

The State of Iowa
(OR)
The City of _____

VS:

Defendant: Tracey Richter Roberts
Address: 5181 110th Avenue
Rembrandt, IA
D.O.B.: 5-15-66
S.S.#.: _____

No. 2 MCR 126827

COMPLAINT AND AFFIDAVIT

Iowa Code Section 804

I. R. Cr. 2, 35,

FILED
NOV 19 AM 10:24
CLERK OF COURT

POCAHONTAS COUNTY, IOWA

The defendant is accused of the crime of Harassment
in violation of section 708.7 of the Iowa Code

(or ordinance No. _____ of the City of _____) in that the

defendant on or about the 15th day of November, 1992004, in Pocahontas

County, did send an e-mail at 6:11 PM about

a troubling subject matter that contains

untruths and personal information, and

then forward or re-send an e-mail

at 6:46 PM to the school of

[REDACTED], all without a legitimate

purpose and with intent to intimidate,

annoy, or alarm

☒ SIMPLE: ☐ SERIOUS: ☐ AGGRAVATED: ☐ CLASS D: ☐ CLASS C: ☐ CLASS B: ☐ CLASS A:

Signature: _____

[REDACTED], Ponda, Iowa 50540

Subscribed and sworn to before me by the person signing this complaint and
affidavit on the 17th day of November, 1992004

9-22-07

Ann Bereike
Notary Public - (Deputy) Clerk - Magistrate

☒ Complaint and affidavit filed this 18 day of November, 1992004
and probable cause found that the defendant committed the offence charged.

☒ Warrant issued. Bail is set at \$ _____

☒ Citation issued. [REDACTED]

Magistrate

[REDACTED]
From: TraceyannRichter@aol.com
Sent: Monday, November 15, 2004 7:26 PM
To: [REDACTED]
Subject: Forward to [REDACTED] if she is a student.[Scanned]

2004 DEC 21 PM 4:02
CLERK OF COURT

POCAHONTAS COUNTY, IOWA
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I AM TRYING TO TRACK DOWN A [REDACTED] THAT IS ATTENDING A TRUCKING SCHOOL IN FORT DODGE. PLEASE FORWARD THIS TO HER. IT IS CONFIDENTIAL SO PLEASE DO NOT SHARE THIS INFORMATION. YOU ARE A PROFESSIONAL AND SHOULD UNDERSTAND. I HAVE TRIED TO CONTACT HER WITH NO SUCCESS AT AN EMAIL ADDRESS. IF SHE IS NOT THERE, PLEASE DESTROY THIS EMAIL. I WOULD NOT SEND THIS IF IT WASN'T IMPORTANT.

Why would you claim that I tried to hire you to kill Mike? I never did such a thing. EVER. You have hurt me so terribly. You never had a kind thing to say about him and was constantly telling me how afraid you were of him. You told me how you were so afraid that he would hurt our children. I do believe that the only reason I even had that nightmare about you and him was a result of your telling me how he scared you. You even told me how you were afraid that he had killed me at one point. Why would you say such a thing? How could you do this? Children are at stake here.

I know that you don't have any real proof because: #1. IT NEVER HAPPENED!!!!!! Otherwise, I would have been charged. I have reread our emails and must admit that drawing such a conclusion requires more than some "stretching" or "misunderstanding".

When you made that weird comment to me about being so desperate that you would take care of Mike, I thought you were making a really bad joke. Tone gets lost in email. I didn't want to jump on you for the comment because you were struggling and feeling so low. With your history of an attempted suicide in May, I thought it best to be gentle with you. You have been struggling with depression and taking medication. So I gave you the benefit of the doubt. However I did make it clear that I was not interested in anything like that. You even apologized for the misunderstanding. Why make it seem like something else now? If you were trying to set me up for Mike, you know that I never took your bait. Why would you claim otherwise? You know that my mantra was that the best punishment for Mike was jail.

Should I have sent your email to the sheriff for solicitation of wrong doing and insist that you be charged? No, I really thought that would have been over reacting since you did apologize and never brought it up again. I let it go because I really thought it was just a very bad attempt at humor. If you had said you would sell your soul to the devil or start dancing at "Hot Shots", I would have made the same assumption. I should be reporting you since you are the one that made the comment to me in the first place. How can you be so cruel?

