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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

United States of America, Plaintiff, vs. Eric Ridenour, Defendant.	CR 23-00908-TUC-SHR (LCK) GOVERNMENT'S TRIAL BRIEF

I. CHARGES AGAINST THE DEFENDANT

The defendant was indicted by superseding indictment on October 5, 2023, and charged with two counts of Arson of Property Used in Interstate Commerce in violation of 18 U.S.C. § 844(i) (Counts 1 and 4), two counts of Obstruction of Free Exercise of Religious Beliefs by Fire in violation of 18 U.S.C. §§ 247(a)(2), 247(b), and 247(d)(3) (Counts 2 and 5), and two counts of Using Fire to Commit Federal Felony in violation of 18 U.S.C. § 844(h)(1) (Counts 3 and 6). (ECF Doc. 54.)

II. STATEMENT OF FACTS

A. Arson Investigation

The defendant, Eric Ridenour, AKA Eric Duane Ridenour, is charged with arson and hate crime offenses resulting from an arson investigation conducted by agents from the

Federal Bureau of Investigation (FBI) and Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) in Douglas, Arizona. On May 22, 2023, at approximately 10:50 a.m., ATF Special Agents ("SA") responded to two church fires in Douglas, Arizona after earlier 911 calls reported smoke coming out of a church located in Church Square. Upon arrival, SAs saw that the Saint Stephen's Episcopal Church ("St. Stephen's") had large amounts of smoke emitting from the structure, including from an attached but uninhabited two-story residence. While the Douglas Fire Department was working to extinguish the fire at St. Stephen's, smoke was also seen coming out of the First Presbyterian Church ("First Presbyterian"), located directly across an alleyway from St. Stephen's, in the same block. The Douglas Fire Department then began fire suppression efforts at that location as well.

SAs from ATF, along with the Douglas Fire Department and Douglas Police Department, began to investigate the two fires. Investigators entered First Presbyterian and observed fire damage concentrated near the altar, in the northwest corner, that had partially collapsed into the basement or crawlspace area of the building. Investigators located a bottle of Kingsford lighter fluid behind the offering table, at the base of the steps going up to the altar. Remnants of what appeared to be a barbecue lighter was also found.

The following day, surveillance footage was obtained from a nearby daycare center located directly adjacent to St. Stephen's property. The surveillance footage showed that on May 22, 2023, at approximately 10:38 a.m., a blue Pontiac Aztek arrived in the alleyway and parked west of St. Stephens, near the southwest corner wall. At approximately 10:40 a.m., a male exited the vehicle and walked north carrying a plastic bag. The male then walked out of view of the camera. At 10:42 a.m., the same individual was seen walking back south and toward the vehicle. The individual then walked in a southeast direction toward the First Presbyterian Church. The individual can then be seen entering the area between First Presbyterian's hall and classroom buildings, before he again goes out of view of the camera. At approximately 10:45 am, the same individual was again seen on a sidewalk adjacent to the church before he jogs back to his vehicle. At this time, smoke was already emanating from the uninhabited two-story residence attached to St. Stephen's.

Notably, an individual who organizes Alcoholics Anonymous meetings at St. Stephen's told law enforcement that he had gone to the church's hall at approximately 9:30 a.m. and stayed for 20 minutes. He did not encounter anyone and did not smell or hear anything while he was there.

Through law enforcement databases, ATF agents determined that only one blue Pontiac Aztek is registered to an individual in Douglas and that it was registered to Ridenour. Law enforcement agents also met with a manager at the Walmart in Douglas to review any possible receipts for the purchase of lighter fluid. Agents mentioned they were looking for a blue Pontiac Aztek and the Walmart manager stated their neighbor, Eric Ridenour, had that same car. Agents showed the manager a screenshot of the surveillance footage from the daycare, and the manager identified Ridenour as the individual in the footage. The manager also said that Ridenour had been at the Walmart that morning.

At approximately 6:30 p.m. on May 23, 2023, law enforcement officers from the Douglas Police Department and SAs from ATF and FBI served a search warrant on Ridenour's residence and vehicle. An ATF Accelerant Detection Canine named "Zeta" alerted to the presence of accelerants (a flammable substance used to aid the spread of fire) on pants located inside the residence that matched the appearance of pants worn by the individual seen on the daycare surveillance video. A green hat matching the one worn by the individual on the surveillance video was also located in Ridenour's blue Pontiac Aztek. "Zeta" also alerted to the presence of accelerants on shoes worn by Ridenour, which also appeared to match those seen on the individual in the surveillance video. Finally, agents observed that Ridenour had a distinctive gait to his walk that matched the gait seen by the individual on the surveillance video. During the execution of the warrant, Ridenour was arrested and taken into federal custody.

Law enforcement agents also obtained surveillance footage from Walmart from earlier in the day on May 22, 2023. The footage showed Ridenour wearing what appears to be the same shirt, pants, hat, and shoes as the individual seen in the surveillance footage from the daycare center.

