

STATEMENT OF THE CASE

Katrishia Ingram appeals the sentence imposed by the trial court after she pleaded guilty but mentally ill to six offenses: three counts of criminal confinement, as class B felonies; criminal recklessness, as a class D felony; pointing a firearm, as a class D felony; and carrying a handgun without a license, as a class A misdemeanor.

We affirm.

ISSUE

Whether the sentence imposed is inappropriate.

FACTS

Ingram and Skyler Keglär dated from late 2002 until May of 2005, when he told her he wanted to end the relationship. On the morning of July 15, 2005, a woman who was also involved with Keglär came into the Lafayette bank where Ingram was working and said something that upset Ingram. At her lunch break, Ingram left the bank and drove to Indianapolis. She purchased a gun, went to Keglär's workplace – Freight Masters – parked, and waited for a while. Ingram "called a friend to say goodbye." (Tr. 114). In the meantime, Keglär left Freight Masters.

Ingram entered Freight Masters and demanded to see Keglär. The receptionist took her to Michael Hodson, the sales manager. Hodson told Ingram that Keglär had left and that she should leave; when she refused, he told her that the police would be called. Ingram brandished a semi-automatic handgun and pointed it in his direction. Ingram

then ordered everybody in the common area, which is filled with cubicles, to get down on their knees and ordered Mr. Hodson and another victim, Ms. Bayne, to accompany her while she searched the business for Mr. Keglär . .

. . . At this point, another victim, Mr. Kelly, approached the woman wondering what was going on, When he saw that she had a gun, he began to walk away. She told him to stop right there and not walk away from her.

[Kelly] continued to walk away from her. At this point, she fired a shot in his direction.

(Tr. 21-22). “There were approximately 21 people inside the common area, in cubicles, and in offices.” (Tr. 22). Ingram ordered them to lie on the floor, faces down, on their stomachs. Ingram then ordered Hodson, Bayne, and Kelly – at gunpoint – to walk with her around the Freight Masters premises as she searched for Keglär. After she failed to find him there, she located Keglär by telephone. She told Keglär

that he was lucky he was not there or she would have killed him and then killed herself. . . . She then asked who the most senior person in the area was. . . . [When Ingram learned that Kelly was the] Chief Financial Officer, she] told him that she wanted him to kill her. He stated he did not know how to shoot a gun. She then briefly instructed him on how to operate a weapon and took him to a far cubicle She then gave him the gun and told him if he didn’t kill her, she was going to kill him with another gun that was contained within her purse, which she was holding in her hand. Mr. Kelly grabbed the purse and the gun and ran outside to the waiting Indianapolis Police Department officers who were ready to make entry into the building.

(Tr. 21-23). Other employees then tackled Ingram and held her until police arrived. Police recovered “the handgun taken from Ingram” by Kelly, a “nine millimeter Highpoint handgun with a live round in the chamber, a loaded magazine with ammunition,” as well as “three additional rounds of ammunition” from inside Ingram’s purse. (Tr. 20).

On July 18, 2005, the State charged Ingram with three counts of class B felony confinement: that she “did knowingly, while armed with a deadly weapon, . . . a handgun,

confine” Hodson, Bayne, and Kelly, “without [their consent], by ordering” each of them “to accompany her through the building at gunpoint.” (App. 32, 33). It also charged her with criminal recklessness, a class D felony, for firing “a shot in a room which housed approximately twenty-one employees”; with pointing a firearm, a class D felony, for pointing the handgun at Hodson; and with carrying a handgun without a license, a class A misdemeanor. *Id.* at 33.

On November 22, 2005, Ingram and the State entered into a written plea agreement whereby Ingram would plead guilty but mentally ill to the six counts with which she was charged, and the State would not file any additional charges with respect to the incident; sentencing would be left to the discretion of the trial court. On December 21, 2005, Ingram appeared before the trial court and expressed her desire to plead guilty “because it’s true. I did it.” (Tr. 7). Ingram then admitted as “true” the above facts about her actions at Freight Masters on July 15, 2005. (Tr. 27).

