

To All Concerned:

Re: License # 87002

Mike Rigo, Weichert Realtors Coastal Properties

How did the Real Estate Commission issue a license to this individual . See attached information.

Mike Rigo has an extensive criminal background of violence to women, false imprisonment , cruelty to children, repeat offenses of aggravated assault in multiple states. He is currently on probation in South Carolina and was sentenced to a 12 year prison term in Georgia.

Where is the criminal background check that the rules require prior to issuing a license.

Verbal intimidation is part of his routine. He harasses owners until they list with him. Constantly interferes with realtors and their clients. Undermines other realtors to get their listings.

We are hesitant to file formal complaints against him, due to the violent nature of this person. He is very aggressive.

The Real Estate Commission has given this individual a key to every front door, exposing the public, their homes, families and personal information.

We are failing to protect our community. Realtors are trusted on the Island, this man is mocking our profession.

If he did not disclose his criminal background when he applied for the license, is he committing fraud?
Did he enrich himself from this fraud?

Those of you in positions of influence need to do something.

Respectfully,

Concerned Colleagues

ster company [REDACTED]
please contact [REDACTED]

CRIMINAL RECORDS

SEARCH DETAIL REPORT

Order Information

Order ID: [REDACTED]

Date: [REDACTED] 015 [REDACTED]

Item #: 1010 - McCormick County South Carolina Criminal Record Search

Search Summary

1 criminal record(s) found, containing 1 offense record(s).

Search Criteria: First Name=Michael, Last Name=Rigo, DOB=11/##/1956, State=South Carolina, County=McCormick

JURISDICTIONS SEARCHED

- McCormick County, South Carolina - Corrections Records
- McCormick County, South Carolina - Court Records
- McCormick County, South Carolina - Sex Offender Records

Search Criteria

SEARCH DATE	[REDACTED]/2015	SEARCH TIME	[REDACTED]
FIRST NAME	Michael	LAST NAME	Rigo
DATE OF BIRTH	11/##/1956	STATE	SC
		COUNTY	McCormick

Search Detail Records

Juris.	ID No.	Last Name	First Name	Middle Name	Suffix	Race	Sex	Date Of Birth
SC DEPARTMENT OF PROBATION, PAROLE AND PARDON		RIGO	MICHAEL			WHITE	MALE	11/1956

Additional Information

Full Name RIGO, MICHAEL SSN Removed DC # 01780897RIGMIC

OFFENSE

Offense	ASSAULT OF A HIGH AND AGGRAVATED NATURE (AHAN)	Case #	01780897RIGMIC
State	SC	Source	SC DEPARTMENT OF PROBATION, PAROLE AND PARDON
Court	MCCORMICK	Prob Start Date	20010407

RIGO v. STATE

NO. AG441636

604 S.E.2d 238 (2004)

269 Ga. App. 383

RIGO v. The STATE.

Court of Appeals of Georgia.

August 31, 2004.

*Julian D. Treadaway, Marietta, for appellant.**Ray, Jr. Paul, State Attorney; Donal J. Bortman, Andrew J. Bullock, Assistant District Attorneys for appellee.*

ELDRIDGE, Judge.

Following a bench trial in the Superior Court of Cobb County, Michael Rigo was found guilty of false imprisonment, aggravated assault, cruelty to children, and battery under the Family Violence Act, which charges arose in relation to acts Rigo perpetrated against his wife. He appeals, claiming that the trial court erred by failing to merge the offense of false imprisonment with the offense of battery; that the evidence was insufficient to support his conviction for cruelty to children; that the trial court improperly relied upon a pre-sentence investigation in aggravation of sentence; and that he received ineffective assistance of counsel at trial. We have reviewed these enumerated errors and, finding each meritless, affirm Rigo's conviction.

1. The offense of battery is not a lesser included offense of false imprisonment and the crimes do not merge as a matter of law.¹ Nor, in this case, did the offenses merge as a matter of fact because the proof of each offense was distinct from proof of the other. Rigo bruised his wife's throat by strangling her *after* he had already bound her hands and wrists with duct tape and was unlawfully holding her against her will. That a distinct separate offense, like a battery or a rape, occurs during the ongoing course of another completed offense, like false imprisonment, does not in itself preclude conviction and sentence for each.² Rigo's claims to the contrary are without merit.

2. Equally without merit is Rigo's claim that the evidence was insufficient to support his conviction for cruelty to children because the State failed to prove that he *intentionally* allowed his child to witness his felonious acts against the victim. Viewed to support the verdict,³ the evidence was that Rigo's young daughter woke up when Rigo began screaming at her mother and was present when Rigo pointed a gun at her mother and bound her mother with duct tape. The victim testified that during the above acts, the child "was coming in between us. And he's [(Rigo)] like, how come she was in bed with you and I wasn't expecting her to see this. And it's all your fault. She's going to witness you die, and she's never going to forget that. And she's going to be scarred." The evidence was that Rigo repeatedly pushed the child out of his way so he could continue his attack on the victim. We find this evidence sufficient for a rational trier of fact to have found beyond a reasonable doubt that Rigo intentionally allowed his minor daughter to witness the felonious acts he perpetrated.

