

IN THE COURT OF COMMON PLEAS OF YORK COUNTY,
PENNSYLVANIA

COMMONWEALTH : No. 3257 CA 2002
:
VS :
:
WILLIAM KENNETH INGLE :
(Sentence)

York, Pa., April 28, 2003

Before Honorable Penny L. Blackwell, Judge

APPEARANCES:

ERIC AUGUSTINE, Esquire
Office of the Attorney General
For the Commonwealth

GERALD A. LORD, Esquire
For the Defendant

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ATTORNEY AUGUSTINE: May it please the Court, the Commonwealth calls its case against William Kenneth Ingle, documented at 3257 Criminal Action 2002. Mr. Ingle is present with counsel, Mr. Lord. Mr. Ingle's sentencing is set for this date and time, having been convicted by a jury trial on March 19th, 2003.

For the record, Your Honor, I have read the presentence investigation report by the probation department. The recommendation, as this court I'm sure is well aware, is 11 and a half to 23 months incarceration. We do believe that incarceration is appropriate in this case.

I would note for the record that the recommendation of the probation department is within the standard range and all things being considered equal, certainly the standard range sentence is appropriate in this matter, especially given the fact that when Mr. Ingle committed these crimes he had been in the position of trust. So we would ask the Court to follow the recommendation of the probation department.

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THE COURT: Attorney Lord, you and your client have been able to view the PSI?

ATTORNEY LORD: Yes, Your Honor.

THE COURT: And comments, sir?

ATTORNEY LORD: One factual comment, Your Honor, on page 3 and 4 they have my client's wife, her name listed as Jean and her name is Joni, J-O-N-I.

THE COURT: So corrected.

ATTORNEY LORD: We have looked at and gone over the factual data and otherwise everything appears to be in order, Your Honor. And we also had the opportunity to review the sentencing recommendation and the reason behind it. And I'm going to make a few comments about the presentence report and I do have one person, my client's stepdaughter, Heather Fisher, and she would like the opportunity to come forward and address the Court on sentencing as well.

I might also state there was another doctor who was to submit some information in regards to this case, Dr. Landis. It was my client's wife's understanding that he was FAXing the information over and I don't know if the Court got any information on the report or not.

THE COURT: No.

ATTORNEY LORD: And I don't know if it's in route or not, basically it's my understanding the report would have to do with my client's physical condition.

The Commonwealth did indeed prosecute this case and the jury did come back with findings of guilty on the four counts of theft of firearms and the probation department has recommended a sentence of 11 and a half to 23 months.

After reviewing the case, and I've been through it completely with the client and sat through trial, and I'm here for sentencing, I believe the sentencing recommendation is entirely too harsh and I don't believe that any sentence of incarceration should be recommended in this case. And I'm going to ask the Court not to follow any standards of sentencing and ask the Court to go below 6 to 14 months and impose probation.

And I would point out, and this is set forth in the presentence report, that my client has been in law enforcement a great deal of his life and he has owned or possessed firearms most of his life. And as result of his arrest and prosecution, he'll no longer be able to possess firearms like he has and that's a sentence in and of itself.

My client enjoyed a reputation for a long period of time as a law enforcement agent and that reputation has been shattered and he has to deal with that reputation today and the rest of his life.

He did manage to obtain employment in the sheriff's office in North Carolina, after he left the district attorney's office, but as result of this conviction, that in and of itself is another sentence, he'll no longer be able to hold a position with law enforcement in his life nor possess firearms the rest of his life.

I don't know what is going to happen to my client's pension. He was a County employee and I don't know what he was entitled to get at retirement, so if that gets taken away, that would have an impact on the rest of his life.

I would like now, Your Honor, to ask my client's stepdaughter to step forward.

THE COURT: Good morning. Would you like to state your name for the record and spell your last name first.

MS. FISHER: Heather Marie Fisher,
F-I-S-H-E-R.

THE COURT: Go ahead and go forward.

MS. FISHER: Thank you. I'm kind of nervous. Ken joined our family when I was 10 years old, when he married my mother, and I'm here speaking on behalf of my younger brother and myself. We've known him for--well, we've known him for 24 years and his friends, his family and his colleagues have always known him as a man of honor and integrity. And those are the things that he passed on to us.

When raising us, my mom told us to have a kind heart, and the man that I called dad taught us that

honesty is the most important thing and integrity. And he lives what he believes.

He serves--he volunteers at Hospice where my mom works and he doesn't get paid, but he delivers beds and equipment. And he even ministers to the sick--to people who are sick and they can't get out to church. And he's part of an Outreach Program at church and going in and speaking to people--new people who have come to visit our church in Nashville. These are not things that he just started doing recently, these are things that he's done all of his life.

And has taught my brother and I the importance of giving to others and the life of service. Our whole family, actually, we're all nurses, police officers. And he's imparted these things to us, not just by telling us, but by the way that he's lived his life.

And I just wanted to let you know that when people ask me about my dad, I tell them that he's the greatest man that I know and I'm proud to call him my dad.

THE COURT: Thank you, ma'am.

ATTORNEY LORD: Thank you, you can have a seat.

THE COURT: Attorney Lord, your client has the right to comment, if he wishes to do so.

ATTORNEY LORD: Thank you, Your Honor. I don't believe at this time he's going to comment. I don't know what the Court's intention are, I don't know if the Court is going to impose a sentence of imprisonment and the possibilities looms towards that.

