

PRESENTENCE INVESTIGATION REPORT

The Superior Court of Arizona, in Yavapai County
Adult Probation Department

FILED
5 O'Clock P.M.

MAY 16 2022

DONNA McQUALITY, Clerk
By: S. SLOTTERBACK ✓

State of Arizona v. Anthony James Richards
Cause No. P1300CR201600476

Sentencing Judge Debra R. Phelan Division PTA
Defense Attorney: Tyrone Mitchell

Sentencing Date: 05/16/2022
Prosecuting Attorney: Ethan Wolfinger

An Indictment was filed on April 15, 2016.

On March 3, 2022, pursuant to a Jury Trial, the defendant was found guilty of:

Count I: Second-Degree Murder, in violation of ARS §§13-1101, 13-1105(A)(1), 13-703, 13-702.01, and 13-801, a class 1 felony.

Date of offense: 04/09/2007 Offense is a: dangerous non-repetitive offense.

Count II: Trafficking in Stolen Property, in violation of ARS §13-2307, a class 2 felony.

Date of offense: 04/09/2007-04/15/2007 Offense is a: non-dangerous repetitive offense.

Count IV: Theft of a Credit Card, in violation of ARS §13-2102, a class 5 felony.

Date of offense: 04/09/2007-04/15/2009 Offense is a: non-dangerous repetitive offense.

Count V: Taking the Identity of Another, in violation of ARS §13-2008, a class 4 felony.

Date of offense: 04/15/2007 Offense is a: non-dangerous repetitive offense.

Count VI: Taking the Identity of Another, in violation of ARS §13-2008, a class 4 felony.

Date of offense: 04/15/2007 Offense is a: non-dangerous repetitive offense.

Count VII: Taking the Identity of Another, in violation of ARS §13-2008, a class 4 felony.

Date of offense: 04/15/2007 Offense is a: non-dangerous repetitive offense.

Count VIII: Taking the Identity of Another, in violation of ARS §13-2008, a class 4 felony.

Date of offense: 04/15/2007 Offense is a: non-dangerous repetitive offense.

Count IX: Taking the Identity of Another, in violation of ARS §13-2008, a class 4 felony.

Date of offense: 04/16/2007 Offense is a: non-dangerous repetitive offense.

Count X: Taking the Identity of Another, in violation of ARS §13-2008, a class 4 felony.

Date of offense: 04/16/2007 Offense is a: non-dangerous repetitive offense.

Count XI: Taking the Identity of Another, in violation of ARS §13-2008, a class 4 felony.
Date of offense: 04/16/2007 Offense is a: non-dangerous repetitive offense.

Count XII: Taking the Identity of Another, in violation of ARS §13-2008, a class 4 felony.
Date of offense: 04/20/2007 Offense is a: non-dangerous repetitive offense.

Count XV: Taking the Identity of Another, in violation of ARS §13-2008, a class 4 felony.
Date of offense: 04/26/2007 Offense is a: non-dangerous repetitive offense.

Count XVI: Taking the Identity of Another, in violation of ARS §13-2008, a class 4 felony.
Date of offense: 04/28/2007 Offense is a: non-dangerous repetitive offense.

Count XVII: Taking the Identity of Another, in violation of ARS §13-2008, a class 4 felony.
Date of offense: 04/28/2007 Offense is a: non-dangerous repetitive offense.

Count XVIII: Taking the Identity of Another, in violation of ARS §13-2008, a class 4 felony.
Date of offense: 04/28/2007 Offense is a: non-dangerous repetitive offense.

Count XIX: Forgery, in violation of ARS §§13-2002(A)(1), 13-2001, 13-701, 13-702, 13-702.01, and 13-801, a class 4 felony.
Date of offense: 04/28/2007 Offense is a: non-dangerous repetitive offense.

Count XX: Taking the Identity of Another, in violation of ARS §13-2008, a class 4 felony.
Date of offense: 05/01/2007 Offense is a: non-dangerous repetitive offense.

Count XXI: Taking the Identity of Another, in violation of ARS §13-2008, a class 4 felony.
Date of offense: 05/04/2007 Offense is a: non-dangerous repetitive offense.

Count XXII: Taking the Identity of Another, in violation of ARS §13-2008, a class 4 felony.
Date of offense: 05/08/2007 Offense is a: non-dangerous repetitive offense.

Count XXIII: Taking the Identity of Another, in violation of ARS §13-2008, a class 4 felony.
Date of offense: 05/08/2007 Offense is a: non-dangerous repetitive offense.

Count XXIV: Taking the Identity of Another, in violation of ARS §13-2008, a class 4 felony.
Date of offense: 05/09/2007 Offense is a: non-dangerous repetitive offense.