On June 16, 2023, SAs continued their follow-up with retail stores that sold Kingsford lighter fluid. Agents were able to identify the specific bottle based on its Universal Product Code ("UPC"), as the UPC was still visible on the bottle left behind at the First Presbyterian church. SAs learned that this exact barcode was sold by the Home Depot in Sierra Vista, Arizona, which is approximately 45 miles away from Douglas. Home Depot employees searched recent sales of that barcode and found video of Ridenour purchasing the same barcoded Kingsford lighter fluid on March 30, 2023, 53 days before the fire. Ridenour can be seen in the video wearing similar shoes and pants to those he was wearing on the day of his arrest.

Law enforcement agents also obtained a search warrant for information from AT&T, Ridenour's cellular service provider. (Ridenour's wife provided his phone number.) After analyzing the data, SAs noted that: 1) Ridenour was the subscriber of the cellular phone and used his home as the billing address; 2) the phone was in the area of both churches during the fire; 3) the phone was on during the time both fires started; 4) the phone was used to make calls and send text messages before, during and after the fire; and 5) the phone was used to call St. Stephen's twice on the morning of the fire, before the fire started.

As a result of the fires, St. Stephen's and First Presbyterian both suffered extensive damage. The fires continued to re-ignite throughout the evening and the following day. The structure of St. Stephen's was almost completely destroyed, and the roof of First Presbyterian collapsed in the early morning hours of May 23, 2023, and the fire also caused extensive internal damage.

B. Bias-Motive Evidence

During the course of the investigation, law enforcement agents uncovered substantial evidence that Ridenour was motivated by his desire to obstruct individuals from their enjoyment of their free exercise of religious beliefs.

During the residential search warrant referenced above, agents discovered a stack of notebooks and miscellaneous hand-written papers located on a nightstand in the master bedroom. Located in the stack was a letter addressed to someone named Jonathan. The relevant portion of the letter said:

> *"My name is Eric Ridenour, I'm 57 and married happily to Elizabeth for 20 years. We recently moved to Douglas, Arizona in 2019 when I became born again. We tried to attend a church in Bisbee, Arizona, but found some culture creeping in when we asked the pastor about it we were told to find another place to worship. We are very rural and have a little property so we decided to build a small place for worship for ourselves and members. When we had our property surveyed I discovered what looks to me to be the God head. I've sent a picture from Google maps."*

In June, law enforcement identified and interviewed the pastor of the Bisbee, Arizona church referenced by Ridenour, Calvary Bisbee. The pastor recalled that Ridenour and his wife were members of his church, and that Ridenour asked the pastor to go to lunch one day. During the lunch, Ridenour complained about the church's practice of having women involved with the service, including leading readings and prayer. Ridenour did not believe women should be in positions of authority. The pastor told Ridenour the church would not change how it practices and Ridenour and his wife never returned.

Law enforcement agents also spoke with a member at Calvary Bisbee. In 2021, the member was leading a dialogue event at the church and Ridenour asked how the church felt about women acting in positions of authority. The member remembered Ridenour being unhappy about the answer.

Law enforcement also interviewed the reverend of St. Stephen's. The reverend remembered an encounter they had with a couple, later identified as Ridenour and his wife, about two years before the church was burned down. According to the reverend, Ridenour and his wife questioned the reverend about the church's beliefs and how the reverend felt about women in leadership. Eric Ridenour asked the reverend if the reverend thought the world was better or worse since women had taken positions of leadership in religion and politics and Ridenour stated his belief that women should not be pastors. In support of his argument, Ridenour referenced 1 Timothy, a New Testament bible verse referencing man's

authority over women. Ridenour also asked whether the church supported the LGBTQ community and whether the reverend was a "practicing homosexual." The reverend replied that they are gay and married and Ridenour stated he would not attend a church with anyone who was gay. The reverend wrote the names of the two individuals in a journal and he later located that journal, confirming the couple was Ridenour and his wife. Notably, First Presbyterian, the other church that Ridenour burned down, has a female pastor.

Other interviews also bolstered the bias-motive evidence against Ridenour. One of Ridenour's neighbors (Neighbor 1) said Ridenour told the neighbor that women should not have leadership positions in church and was upset that the neighbor chose to attend a Church of Latter-day Saints. Neighbor 1 believed that Ridenour felt religious beliefs other than his were incorrect and that he planned to build a church on his property, as he did not agree with the doctrines of the other churches he visited in Douglas.

Another neighbor (Neighbor 2) said Ridenour had visited at least one of the churches that had burned down and remembered Ridenour being unhappy that one church supported homosexuality and another had a female minister. Ridenour had previously told Neighbor 2 that he did not think women should have positions of authority. According to Neighbor 2, Ridenour was adamant against what he considered to be "false doctrine." Neighbor 2 also confirmed that Ridenour was very upset about Neighbor 1 attending a Latter-day Saints church. In hindsight, Neighbor 2 stated they were not surprised that Ridenour had burned the two churches down, as he seemed to think of himself as a one-man martyr against false doctrines and Neighbor 2 specifically felt it would be the buildings, and what they represented, that would be so offensive to Ridenour.