At sentencing, Kathy Williams testified that she was one of the Freight Masters employees “tortur[ed]” and “terrorized” by Ingram’s forcing them at gunpoint to lie on the floor with their heads down and “telling us she’s going to start shooting all of us.” (Tr. 63, 64). Williams had been “so scared about what happened” that she was unable to return to work for a couple of weeks and almost left her job; she was “still losing sleep over this” months later. (Tr. 67). Angela O’Brien, another Freight Masters employee, testified that she was leaving by a back exit when she heard Ingram threaten “that if anyone leaves she was going to shoot” the co-workers. O’Brien then showed herself, and Ingram “pointed her gun toward [O’Brien] and told [her] to get with everybody else.”

(Tr. 77-78). O'Brien described Ingram as "very calm," "as though she knew exactly what she was doing," "very calm and collected." (Tr. 80). O'Brien testified that when Ingram had them all on the floor, demanding that they keep their heads down and issuing threats, she believed that someone was going to be killed. The woman on the floor next to O'Brien asked her to "tell [her] children and [her] husband that [she] love[d] them more than life." (Tr. 85). According to O'Brien, Freight Masters "lost people over this," some "people . . . went on stress leave," and others "[were not] the same since this happened." (Tr. 86). O'Brien stated that having "that gun pointed at" the employees, and hearing "people are going to die today, you're going to die, you're dead" was terrifying but "what scared [her] the most was how calm and collected she was about it."

Id.

Reports of two mental evaluations were admitted into evidence. Don Olive, Ph.D., a neuropsychologist, reported to the trial court that his evaluation of Ingram found "no evidence of mental disease or mental defect" at the time of the offenses "that militated against [Ingram's] capacity to appreciate the wrongfulness of her conduct" and "no evidence that [she] was in the midst of a psychotic episode at the time in question." (Dr. Olive Rpt. at 4). Dr. George Parker, a clinical psychiatrist, reported his diagnostic impression that Ingram "suffered depression with psychotic features and borderline personality traits. (Dr. Parker Rpt. at 4). Dr. Parker further reported that although Ingram "did have a mental disease at the time of the alleged offense[s]," she nevertheless "did appreciate the wrongfulness of her behavior at the time of the alleged offenses." (Dr. Parker Rpt. at 8, 9).

Ingram testified that she was “so sorry for what [she] did.” (Tr. 105). According to Ingram, she had not planned to take people hostage at Freight Masters or to put them in danger, but after the woman had spoken to her at the bank she “was upset.” (Tr. 117). Ingram also testified that she had been taking prescription medication for depression but had stopped taking the medication about three days before the incident.

The trial court stated that it accepted and gave “great weight” to Ingram’s “lack of criminal history” as a mitigating circumstance. (Tr. 131). It further accepted Ingram’s remorse as “genuine.” (Tr. 138). It found her remorse “temper[ed]” by victim testimony of her “calmness, . . . coldness, . . . meanness” during the incident, and the “elaborateness of making the people l[ie] in a circle and face down” while displaying “the exercise of power, . . . threats with the weapon.” *Id.* The trial court found Ingram’s behavior had “literally terrorized” numerous employees at Freight Masters. *Id.* The trial court further noted that Ingram had “a long time” when she could have “cool[ed] off” – during her drive from Lafayette to Indianapolis and the time before she entered Freight Masters – but instead chose to inflict “an act of deliberate meanness,” “the infliction, intentional infliction of terror on 21 other people.” (Tr. 139, 140). Finally, the trial court noted that “early on in the incident . . . she actually fired the gun,” a fact which caused people to “behave in a certain way where they put themselves at risk to save their co-workers” and “further add[ed] to the fear and pain.” (Tr. 141).

The trial stated that “taking all that into account,” and “given the significant mitigators,” it was sentencing Ingram to serve eight years – six years executed, two suspended, on each of the class B felony confinement charges. (Tr. 141). “Because . . .

of the number of victims in this case, including the separate victims for those counts,” it ordered the sentences on those counts to run consecutive to one another. *Id.* The trial court then imposed the advisory sentence of 545 days on each of the class D felony offenses (criminal recklessness and pointing a firearm), and a one-year sentence on the class A misdemeanor offense; these sentences to be served concurrent with the third confinement count.

