

IN THE SUPREME COURT FOR THE STATE OF MICHIGAN

PEOPLE OF THE STATE OF MICHIGAN,

Supreme Court No. _____
(Leave blank.)

Plaintiff-Appellee,

Court of Appeals No. 325449
(From Court of Appeals decision.)

v
DAVID ALLEN SNYDER
(Print the name you were convicted under on this line.)

Trial Court No. 14-7061-FH
(See Court of Appeals brief or Presentence Investigation Report.)

Defendant-Appellant.

INSTRUCTIONS: Answer each question. Add more pages if you need more space. NOTE: If you are appealing a Court of Appeals decision involving an administrative agency or a civil action, you will have to replace this page with one containing the relevant information for that case.

PRO PER APPLICATION FOR LEAVE TO APPEAL

1. I was found guilty on (Date of Plea or Verdict) 11/05/2014

2. I was convicted of (Name of offense) Failure to Register Place of Employment.

3. I had a guilty plea; no contest plea; jury trial; trial by judge. (Mark one that applies.)

4. I was sentenced by Judge Randy L. Tahvonen on 12/15/2014
(Print or type name of judge) (Print or type date you were sentenced)

in the GRATIOT County Circuit Court to _____ years _____ months
(Name of county where you were sentenced) (Put minimum sentence here)

to _____ years _____ months, and to _____ years _____ months to 15 years 0 months.
(Print or type maximum sentence) (Minimum sentence) (Maximum sentence)

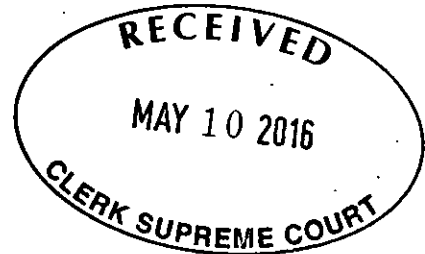
I am in prison at the St. Louis Prison - STF/W in St. Louis, Michigan.
(Print or type name of prison) (Print or type city where prison is located.)

5. The Court of Appeals affirmed my conviction on 2/18/2016
(Print or type date stamped on Court of Appeals decision)

in case number 325449. A copy of that decision is attached.
(Print or type number on Court of Appeals decision)

A motion for reconsideration was denied on 3/29/2016. A copy is attached.

6. This application is filed within 56 days of the Court of Appeals decision. (It MUST be received by the Court within 56 days of date on Court of Appeals decision in criminal cases and 42 days in civil cases. Delayed applications are NOT permitted, effective September 1, 2003.)



PRO PER APPLICATION FOR LEAVE TO APPEAL cont.

DAVID ALLEN SNYDER, Defendant-Appellant

CA No. 325449

INSTRUCTIONS: In the part below, only bring up issues that were in your Court of Appeals brief. Attach a copy of your Court of Appeals brief if possible. If you prepared a supplemental brief which was filed in the Court of Appeals, those issues go in this part also. You should attach a copy of that brief, too, if you can. New issues go in question 8 on page 7.

GROUND S - ISSUES RAISED IN COURT OF APPEALS

7. I want the Court to consider the issues as raised in my Court of Appeals brief and the additional information below.

ISSUE I:

A. (Copy the headnote, the title of the issue, from your Court of Appeals brief.)

Would it have disrupted, unduly inconvenienced, and burdened the trial to allow Snyder to prove to

a jury that there was no legal basis for a trial at all where direct sunshine reveals that the

State cannot establish that the SORA-listed offense sentencing procedures were followed; And did

the Court of Appeals err in finding that the less than one second that elapsed between when

defense counsel refused to raise the issue, and Snyder's decision to represent himself constituted

B. an undue delay by Snyder. The Court should review the Court of Appeals decision on this issue because: (Check all the ones you think apply to this issue, but you must check at least one.)

- 1. The issue raises a serious question about the legality of a law passed by the legislature.
- 2. The issue raises a legal principle which is very important to Michigan law.
- 3. The Court of Appeals decision is clearly wrong and will cause an important injustice to me.
- 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in "B" apply to this issue. List any cases that you want the Supreme Court to consider. State any facts which you want the Court to consider. If you think the Court of Appeals mixed up any facts about this issue, explain here. If you need more space, you can add more pages.)