Didn't you go to the Sheriff at one point to express your concerns about Mike? Why the 180 degree change of heart? Where you so desperate that you could lie about this?

You have hurt me. I do not hate you and hope that there is some explanation. Hopefully, you are doing well at trucking school. I do have faith that if you have done this intentionally, your life will not be blessed. God doesn't reward this nonsense. You really need to re-examine our correspondence and re-evaluate what really transpired.

I was there for you to encourage you and help you out in anyway that I could. I was your friend. There wasn't anything that was expected from you. I wasn't using you. My intentions toward you were always genuine and positive.

I do wish that you were in court today for cross examination. It would have given me the opportunity to resolve this immediately. Now I have to sit around wondering, WHY?....until we can subpoena you. You really didn't think that you could make such a statement and not have it become a really big deal? This can not be overlooked. A big can of worms has been opened with such a ridiculous claim.

I feel so stupid for actually believing that you were my friend. What did I do to deserve this? Was this your idea or

11/16/2004

Mike's? It isn't too late to fix this before it gets to a point of no return.

Tracey Richter Roberts

11/16/2004

[REDACTED]
 From: <TraceyannRichter@aol.com>

To: [REDACTED]

Cc: [REDACTED]

Sent: Monday, November 15, 2004 6:46 PM

Subject: Why?

Why would you claim that I tried to hire you to kill Mike? I never did such a thing. EVER. You have hurt me so terribly. You never had a kind thing to say about him and was constantly telling me how afraid you were of him. You told me how you were so afraid that he would hurt our children. You even told me how you were afraid that he had killed me at one point. Why would you say such a thing? How could you do this? Children are at stake here.

When you made that weird comment to me about being so desperate that you would take care of Mike I thought you were making a really bad joke. Tone gets lost in email. I didn't want to jump on you for the comment because you were struggling and feeling so low. With your history of an attempted suicide in May, I thought it best to be gentle with you. So I gave you the benefit of the doubt. However I did make it clear that I was not interested in anything like that. You even apologized for the misunderstanding. Why make it seem like something else now? If you were trying to set me up for Mike, you know that I never took your bait. Why would you claim otherwise? You know that my mantra was that the best punishment for Mike was jail.

Should I have sent your email to the sheriff for solicitation of wrong doing and insist that you be charged? No. I really thought that would have been over reacting since you did apologize and never brought it up again. I let it go because I really thought it was just a very bad attempt at humor. If you had said you would sell your soul to the devil or start dancing at "Hot Shots", I would have made the same assumption. I should be reporting you since you are the one that made the comment to me in the first place. How can you be so cruel?

Didn't you go to the Sheriff at one point to express your concerns about Mike? Why the 180 degree change of heart? Where you so desperate that you could lie about this?

You have hurt me. I do not hate you and hope that there is some explanation. Hopefully, you are doing well at trucking school. I do have faith that if you have done this intentionally, your life will not be blessed. God doesn't reward this nonsense. You really need to re-examine our correspondence and re-evaluate what really transpired.

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I do wish that you were in court today for cross examination. It would have given me the opportunity to resolve this immediately. Now I have to sit around wondering, WHY?

I feel so stupid for actually believing that you were my friend. What did I do to deserve this?

Tracey Richter Roberts

POCAHONTAS COUNTY, IOWA
 FILED
 2004 DEC 21 PM 4:02
 CLERK OF COURT

11/16/2004

[REDACTED]

From: <TraceyannRichter@aol.com>
To: [REDACTED]
Sent: Wednesday, July 28, 2004 7:48 PM
Subject: Re: call me at 286.6103

I love your place but can not afford a home at this time. Do you want to list it on Ebay? Print up a really nice flyer with lots of details. I will forward it to my sister, a real estate agent in Chicago. If anyone is looking for a rural acreage, she can forward them to you. Do you want to home school. It works best, if Mom really loves it. Otherwise put him in school. WHO cares what his ex wants. DON't let her make you feel bad. SHE will never be happy and always expect too much.

