

**IN THE COURT OF APPEALS OF IOWA**

No. 8-223 / 07-0617  
Filed April 9, 2008

**RONNIE L. SNYDER,**  
Petitioner-Appellant,

**vs.**

**TIMOTHY J. FELTON and LEON F. BOHR,**  
Respondents-Appellees.

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Appeal from the Iowa District Court for Winneshiek County, John Bauercamper, Judge.

Plaintiff appeals from a district court order granting defendants' motion to dismiss plaintiff's writ of mandamus. **AFFIRMED.**

Ronnie Snyder, Calmar, pro se appellant.

Andrew Van Der Maaten of Andersen, Wilmarth, Van Der Maaten & Belay, Decorah, for appellees.

Considered by Mahan, P.J., and Eisenhauer and Baker, JJ.

**BAKER, J.**

Ronnie Snyder appeals from a district court order granting defendants' motion to dismiss his petition for writ of mandamus and denying his request for the appointment of a special prosecutor. Because the decision of whether to prosecute is within the discretion of the prosecutor, and is not subject to judicial oversight, we affirm.

**I. Background and Facts**

On October 21, 2003, Winneshiek County Sherriff's Deputy Timothy Felton was contacted by a concerned merchant who reported individuals had purchased items for the apparent purpose of manufacturing methamphetamine. Based on the description of the individuals and the vehicle license number provided, Felton determined one of the individuals was Ronnie Snyder. Felton contacted Filmore County, Minnesota, and determined there was an active warrant for Snyder's arrest. That evening, Snyder was arrested by an Iowa State Trooper on the warrant. His vehicle was searched, and officers discovered marijuana in Snyder's pocket, a digital scale, a cooking thermometer, and a written recipe for cooking methamphetamine.

Following Snyder's arrest and search of his vehicle, Felton completed an application for a search warrant for the residence occupied by Snyder. In the application, Felton described the conversation with the concerned merchant and the results of the vehicle search. The search warrant was issued.

On January 30, 2007, Snyder filed a petition for writ of mandamus, asking that the district court direct the Winneshiek County attorney to prosecute Felton for perjury and Winneshiek County Sherriff Leon Bohr for suborning perjury.

Snyder claimed that Felton made false statements by advising other law enforcement officers of the existence of a Minnesota arrest warrant and that the concerned merchant told him Snyder had purchased lithium batteries. Snyder claimed that Bohr encouraged Felton to provide false information. The district court denied Snyder's request for appointment of a special prosecutor, denied his request for a court order requesting he be transported from federal penal custody to Winneshiek County for hearings, and denied his request to allow Colleen Buechler to appear on his behalf. The court granted the defendants' motion to dismiss. Snyder appeals.

## **II. Merits**

Because a writ of mandamus is triable in equity, our review is de novo. *Koenigs v. Mitchell County Bd. of Supervisors*, 659 N.W.2d 589, 592 (Iowa 2003).

Snyder's petition for writ of mandamus sought a court order compelling the county attorney to initiate criminal charges against Felton and Bohr. Snyder requests the appointment of a special prosecutor to decide whether or not to pursue criminal charges against Felton and Bohr.

In our criminal justice system, the decision whether to prosecute, and if so on what charges, is a matter ordinarily within the discretion of the duly elected prosecutor. The decision whether to bring charges is at the heart of the prosecutorial function. For this reason it is the general rule that a prosecutor is not subject to judicial supervision in determining what charges to bring and how to draft accusatory pleadings, but is protected from judicial oversight by the doctrine of separation of powers. Thus, mandamus will not lie to compel a prosecuting attorney to institute a criminal prosecution, since the acts of a prosecuting attorney are not purely ministerial acts, but involve, in large measure, learning and the exercise of discretion.

*State v. Iowa Dist. Court for Johnson County*, 568 N.W.2d 505, 508 (Iowa 1997) (internal citations and quotation marks omitted). As the district court noted, the “court does not have the authority in mandamus to compel the county attorney to institute criminal charges in any case.” We agree and accordingly affirm the court order dismissing Snyder’s petition for writ of mandamus and denying his request for appointment of a special prosecutor.

In his brief to this court, Snyder further requests an order compelling written depositions of two witnesses. This issue was not addressed in the district court order. When a district court fails to rule on an issue, “the party raising the issue must file a motion asking the court for a ruling in order to preserve the issue for appeal.” *Benavides v. J.C. Penney Life Ins. Co.*, 539 N.W.2d 352, 356 (Iowa 1995) (citation omitted); see also Iowa R. Civ. P. 1.904(2). Snyder did not request a ruling from the district court on this issue pursuant to rule 1.904(2). Therefore, the issue is not properly before us. See *In re Estate of DeTar*, 572 N.W.2d 178, 180 (Iowa Ct. App. 1997) (noting nonlawyers who choose to represent themselves do so at their own risk and are held to the same standard of competence as lawyers).

Having considered all issues properly raised on appeal, whether or not specifically addressed in this opinion, we affirm the district court order.

**AFFIRMED.**