

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

State of Ohio,	:	
Plaintiff-Appellee,	:	
v.	:	No. 13AP-145
Steven W. Snyder,	:	(C.P.C. No. 12CR-152)
Defendant-Appellant.	:	(REGULAR CALENDAR)

D E C I S I O N

Rendered on August 6, 2013

Ron O'Brien, Prosecuting Attorney, and *Kimberly M. Bond*,
for appellee.

Todd W. Barstow & Associates, and *Todd W. Barstow*, for
appellant.

APPEAL from the Franklin County Court of Common Pleas

TYACK, J.

{¶ 1} Steven W. Snyder is appealing from the sentence imposed upon him following his conviction on a single count of gross sexual imposition, in violation of R.C. 2907.05. He assigns two errors for our consideration:

I. THE TRIAL COURT ERRED TO THE PREJUDICE OF APPELLANT BY IMPROPERLY SENTENCING HIM TO THE MAXIMUM PRISON TERM IN CONTRAVENTION OF OHIO'S SENTENCING STATUTES.

II. THE TRIAL COURT ERRED TO THE PREJUDICE OF APPELLANT BY IMPOSING A FINE ON APPELLANT IN CONTRAVENTION OF OHIO'S SENTENCING STATUTES.

{¶ 2} Snyder was originally charged with three counts of gross sexual imposition. As a part of a plea bargain, he entered a guilty plea to one of the three counts and the other two were dismissed. The voluntariness of his plea and his guilt are not in debate at this juncture.

{¶ 3} The trial court ordered a pre-sentence investigation and set the matter for sentencing.

{¶ 4} The facts of the crime played a significant role in the trial court judge's decision to give Snyder a maximum sentence.

{¶ 5} Snyder had lived with the victim's mother for at least four months. As the live-in boyfriend, he assumed the role of stepfather to the child, who was only eight when Snyder sexually assaulted her. Specifically, Snyder stuck his hand down the front of the child's pants and rubbed her vaginal area. He then asked the eight year old if she enjoyed him rubbing her there.

{¶ 6} Snyder also exposed his penis to the child and made her touch and "grab" him there.

{¶ 7} Snyder initially was apologetic about his sexual assault on the child, but by the time he was being interviewed for his pre-sentence investigation, he had begun looking for reasons to blame others for his misconduct. He partially blamed the child's mother and he partially blamed the child, despite her age of eight. Specifically, he alleged that he and the mother allowed the mother's female children to watch him have sexual relations with her. He also alleged that the child victim had crawled up on him and started "grinding" on him. This later allegation was totally inconsistent with the child's version of the facts and with Snyder's original acknowledgment of guilt and request for forgiveness.

{¶ 8} Part of what is apparent, is that Snyder was much more concerned about the likelihood that he would lose his job than the concern that he had damaged an eight-year-old child emotionally.

{¶ 9} The trial court judge went through the list of factors to be considered and indicated the factors which made this crime the worst form of the offense. The trial court mentioned them at the sentencing hearing and then followed up with a sentencing entry which recited that the trial judge had considered the applicable factors.

{¶ 10} We find no basis for overturning the maximum sentence given.

{¶ 11} The first assignment of error is overruled.

{¶ 12} Snyder was only 37 years old when sentenced. He will be 42 years old when he completes his incarceration. He is at least of average intelligence, with a high school education, two years of college and the training to acquire a commercial driver's license. He can be expected to earn a decent living at some time after his prison term is finished. A fine of \$2,500 and costs was not and is not an abuse of discretion.

{¶ 13} The second assignment of error is overruled.

{¶ 14} Both assignments of error having been overruled, the judgment of the Franklin County Court of Common Pleas is affirmed.

Judgment affirmed.

SADLER and DORRIAN, JJ., concur.