If you want to work from home. GO ahead. But do it because you feel called, not because she guilts you into it. What are your gifts????????????? God has a plan for you.

[REDACTED] you are such a sweet and bright woman. Don't get discouraged. You are beautiful, inside and out.

Hey if anything ever happened to Mike, I would personally promise to put you into business. There are so many storefronts in storm lake. That main street needs some life!!!!

Mike has the kids till AUGust 20th. SO I am bummed and considering a trip to CHicago.

Please don't be sad.

POCAHONTAS COUNTY, IOWA
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2004 DEC 21 PM 4:02
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[REDACTED]

From: <TraceyannRichter@aol.com>
To: [REDACTED]
Cc: [REDACTED]
Sent: Monday, November 15, 2004 6:11 PM
Subject: [REDACTED]

POCAHONTAS COUNTY, IOWA
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2004 DEC 21 PM 4:00
CLERK OF COURT

[REDACTED] has been doing nothing but complain about how afraid she was of Mike and how much she worried about the children. Her concerns only made me worry for our children. She offered me a handgun on many occasions, telling me that she was worried about me getting killed by Mike. I refused all offers stating that Mike was safer. I even offered her my home when she complained about being worried about Mike. She made a comment one time about, "What should she do if Mike came over all crazy and tried to hurt her", I told her to do whatever she needed to protect herself. She talked about this several times.

I did have a dream about her one. I may have shared it with her. I suspect it happened because she was constantly telling me how afraid she was of him and how crazy he is. I dreamt that She lived in our Early home and that Mike attacked her in a manner similar to the attack and she defended herself similar to the attack. Then when I came to work at 103 west south, the next day.....she was at Mike's desk and said she sued Mike and got his half of the business. It was really weird. Kind of like a dream where your dog talks and that doesn't seem weird to you in the dream yet when you wake up....you think, "that was really weird".

I have never asked [REDACTED] to hurt Mike. When she made comments, I assumed they were just really inappropriate jokes. I never took her comments seriously. I know that I have made comments that if anything ever did happen to Mike it would need to be something like cancer or a very public lightening strike, otherwise he would try to blame it on me.

Any claims that I tried to solicit her to hurt Mike is untruthful. NEVER HAVE I DONE SUCH A THING. I know that [REDACTED] was hospitalized in May for some mental health problems and she complained to me lately that she has been very depressed and struggling. I hope that she is just confused or having some difficulty with her perceptions. Otherwise I need to believe that [REDACTED] was intentionally attempting to set me up at Mike's request. Luckily I never thought she was actually serious because such a thing is not worth eternal damnation in hell or losing my earthly freedom. I don't know if she was pressured into something in financial desperation. Whatever her reasons, I am disappointed and hurt.

In all the time I spent with [REDACTED], she never had a kind word to say about Michael. Her conversations were not encouraging and uplifting. They actually dealt with dark issues. She would say things that made me worry more about Mike and the kids. She would seek my advice regarding her affectionate feelings for her husband's boss. I did my best to direct her to remain faithful to [REDACTED] and encourage her. I wonder if that was also a set-up from Mike trying to see if I would direct her to be an adulteress which would directly affect my character.

As for any Xellex files, Mike left them in the garage. [REDACTED] called me about them long after Mike emptied the house during the Summer of 2004. Mike knew they were there and left them there. [REDACTED] did not remove them until after the new owners changed the locks. If he needed them, why didn't he take them. They contain documents from 1998 to 2001. Mike is using this as an excuse for his not preparing tax returns that should have been done years ago. He left them in the house to be tossed away. They were not given to me until mid October 2004. Mike used quickbooks for bookkeeping. That should be all he needs to his taxes. The receipts are very disorganized and limited. The [REDACTED] were able to fit three people and these boxes in their compact car. These boxes do not represent the extent of Xellex's books.

Tracey

SEE MY EMAILS BELOW. I DO NOT HAVE HER EMAILS, BUT THEN YOU CAN GET THOSE FROM HER.