OFFICER'S VERSION:

Please see the attached Narratives from Yavapai County Sheriff's Office for DR No. 07-023179, from April 18, 2016 and January 17, 2017.

DEFENDANT'S STATEMENT:

The defendant did not provide the Court with a written statement.

VICTIM'S COMMENTS AND RESTITUTION:

Ms. Joan Shattuck wrote a statement which is attached to this report.

Ms. Laura Hunter wrote: "I personally do not need financial reimbursement, but my sister spent over a decade dealing with all of my brother's, Larry Powers affairs after Anthony killed him. She suffered emotionally and financially. As I wrote in my hand written letter to Christina, I feel Anthony should be put to death for killing my brother. Loosing my brother was a major heartache and loss for me emotionally but not financially. My brother & I were very close and speaking on the phone weekly with each other since I live in Hawaii and he lived in Calif. He expressed his concern about his last trip to AZ before he was killed by Anthony." Sincerely, Laura Hunter

Dan Powers stated he did not have a restitution claim. Regarding sentencing he stated, "It should be an eye-for-an-eye."

The Victim Compensation Fund for Yavapai County is owed \$4,416.20, in restitution.

Pursuant to A.R.S. § 31-230, the Arizona Department of Corrections is authorized to withdraw a minimum of 20% of monies available in the prisoner's spendable account each month, to pay towards court-ordered restitution until paid in full or defendant is released. If this defendant is sentenced to the Arizona Department of Corrections, we ask that the Court order the defendant's restitution be paid pursuant to this statute.

STATEMENT OF INTERESTED PARTIES:

The State of Arizona, through Deputy County Attorney Ethan Wolfinger, will make his sentencing comments directly to the Court.

The defendant's attorney, Tyrone Mitchell, will make his comments directly to the Court.

RISK/NEED ASSESSMENT:

Based on the Offender Screening Tool (OST), the following is an assessment of the defendant's risk to re-offend and criminogenic needs. Domains that do not contribute to the overall assessed Risk/Need level do not require intervention. Domains that may contribute to the overall assessed Risk/Need level may require intervention. Domains that significantly contribute to the overall assessed Risk/Need level must be addressed when developing supervision strategies. The OST is a standardized, statewide, validated tool approved by the Administrative Office of the Courts (AOC).

RISK LEVEL: MEDIUM-HIGH

DOMAINS THAT DO NOT CONTRIBUTE TO OVERALL RISK TO REOFFEND OR CRIMINOGENIC NEEDS LEVEL

DOMAIN	SUMMARY
* The Physical/Medical Health category has been identified as a responsivity factor and is not shown to impact risk level *	
Physical Health/Medical Health *	<ul style="list-style-type: none">• Medical conditions: Injures to right foot, knee, and hip, limit standing to 20 minutes. Back and neck problems with lifting and exercise restriction. Breathing (bronchitis) and heart (arrythmia) problems require medications.• Able to follow reporting requirements, only able to work small jobs.
Residence/ Neighborhood	<ul style="list-style-type: none">• Lived in Oregon since 1999, moved into his current house in 2015.• Travels often to Texas and California to visit family.• Residence and location are a good environment.• Intends to return to Oregon when released.
Alcohol	<ul style="list-style-type: none">• First drank alcohol at 19 years old and last drink was prior to arrest in 2016.• Rarely drinks and would typically have a sip of beer or not finish the whole thing.• No prior arrests related to the use of alcohol, and it was not a factor in this pending offense.
Drug Abuse	<ul style="list-style-type: none">• Denied the use of any drugs.

**DOMAINS THAT MAY CONTRIBUTE TO OVERALL RISK TO REOFFEND
OR CRIMINOGENIC NEEDS LEVEL**

DOMAIN	SUMMARY
Vocational/Financial	<ul style="list-style-type: none">• Last employment was in 1999 due to disability.• Able to do light duty and said the mine he had with the victim in this case was just a hobby.• Income is obtained from VA disability income.• Financial obligations are current.
Education	<ul style="list-style-type: none">• Graduated from Andrew Hill High School in California.• Completed high school early.• Suspended at least twice for being a class clown.• Not involved in special education• Continued education at San Jose State, Hayward State, and Hallmark Institute of Technology with an associate degree in aviation.
Family and Social Relationships	<ul style="list-style-type: none">• Raised by biological mother Brandy, father Leo left when he was an infant.• Visited with father during summers, he passed away in 2016.• Denied any other family members with criminal history.• Grandparents helped with raising, while mother worked.• Mother remarried a couple of times, and one stepfather was demeaning and violent; "He would beat me. I was in trouble for whatever my brother did."• Moved out at 16-years-old to work and live in his own apartment.• Not a lot of discipline because he wasn't in trouble often.• Molested by biological father over several years until he was 11 years old. Did not attend treatment for the abuse.• Talks with his family several times a month.• Served in the US Air Force 1982 to 1992, and combat in Desert Storm 1990/1991. Reported a couple of disciplinary actions which were unfounded, for AWOL and in unsecured area. Injured in the service in 1983 and 1991. Received Honorable discharge.• Married to Karen since 1997, they have been together for 30 years.• No domestic violence in his personal relationships.

