

SUPREME COURT OF INDIANA

Ingle v. State

746 N.E.2d 927 (Ind. 2001) · No. 22S00-9611-DP-724 · Decided May 8, 2001

SUMMARY

The Supreme Court of Indiana affirmed John Ingle’s murder and attempted murder convictions but held that the evidence did not support his attempted kidnapping conviction. The court interpreted “hostage” in Indiana’s kidnapping statute to require that the victim be held as security for an act or forbearance by a third party. It also concluded that the State failed to prove either charged aggravating circumstance necessary to support a death sentence.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	Sullivan, Justice; Shepard, Chief Justice; Dickson, Justice; Boehm, Justice; Rucker, Justice
JURISDICTION	Indiana
DECIDED	May 8, 2001
DOCKET	22S00-9611-DP-724
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct appeal from convictions for murder, attempted murder, and attempted kidnapping and from a death sentence imposed for murder.
STANDARD OF REVIEW	The court reviewed the sufficiency of the evidence supporting the attempted kidnapping conviction and capital aggravating circumstances, and reviewed the challenged trial-court rulings for error. It applied a beyond-a-reasonable-doubt standard to the State's proof of the offense elements and death-penalty aggravators.
PRECEDENTIAL VALUE	Published Indiana Supreme Court opinion; precedential.
PARTIES	John Ingle v. State of Indiana

TOPICS

- criminal procedure
- statutory interpretation
- sentencing
- due process
- constitutional law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence supported a voluntary-manslaughter theory based on sudden heat for the murder.
2. Whether Ingle was entitled to an instruction on attempted voluntary manslaughter for shooting Officer Witt.
3. Whether the trial court erred by refusing to disqualify the prosecuting attorney, appoint a special prosecutor, or permit the prosecutor to testify.
4. Whether the State violated *Brady v. Maryland* by failing to disclose material information concerning the prosecutor's conversation with Ingle's brother.
5. Whether the evidence was sufficient to sustain the attempted kidnapping conviction under Indiana's kidnapping statute.
6. Whether the evidence proved the charged death-penalty aggravating circumstances of murder while attempting kidnapping and murder by lying in wait.

HOLDINGS

1. The State sufficiently rebutted Ingle's claim of sudden heat, and the evidence permitted the jury to find that the killing was deliberate rather than provoked by legally sufficient sudden heat.
2. Ingle was not entitled to an attempted voluntary-manslaughter instruction because a lawful arrest is not legally adequate provocation for sudden heat.
3. The trial court properly refused to permit the prosecuting attorney to testify and properly denied the motion to disqualify him or appoint a special prosecutor.
4. There was no *Brady* violation because Ingle knew of the relevant conversation before trial and the record did not show suppression of materially favorable evidence.
5. The term "hostage" in Indiana Code § 35-42-3-2 refers to a person held as security for the performance or forbearance of an act by a third party; holding a person solely to secure a demand directed to that person constitutes criminal confinement, not kidnapping.
6. The evidence was insufficient to sustain Ingle's attempted kidnapping conviction because it showed only an intent to force Debbie to return to him, not an intent to use her as security to obtain an act or forbearance from a third party.
7. The State failed to prove beyond a reasonable doubt the aggravating circumstance of intentional murder while attempting to commit kidnapping.
8. The State failed to prove beyond a reasonable doubt that Ingle committed the murder by lying in wait.

KEY QUOTATIONS

"We hold that the term "hostage" in the Indiana kidnapping statute, Indiana Code § 35-42-3-2 (1993), refers to a person who is held as security for the performance or forbearance of some act by a third party." (746 N.E.2d at 939)

“To the extent such a person is held solely to secure demands upon that person alone, the perpetrator may be guilty of criminal confinement, Indiana Code § 35-42-3-3 (1993), but not kidnapping.” (746 N.E.2d at 939)

“Though Defendant's actions could reasonably lead a jury to presume deliberation and forethought, yet they do not fit our legal definition of lying in wait.” (746 N.E.2d at 941)

FACTUAL BACKGROUND

Ingle, upset that his estranged wife had left him, vandalized her car, watched from concealment while police took her report, obtained clothing for a disguise, and returned to the bar where she worked. When she recognized him and called for help, he shot her five times and killed her. During his flight, he shot and seriously injured Officer Russell Witt after refusing commands to surrender. The State alleged that the murder was committed while Ingle was attempting to kidnap his wife and while lying in wait.

PROCEDURAL HISTORY

A jury convicted Ingle of murder, attempted murder, and attempted kidnapping and recommended a death sentence. The trial court imposed death for murder and additional fifty-year sentences for attempted kidnapping and attempted murder. The Indiana Supreme Court affirmed the murder and attempted murder convictions, reversed the attempted kidnapping conviction, reversed the death sentence, and remanded for resentencing to a term of years.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the trial court for resentencing to a term of years in accordance with applicable law. The murder and attempted murder convictions were affirmed, and the attempted kidnapping conviction and death sentence were reversed.

CASES CITED

- Wilson v. State, 697 N.E.2d 466, 474 (Ind. 1998)
- Powers v. State, 696 N.E.2d 865, 868 (Ind. 1998)
- Wolfe v. State, 426 N.E.2d 647, 652 (Ind. 1981)
- Spranger v. State, 650 N.E.2d 1117, 1122 (Ind. 1995)
- Chatman v. State, 263 Ind. 531, 545, 334 N.E.2d 673, 682 (1975)
- Matheney v. State, 583 N.E.2d 1202, 1206, 1208 (Ind. 1992)
- Brady v. Maryland, 373 U.S. 83, 87 (1963)
- Crane v. Kentucky, 476 U.S. 683, 690 (1986)
- California v. Trombetta, 467 U.S. 479, 485 (1984)
- Berger v. United States, 295 U.S. 78, 88 (1935)

- Bartlett v. State, 711 N.E.2d 497, 501 (Ind. 1999)
- State v. Crump, 82 N.M. 487, 484 P.2d 329, 335 (1971)
- State v. Moore, 315 N.C. 738, 340 S.E.2d 401, 406-407 (1986)
- State v. Stone, 122 Ariz. 304, 594 P.2d 558, 562-564 (Ct. App. 1979)
- Bellmore v. State, 602 N.E.2d 111, 127 (Ind. 1992)
- Davis v. State, 477 N.E.2d 889, 892, 896-897 (Ind. 1985)
- Wrinkles v. State, 690 N.E.2d 1156 (Ind. 1997)
- Baird v. State, 604 N.E.2d 1170 (Ind. 1992)
- Thacker v. State, 556 N.E.2d 1315, 1324-1325 (Ind. 1990)

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