The fact that Snyder argued with his lawyer about the affirmative defense all the way until just before opening arguments - - but the lawyer flatly rejected the affirmative defense - - should not be construed to find as untimely Snyder's oral motion to self-represent made before oral arguments began. The Court of Appeals relied on PEOPLE v ANDERSON, 398 Mich 361, 367 (1976) wherein the defendant had moved to represent himself months after opening arguments had been made. Clearly, this is a mis-application of ANDERSON. The fact that mandatory sentencing procedures proscribed by SORA were not adhered to cannot be overlooked in this matter. Had Snyder been allowed to exercise his right to represent himself, this would have come to light at trial and a different outcome would have been unavoidable. See, PEOPLE v LEE, 288 MichApp 739, 744 (2010) ("Even though registration under SORA is regulatory and not a punishment, there must be an outside limit to its application. The most logical limit is at the end of the court's jurisdiction over the case"). See attached briefs to the Court of Appeals.

PRO PER APPLICATION FOR LEAVE TO APPEAL (cont.)

DAVID ALLEN SNYDER, Defendant-Appellant

CA No. 325449

INSTRUCTIONS: In the part below, only bring up issues that were in your Court of Appeals brief. Attach a copy of your Court of Appeals brief if possible. If you prepared a supplemental brief which was filed in the Court of Appeals, those issues go in this part also. You should attach a copy of that brief, too, if you can. New issues go in question 8, on page 7.

ISSUE II:

A. (Copy the headnote, the title of the issue, from your Court of Appeals brief.)

Should a new trial be ordered where, at a jury trial, the judge denied Defendant's request to represent himself without establishing on the record whether Defendant knew what he was doing or that he was not literate, competent, and understandingly and voluntarily exercising his informed free will to forego the traditional benefits associated with the right to counsel?

B. The Court should review the Court of Appeals decision on this issue because: (Check all the ones you think apply to this issue, but you must check at least one.)

- 1. The issue raises a serious question about the legality of a law passed by the legislature.
- 2. The issue raises a legal principle which is very important to Michigan law.
- 3. The Court of Appeals decision is clearly wrong and will cause an important injustice to me.
- 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in B apply to this issue. List any cases that you want the Supreme Court to consider. State any facts which you want the Court to consider. If you think the Court of Appeals mixed up any facts about this issue, explain here. If you need more space, you can add more pages.)

This Court has held that denying a criminal defendant's motion to self-represent, as happened here, without establishing on-the-record whether the defendant knew what he was doing or that he was not literate, competent, and understandingly and voluntarily exercising his informed free will to forego the traditional benefits associated with the right to counsel requires a new trial. PEOPLE v HOLCOMB, 395 Mich 326, 335-36 (1975). U.S. Const. Ams V & XIV.. Here, the trial judge prejudicially threatened Snyder in the presence of the jury with physical removal from the courtroom unless he "shut his mouth." As stated in Issue I above, Snyder moved to represent himself instantaneously upon becoming aware that his appointed lawyer would not raise the affirmative defense that SORA sentencing procedures had not been followed when Snyder was convicted of a SORA-listed offense and, therefore, there was no legal basis to prosecute him for non-compliance with SORA. See the attached briefs to the Court of Appeals.

PRO PER APPLICATION FOR LEAVE TO APPEAL cont.

DAVID ALLEN SNYDER, Defendant-Appellant

CA No. 325449

INSTRUCTIONS: In the part below, only bring up issues that were in your Court of Appeals brief. Attach a copy of your Court of Appeals brief if possible. If you prepared a supplemental brief which was filed in the Court of Appeals, those issues go in this part also. You should attach a copy of that brief, too, if you can. New issues go in question 8 on page 7.

ISSUE III:

A. (Copy the headnote, the title of the issue, from your Court of Appeals brief.)
The judgment of sentence for a sex-crime in the underlying case provided no final determination, as required by law, that Snyder would be required to register as a sex-offender. The judgment of sentence in the underlying case settled the private rights of the parties. SORA re-opens underlying cases that the courts have passed their final judgment upon. SORA, as applied to SSnyder, therefore, is an unconstitutional violation of judicial power.