	<ul style="list-style-type: none">• Two children who are now adults, no child welfare investigations.• Friends are upstanding people; some he has known since high school.• Mentor is Fran who lives nearby in Oregon.
Mental Health	<ul style="list-style-type: none">• Diagnosed at 40 years old with PTSD by Veteran Administration.• Initial diagnosis was bipolar but then discovered it was a sleeping disorder.• Attended treatment once a month until arrest in 2016.• Prescribed sleep aid by Dr. Collins at Yavapai County, is not sure what he is taking.• Denied any thoughts or attempts of suicide.
Attitude	<ul style="list-style-type: none">• Basic behaviors were law-abiding.• Poor attitude about current conviction.• Denied any culpability and plans to appeal his conviction.• No motivation to make changes to his life.• Moderate need for improvement in attitudes and perceptions.
Criminal Behavior	<ul style="list-style-type: none">• First arrest at 16 years old.• Prior felony convictions.• Current offenses are felony, an increase in seriousness and considered violent.• No prior violent offenses.

**NO DOMAINS THAT SIGNIFICANTLY CONTRIBUTE TO OVERALL
RISK TO REOFFEND OR CRIMINOGENIC NEEDS LEVEL**

ADDITIONAL ASSESSMENT AND SCREENINGS

Addendums for Programs	Meets Program Criteria	Recommended	Additional Screening Comments
Drug Court	N/A	N/A	
DUI Court	N/A	N/A	
DV	N/A	N/A	
IPS	N/A	N/A	Nature of Offense
Mental Health	N/A	N/A	
Sex Offender	N/A	N/A	
Veterans Court	Yes	No	Nature of Offense

RECOMMENDED FEE ASSESSMENTS / REIMBURSABLE COSTS:

The defendant reports a combined household income of approximately \$3000.00, per month with expenses around \$2500.00, monthly.

MISCELLANEOUS INFORMATION:

This offense appears to fall under the sentencing guidelines of A.R.S. §13-901.01 as a: First Offense Second Offense Not Applicable

IMPRESSIONS:

Mr. Anthony Richards is before the Court for fraud and murder charges from 2007, he was found guilty at trial. He completed minimal information on presentence paperwork and stated the Court instructed him not to give too many details about his life and then corrected, stating about the case itself. Many times, during our conversation, he was unable to remember details about his life (names of medical conditions and childhood), but when prompted would agree that is what he meant to say.

The defendant described abuse from his stepfather and biological father. Most disturbing were his comments about molestation and never receiving any treatment for the after-effects. He went on to explain, he just tried to give his children a normal lifestyle and, "I broke the cycle I was raised under. I had numerous issues when young, but I tried not to


let them affect my life.” In this officers training and experience, unresolved abuse can lead to dysfunctional issues later in life. This officer believes these underlying issues are affecting the defendant, his credibility, and his resistance to admit any wrongdoing with the victim in this case. The defendant would not accept any responsibility, even about misappropriation of the victims funds.

Overall, the defendant seemed bitter about his conviction in this offense. When asked about restitution he stated he shouldn't have to pay for anything, because the victim was a veteran and should have had services paid by veteran benefits. He commented, the relatives of the victim were part of the problem. His only goals for the future were, he learned not to trust law enforcement officers, then made mention, that this investigation was not the first-time law enforcement used his words against him.

Based on the nature of these charges and the lack of remorse stated by this defendant, it appears a term in the Arizona Department of Corrections is appropriate for all charges in this case. The defendant may want to enter therapeutic services while in custody to begin to address his abuse from childhood and come to terms with his convictions in this case.

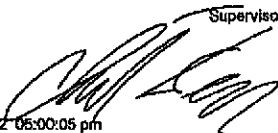
Submitted to Judge Debra R. Phelan
this 2nd day of May 2022

John C. Morris
Chief Adult Probation Officer

By:  PO Signature
By: 05/03/2022 08:26:06 am

Karyn Stephens
Adult Probation Officer

APPROVED BY:

 Supervisor Signature
05/02/2022 05:00:05 pm

Chad Feipel, Adult Probation Supervisor
Presentence Unit

KS/rah