



Office of the District Attorney  
18<sup>th</sup> Judicial District of Kansas

For Immediate Release

December 10, 2007

District Attorney Nola Tedesco Foulston announces that a joint investigatory team under the authorization of the Office of the District Attorney, including the Kansas Highway Patrol and the Wichita Police Department, has completed its investigation and review of a fatality incident that occurred on October 22, 2006.

The incident giving rise to the review occurred in the area of Pawnee and Poplar Streets in Wichita, Sedgwick County, Kansas and resulted in the death of Marcel Ingram, age 20 years.

## **Factual Summary**

On Sunday, 10/22/06, a Kansas Highway Patrol Trooper, was conducting traffic enforcement on I-135 in Wichita. The Trooper observed a Green Suzuki car traveling south on the interstate with a headlight out. The Trooper began to pursue the car and caught up with the car as it exited at Pawnee. The Trooper was in a marked Kansas Highway patrol vehicle and used his overhead lights and

siren to stop the car just south of Pawnee on Poplar Street. The Trooper used his police radio to inform the Kansas Highway Patrol dispatcher of the car stop. At that time, the Trooper reported the Suzuki was occupied by two individuals in the front seats of the car.

The Trooper approached the driver's side of the vehicle and identified himself to the driver of the car who was later determined to be Marcel Ingram. The second occupant in the front passenger seat was later determined to be Terry Ingram, Marcel Ingram's father. The Trooper saw that the driver was holding a handgun, later determined to be a .380 caliber semi-automatic pistol, in his right hand. The driver raised his gun and fired one shot, striking the trooper in the chest. The trooper immediately retreated toward his own vehicle parked behind the Suzuki and returned fire with his .45 caliber duty weapon. The Trooper fired several shots through the back windshield of the Suzuki. The Suzuki then sped away southbound on Poplar.

Officers from the Wichita Police Department, Kansas Highway Patrol and the Sedgwick County Sheriff's Office responded to the dispatch alert that an officer had been shot, and immediately cordoned off the area.

Sedgwick County emergency medical personnel responded to the scene to provide needed emergency care for the trooper. Medical examination revealed that the trooper's bullet resistant vest had prevented the bullet from penetrating into the trooper's chest. The trooper was transported by EMS to Wesley Medical Center where he was treated for blunt force trauma injuries to his chest due to the impact of the bullet.

The Suzuki was found abandoned south of the shooting scene on Poplar. Officers began searching the area and located Terry Ingram, who told them his son, Marcel, had shot the trooper. Terry Ingram said he had jumped out of the car as his son sped away. Officers from multiple agencies cordoned off the area and the Wichita Police Department SWAT Team was utilized to search the area for the suspect. Approximately one hour after the initial shooting, the suspect was located in a wooded area north of Sowers school. Ingram was found on the ground suffering from a single gunshot wound to the side of his head. A .380 caliber pistol was recovered next to his body.

Ingram was transported to Wesley Medical Center. Marcel Ingram died from his injury on 11/1/06.

An Autopsy was conducted on 11/2/06 at the Sedgwick County Regional Forensic Science Center. The autopsy determined that the gunshot wound to Ingram's head had been fired by a gun in direct contact with his left temple. The fired bullet was recovered from Ingram's body during the autopsy. Ingram also had a gunshot wound to his right hand and wrist and a large caliber bullet was recovered from that wound. Both bullets were then tested at the Sedgwick County Regional Forensic Science Center by a forensic firearms examiner who found the bullet recovered from Ingram's head had been fired from the .380 handgun found next to his body. Scientific testing also determined that the same .380 pistol had also fired the bullet which struck the trooper. The bullet recovered from Ingram's hand wound was fired by the trooper's .45 caliber pistol.

## The Law

In Kansas, all persons including law enforcement officers are entitled to defend themselves and others against the use of unlawful force. The law provides that a person is justified in the use of force against another when and to the extent it appears to him and he reasonably believes that such conduct is necessary to defend himself or another against imminent use of unlawful force.

An officer is justified in using deadly force if the officer reasonably believes deadly force is necessary to prevent imminent death or great bodily harm to the officer or a third person. Kansas law does not require an officer to retreat.

The use of force by the Kansas Highway Patrol Trooper when he fired into the back windshield of the Suzuki occupied by Marcel Ingram and Terry Ingram did not constitute an unlawful use of force.

The driver had just fired the .380 pistol into the trooper's chest and was still in possession of the deadly weapon when the trooper responded with deadly force. The unlawful use of deadly force by

Marcel Ingram against the trooper placed him in an imminent life threatening situation. In this situation the trooper acted reasonably in responding with deadly force to defend his own life.

The use of deadly force in defending a person is judged on a “case by case” basis. Only such force as is reasonably needed to defend against another’s imminent use of unlawful force will be legally permissible.

*District Attorney Nola Tedesco Foulston  
18<sup>th</sup> Judicial District of Kansas*