

# MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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# IN THE COURT OF APPEALS OF INDIANA

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Jason W. Snader,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

July 7, 2022

Court of Appeals Case No.  
21A-CR-2282

Appeal from the Dearborn Circuit  
Court

The Honorable James D.  
Humphrey, Judge

Trial Court Cause No.  
15C01-2004-MR-1

**Darden, Senior Judge.**

## Statement of the Case

- [1] Jason W. Snader appeals the sentence the trial court imposed after he pleaded guilty to burglary of a dwelling resulting in serious bodily injury, a Level 1 felony.<sup>1</sup> We affirm.

## Issue

- [2] Snader raises one issue, which we restate as: whether Snader's sentence of forty years, with seven years suspended to probation, is inappropriate in light of the nature of the offense and his character.

## Facts and Procedural History

- [3] Rachel Phillips and Snader had dated in 2009 and remained in sporadic contact after their romantic relationship ended. In late October 2018, Snader contacted Phillips to ask if he could stay at her home for a short period, claiming that his wife had kicked him out. She agreed to let him stay.
- [4] Phillips was very close to her grandfather, Joseph Hofstetter, and visited him frequently. Hofstetter was eighty-six years old, and he lived by himself in a house in rural Dearborn County. His wife had passed away in June 2018. Despite his age, Hofstetter was in relatively good health, aside from symptoms of heart

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<sup>1</sup> Ind. Code § 35-43-2-1 (2014).

disease. He drove his own vehicle, bought his own groceries, cooked for himself, cleaned his house, and did his own laundry.

[5] In November 2018, Phillips and Snader visited her grandfather's house twice. On the first occasion, they went to Hofstetter's house to help remove debris caused by an ice storm. During that visit, Hofstetter brought some money out of his bedroom and asked Phillips to count it, in Snader's presence. She counted out approximately \$2200. The second occasion was for a family dinner gathering over the Thanksgiving holiday.

[6] On the Monday after Thanksgiving, Phillips left town for a work trip. When she returned, Snader had moved out of her home. During her absence, Snader had contacted his nephew, Brandon Goins, who lived in Ohio. They consumed methamphetamine and marijuana together. Snader recruited Goins to assist him in burglarizing Hofstetter's home, explaining that the elderly man had thousands of dollars. The two men arrived at Hofstetter's home one night between the Monday after Thanksgiving and December 3, 2018. Snader and Goins' versions of the events following their arrival differ greatly, as we discuss below.

[7] On December 3, 2018, Hofstetter's son and his family arrived at Hofstetter's house, intending to stay with him for several days while a construction project was happening at their home in Ohio. Prior to their arrival, they had not been able to reach Hofstetter by phone. Upon entering the home, they saw "a lot of blood" in the foyer. Tr. Vol III, p. 68. They next discovered Hofstetter on his bedroom floor, alive but unresponsive. He was naked and covered in blood.

[8] The police and an ambulance were dispatched to the house. Hofstetter was taken to a hospital, where he was diagnosed with several broken facial bones and a brain hematoma. He underwent surgery to have a plate installed in his jaw. Hofstetter also sustained a traumatic brain injury. Complications from the brain injury included seizures, for which he was prescribed medicine, and dysphasia, or an inability to swallow. He had no memory of the attack or how he ended up in his bedroom.

[9] Meanwhile, one of the officers investigating Hofstetter's house saw that the foyer was "almost drenched" in dry, coagulated blood. Tr. Vol. II, p. 201. The officers also discovered blood and vomit on the living room carpet, and blood and fecal matter on the bathroom floor near Hofstetter's bedroom. A crime scene technician estimated that the blood in the foyer could have been there for as long as three to four days. The officers further saw that it appeared as though someone had searched his bedrooms, opening drawers, etc. Hofstetter's wallet was missing, as was a glass jug of loose coins, along with other coins.

[10] As the investigation continued, Hofstetter's daughter noticed several questionable charges on his credit card bills dating from shortly after the attack. Officers went to one of the stores in question, which was located in Ohio, and found surveillance video of the transaction at issue. They saw a man produce Hofstetter's credit card from his wallet and use it to pay for \$500 worth of items. He was accompanied by a woman, who provided a phone number to register the purchases for a rewards program. The couple returned to the same store later that same day for another

purchase, but on that occasion the card was declined. Further investigation led the police to identify the man as Snader.