B. The Court should review the Court of Appeals decision on this issue because: (Check all the ones you think apply to this issue, but you must check at least one.)

- 1. The issue raises a serious question about the legality of a law passed by the legislature.
- 2. The issue raises a legal principle which is very important to Michigan law.
- 3. The Court of Appeals decision is clearly wrong and will cause an important injustice to me.
- 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in B apply to this issue. List any cases that you want the Supreme Court to consider. State any facts which you want the Court to consider. If you think the Court of Appeals mixed up any facts about this issue, explain here. If you need more space, you can add more pages.)

SCOTUS made clear long ago, in PENNSYLVANIA v WHEELING AND BELMOT BRIDGE, 591 US 421 (1856), the general rule against modification of settled judgments. The 1995 judgment of sentence in Snyder's case did not include a final determination as required under MCL § 28.724(5), that Snyder would be required to register as a sex offender; and the voluntariness of the plea supporting it depends on whether Snyder was advised prior to plea regarding SORA. PEOPLE v LEE, 489 Mich 289, 296 (2011); PEOPLE v FONVILLE, 291 MichApp 363, 394 (2011). The 1995 judgment settled the private rights of the parties, yet, SORA "re-opens" some of these cases unconstitutionally. LANDGRAF v USI FILM PRODUCTS, 515 US 244 (1994). The judgment "is as much an article of property as anything else a party owns." LOUISIANA v MAYOR OF NEW ORLEANS, 109 US 285, 291 (1893). See the attached briefs to the Court of appeals.

PRO PER APPLICATION FOR LEAVE TO APPEAL cont.

DAVID ALLEN SNYDER _____, Defendant-Appellant

CA No. 325449

INSTRUCTIONS: In the part below, only bring up issues that were in your Court of Appeals brief. Attach a copy of your Court of Appeals brief if possible. If you prepared a supplemental brief which was filed in the Court of Appeals, those issues go in this part also. You should attach a copy of that brief, too, if you can. New issues go in question 8 on page 7.

ISSUE IV:

A. (Copy the headnote, the title of the issue, from your Court of Appeals brief.)

The recent amendments to SORA violate the Ex Post Facto Clause. Rather than repeating and manipulating multi-factor tests that have been applied in wholly dissimilar cases and pre-date the narrow punitive/remedial test announced in SMITH v DOE, 538 US 84 (2000), the Court should apply the SMITH punitive-remedial test to the current version of SORA to determine whether the 2011 amendments thereto have rendered SORA punitive.

B. The Court should review the Court of Appeals decision on this issue because: (Check all the ones you think apply to this issue, but you must check at least one.)

- 1. The issue raises a serious question about the legality of a law passed by the legislature.
- 2. The issue raises a legal principle which is very important to Michigan law.
- 3. The Court of Appeals decision is clearly wrong and will cause an important injustice to me.
- 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in B apply to this issue. List any cases that you want the Supreme Court to consider. State any facts which you want the Court to consider. If you think the Court of Appeals mixed up any facts about this issue, explain here. If you need more space, you can add more pages.)

Michigan has so far failed to apply the narrow punitive/remedial test announced in SMITH v DOE to determine whether the CURRENT version of SORA is punitive. Instead, recent decisions have repeated and manipulated the SMITH, test to a SORA that no longer comports with the version that existed when SMITH was decided.

The decisions in LANNI v ENGLER, 994 FSupp 849 (ED Mich 1998) and PEOPLE v PENNINGTON, 240 MichApp 188 (2000) are no longer relevant if the Court were to honestly apply SMITH the version of SORA that now exists after the 2011 SORA-amendments. It's not the same law - - and the Court needs to apply the SMITH test to the current version of the law. See attached briefs to the Court of Appeals.

PRO PER APPLICATION FOR LEAVE TO APPEAL cont.

