

Office of the District Attorney

County of Lebanon

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Ashley Via Menser appeared for sentencing on January 22nd before the Honorable Samuel A. Kline on one charge of Retail Theft. The Defendant has a lengthy criminal history, which includes thirteen prior theft convictions, Welfare Fraud, and Endangering the Welfare of Children. Her Pre-Sentence report indicated she had four children at the time of sentence, however all but one were not in her custody or care. It also noted the Defendant had a history of abusing drugs.

Ms. Menser ultimately pled 'open' – which means the Court decides the sentence it deems appropriate. Options before the Court are dependent upon a pre-set sentencing range, determined both by the defendant's current charge and prior criminal record. In this case, Ms. Menser's sentencing range called for jail time, anywhere from six to sixteen months in duration.

During sentencing, the Court reviewed the Defendant's request for house arrest in lieu of jail. The Defendant stated she had medical issues which required surgery and ongoing care. Notably, a 2019 document submitted by her own Defense Counsel indicates the Defendant on her own refused treatment.

The Court rejected the notion of house arrest given the Defendant's extensive prior criminal record and the circumstances of the current offense. In the current case, the Defendant stole makeup, hair dye, a candle, and 'Super Skinny Serum.' The Court imposed a period of state incarceration in light of the above, and the simple fact the state system is far more capable of addressing serious health concerns for inmates. Defense Counsel filed a Motion to Reconsider, on which our Office will defer to the Court's decision and thus take no position.

Our Office is aware this case, and the sentence imposed, received attention. Our Lieutenant Governor found it appropriate to criticize the Court and the victim; he went so far as to offer a personally delivered check for the underlying amount to the victim to absolve the defendant of the crime. He failed to mention in any of his tweets, however, the extensive prior record of the defendant, her drug abuse, or the fact that her sentencing ranges – as set forth by the legislature – call for jail time.

We do not often respond to media articles or comments criticizing a defendant's sentence. I felt it necessary to respond, given the lack of accurate factual information which seem to permeate the majority of comments, articles, or 'tweets' about Ms. Menser and her case.

Respectfully Submitted,



Pier Hess Graf, Esquire
District Attorney