[11] The police obtained a warrant for Snader's arrest related to his use of Hofstetter's credit card. Officers located him in eastern Ohio and arrested him, approximately a month after the burglary occurred. An Indiana detective questioned Snader at the jail in Ohio. Snader claimed that as far as he knew, the credit card had belonged to his girlfriend, who had accompanied him to the store, and that she was paying for those items because "his birthday was coming up." *Id.* at 223. He next said that she gave him the card before they entered the store "because she didn't carry anything in with her to carry it in." *Id.* Snader further told the detective "he assumed it was her card," *id.* at 224, and that he had provided his mother's telephone number for the rewards program. Finally, he stated that after the credit card was denied on the second attempt, his girlfriend called the credit card company to try to find out what had happened, and then she gave the card to him. Next, the detective asked about the burglary at Hofstetter's house, and Snader denied ever being there. He admitted only that he had dated Rachel Phillips, and that he had met Hofstetter many years ago at a location other than his house. The detective ended the interview, stating that she believed Snader was not being honest.

[12] One week later, the same detective returned to the Ohio jail because Snader had asked for a second interview. He asked the detective to "assure him that he wouldn't get in trouble" if he identified the person who had assaulted Hofstetter, Tr. Vol. III, p. 167, but the detective made no promises. During the ensuing

interview, Snader admitted that he had lied previously, and that he not only knew Hofstetter, but he was also present at Hofstetter's house on the night in question. He further admitted that he had conspired with his nephew, Brandon Goins, to burgle Hofstetter's home, but he claimed that he did not want to see Hofstetter hurt and did not think he was going to be home at the time.

[13] Snader then told the detective that when they arrived at Hofstetter's house, Goins had approached the front door alone, supposedly to knock on the door and then enter the house. But, according to Snader, Goins returned to the truck a short time later, covered in blood and carrying items he had stolen from the home. Snader told the detective that Goins had admitted to striking Hofstetter. Next, Snader stated that he then approached the house and looked in the foyer, where he saw Hofstetter lying on the floor in a pool of blood, before he returned to his truck and drove away with Goins. Snader initially claimed that Goins had given him Hofstetter's wallet, but later during the interview he changed his story and said he had found the wallet in his truck days later. In addition, Snader told the detective that a pair of bloodstained shoes that were found in his truck on the day of his arrest had belonged to Goins. Finally, Snader directed the detective to a ditch near a particular road in Ohio, where officers found gauze that Snader claimed had come from Goins' hand, when Goins had struck Hofstetter.

[14] Goins was also later found in Ohio and arrested. During police questioning, Goins admitted that he had gone to Hofstetter's house with Snader to carry out Snader's plan to burglarize and steal Hofstetter's property. However, Goins told the officer that he and Snader had approached the front door together. According to Goins,

when Hofstetter opened the front door, Snader hit him in the face several times, knocking him to the floor. Next, Goins claimed that he had functioned as a lookout while Snader searched for and gathered Hofstetter's valuables. Goins admitted that he had entered the house, inadvertently stepping in Hofstetter's blood, before Snader returned with Hofstetter's property, and the two men drove away. Goins acknowledged that his hand was injured at the time, but he claimed he had initially sustained the injury in a bar fight, not by striking Hofstetter.

[15] A footprint found in Hofstetter's foyer matched Goins' shoes. Subsequent DNA testing of substances found on the shoes generated profiles that matched Hofstetter's and Goins' DNA profiles. Goins' DNA profile also matched the profile that was generated from the gauze that officers found in the ditch. In addition, while Goins was in jail, he had a phone call with the mother of his children. The call was recorded, and during the call Goins admitted that he, too, had struck Hofstetter, but claimed that Snader had also struck the elderly man several times.

[16] Hofstetter never fully recovered from his injuries. He was hospitalized for three weeks, and then he spent two weeks in a rehabilitation facility. After he was released from the rehabilitation facility, one of his children lived with him because he could no longer live independently on his own. Hofstetter needed to use a walker; could no longer drive; became incontinent; and had trouble feeding himself at times. In addition, Hofstetter developed cognitive challenges, and he often did not "know what was going on around him." *Id.* at 81. Hofstetter was aware he had suffered a severe head injury, and he was troubled by his inability to recall

events. Specifically, he had forgotten that his wife had passed away, and on a daily basis he would ask where she was. His children had to remind him that she had died, causing him to experience the tremendous grief from losing his spouse all over again. Finally, because Hofstetter had lost control of his swallowing reflex, food particles lodged in his lungs, which eventually led to him contracting pneumonia.

