

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America
v.
Roderick Richard Rightmire
Defendant
Case No. 12-3317M

CRIMINAL COMPLAINT

I, Larry Hirose, state that the following is true to the best of my knowledge and belief.

On or about the dates of August 25, 2011, September 13, 2011, and May 30, 2012, in the County of Maricopa, in the District of Arizona, the defendant violated Title 18, U.S.C. § 876 (c), offenses described as follows:

See Attachment A Incorporated By Reference Herein

I further state that I am an Agent of the United States Postal Service.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

AUTHORIZED BY: AUSA Kristen Brook KB

Continued on the attached sheet.

[Handwritten signature of Larry Hirose]

Special Agent Larry Hirose
U.S. Postal Service

Special Agent Larry Hirose
Printed name and title

Sworn to before me and signed in my presence.

Date: July 13, 2012

[Handwritten signature of Lawrence O. Anderson]

Honorable Lawrence O. Anderson
United States Magistrate Judge

City Phoenix, Arizona

Honorable Lawrence O. Anderson
Printed name and title

**ATTACHMENT A**

Count 1

On or about August 25, 2011, Roderick Richard Rightmire, knowingly deposited in the United States mail, with intent to threaten, a communication, addressed to Tom Horne, Arizona Attorney General, containing a threat to injure the person of another, specifically Tom Horne and Maricopa County Attorney Bill Montgomery; in violation of Title 18, U.S.C. § 876 (c).

Count 2

On or about September 13, 2011, Roderick Richard Rightmire, knowingly deposited in the United States mail, with intent to threaten, a communication, addressed to Jay Rademacher, Maricopa County Deputy County Attorney, containing a threat to injure the person of another, specifically Jay Rademacher; in violation of Title 18, U.S.C. § 876 (c).

Count 3

On or about May 30, 2012, Roderick Richard Rightmire, knowingly deposited in the United States mail, with intent to threaten, a communication, addressed to Bill Montgomery, Maricopa County County Attorney, containing a threat to injure the person of another, specifically Bill Montgomery; in violation of Title 18, U.S.C. § 876 (c).

### STATEMENT OF PROBABLE CAUSE

I, Larry Hirose, being duly sworn, hereby depose and state as follows:

1. Your affiant is a United States Postal Inspector with the United States Postal Inspection Service. I have been a Postal Inspector since February 2003. I am currently assigned to the Phoenix Field Office as the Dangerous Mail Specialist. As part of my duties, I investigate incidents where the United States mail system is used to threaten individuals in violation of Title 18, United States Code, Section 876(c) Mailing Threatening Communications. The facts and information contained in this statement of probable cause are based on my personal knowledge, as well as that of other Postal Inspectors and law enforcement officers involved in this investigation as described below.

2. On July 20, 2010, the Scottsdale Police Department arrested and booked Roderick Rightmire into the Scottsdale Jail on stalking charges. On July 23, 2010, he was indicted on charges of stalking a Scottsdale City Attorney Prosecutor. From July 20, 2010, through June 30, 2012, the defendant was in custody in the Maricopa county jail. On October 31, 2011, Phoenix Postal Inspectors were contacted regarding threatening postcards received by the Maricopa County Attorney's Office and the Arizona Attorney General's Office from Roderick Richard Rightmire.

3. On or about August 26, 2011, the Arizona Attorney General's Office received a postcard from Roderick Richard Rightmire. The postcard bore meter postage dated August 25, 2011. The postage meter for this mailing is assigned to the Maricopa County

Sheriff's Office in Phoenix, Arizona. The postcard was addressed to "Attorney General (Tom Horne), 1275-W.-Washington St., Phx, AZ 85007." Underneath the addressee information the following is written: "Sender: Rod Rightmire, 201-S. 4<sup>th</sup> Ave, Phx, AZ 85003." The mailing consists of a small postcard with handwriting in pencil. The postcard measures approximately 4 inches by 6 inches. The mailer of the postcard has a handwritten message in block printing completely covering the address section. The message describes the incarceration of Roderick Rightmire and includes a threatening sentence in violation of Title 18 United States Code 876. "What your (sic) doing Tom & Not doing is illegal & it's Justifiable grounds for me to shoot you & your Maricopa DA B. Montgomery Dead!"