I contacted Attorney Augustine before my client's proceeding and--my client has a couple of issues, one of them is, if the Court does impose sentence, we would like the Court to defer execution for a couple of days. And I talked to Attorney Augustine and he's not in opposition to that particular request, and I'm going to discuss with my client any issues that he may want to raise on appeal. If he indicates that he does want to appeal, then we have to sit down and discuss if there are any issues available and what they are.

And I know Attorney Augustine, if I do impose an appeal, would be opposed to imposition of bail,

and would want to have the Court to have the sentence served pending the appeal. So I may have to address my motion to the Court, if my client does decide to file an appeal. But again, assuming that the Court is inclined to impose any type of incarceration in this case, we ask for deferral of execution for 30 days.

THE COURT: Counsel--

ATTORNEY LORD: Your Honor, I'm sorry, Mr. Crouse is in here now and I would ask permission that he address the Court.

MR. CROUSE: Your Honor, it's a difficult situation for me. I work in the office where the charges originated, but I feel I owe it to the Defendant and the Court to offer an opinion.

I have known Ken Ingle since 1989, and since that time we were not only co-workers, we were close friends. And we became as close as friends and co-workers can to the extent that I consider Ken Ingle to be more of a brother, and obviously, that brings a bias to anything that I say to the Court.

If I were to sum up Ken Ingle's service to the County for the decade or so that he was there, in one word it would be loyalty to the District Attorney. Beyond anything else, Ken Ingle--

THE COURT: Are you speaking as a representative of the District Attorney?

MR. CROUSE: No, ma'am, I'm not currently on the clock.

THE COURT: But you're representing the District Attorney by your comments.

MR. CROUSE: I'm presenting my personal opinion as a co-worker and I'm not sure that it's the District Attorney. And I want to in no way imply that it's the District Attorney. I'm talking about my experience in working with Ken Ingle, where he showed the highest degree of loyalty and did what he was suppose to do.

I can't explain those charges. The jury spoke and the Court has to impose the sentence that the Court feels appropriate. And it's not in my place to say

that's where he should be.

I've been in this business for 23 years and I've seen nearly a hundred thousand cases come through, and I understand the Commonwealth represents it's a maximum sentence of a county sentence, but I can't imagine why that would be an appropriate sentence knowing what the convictions themselves are going to do for the Defendant.

I don't know what positive impact for the community or law enforcement or rehabilitative effect they're going to have for the Defendant that any jail sentence would be appropriate, but that's the decision, for the Court, that an unbiased person has to make.

ATTORNEY AUGUSTINE: If I may? You describe Mr. Ingle's service as loyalty to the office?

MR. CROUSE: Loyalty to the District Attorney, of course.

ATTORNEY AUGUSTINE: And you are, of course, aware of Mr. Ingle's dishonesty with regard to time sheets for payments while he was in service to the District Attorney's Office, correct?

MR. CROUSE: I have no personal knowledge. I have heard accusations, but I have no personal knowledge that it is true.

ATTORNEY AUGUSTINE: Well, did you receive any time sheets from employees in the office, which I'm specifically referring to Mr. Ingle?

MR. CROUSE: Yes.

ATTORNEY AUGUSTINE: And were you aware that he had placed time on his time sheets saying that he had gone to crime scenes when he was not present at those crime scenes?

MR. CROUSE: I have no personal knowledge that is true.

ATTORNEY AUGUSTINE: The only other thing that I have, if Attorney Lord is finished, Chief Downing, who as a representative of the victims which would be the Detective Bureau from York County, if she may have the opportunity to speak to the Court.

CHIEF DOWNING: It may please the Court, Your Honor, I would like to make the Court aware in January of 2001 I took over the position that Mr. Ingle held before. And having been a professional law enforcement officer in community for 27 years, I couldn't figure out why there was disdain for York County Detective Bureau.

When I went to the police archives, I learned that the office was run with disorganization and disarray. I learned that when I walked in the office, the detectives were not sent to any particular cases, they never had to submit reports on their activity that they had done, certain documents that were absolutely necessary to be sent to the commission that oversees police officers in Pennsylvania had not been done and the names of the detectives had not been corrected to the State Police Commission in two and a half years.

And I have worked diligently with my detectives to build a reputation of highest honor with the York County Detective Bureau and we've received many comments to my turnaround. And whether he made those mistakes from misorganization or criminal intent, it's been a turnaround and I would like the Court to take in consideration what has been done.

THE COURT: Mr. Ingle, having reviewed the presentence investigation, the Court does find it appropriate to sentence you to the following, and I note that the sentence issued is due to the fact of a violation of a public trust, for lack of a better term, given your actions, and you were in charge of an investigative unit of the District Attorney's Office and that trust extends to the public, not just to the District Attorney's Office, and given that the Court finds it appropriate, on each count it will be all concurrent, to sentence you to 11 and a half to 23 months to be served in the York County Prison.

You're directed to pay cost of prosecution, you are directed to follow through with the standard requirements of York County Probation. Additionally, this sentence is imposed on each of the four counts concurrent.

With respect to serving the sentence pursuant to Attorney Lord's request that sentence is deferred until May 30th, 2003, at which time you're directed to report to York County Prison at or before 8 a.m., it is noted that you shall proceed to probation

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