[17] Hofstetter died on March 17, 2020, of a result of pneumonia. A medical examiner performed an autopsy. She determined that his death resulted from complications caused by the blunt force trauma to the head, and his manner of death was ruled a homicide.

[18] The State initially charged Snader with burglary of a dwelling resulting in serious bodily injury, a Level 1 felony; battery, as a Level 3 felony; and murder, a felony. The State also filed an habitual offender sentencing enhancement, in which the State alleged that Snader had been convicted of two predicate felonies in Ohio: burglary and conspiracy to commit robbery. Later, the State amended the charging information, resulting in charges of: (1) burglary of a dwelling resulting in serious bodily injury; (2) murder; and (3) aiding, inducing, or causing a murder, a felony.

[19] The State separately charged Goins with offenses related to Hofstetter's death. He eventually pleaded guilty to burglary, a Level 1 felony, and he and the State agreed that he would receive a sentence of thirty years, with twelve years suspended. Goins further promised to testify truthfully against Snader at trial, if necessary.



[20] On March 20, 2020, after the State and Goins had negotiated the plea agreement, but before sentencing, the State took Goins' deposition. On this occasion, he reiterated: (1) it was Snader's idea to steal property from Hofstetter's house; (2) Snader tricked Hofstetter into opening his front door; (3) Snader struck Hofstetter in the face several times with a closed fist; and (4) Snader searched Hofstetter's house and took several items. In addition, Goins admitted that he had entered the foyer, inadvertently stepping in Hofstetter's blood, and that he struck Hofstetter with a closed fist when Hofstetter tried to get up. Goins further conceded that striking Hofstetter had aggravated his prior hand injury, and they had stopped to buy gauze after the burglary. On May 18, 2020, the trial court in Goins' case imposed the sentence to which the parties had agreed, thirty years with twelve years suspended.

[21] Meanwhile, in Snader's case, the parties negotiated a plea agreement. Under the terms of the agreement, Snader agreed to plead guilty to burglary of a dwelling resulting in serious bodily injury, a Level 1 felony, and the State agreed to dismiss the remaining charges and the habitual offender sentencing enhancement. With respect to sentencing, the parties further agreed that the maximum executed portion of Snader's sentence would not exceed thirty-three years, but the total sentence would otherwise be left to the trial court's discretion. Finally, Snader waived his right to appeal as to his conviction but preserved his right to appeal the sentence imposed.

[22] The trial court accepted the parties' agreement and entered a judgment of conviction on the Level 1 felony. The trial court later presided over a sentencing

hearing, during which the trial judge explained he was unable to definitively determine who had struck Hofstetter, but “it is not a significant factor in the Court’s determination of sentence.” *Id.* at 213. At the end of the hearing, the trial court imposed a sentence of forty years, with seven years suspended to probation. This appeal followed.

## Discussion and Decision

[23] Snader argues his sentence is too long and asks the Court to reduce it by an unspecified amount. Even when a trial court imposes a sentence within its discretion, the Indiana Constitution authorizes independent appellate review and revision of sentencing decisions. *Hoak v. State*, 113 N.E.3d 1209, 1209 (Ind. 2019) (citing Indiana Constitution article 7, sections 4 and 6). This sentencing authority is implemented through Indiana Appellate Rule 7(B), which provides that we “may revise a sentence authorized by statute if, after due consideration of the trial court’s decision, the Court finds that the sentence is inappropriate in light of the nature of the offense and the character of the offender.”

[24] When a defendant requests review of a sentence under Appellate Rule 7(B), “the question is not whether another sentence is more appropriate; rather, the question is whether the sentence imposed is inappropriate.” *Woodcock v. State*, 163 N.E.3d 863, 877 (Ind. Ct. App. 2021), *trans. denied*. The principal role of sentencing review under Rule 7(B) is to attempt to leaven the outliers. *Shepherd v. State*, 157 N.E.3d 1209, 1224 (Ind. Ct. App. 2020), *trans. denied*. Further, we exercise deference to a trial court’s sentence decision, both because Rule 7(B) requires us to give due

consideration to that decision and because we understand and recognize the unique perspective a trial court brings to its sentencing decisions. *Gleason v. State*, 965 N.E.2d 702, 712 (Ind. Ct. App. 2012).

[25] The defendant bears the burden of persuading the reviewing court that the sentence imposed is inappropriate. *Shepherd*, 157 N.E.3d at 1224. We may consider any factors in the record in making this determination. *Woodcock*, 163 N.E.3d at 877.