4. On or about September 14, 2011, the Maricopa County Attorney's Office received a postcard from Roderick Richard Rightmire. The postcard bore meter postage dated September 13, 2011. The postage meter for this mailing is assigned to the Maricopa County Sheriff's Office in Phoenix, Arizona. The postcard was addressed to "Jay Radenmacher (Dep. DA.), 301-W.Jefferson st. (Floor#?), Phx, AZ 85003. (Pay me settlement or heads will roll." The left side of the postcard bears the following: "From:) Roderick Rightmire (case was vacated on 7.28.10)." The mailing consists of a small postcard with handwriting in pencil. The postcard measures approximately 4 inches by 6 inches. The mailer of the postcard has a handwritten message in block printing completely covering the address section. The message describes the incarceration of

Roderick Rightmire and includes threatening sentences in violation of Title 18 United States Code 876. “You fuck w/my life & liberty anymore here Jay & I’ll hold you personally accountable And I’ll prove 2 Jury why it was I shot and killed you Justifiably that you involved in ruining my life when you had No legal right or cause to do... You better get smart real soon Jay ok?”

5. On or about May 31, 2012, the Maricopa County Attorney’s Office received a postcard from Roderick Richard Rightmire. The postcard bore meter postage dated May 30, 2012. The postage meter for this mailing is assigned to the Maricopa County Sheriff’s Office in Phoenix, Arizona. The postcard was addressed to “Bill Montgomery (District Attorney?), 301-W.Jefferson St. or Dumb Ass bitch?, Phx.AZ. 85003 (Your gonna get hurt.” The mailing consists of a small postcard with handwriting in pencil. The postcard measures approximately 4 inches by 6 inches. The mailer of the postcard has a handwritten message in block printing completely covering the address section. The message describes the incarceration of Roderick Rightmire and includes threatening language in violation of Title 18 United States Code 876. “Because I’m gonna prove to 12 Jury members why I legally mortality shot you for Violating my Constitutional Rights...I’m not gonna kill you. I’m gonna make you wish your dead.” “You got no case on me & I’ll prove thats (sic) why I shot your Ass!”

6. On November 29, 2011, your Affiant and FBI Special Agent Kevin Killigrew interviewed Roderick Rightmire in maximum custody at the Fourth Avenue Jail in

Phoenix, Arizona. Your Affiant displayed an enlarged photocopy of one postcard related to this investigation. Mr. Rightmire said “that is none of your business” and became very angry. I told Mr. Rightmire the postcards were in fact my business when he used them to threaten people. Mr. Rightmire denied threatening anyone with the postcards and began swearing at myself and Special Agent Killigrew. The interview consisted of Mr. Rightmire swearing and complaining about being in custody for approximately 15 minutes.

7. On July 13, 2011, Commissioner Steven K. Holding of the Maricopa County Superior Court found Roderick Richard Rightmire competent to stand trial, pursuant to A.R.S. 13-4510(B).

8. On June 21, 2012, Commissioner Steven K. Holding of the Maricopa County Superior Court found Roderick Richard Rightmire criminally incompetent pursuant to A.R.S. 13-4517(1). The Court ordered the Defendant be transported for in-patient evaluation and care or treatment to Desert Vista Health Center, pursuant to A.R.S. 36-530.

9. On July 6, 2012, Roderick Richard Rightmire was released from the Desert Vista Health Center in Mesa, Arizona.

10. For these reasons, this affiant submits that there is probable cause to believe that on or about August 25, 2011, September 13, 2011, and May 30, 2012, in the County of Maricopa, in the District of Arizona, Roderick Richard Rightmire violated Title 18, U.S.C. § 876 (c).

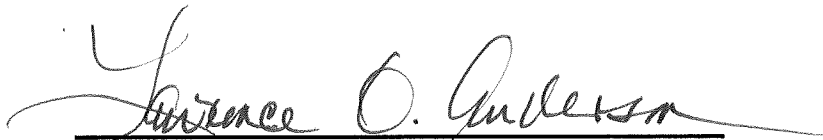


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Larry Hirose, United States Postal Inspector  
United States Postal Inspection Service

Sworn to and subscribed before me

this 13<sup>th</sup> day of July, 2012.



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Honorable Lawrence O. Anderson  
United States Magistrate Judge