

LOCAL

Former cop not guilty of felony

Man convicted
of lesser charge of
sexual imposition

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BUTLER COUNTY BUREAU

HAMILTON — A former New
Hampshire police officer was found
guilty Wednesday of unlaw-
ful sexual conduct with a minor.
Joseph Ferguson, 22, was instead
convicted of a lesser charge of
sexual imposition, a third-degree



Joseph
Ferguson

misdemeanor,
for having sex
with a 15-year-
old girl.

"This is a
major victory
for the defense,"
said Ferguson's
attorney, Clyde
Bennett, after
the trial.

The misdemeanors are each
punishable by a maximum of 60
days in jail. Ferguson could get
probation instead.

The original charges would
have each been punishable by up
to 18 months in prison.

With a misdemeanor convic-
tion, the former auxiliary officer
can still vote, get a permit to
carry a gun, sit on a jury and
re-engage his pursuit of a career
in law enforcement, Bennett said.

"I'll probably have to get the
conviction expunged to get back
in law enforcement... but I defi-
nitely want to," Ferguson said.

Ferguson said he's glad he got
a chance to give his side of the

story and regrets having gotten
himself into the situation.

Sentencing and a sex offender
hearing are set for June 2 in But-
ler County Common Pleas Court.
By law, Ferguson must be classi-
fied as a sex offender because of
the nature of the charges.

Ferguson was accused of hav-
ing sex with the victim on several
occasions last spring and summer
at her Hamilton home and on the
grounds of Hamilton High School,
which the victim attended.

Ferguson testified Wednesday

morning that the victim told him
several times she was 19.

"I asked her many times if she
was 19 and she said 'Yes.' I had
no reason to doubt what she was
telling me," Ferguson said.

He said he immediately ceased
contact with her after learning
her true age. He said the victim
went to police because she was
angry Ferguson had rejected her.

A day earlier the victim told
jurors a different story.

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Cop

Man found not guilty of felony

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She testified she told Ferguson she was 15 the first time they made contact in an Internet chat room. She said Ferguson told her he was 17 years old.

She said she went to authorities after finding out Ferguson had lied to her.

Both Ferguson and the victim said they unsuccessfully tried to obtain the cell phone and computer records that would have backed up their stories.

Hamilton Police Detective Mark Poppe testified Ferguson initially denied the allegations. Poppe also said Ferguson believed the victim looked 15 or 16. Ferguson refuted those remarks, testifying those were Poppe's words, not his.

After the trial Ferguson said the experience will make him a better officer because now he can relate to defendants who say they are apprehensive

about talking to police.

During closing arguments Assistant Prosecutor Jennifer Muench-McElfresh said the case was about deceit.

"How this 21-year-old deceived a 15-year-old girl," she said.

She noted the victim had been credible on the stand.

"He said she looked 15. That's like seeing a red light but going right on through," Muench-McElfresh said.

Bennett told jurors during his closing argument that parts of the victim's story didn't add up.

"This case is about deceit, but I think it was by (the victim,)" he said.

He also said the prosecution hadn't proved its case beyond a reasonable doubt.

In order to prove the unlawful sexual conduct charge, the prosecution had to show Ferguson knew the victim's age and chose to disregard it.

Sexual imposition requires a finding that the victim was under 16 and the defendant was more than four years older, regardless of whether he knew her age.

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