

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs November 28, 2017

FILED

02/21/2018

Clerk of the
Appellate Courts

JOHN ASHLEY SNIDER v. STATE OF TENNESSEE

Appeal from the Circuit Court for Madison County

No. C-16-131 Donald H. Allen, Judge

No. W2017-00582-CCA-R3-PC

THOMAS T. WOODALL, P.J., concurring in results only.

Trial counsel pursued an appeal following a guilty plea by Petitioner, wherein trial counsel's work resulted in Petitioner's appeal being dismissed for a procedural reason. The procedural reason for dismissal of the appeal was that the certified question of law was not dispositive of the case.

Thus, in my opinion, trial counsel rendered deficient performance by failing to present a dispositive certified question of law to be resolved on the merits in Petitioner's appeal from his guilty pleas. However, I do agree with the majority opinion's conclusion that Petitioner failed to show he was prejudiced by trial counsel's deficient performance. Petitioner failed to prove that absent counsel's performance, Petitioner would not have pled guilty, but would have insisted on going to trial on the multiple charges. Instead, Petitioner wanted a "do-over" with the same sentence but a better certified question of law.

Accordingly, I concur in results.

THOMAS T. WOODALL, PRESIDING JUDGE