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ATTORNEY FOR APPELLANT:

SCOTT A. FUNKHOUSER
Mt. Vernon, Indiana

IN THE
COURT OF APPEALS OF INDIANA

LYNN E. SNYDER,	)	
	)	
Appellant,	)	
	)	
vs.	)	No. 28A05-0907-CV-365
	)	
JULIE G. MARTIN,	)	
	)	
Appellee.	)	

APPEAL FROM THE GREENE SUPERIOR COURT
The Honorable Mary Ellen Diekhoff, Special Judge
Cause No. 28D01-0803-PO-98

December 22, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

DARDEN, Judge

STATEMENT OF THE CASE

Lynn E. Snyder appeals the grant of Julie Martin's request for an order of protection against him.

We affirm.

ISSUE

Whether sufficient evidence exists to support the grant of the order of protection.

FACTS

Martin is employed as an investigator for the Greene County Prosecutor's Office. She resides in a sparsely-populated rural area located to the east of Bloomfield, where she and her family are long-time members of Bloomfield United Methodist Church. At all times relevant to the incident below, Snyder served as a minister at the church.

During the third week of August 2006, Snyder telephoned Martin at her residence. He "said that [she] had been on his mind and that he … would like to meet with [her]." (Tr. 23). On August 28, 2006, Martin met Snyder at Stoll's Restaurant in Linton. They had a "pleasant conversation" about their respective jobs. (Tr. 32). At no time did Martin disclose any personal problems or claim to suffer from a chemical dependency. From Martin's perspective, the meeting ended amicably.

During the same week, Snyder began to telephone Martin frequently and sent her a greeting card. Martin dismissed the greeting card as an unwelcome expression of "personal interest." (Tr. 33). In the meantime, Snyder continued to telephone Martin numerous times, often leaving messages asking her to call or meet with him. On or

around September 13, 2006, Martin received a second greeting card from Snyder. Again, she dismissed the card. The third correspondence, a letter, "scared [Martin] to death." (Tr. 34). In the letter, mailed on or around September 23, 2006, Snyder expressed frustration at not being able to reach Martin and stated that although he "never got to hear [Martin] speak about her predicament," he had "piece[d] together what [he]r grave problem might be." (Snyder's Ex. 3). Snyder pressed Martin to confide in him, stating,

> This is a grave problem you have. I am really sorry to force you into making a decision but it is the cost of not accepting help that is being offered. I certainly would have preferred that you would have talked to me voluntarily. Since that has not happened, I must give you an ultimatum: <u>either</u> you risk talking to me and letting me help you deal with your problem <u>or</u> you risk having me involve other people, the consequence of which could mean the loss of most everything.
>
> * * *
>
> . . . I will make another attempt to get you to talk with me. Should you decide not to talk with me, I will accept that answer. But I will turn to other people and make them aware of the fact that you have a problem. This is no idle threat, as the people in my past parishes know.

Id.

After Martin received the letter, Snyder and his staff continued to telephone her numerous times, leaving a threatening message on September 26, 2006. Within a two week period, she received "probably fifteen to twenty" calls. (Tr. 36). Still, Martin ignored the telephone calls. She later testified that she felt that Snyder was "trying to intimidate [her]," and "had no idea what [problem] he was talkin' [sic] about." (Tr. 34). She also testified, "I did not tell him I had a problem, . . . absolutely nothing." (Tr. 36).

On September 28, 2006, Martin saw Snyder drive past her isolated rural residence. He was "driving by so slow[ly] that [she] was able to obtain the plate number and run it [through her computer database]." (Tr. 37). After he drove past the house, Snyder turned his vehicle around and again drove slowly past Martin's residence. Martin later testified that she became fearful for her safety because she "thought he was gonna stop" and "didn't know what he had in mind." (Tr. 37).

Martin discussed Snyder's correspondences with her employer, Greene County Prosecutor Jarrod Holtsclaw. Holtsclaw contacted the District Superintendent for Bloomfield United Methodist Church, who initiated an internal investigation.[1] Holtsclaw also asked Indiana State Trooper Kevin Hobson to contact Snyder and to tell him that Martin wanted no further contact or correspondence from him. Trooper Hobson also met with Martin, whom he knew as a professional colleague and friend. He later testified that "[i]n all the stressful situations we've been through it is by far the most shook up [sic], the most stressed, the most concerned I have ever seen her." (Tr. 72).

On October 2, 2006, one day before a scheduled formal interview at the Greene County Sheriff's Department, Trooper Hobson briefly met with Snyder at a restaurant. Hobson later testified that during the meeting, Snyder alleged that Martin had drugged him at Stoll's restaurant, placing him into a hypnotic state and causing him to lose consciousness and to suffer short-term memory loss. Specifically, Snyder alleged that

[1] On March 4, 2007, Snyder was removed from his position as minister. At the April 22, 2009 hearing on Martin's petition for order of protection, Snyder testified that he had since been reinstated as minister in February 2008.

Martin had "manipulated his back area and [mentioned] . . . the word[s] hypnotic state and that he was unconscious for five minutes or so in this restaurant." (Tr. 66). When Trooper Hobson expressed interest in interviewing witnesses, Snyder said "that in the restaurant there was [sic] no . . . waitresses or no managers, there was no one I could talk to." (Tr. 66). Trooper Hobson then instructed Snyder to stop all communication with Martin. On October 3, 2006, Trooper Hobson conducted the formal interview. Snyder tendered a voluntary statement, wherein he further described Martin's alleged act of drugging him as follows:

> [Martin] walked up to me and grabbed me around the waist. Burying her head in my chest, manipulating a vulnerable spot in my back with her left hand, and patting my back in a rhythmic fashion with her right hand, she made me lose consciousness (trance, hypnotic statement). I believe I was unconscious for about 5 minutes.