DECISION

Indiana Appellate Rule 7(B) provides that we “may revise a sentence authorized by statute if, after due consideration of the trial court’s decision,” we find “that the sentence is inappropriate in light of the nature of the offense and the character of the offender.” Ind. Appellate Rule 7(B). As Ingram correctly observes, Indiana’s Supreme Court explained in *Childress v. State*, 848 N.E.2d 1073, 1080 (Ind. 2006), that the Rule is “the vehicle through which” appellate courts exercise the constitutional grant of authority “to revise a sentence that we conclude is inappropriate in light of the nature of the offense and the character of the offender.” (emphasis in original). Moreover, “the Rule articulates a standard of review designed as guidance for appellate courts.” *Id.*

Ingram argues that we should exercise our authority pursuant to Indiana’s Constitution and Appellate Rule 7(B) and conclude that her sentence is inappropriate. Specifically, she argues that “an eighteen-year executed sentence, which is three times greater than the minimum sentence of six (6) years,” is inappropriate based upon “her outstanding character,” lack of any criminal history, and her remorse. Ingram’s Br. 6, 5. We cannot agree.

The sentencing range for a class B felony is from six to twenty years, with ten years being the advisory sentence. *See* Ind. Code § 35-50-2-5. The trial court sentenced Ingram to eight years¹ for each class B felony confinement conviction. When the trial court imposes a sentence other than the advisory sentence, it must state its basis for imposing that sentence. *Childress*, 848 N.E.2d at 1080. The trial court also ordered that Ingram’s sentences for the three confinement convictions be served consecutive to one another. When the trial court imposes a sentence other than the advisory sentence or imposes consecutive sentences where not required to do so by statute, we examine the record to insure that the court explained its reasons for selecting the sentence imposed. *Id.* The Indiana Supreme Court has stated that when the perpetrator commits the same offense against more than one victim, consecutive sentences “vindicate the fact that there were separate harms and separate acts against more than one person.” *Serino v. State*, 798 N.E.2d 852, 857 (Ind. 2003). The determination of whether to impose consecutive or concurrent sentences is entirely at the discretion of the trial judge. *Bryant v. State*, 841 N.E.2d 1154, 1157 (Ind. 2006).

Regarding the nature of the offense, we begin with the advisory sentence – being that which the legislature has selected as an appropriate sentence for the crime committed. *Childress*, 848 N.E.2d at 1080. In ordering Ingram to serve eight years for the confinement convictions, it imposed a sentence less than the advisory but greater than the minimum. As carefully articulated by the trial court, in this case the offenses were

¹ The sentence imposed for each confinement conviction was eight years – with six years executed and two suspended.

carried out in a calm, calculated, and “mean” manner, and Ingram’s actions intentionally inflicted terror on not only the named victim of each of the three confinement counts but on an additional co-workers.

As to the character of the offender, Ingram presses a number of facts not cited by the trial court as mitigating circumstances – such as her upbringing and family background and her higher education achievements. However, her character is also evidenced by her own admission that although she had no plan to wreak terror on the Freight Masters employees that day, a verbal comment so upset her that an hour or so later she undertook to drive from Lafayette to Indianapolis; go to a gun store and purchase a gun; learn how to use it; drive to Freight Masters; park there and wait for a while; make a telephone call to a friend; and then proceed to enter the business, fire the gun inside and use it to terrorize more than twenty employees. Also, although she used medication to treat her depression, she had chosen not to take the medication for several days prior to the incident. Further, the fact that Ingram suffered a degree of mental illness but that such illness did not affect her ability to appreciate the wrongfulness of her conduct is proper evidence relevant to her character that the trial court may consider before imposing an appropriate sentence.

Based upon the evidence presented, we agree with the trial court that the nature of the offenses committed by Ingram and her character warranted a sentence above the minimum statutory sentence of six years on each count. We further find that the nature of the offenses and Ingram’s character warranted the trial court ordering the sentences imposed for confinement to be served consecutively.

Affirmed.

NAJAM, J., and FRIEDLANDER, J., concur.