DAVID ALLEN SNYDER, Defendant-Appellant

CA No. 325449

INSTRUCTIONS: In the part below, only bring up issues that were in your Court of Appeals brief. Attach a copy of your Court of Appeals brief if possible. If you prepared a supplemental brief which was filed in the Court of Appeals, those issues go in this part also. You should attach a copy of that brief, too, if you can. New issues go in question 8 on page 7.

ISSUE V:

A. (Copy the headnote, the title of the issue, from your Court of Appeals brief.)

Years after a guilty plea conviction of a sex-crime before SORA became law, Snyder was registered

without his consent and threatened be government officials with re-incarceration unless he signed papers to confirm an obligation to register as a sex-offender. Pursuant to a claim of right, Snyder refused to register and was subsequently arrested and prosecuted for same without his consent. Snyder is the victim of malicious prosecution; Contrary to § 600.2907.

B. The Court should review the Court of Appeals decision on this issue because: (Check all the ones you think apply to this issue, but you must check at least one.)

- 1. The issue raises a serious question about the legality of a law passed by the legislature.
- 2. The issue raises a legal principle which is very important to Michigan law.
- 3. The Court of Appeals decision is clearly wrong and will cause an important injustice to me.
- 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in B apply to this issue. List any cases that you want the Supreme Court to consider. State any facts which you want the Court to consider. If you think the Court of Appeals mixed up any facts about this issue, explain here. If you need more space, you can add more pages.)

Any adhesion documents signed by Snyder purporting acquiescence to SORA obligations are the result of duress and coercion, and therefore, void. In HACKLEE v HEADLEE, 45 Mich 569, 574 (1881) Justice Cooley gave a definition of duress: "Duress exists when one by the unlawful act of another is induced to make a contract or perform some act under circumstances which deprive him of the exercise of free will." By no means did Snyder sign any SORA-related documents except under the threat of arrest. See the attached
briefs to the Court of Appeals

FOR MORE ISSUES, ADD PAGES. GIVE THE SAME INFORMATION. NUMBER EACH ISSUE.

PRO PER APPLICATION FOR LEAVE TO APPEAL cont.

_____, Defendant-Appellant

CA No. _____

NEW ISSUES - INSTRUCTIONS: If you want the Supreme Court to look at errors which were not raised in the Court of Appeals by your attorney or you, check YES in "8." Answer parts A, B, and C for each new issue you raise. There is space provided for 2 new issues. You can add more pages. If you do not have new issues, go to question 9 on page 8.

GROUNDS - NEW ISSUES

8. YES, I want the Court to consider the additional grounds for relief contained in the following issues. The issues were not raised in my Court of Appeals brief. MCR 7.302(F)(4).

NEW ISSUE I:

A. (State the new issue you want the Court to consider.) _____

B. The Court should review this issue because: (Check all the ones you think apply to your case, but you must check at least one.)

- 1. The issue raises a serious question about the legality of a law passed by the legislature.
- 2. The issue raises a legal principle which is very important to Michigan law.

C. (Explain why you think that your choices in B above apply to this issue in your case. List any cases and citations, laws, or court rules, etc. which support your argument. Explain how they apply to this issue. State the facts which support and explain this issue. If these facts were not presented in court, explain why. You can add more pages.)

PRO PER APPLICATION FOR LEAVE TO APPEAL (cont.)

_____, Defendant-Appellant

CA No. _____

NEW ISSUE II:

A. (State the new issue you want the Court to consider.) _____

B. The Court should review this issue because: (Check all the ones you think apply to your case, but you must check at least one.)

1. The issue raises a serious question about the legality of a law passed by the legislature.

2. The issue raises a legal principle which is very important to Michigan law.

C. (Explain why you think that your choices in B above apply to this issue in your case. List any cases and citations, laws, or court rules, etc. which support your argument. Explain how they apply to this issue. State the facts which support and explain this issue. If these facts were not presented in court, explain why. You can add more pages.)

RELIEF REQUESTED

9. For the above reasons I request that this Court *GRANT* leave to appeal, *APPOINT* a lawyer to represent me, and *GRANT* any other relief it decides I am entitled to receive.

9 May 2016

(Date)

244969

(Print your name and number here.)



(Sign your name here.)

