



OFFICE OF THE PROSECUTING ATTORNEY

Eric M. Hoffman, Prosecutor

46TH JUDICIAL CIRCUIT of INDIANA
DELAWARE COUNTY, INDIANA

April 29, 2025

Hon. Mike Braun
Governor, State of Indiana
200 W. Washington St. Room 206
Indianapolis, IN 46204

Indiana Parole Board
Indiana Government Center South
402 West Washington Street, Room W466
Indianapolis, Indiana 46204.

Indiana Parole Board
Indiana State Prison
1 Park Row St.
Michigan City, IN 46360

Indiana Parole Board

clemency-pardon-inquiries@idoc.in.gov

RE: Benjamin Ritchie # 967072

Dear Governor Braun and members of the Indiana Parole Board:

Please consider this a letter in opposition to any and all Petitions for Clemency for Benjamin Ritchie. The United States Supreme Court has aptly noted that the clemency process empowers the executive branch of government to correct injustices produced by the criminal justice system on a case-by-case basis. There are absolutely no injustices to correct in Ritchie's convictions and sentence. Quite the contrary. Perhaps the only injustice is that it has taken this long to carry out the lawfully imposed sentence of death.

All too often with the passage of time, the heinous facts and circumstances of a person's violent crimes get glossed over. Therefore, the facts of the case are these:

On September 29, 2000, around 7:00 p.m., Ritchie and two others stole a white Chevrolet Astro van from a gas station in Beech Grove. The theft was reported and police were dispatched to the scene where Beech Grove police officer Matt Hickey filed a stolen vehicle report. Approximately two hours later, Hickey was en route to a traffic accident scene and recognized the stolen van as Ritchie and one of his accomplices drove by. After confirming by radio that the van bore the license plate of the stolen vehicle, Hickey pursued, joined by officers Robert Mercuri and William Toney. After a short chase, the van pulled into the yard of a residence where Ritchie and his companion jumped out and ran in opposite directions.

Officer Toney pursued Ritchie on foot, and ultimately Ritchie turned and fired four shots, one of which struck Toney in the chest. Toney died at the scene. Ritchie was convicted of murder and the jury recommended the death penalty, which the trial court imposed.

Ritchie v. State, 809 N.E.2d 258, 261 (Ind. 2004).

For full disclosure, while I have been a prosecutor for 22 years, I did not prosecute nor did I have anything to do with the Ritchie case. That said, I firmly believe in holding criminals accountable (including imposition of the death penalty where appropriate), respecting the verdicts of Indiana juries, and that there must be finality in criminal cases.

Ritchie killed a police officer in the line of duty. Former Chief Justice of the United States Supreme Court William Rehnquist once said that police officers are “the foot soldiers of an ordered society.” See *Roberts v. Louisiana*, 431 U.S. 633, 642 (1977) (Rehnquist, J. dissenting). They are peace keepers, the shield for the innocent and vulnerable, the guardians standing between us and violence and lawlessness. They form the thin blue line that stands between criminals and their would-be victims. It is the police who stand on that line between law, order, and safety and that of chaos, anarchy, and violence. In doing so, they routinely put their life in jeopardy so that we may live in a civilized and safe society. They do a job that we all want and need done though very few of us possess the bravery and skill to do. I believe that police officers have the absolute right to go home to their family at the end of their shift. Benjamin Ritchie infringed on Officer Toney’s rights in the most egregious way. When society asks someone to put on a badge and place it over his or her heart, we make a sacred covenant, a covenant that says we as a society will stand behind those officers who enforce the law and against those who break the law.

The amazing thing is that police officers are willing to sacrifice so much for us, yet they ask for so little in return. The law recognizes this. The U.S. Supreme Court has said “there is a special interest in affording protection to these public servants who regularly must risk their lives in order to guard the safety of other persons and property.” *Roberts v. Louisiana*, 431 U.S. 633, 636 (1977). Our Indiana Supreme Court has said:

The killing of a police officer in the course of duty is a most serious crime. Police officers routinely risk their lives in the sometimes high stakes gamble of protecting society. They do a job that we all want and need done, though few of us possess the bravery and skill to do. They ask for little in return, but they do ask for some protection. The General Assembly recognized this in enacting the statutory aggravator of [killing a police officer in the line of duty].

Lambert v. State, 675 N.E.2d 1060, 1066 (Ind. 1996). The “protection” referred to by the U.S. Supreme Court as well as the Indiana Supreme Court is the protection of the law. That is, the notion that killing a police officer in the line of duty can and will result in a sentence of death. A jury of Ritchie’s peers convicted him of intentionally killing a police officer. That same jury recommended a sentence of death. After hearing all of the evidence at trial, the trial judge adopted the jury’s recommendation of death. Ritchie has exhausted his state and federal appellate remedies. It is now time that to execute the lawful sentence that was imposed for a heinous crime committed almost 25 years ago.

In recent years, courts, legal scholars, and commentators often have discussed the lack of finality in the criminal justice system. My personal prosecutorial philosophy is that of finality in judgment and truth in sentencing. Absent extraordinary circumstances, once a lawful sentence is imposed, it is my opinion, that the offender should complete their sentence. This is especially true of crimes of violence. Anything less is an insult to the innocent victims of the crime and to the justice system as a whole. Justice demands and victims deserve finality of judgment and truth in sentencing. The law favors finality because litigation, at some point, must end so the courts can hear other business and the parties can move on with their lives. Without a certain end to litigation, the judicial system could come to a standstill, those parties with vast resources could postpone a final judgment and thwart justice, and the population could lose faith in the justice system.

I always find it interesting that when a person is found not guilty at trial, those who are adamantly against the death penalty are always among the first to say that although some may disagree with the verdict, we must nevertheless respect and accept the process and the jury's verdict. To that, I wholeheartedly agree. However, the hypocrisy of anti-death penalty zealots becomes clear when a defendant is found guilty and sentenced to death. Any notion of respecting the system and the jury's verdict is immediately thrown to the wayside. I am a firm believer in our jury system. Twelve jurors sat in the courtroom, heard all of the evidence, and assessed the credibility of all of the witnesses. The jury unanimously and lawfully recommended a sentence of death for Ritchie's horrific crimes. The trial judge agreed and sentenced Ritchie to death. That death sentence was upheld in appeal after appeal.

I am writing as both a Prosecuting Attorney and as a citizen of the State of Indiana to request that you deny Benjamin Ritchie's petition for clemency and proceed to the May 20 execution date. He shot and killed a law enforcement officer in the line of duty. I believe that granting clemency would be a gross miscarriage of justice. Ritchie seeks mercy. However, mercy to the guilty is cruelty to the innocent. What message would clemency send? What do we say to the people who are willing to kill a police officer? What do we say to the people who will not yield to the authority of the badge? To them we say what the United States Supreme Court has said, "...those who are convicted of deliberately killing police officers acting in the line of duty be forewarned that punishment, in the form of death, will be inexorable" or in other words, not to be stopped. *Roberts v. Louisiana*, 431 U.S. 633, 647 (1977) (Rehnquist, J. dissenting).

Thank you for your time and for all you have done for the people of the great State of Indiana.

Professionally and respectfully,



Eric M. Hoffman
Prosecuting Attorney
46th Judicial Circuit of Indiana