[REDACTED] SENT ME A WEIRD EMAIL. IN IT SHE TALKS ABOUT HOW DESPERATE THEIR FINANCIAL SITUATION IS. SHE MAKES AN OFFER TO GET RID OF MIKE. I'M NOT SURE IF IT WAS MEANT AS A JOKE OR SERIOUS. I FIGURE THAT IN HER POOR DEPRESSED STATE IT IS BETTER TO ASSUME IT WAS

11/16/2004

A BAD SENSE OF HUMOR YET I DON'T WANT TO JUST IGNORE IT, SO I MAKE IT CLEAR THAT I NEVER WANTED THAT. HER EMAIL WORRIES ME WHICH IS MY REASON FOR THE LAST LINE.

THE FOLLOWING EMAIL IS MY RESPONSE.

9-28 From TRACEY TO [REDACTED]

Sorry, I don't recall making a request. I just offered a lunch time break and some companionship. Sorry if it came across differently. What happened with [REDACTED]'s job? I thought he already had a good one.

I want to be your friend. Call me if you want to chat. I need to pick up a few of the items stored at your place. Let me know when it is a good time to come by with my Mom.

You don't sound too good.

[REDACTED] SENDS ME AN EMAIL APOLOGIZING FOR THE MISUNDERSTANDING.

9-29 FROM TRACEY TO [REDACTED]

I am also confused. Things were going so well for awhile. Go to DHS and get on medicaid/medicare. Can [REDACTED] collect unemployment?

The misunderstanding is OK. I wish I had money to help you out. Unfortunately I am almost 40 and living with my parents. If it wasn't for them, I don't know what I would do. What I meant to you previously was that I would love to help you out and go into a business with you if I had any money. Unfortunately, the only way that would happen is if Mike got called home. Who knows, if lightening were to strike him or an oncoming car crosses the yellow line your problems would be over. That is a promise that I could make and keep. I wouldn't say that if I didn't mean it

I still think that you need a lunch break. A little R&R.

Not to be nosey, but have you considered applying for disability via social security. Your personal situation has put a lot of stress on you, which may be taking a toll on your health. I don't know the details of how you feel each day, so that is for you to consider and evaluate. It just seems like the financial pressures are making an already delicate situation even worse.

[REDACTED] CONTACT ME AGAIN AND COMPLAINS THAT THEY DONT EVEN HAVE MONEY FOR FOOD. SHE MAKES SOME REMAKE ABOUT HOW GREAT IT WOULD BE TO OWN A PET SHOP WITH ME IN STORM LAKE. SHE MAKES SOME COMMENT ABOUT MIKE COMING TO HARM. I SPECIFICALLY STATE THAT DEATH IS TOO GOOD FOR HIM. I WOULD PREFER HIM TO GO TO JAIL FOR WHAT HE HAS DONE.

10-16-2004 FROM TRACEY TO [REDACTED]

I don't have much but (thanks to my parents) we do have food. Do you qualify for WIC or is Logan too old?

I will go thru our pantry and put together a care package for you. Is there anything you can not eat. Most our stuff here is really very normal.

If you drop off the Xellex boxes, I can get my Dad to lend me \$20 for your trouble. Or I can meet you in Storm Lake. On Monday, I go to court for child support. Hopefully all will go well. Mike tried to get it continued because he missed his flight on thursday from Helsinki, Finland. He was visiting his girlfriend for two weeks. Nice? Huh? My lawyer told him that he still has three days to catch a flight. Mike said that he couldn't get on a flight Friday which is a big fat lie. I called American Airlines and British Airways. Both had over 50 seats open in coach class on their first few flights out after Mike missed his flight. I suspect he just wanted to stay longer or is avoiding court. In either case, he is very very naughty.

It is harvest time and a lot of Farmers will be looking for an extra man to help. Do you want me to ask my Dad's farmer friends if they are still looking?

Please call if you change your mind and want to talk. I won't bug you since I know what it is like when you just want to retreat from reality. I can watch Logan if you need some time off.

I am here for you,

11/16/2004

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██████████ AND I MEET FOR LUNCH AT BREWSTERS. SHE MENTIONS SOMETHING ABOUT MIKE COMING TO HARM AGAIN. I CLEARLY SATE THAT I WOULD RATHER HE GO TO JAIL AND MAKE NEW FRIENDS