320 N. Hubbard Street

(Print your address here.)

St. Louis, MI 48880

IN THE SUPREME COURT FOR THE STATE OF MICHIGAN

PEOPLE OF THE STATE OF MICHIGAN
(Print the name of the opposing party, e.g., "People of the State of Michigan.")

Plaintiff-Appellee,

v
DAVID ALLEN SNYDER
(Print the name you were convicted under on this line.)

Defendant-Appellant.

Supreme Court No. _____
(Leave blank.)

Court of Appeals No. 325449
(From Court of Appeals decision.)

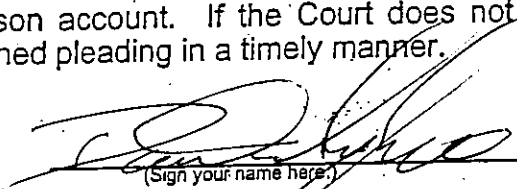
Trial Court No. 14-7061-FH
(See Court of Appeals brief or Presentence Investigation Report.)

MOTION FOR WAIVER OF FEES AND COSTS

Appellant, pursuant to MCR 7.319(7)(h) and MCL 600.2963, for the reasons stated in the attached affidavit of indigency, requests that this Court: (Check the ones that apply to you.)

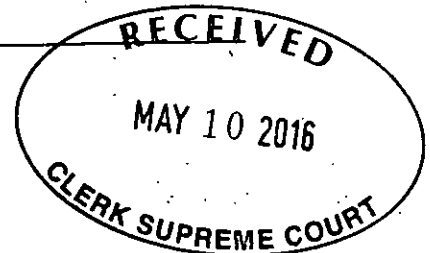
- GRANT a waiver pursuant to MCR 7.319(7)(h) of all fees required for filing the attached pleadings because the provisions of MCL 600.2963, requiring prisoners to pay filing fees do not apply to appeals from a decision involving a criminal conviction or appeals from a decision of an administrative agency. The statute applies *exclusively* to prisoners filing civil cases and appeals in civil cases.
- GRANT a waiver pursuant to MCR 7.319(7)(h) of all fees required for filing the attached pleadings because the provisions of MCL 600.2963, requiring only indigent prisoners to pay court filing fees violates the equal protection provision of the Michigan Constitution, Art I, Sec 2.
- Temporarily waive the initial partial payment of filing fees for the attached pleadings and order the Michigan Department of Correction to collect and pay the money to this Court at a later date in accordance with MCL 600.2963, when the money becomes available in appellant's prison account. If the Court does not allow this, I will be prevented from filing the attached pleading in a timely manner.
- Allow an initial partial payment of \$ _____ of the fee for filing the attached pleadings and order the Michigan Department of Correction to collect the remaining money and pay it to this Court at a later date in accordance with MCL 600.2963, as additional money becomes available in my prison account. If the Court does not allow this, I will be prevented from filing the attached pleading in a timely manner.

9 May 2016
(Date)


(Sign your name here.)

244969
(Print your name and number here.)

320 N. Hubbard Street
(Print your address here.)
St. Louis, MI 48880



IN THE SUPREME COURT FOR THE STATE OF MICHIGAN

PEOPLE OF THE STATE OF MICHIGAN

(Print the name of the opposing party, e.g. "People of the State of Michigan.")

Plaintiff-Appellee,

V

DAVID ALLEN SNYDER

(Print the name you were convicted under on this line.)

Defendant-Appellant.

Supreme Court No. _____

(Leave blank.)

325449

Court of Appeals No. _____

(From Court of Appeals decision.)

Trial Court No. 14-7061-FH

(See Court of Appeals Brief or Presentence Investigation Report.)

AFFIDAVIT OF INDIGENCY

1. My name is David Allen Snyder. I am in prison at STF/W in St. Louis MI.

(Type or print your name here.)

(Name of prison)

(city where prison is located)

My prison number is 244969. My income and assets are: (Check the ones that apply to you.)

(Your prison number.)

- My only source of income is from my prison job and I make \$_____ per day.
I have no income.
I have no assets that can be converted to cash.
I can not pay the filing fees for the attached application.