(Snyder's Ex. 6). He also added that he intended to "threaten" Martin with exposure, not of "the initial [chemical dependency] problem" but rather with exposure of "the problem of her thinking she could physically put my lights out" by "rendering me senseless." (Snyder's Ex. 6).

On March 4, 2007, the district superintendent for the Bloomfield United Methodist Church informed the congregation that Snyder had been removed from his position as minister. Between April and December 2007, Martin received two anonymous threatening letters and a package of religious materials. She suspected that Snyder or John Ritter, an ardent Snyder supporter, had sent the threatening letters and package.

Ritter subsequently admitted to sending the letters[2] and package and denied any involvement by Snyder.

On March 3, 2008, Martin filed a petition for an order of protection, wherein she alleged that she felt harassed, intimidated, and threatened by his persistent telephone calls, messages and correspondence; and that she suspected that Snyder was suffering from psychological problems. An *ex parte* order of protection was issued on that date. On April 22, 2009, the trial court conducted a hearing on Martin's petition. Witnesses testified and evidence was presented. Holtsclaw, Trooper Hobson, and Martin testified to the foregoing facts. Martin acknowledged that she had initially attributed the threatening letters to Snyder. Snyder took the stand and testified that he had begun sending letters to Martin because he wanted to know why she had rendered him unconscious. At the close of the hearing, the trial court granted the petition and entered an order of protection against Snyder. He now appeals.

Additional facts will be provided as necessary.

DECISION

Snyder challenges the sufficiency of the evidence to support the grant of the protective order. In reviewing the sufficiency of the evidence, we cannot reweigh the

[2] The second letter specifically addressed "what you've done to Reverend Snyder." (App. 25). She alerted Holtsclaw, who again involved the State Police. Trooper John Yung interviewed Ritter and Snyder; both men denied any involvement. On December 2007, Martin received a package of various "religious materials and a gift card." (App. 25). Some items inadvertently placed inside the package revealed that Ritter had sent the package. Also, the handwriting on the package matched the handwriting on the two threatening letters. On January 2, 2007, Ritter admitted to sending the package of religious items. On January 19, 2007, he also admitted to sending the two threatening letters.

evidence or resolve questions of credibility. *Garmene v. LeMasters*, 743 N.E.2d 782, 785 (Ind. Ct. App. 2001). We look only to the evidence of probative value and the reasonable inferences to be drawn therefrom which support the verdict. *Id*.

We initially note that Martin has failed to file an appellee's brief. In such a situation, we do not undertake the burden of developing arguments for her. *Barger v. Barger*, 887 N.E.2d 990, 992 (Ind. Ct. App. 2008). We apply a less stringent standard of review, and we may reverse the trial court's decision if the appellant can establish *prima facie* error. *Id*. *Prima facie* means "at first sight, on first appearance, or on the face of it." *Id*.

Indiana Code section 35-45-10-1 defines "stalking" as follows:

> a knowing or an intentional course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened.

Here, the record reveals that Snyder and Martin met at a restaurant because she "had been on his mind." (Tr. 23). After a conversation, during which they discussed little more than their respective jobs, they parted ways. Later that week, Snyder telephoned Martin several times. Martin did not return the calls. Also, during that same week, Snyder sent a greeting card to Martin. On September 13, 2006, Martin received a second greeting card from Snyder, who continued to telephone her numerous times. Martin still did not return Snyder's calls or acknowledge his messages asking to meet.

On September 24, 2006, Snyder sent Martin a letter, wherein he threatened to disclose "[her] grave problem" with others, unless she accepted his offer of help. (Snyder's Ex. 3). He also issued the following "ultimatum: either you risk talking to me and letting me help you deal with your problem or you risk having me involve other people, the circumstances of which could mean the loss of most everything." (Snyder's Ex. 3). Snyder's letter continued, "This is no idle threat, as the people in my past parishes know." (Snyder's Ex. 3). In the meantime, Snyder's frequent telephone calls and messages persisted, including a threatening message on September 26, 2006.

On September 28, 2006, Snyder drove slowly past Martin's remotely-located rural residence twice, making her fearful for her personal safety. Even after Trooper Hobson warned Snyder against making further future contact with Martin, he still sent another letter, this one purporting to apologize for his conduct.

During the Christmas season of 2007, Snyder sent a newsletter to family and friends from the church. In the newsletter, he made thinly-veiled references to Martin, calling her a "drug addict," and accusing her of drugging him. (Snyder's Ex. 4).

The foregoing facts support the allegations in Martin's petition by a preponderance of the evidence. Snyder's frequent telephone calls, greeting cards, and threatening messages and letters, as well as his act of driving slowly past Martin's residence, "would cause a reasonable person to feel terrorized, frightened, intimidated or threatened and actually caused [Martin] to feel terrorized, frightened, intimidated or threatened." I.C. § 35-35-10-1. Snyder's contentions that Martin did not reject his

overtures and that he did not place her in fear merely amount to invitations that we reweigh the evidence or judge the credibility of the witnesses; this we cannot do. *See Garmene*, 743 N.E.2d at 785. There is sufficient evidence to support the trial court's issuance of the protective order.

Affirmed.

KIRSCH, J., and MAY, J., concur.