3. Next, Rigo claims a pre-sentence investigative report was improperly used in "aggravation" of sentence without the State giving notice of its intent to introduce such report pursuant to the requirements of OCGA § 17-10-2. This claim has no merit. The pre-sentence investigative report was ordered by the trial court and was not evidence "submitted" by the State in aggravation of sentence as contemplated by OCGA § 17-10-2.

Further, no objection was registered to the use of the pre-sentence report, except to "point out" some "difficulty with some of the things that she [(Mrs. Mentor, Rigo's ex-wife)] had indicated and especially what has been put in the report." Moreover, it is clear from the sentencing transcript that the trial court did not consider the disputed portions of the report related to Mrs. Mentor; indeed, it does not appear that the report played any role in the sentencing. From the record, it appears that the trial court sentenced Rigo solely on the basis of the egregiousness of the evidence adduced at trial, and the court imposed prison time in an amount significantly less than that recommended

[604 S.E.2d 240]

by the prosecutor. Accordingly, the error as urged provides no basis for reversal.

4. Rigo contends he received ineffective assistance of counsel at trial because trial counsel failed to mount a "phen-fen" defense on Rigo's behalf. To prevail on a claim of ineffective assistance of counsel, Rigo must show both that counsel's performance was deficient and that the inadequate performance prejudiced the defense.⁴ He must overcome the strong presumption that counsel's conduct fell within the broad range of professional conduct and demonstrate that the outcome of the proceedings would have been different were it not for counsel's deficiencies.⁵ Rigo has not met this burden. First, the record shows that, knowing of its effect, Rigo voluntarily abused the drug combination phentermine/fenfluramine a/k/a "phen-fen." Second, there is no medical evidence of record that a phen-fen induced "mania" negates the ability to distinguish right from wrong so as to form the requisite criminal intent. And, third, Rigo has put forward no evidence demonstrating that, had a "phen-fen" defense been put forward by trial counsel, the outcome of the proceedings would have been different. These three factors remove this case completely from the factual scenario faced by this Court in *Guzman v. State*,⁶ the case upon which Rigo so heavily relies. In *Guzman*, defendant suffered from confusional migraines, an involuntary medical condition unrelated to drug abuse; during the motion for new trial hearing, competent medical testimony was put forward that such medical condition rendered a person unable to form the requisite criminal intent; and, finally, there was physical and testimonial evidence (other than from defendant) that Guzman could have been experiencing a confusional state at the time of the incident.⁷

In this case, trial counsel went to Emory University and researched a "phen-fen" defense; he determined that Rigo's voluntary abuse of the drug did not provide a viable defense to the charged offenses. Under the circumstances reflected in the record, we do not find error in trial counsel's tactical decision.

Rigo additionally complains about his attorney's failure to move for a continuance after receiving the pre-sentence report and his failure "to present a complete picture of defendant's drug use and mental health background during the pre-sentence hearing." However, other than to state that these failures were "harmful," Rigo has put forward no basis upon which this Court could or should concur with such assessment. At the motion for new trial hearing, Rigo did not put forward a "complete picture" of his drug use, and he fails to demonstrate how his voluntary abuse of drugs would translate into a lesser sentence. Moreover, as recognized in Division 3, *supra*, the trial court's sentence was based upon the egregious facts of this case, not upon the contents of the pre-sentence report.

On the record before us, Rigo has failed to show clear error in the trial court's conclusion that Rigo received effective assistance of counsel.

Judgment affirmed.

RUFFIN, P.J., and ADAMS, J., concur.

FootNotes

1. OCGA § 16-1-6.

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● Michael Rigo

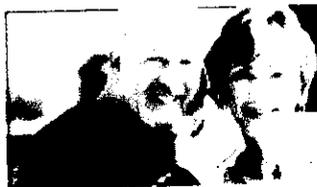


Firefighter Looking for an Angel

I spend all my time waiting for that second chance for a break that would make it ok. There's always some reason to feel not good enough and it's hard at the end of the day. I need some distraction, oh a beautiful release. Memories seep from my veins and maybe empty, oh weightless and maybe I'll find some peace in the arms of the angel when I fly away from here. From this dark, cold prison cell and the endlessness that I feel.

I'm pulled from the wreckage of my silent reverie when I'm in the arms of the angel may I find some comfort here.

I'm so tired of prison life that everywhere I turn there's vultures and thieves at my back. Stone keep on twisting, keep on building the lies that I make up for all that I lack. Don't make no difference, escape one last time. It's easier to believe in this sweet madness, oh this glorious sadness that brings me to my knees, in the arms of the angel let me fly away from here, from this dark, cold prison cell and the endlessness that I feel. You may have those arms of an angel.



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AARP
of America

Member

➤ Address:

**Michael Rigo #1011859
Dorm 3
Clayton County Correctional Institution
PO Box 309
Lovejoy, GA 30250**

➤ Birthdate: **November 24/1956**

➤ Expected Date of Release: **July/2006**

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