I ask this Court to waive the filing fee in this matter.

I declare that the statements above are true to the best of my knowledge, information and belief.

9 May 2016

(Date)

[Signature]

(Sign your name here.)

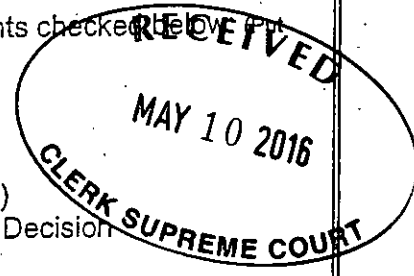
David Allen Snyder

(Print your name here.)

PROOF OF SERVICE

On May 9, 2016, I mailed by U.S. mail one copy of the documents checked below with a check mark by the ones you mailed.)

- [x] Affidavit of Indigency and Proof of Service
[x] Motion to Waive Fees and Costs
[] Statement of Prisoner Account (this is not necessary in criminal appeals)
[x] Pro Per Application for Leave to Appeal with a copy of Court of Appeals Decision
[x] Court of Appeals Brief
[x] Supplemental Court of Appeals Brief



TO: Gratiot County Prosecutor, 214 E Center, at Ithaca MI 48847

(Name of county where you were sentenced)

(Address)

(City)

(Zip Code)

I declare that the statements above are true to the best of my knowledge, information and belief.

9 May 2016

(Date)

(Sign your name here.)

David Allen Snyder

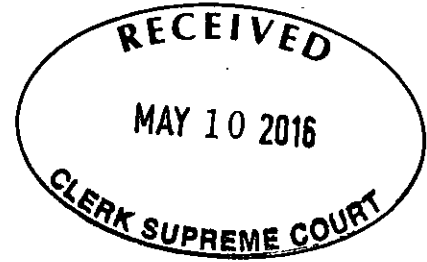
(Print your name here.)

COVER LETTER

9 May 2016

(Put Today's Date)

Clerk
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909



RE: PEOPLE OF THE STATE OF MICHIGAN v DAVID ALLEN SNYDER
(Print the name of the opposing party, e.g., "People of the State of Michigan.") (Print the name you were convicted under here.)

Supreme Court No. _____ (Leave blank - the Clerk will assign a number for you.)
Court of Appeals No. 325449 (Get this number from the Court of Appeals decision.)
Trial Court No. 14-7061-FH (Get this number from Court of Appeals brief or Presentence Investigation Report.)

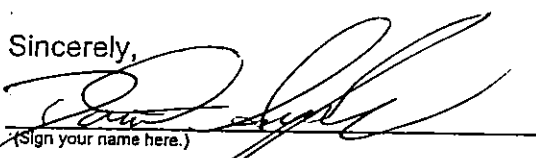
Dear Clerk:

Enclosed please find the original of the pleadings checked below. (Put a check mark by the items you are sending.) I am indigent and can not provide seven copies. Please file them.

- Affidavit of Indigency/Proof of Service
- Motion to Waive Fees and Costs
- Statement of Prisoner Account (this is not necessary in criminal appeals)
- Pro Per Application for Leave to Appeal
- Court of Appeals Decision (You must enclose a copy of the Court of Appeals decision.)
- Court of Appeals Brief (This is not necessary, but it is a good idea.)
- Supplemental Court of Appeals Brief (This is not necessary, but it is a good idea.)
- Other _____

Thank you.

Sincerely,


(Sign your name here.)

David Allen Snyder
(Print or type your name here.)

244969
(Print or type your prisoner number here.)

320 N. Hubbard Street
(Print or type your address here.)

St. Louis, MI 48880
(Print or type your City, State, and Zip Code here.)

Copy sent to:

Gratiot County Prosecutor
(Fill in the county where you were convicted.)

INSTRUCTIONS

1. You will need 2 copies and the original of this letter and the pleadings listed above.
2. Mail the original of this letter and all the pleadings listed above to the Supreme Court Court Clerk.
3. Mail 1 copy of letter and pleadings to the prosecutor in the county where you were convicted.
4. Keep 1 copy of letter and pleadings for your file.