson, Williams County Prosecuting Attorney, for appellee.

William F. Kluge and Destiny R. Hudson, for appellants.

* * * * *

OSOWIK, J.

{¶ 1} This is an appeal from a judgment of the Williams County Court of Common Pleas which denied appellants' motion for postconviction relief. For the reasons set forth below, this court affirms the judgment of the trial court.

{¶ 2} Appellants, Randall and Noah Snyder, set forth the following single assignment of error:

{¶ 3} "Assignment of Error I. THE COURT ERRED IN DENYING THE PETITIONS FOR POST CONVICTION RELIEF AS THE APPELLANTS WERE DENIED EFFECTIVE ASSISTANCE OF COUNSEL AT THE TRIAL STAGE IN VIOLATION OF THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION, AND ARTICLE I, SECTION 10 OF THE OHIO CONSTITUTION."

{¶ 4} The following undisputed facts are relevant to the issues raised on appeal. This case stems from a contentious, ongoing dispute between neighbors which culminated in appellants' conviction for felonious assault following a three-day jury trial. Following a series of hostile exchanges between appellant Noah Snyder and his neighbor Quinn Michael in connection with a property boundary dispute and the placement of a pile of debris, the situation escalated into a physical altercation.

{¶ 5} On May 26, 2007, Quinn was utilizing equipment to place a dirt pile onto Noah's property that had originally been placed on Quinn's property related to a project that had taken place on Noah's property several years earlier. Noah jumped upon Quinn's equipment, confronted Quinn, and struck a steel pipe against the machinery. Quinn promptly reported the incident to 911.

{¶ 6} Shortly thereafter, Noah and his father, Randall Snyder, physically assaulted Quinn on Quinn's front porch. Although Quinn was carrying a gun at the time of the assault, it was wrestled away from him by one of the attackers. Quinn sustained

injuries from the assault and received emergency medical treatment at Defiance Mercy Hospital.

{¶ 7} On December 12, 2007, the Snyders were both found guilty of felonious assault following a jury trial. Timely notice of appeal was filed. On January 9, 2009, this court issued an extremely thorough judgment fully addressing all issues and affirming the convictions. *State v. Randall D. Snyder*, 6th Dist. No. WM-08-004, 2009-Ohio-49. On June 22, 2009, the Ohio Supreme Court denied appellants' motion for leave to appeal this court's affirmance of their convictions for felonious assault.

{¶ 8} However, on September 16, 2008, appellants filed petitions for postconviction relief. On March 3, 2009, the petitions for postconviction relief were denied. Appellants now appeal the denial of postconviction relief.

{¶ 9} In the single assignment of error, appellants allege that the trial court erred in denying the petitions for postconviction relief. In support, appellants go to great lengths in contending that the trial counsel representation they received was deficient and ineffective, as they likewise exhaustively argued without success both upon direct appeal and in petitioning for postconviction relief.

{¶ 10} The trial court's denial of a postconviction relief petition without a hearing is reviewed pursuant to the abuse of discretion standard. *State v. Watson* (1998), 126 Ohio App.3d 316, 324. An abuse of discretion requires more than a mere error of law or judgment. It demands demonstration that the trial court's attitude was unreasonable, arbitrary or unconscionable. *Blakemore v. Blakemore* (1983), 5 Ohio St.3d 217, 219.

{¶ 11} We note that the proffered evidentiary support accompanying the petitions for postconviction relief was comprised of appellants' own self-serving affidavits, an affidavit of a non-treating podiatrist in a case in which none of the injuries were podiatry related, and an affidavit of a non-treating dentist. The key determination of the treating emergency physician was that Quinn was assaulted and sustained a nose fracture, contusions and abrasions. Significantly, none of the evidence submitted throughout the course of this matter in any way refutes the prevailing testimony and evidence furnished at trial successfully establishing to the jury that those injuries to Quinn were inflicted by appellants so as to constitute felonious assault by appellants upon Quinn.

{¶ 12} In denying the petitions for postconviction relief, the trial court opined in pertinent part, "In this case, a key defense of Petitioner was self-defense which was thoroughly and competently addressed by Petitioner's trial counsel throughout the entire trial. Moreover, both Petitioners testified at length, in the same trial, with nearly identical testimony in support of self-defense. Both Petitioners admitted to striking the victim but claimed self-defense. This issue was fully addressed on the direct appeal in Case Nos. WM-08-004 and WM-08-005. Petitioners had a fair trial with competent trial counsel- the jury rejected their claimed justification of self-defense. As to whether the victim sustained 'serious physical harm', no reasonable person could conclude such harm was not sustained."

{¶ 13} Despite appellants' exhaustive attempts to portray this as a complex, misunderstood and unresolved matter, it is not. On May 26, 2007, appellants, a father

and son duo, collaboratively physically assaulted the son's neighbor, Quinn, over a long simmering neighbor dispute. This incident caused various physical injuries to Quinn noted in the emergency department report.

{¶ 14} Based upon our review and consideration of this matter, we find no evidence that the trial court was unreasonable, arbitrary or unconscionable in its denial of postconviction relief. We find appellants' assignment of error not well-taken.

{¶ 15} We find that substantial justice has been done. The judgment of the Williams County Court of Common Pleas is affirmed. Appellants are ordered to pay the cost of this appeal pursuant to App.R. 24.

JUDGMENT AFFIRMED.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. See, also, 6th Dist.Loc.App.R. 4.

Peter M. Handwork, P.J.

JUDGE

Mark L. Pietrykowski, J.

JUDGE

Thomas J. Osowik, J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
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