

COURT OF APPEALS  
STARK COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

**STATE OF OHIO,**

**Plaintiff-Appellee,**

**Case No. 2011CA00158**

**v.**

**JUDGES:**

**Hon. William B. Hoffman, P.J.**

**Hon. Sheila G. Farmer, J.**

**Hon. Julie A. Edwards, J.**

**STEVEN L. SNIDER,**

**Defendant-Appellant.**

**OPINION**

CHARACTER OF PROCEEDING:

Appeal from the Stark County Court of  
Common Pleas, Case No. 2008CR0583

JUDGMENT:

Affirmed

DATE OF JUDGMENT ENTRY:

December 30, 2011

APPEARANCES:

For Plaintiff-Appellee

For Defendant-Appellant

JOHN D. FERRERO,  
PROSECUTING ATTORNEY,  
STARK COUNTY, OHIO

GEORGE URBAN  
116 Cleveland Ave. N.W.  
Suite 808  
Canton, Ohio 44702

By: RONALD MARK CALDWELL  
Assistant Prosecuting Attorney  
110 Central Plaza, South – Suite 510  
Canton, Ohio 44702-1413

Hoffman, P.J.

{¶ 1} Defendant-appellant Steven L. Snider appeals the June 27, 2011 Judgment Entry entered by the Stark County Court of Common Pleas denying his motion for resentencing. Plaintiff-appellee is the State of Ohio.

#### STATEMENT OF THE CASE

{¶ 2} On June 12, 2008, a jury found Appellant guilty of felonious assault, in violation of R.C. 2903.11(A)(1), and domestic violence, in violation of R.C. 2919.25(A). The trial court sentenced Appellant to an aggregate prison term of thirteen years, including eight years for the felonious assault conviction and five years for the domestic violence conviction.

{¶ 3} This Court affirmed Appellant's conviction on direct appeal via Judgment Entry filed June 29, 2009. *State v. Snider* Stark App. No. 2008-CA-00147, 2009-Ohio-3427.

{¶ 4} On April 12, 2010, Appellant filed a "Motion to Impose Lawful Sentence on Defendant" citing the trial court's failure to properly impose post-release control as part of Appellant's original sentence. Via Judgment Entry filed May 5, 2010, the trial court denied Appellant's motion as moot as the trial court had held a video re-sentencing hearing pursuant to R.C. 2929.191 on May 3, 2010. The court had issued a Journal Entry on May 6, 2010 reflecting the re-sentencing. On February 22, 2011, this Court affirmed the sentence. *State v. Snider*, Stark App. No. 2010-CA-00128, 2011-Ohio-889.

{¶ 5} On June 24, 2011, Appellant filed a motion for resentencing asserting his offenses were allied offenses, and requesting the trial court correct his sentence. The trial court denied the motion via Judgment Entry filed June 27, 2011.

{¶ 6} Appellant now appeals, assigning as error:

{¶ 7} “I. THE TRIAL COURT ERRED WHEN IT DENIED APPELLANT’S MOTION FOR RESENTENCING WHEN IT FOUND APPELLANT TO HAVE HAD A SEPARATE ANIMUS FOR THE OFFENSES OF FELONIOUS ASSAULT AND DOMESTIC VIOLENCE.”

{¶ 8} As set forth in the Statement of the Case *supra*, Appellant directly appealed his original conviction and sentence to this Court and this Court affirmed the same via Judgment Entry filed June 29, 2009. Because Appellant could have raised the argument he now assigns as error on direct appeal from his original conviction and sentence, the claimed error is barred from our review by *res judicata*.

{¶ 9} Under the doctrine of *res judicata*, a final judgment of conviction bars a convicted defendant who was represented by counsel from raising and litigating in any proceeding except an appeal from that judgment, any defense or any claimed lack of due process that was *raised or could have been raised by the defendant at the trial*, which resulted in that judgment of conviction, *or on an appeal* from that judgment. *State v. Szefcyk* (1996), 77 Ohio St.3d 93, 95 (emphasis added).

{¶ 10} Appellant’s sole assignment of error is overruled.

{¶ 11} The June 27, 2011 Judgment Entry entered by the Stark County Court of Common Pleas is affirmed.

Judgment affirmed.

Farmer, and Edwards, JJ., concur.

IN THE COURT OF APPEALS FOR STARK COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

**STATE OF OHIO,**

**Plaintiff-Appellee,**

**Case No. 2011CA00158**

**v.**

**STEVEN L. SNIDER,**

**Defendant-Appellant.**

**JUDGMENT ENTRY**

For the reason stated in our accompanying Opinion, the June 27, 2011 Judgment Entry entered by the Stark County Court of Common Pleas is affirmed. Costs to Appellant.

s/ William B. Hoffman  
HON. WILLIAM B. HOFFMAN

s/ Sheila G. Farmer  
HON. SHEILA G. FARMER

s/ Julie A. Edwards  
HON. JULIE A. EDWARDS