[26] To assess whether a sentence is inappropriate, we look first to the statutory range established for the class of the offense. At the time Snader committed the offense to which he pleaded guilty, the advisory term for a Level 1 felony was thirty years, with a minimum of twenty years and a maximum of forty years. Ind. Code § 35-50-2-4 (2014). The court sentenced Snader to the statutory maximum of forty years, but suspended seven years to probation. As a result, the executed portion of his sentence is well short of the statutory maximum.

[27] When examining the nature of the offense, we consider the details and circumstances of the offenses, along with the defendant's participation therein. *Smoots v. State*, 172 N.E.3d 1279, 1290 (Ind. Ct. App. 2021). Hofstetter was an eighty-six-year-old man who was in good health for his age, and he was able to live independently. Even so, just by virtue of his advanced years, he was much more frail than a younger person. Hofstetter had previously welcomed Snader into his home, including gathering for a Thanksgiving family meal, due to Snader's friendship with his granddaughter. Snader abused his hospitality and trust by planning to steal his money and possessions. There is no dispute that Snader

planned the burglary well in advance and recruited his nephew. Further, the record is void of any evidence that Snader's nephew, Goins, knew of or had any contact with Hofstetter prior to the instant crime. There is evidence that Snader fooled Hofstetter into opening his front door, after which he struck Hofstetter in the face repeatedly with a closed fist, causing severe and life-altering physical and cognitive injuries well above what was necessary to prove the elements of the offense of burglary of a dwelling resulting in serious bodily injury. There is also evidence that Snader, who was already familiar with Hofstetter's house, searched it and stole Hofstetter's property.

[28] Even if Goins, rather than Snader, attacked Hofstetter and took his property, the circumstances still reflect poorly on Snader. According to Snader's version of events, he approached the house's foyer after Goins struck Hofstetter, and he saw Hofstetter laying in a pool of blood, severely injured. But Snader did not call 911 or otherwise seek help. Instead, he left, abandoning Hofstetter to die. Further, any remorse or regret Snader may have felt over the attack did not prevent him from using Hofstetter's purloined credit card to buy \$500 worth of goods several days later. Finally, after Snader was arrested in connection with misuse of Hofstetter's credit card, he told the detective an extensive series of lies about his involvement in the burglary and his possession of the credit card, before changing his mind a week later. Even during the second interview a week later, Snader showed concern for only himself, asking the detective if the charges against him would be dropped if he named the person who supposedly struck Hofstetter.

[29] In evaluating a defendant's character, we engage in a broad consideration of his or her qualities. *Smoots*, 172 N.E.3d at 1290. Snader was thirty-nine years old at the time of sentencing, and he had accrued a lengthy criminal history. He had eight prior felony convictions and four prior misdemeanor convictions. His prior felony convictions include robbery and burglary, demonstrating that he has not been dissuaded from repetitive criminal misconduct by prior involvement with the criminal justice system. In addition, Snader has a lengthy history of using controlled substances, and he owes approximately \$37,000 in unpaid child support.

[30] Snader argues that his plea of guilty merits a reduction in his sentence. We disagree. A guilty plea does not rise to the level of significant mitigation where the defendant has received a substantial benefit from the plea or where the evidence against the defendant is such that his or her decision to plead guilty is merely a pragmatic one. *Wells v. State*, 836 N.E.2d 475, 479 (Ind. Ct. App. 2005), *trans. denied*. Snader received a significant benefit by pleading guilty to Level 1 felony burglary because the State dismissed a murder charge and a habitual offender sentencing enhancement in exchange. Furthermore, regardless of whether Snader struck Hofstetter and personally took his property, there was substantial evidence of Snader's guilt with respect to the burglary charge. He planned the offense and recruited Goins, he did nothing to help Hofstetter after the attack, and he accepted and used the benefits of the burglary.

[31] Snader further argues that his expression of remorse at sentencing should be taken into consideration. We agree with the trial court that evidence of his remorse is mixed at best, given: (1) his failure to call 911 after Hofstetter was hurt; (2) his

subsequent misuse of Hofstetter's credit card; and (3) his extensive attempts to deceive law enforcement. Snader has failed to demonstrate that his sentence is inappropriate in light of the nature of the offense or his character.

## Conclusion

[32] For the reasons stated above, we affirm the judgment of the trial court.

[33] Affirmed.

Brown, J., and Altice, J., concur.