

SAC COUNTY ATTORNEY

Benjamin John Smith



Sac County Courthouse
100 NW State Street, Suite 9
Sac City IA 50583
Telephone: (712) 662-4791
FAX: (712) 662-4123
E-mail: [REDACTED]@saccounty.org

To: ATTN: Matthew McGahey
Australian Consulate-General in Los Angeles
Century Plaza Towers - 31st Floor
2029 Century Park East, Century City
Los Angeles CA 90067
United States of America

Attn: Matthew McGahey

Fax #: Fax: 310 229 2380

Date: February 7, 2012

From: Sac County Attorney, Ben Smith

of Pages including this one: 6

Message:

CONFIDENTIALITY NOTICE

The information contained in this facsimile transmission is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmission is strictly prohibited. If you have received this transmission in error, please immediately notify us by a telephone call and return the original transmission to the Sac County Attorney at the above address by US mail. Thank you.

SAC COUNTY ATTORNEY



Benjamin John Smith

Sac County Courthouse
100 NW State Street, Suite 9
Sac City IA 50583
Telephone: (712) 662-4791
FAX: (712) 662-4123
E-mail: [REDACTED]@saccounty.org

February 7, 2012

ATTN: Matthew McGahey
Australian Consulate-General in Los Angeles
Century Plaza Towers - 31st Floor
2029 Century Park East, Century City
Los Angeles CA 90067
United States of America

Fax: 310 229 2380

To whom it may concern,

As the duly elected District Attorney in and for Sac County, Iowa, I prosecuted Tracey Richter for the December 13, 2001 First Degree Murder of Dustin Wehde, for which she was subsequently convicted and sentenced to life in prison without the possibility of parole.

Prior to her aforementioned murder conviction, Richter was convicted of felony perjury (Clay County District Court No. FECR014399) and felony welfare fraud (Douglas County District Court No. CR0913186). Additionally, last September, Richter was indicted by the United States Federal Government for passport fraud.

Despite Richter's incarceration, it is my strong belief that, so long as she draws breath, Richter poses a danger to the lives of her ex-husband, Michael Roberts, and their children, [REDACTED] and [REDACTED] Roberts, as well as many others, including myself and others responsible for her life imprisonment. This belief is based on first-hand observations and personal interactions with Richter and members of her immediate family. The following is just one example: Shortly after she was convicted for murdering Dustin Wehde, Richter provided her prisoner pen pal, an admitted, convicted child rapist, currently incarcerated in a Wisconsin prison, with information sufficient to locate Michael Roberts and thus her own children.


Because Richter was transferred from our local jail to the custody of the Iowa Department of Corrections (State Prison), I am no longer in a position to vet her prison correspondence, which, as evidenced by the above example, provides valuable insight as to both her intentions and capabilities.

Richter and her family are dangerous and are not to be underestimated. Shortly before Richter was to be sentenced for the murder of Dustin Wehde, I received anonymous threats, which I

believe were made by an immediate family member of Richter. The investigation into the threats is ongoing.

Based on the foregoing, to ensure the safety of Michael Roberts and his children, I recommend you take immediate, emergency action to allow Mr. Roberts and his children to leave the United States.

Please do not hesitate to contact me if you want to discuss any matter herein.


Ben Smith
Sac County Attorney

BJS: ndh
Attached:
(file stamped copy of Richter's conviction)

IN THE IOWA DISTRICT COURT FOR SAC COUNTY

DISTRICT COURT OF IOWA
SAC COUNTY
FILED

2011 NOV -7 PM 1:19

STATE OF IOWA,)	
)	
Plaintiff,)	NO. FECR011900
)	
vs.)	
)	ORDER
TRACEY ANNE RICHTER,)	
)	
Defendant.)	

The above-entitled matter was tried to a jury commencing October 25, 2011, and concluding on November 4, 2011. After considering the evidence, arguments of counsel, and instructions from the Court, the jury returned the following verdict:

Verdict No. 1

We, the Jury, find the Defendant, Tracey Anne Richter, guilty of the crime of Murder in the First Degree.

/s/ George W. Stephenson
Foreperson

ORDER

IT IS ORDERED, AS FOLLOWS:

1. The Defendant, Tracey Anne Richter, is adjudged guilty of Murder in the First Degree.
2. The Defendant's sentencing is scheduled for December 5, 2011, commencing at 9:00 a.m. in the courtroom of the Webster County Courthouse, Fort Dodge, Iowa.
3. The Defendant is to be held in custody without bail.

Dated this 7th day of November, 2011.


KURT L. WILKE
 DISTRICT COURT JUDGE

Clerk Shall Furnish Copies To:

- | | |
|-------------------------|---------------------|
| Doug Hammerand (Email) | Ben Smith (Email) |
| Karmen Anderson (Email) | R.W. Powers (Email) |
| Scott Bandstra (Email) | |

Iowa District Court for Sac County

State of Iowa,	:	
Plaintiff,	:	FECR 011900
	:	
Vs.	:	Order
	:	
Tracey Ann Richter,	:	
Defendant.	:	

DISTRICT COURT OF IOWA
 SAC COUNTY
 FILED
 2011 DEC -5 AM 11:41

Pursuant to prior order, the Defendant in the above action came before the court for sentencing on this date. The State of Iowa was represented by Mr. Ben Smith, Sac County Attorney. The Defendant appeared with her attorneys, Mr. Scott Bandstra and Mr. R. W. Powers.

By jury verdict, the Defendant was convicted of Murder in the First Degree in violation of Iowa Code sections 707.1 and 707.2(1), a class "A" felony.

Statements and arguments as to the proper sentence to be imposed were received from counsel, and the defendant was given an opportunity to personally address the court concerning mitigation of punishment. No legal cause was shown why judgment should not be pronounced.

For the reasons stated on the record at the time of sentencing, which are incorporated herein by reference, this court concludes that judgment should be imposed as hereinafter provided.

Order

The Defendant's Sentence Is As Follows:

1. The Defendant is committed to the custody of the Director of the Iowa Department of Corrections for the rest of the Defendant's life.

2. Pursuant to Iowa Code sections 910.1 and 910.3 the Defendant shall pay restitution, if any, in an amount to be set by subsequent court order. Any request for restitution must be filed with the Sac County Clerk of Court within thirty (30) days from this date.
3. Pursuant to Iowa Code section 910.3B the Defendant shall pay \$150,000.00 to the heirs of Dustin Wehde as determined pursuant to Iowa Code section 633.210.
4. The Defendant shall reimburse the State of Iowa for all court ordered indigent expenses incurred for expert witnesses, depositions, transcripts, and private investigator in an amount, if any, to be set by subsequent court order. Any request for state payment of such expenses must be filed with the Sac County Clerk of Court within thirty (30) days from this date.
5. The Defendant shall pay all court costs incurred in this litigation.

At the time of sentencing, the Defendant was advised of her right to appeal to the Iowa Supreme Court and the time limitations for doing so. Pursuant to Iowa Code section 811.1(2), the Defendant shall not be admitted to bail, and therefore no appeal bond is set.

Dated December 5, 2011.


Kurt L. Wilke – District Court Judge
Iowa's Second Judicial District

Copies to:

Mr. Ben Smith (email) ✓

Mr. Doug Hammerand (email) ✓

Mr. Scott Bandstra (email) ✓

Ms. Karmen Anderson (email) ✓

Mr. R.W. Powers (email) ✓

✓ Mr. Jesse Helling c/o Fort Dodge Messenger 713 Central Avenue, Fort Dodge, Iowa 50501

✓ Doc

dlb
12-5-11