Other neighbors confirmed that Ridenour was not pleased with the progressive nature of the churches in Douglas, that he felt other churches were useless, and that he often expressed his belief that the Bible forbade women and members of the LGBTQ community from preaching.

In addition, SAs have been listening to recorded jail calls between Ridenour and his wife since Ridenour has been held in custody after his arrest. During one such call, Ridenour asked his wife to send him specific Bible passages regarding the illicit nature of homosexuality and the ban on women leading in churches. In the call, Ridenour explained to his wife that he planned to take the stand and "defend his faith." In another call, Ridenour supported his wife attending a church festival, as long as it was a church that "that doesn't have, you know, homosexuals preachin' or, uh, women being the main pastor and stuff." In another call, Ridenour asked "do you think I'm in here because of something I did? Or do you think I'm- I'm in here for- for something that's all right. Do you think that I put myself in here?"

During the search of Ridenour's home, agents found a cell phone in the living room. Ridenour's wife confirmed the phone belonged to him and agents could see a message directed to "Eric" on the home screen. ATF obtained a search warrant for the phone and discovered photos in the camera roll of the phone depicting St. Stephen's around the same time that the reverend of St. Stephen's remembered talking to Ridenour and his wife. Agents also found a text message from Ridenour to another individual where Ridenour references 1 Timothy, the same Bible verse he mentioned to the reverend for his proof that women should not serve in leadership positions in the church.

C. Interstate Commerce Evidence

Both St. Stephen's and First Presbyterian are used in and are involved in activities affecting interstate or foreign commerce. St. Stephen's is a member church of the worldwide Anglican Communion, comprised of dioceses throughout the United States and in over 165 countries. It regularly hosted Alcoholics Anonymous ("AA") meetings in the building with AA being a national and international organization geared towards abstinence-based recovery. St. Stephen's church leader's salary is funded by a grant provided by the church headquarters in New York and the church often participates in charity work in Sonora, Mexico. Several members of the church are citizens of Mexico

who maintain residences in both countries and the church solicits donations online and recently received donations from two church members who reside in New Mexico.

First Presbyterian is a member church of the national Presbyterian Church U.S.A. network, headquartered in Louisville, Kentucky. At the time of the fire, First Presbyterian had begun preparing to serve as a shelter for up to 50 undocumented non-citizen asylum seekers crossing the international border from Mexico into the United States, in conjunction with the expiration of Title 42 provisions implemented during the Covid-19 national public health emergency. Although no one had begun staying at the church at the time of the arson, cots, port-o-potties, and hand-washing stations had been set up on the property in anticipation of housing migrants. Further, First Presbyterian routinely hosted visiting groups from out-of-state colleges, seminaries, and churches who had come to the border to learn about immigration issues and responses to the border crisis.

In addition, the two churches damaged and destroyed in the fire are located within Church Square, a historic block that draws tourists to Douglas to visit its unique structures. The Square is advertised on the Visit Tucson website [Church Square | Douglas, AZ 85607 (visittucson.org)] designed to bring tourism dollars to southern Arizona from around the world. Additional testimonial evidence from local historical society and visitor center officials is expected to establish that the churches and their unique location were advertised to draw tourists from outside Arizona and did, in fact, draw out-of-state tourism to Church Square.

III. STIPULATIONS

The parties have not entered into any stipulations.

IV. LEGAL AND EVIDENTIARY ISSUES

A. Motion *in Limine* Regarding Non-Communicative Testimony by the Defendant's Wife

The government filed three motions *in limine*, including requesting the Court permit the government to call the defendant's wife to testify as to non-communicative events in

the marriage only. (Doc. 124.) The government proffered case law for this proposition, and believes the admission of this evidence to be proper.

B. Motion *in Limine* Regarding Jail Calls

The government filed three motions *in limine*, including requesting the Court permit the government to introduce jail calls. (Doc. 124.) The government proffered case law, notified the defendant during a hearing before this Court, and proffered evidence that the correctional facility, in the facility handbook, signs in the facility, and in a recording before calls, that the calls are monitored, for this proposition, and believes the admission of this evidence to be proper.

C. Motion *in Limine* Regarding Non-Narrative Testimony by the Defendant

The government filed three motions *in limine*, including requesting the Court to restrict the defendant from testifying, should he so choose, in a narrative form. (Doc. 124.) The government proffered case law, and the relevant Federal Rule of Evidence, and believes the restriction on the defendant's testimony to be proper.

V. CONCLUSION

This brief is offered to acquaint the Court with factual and legal issues, which may arise at trial or prior thereto. The United States requests that the Court grant it leave to submit additional memoranda should other issues emerge later.

Respectfully submitted this 28th day of May, 2024.

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Copy of the foregoing served electronically or by other means this 28th day of May, 2024, to:

All ECF participants

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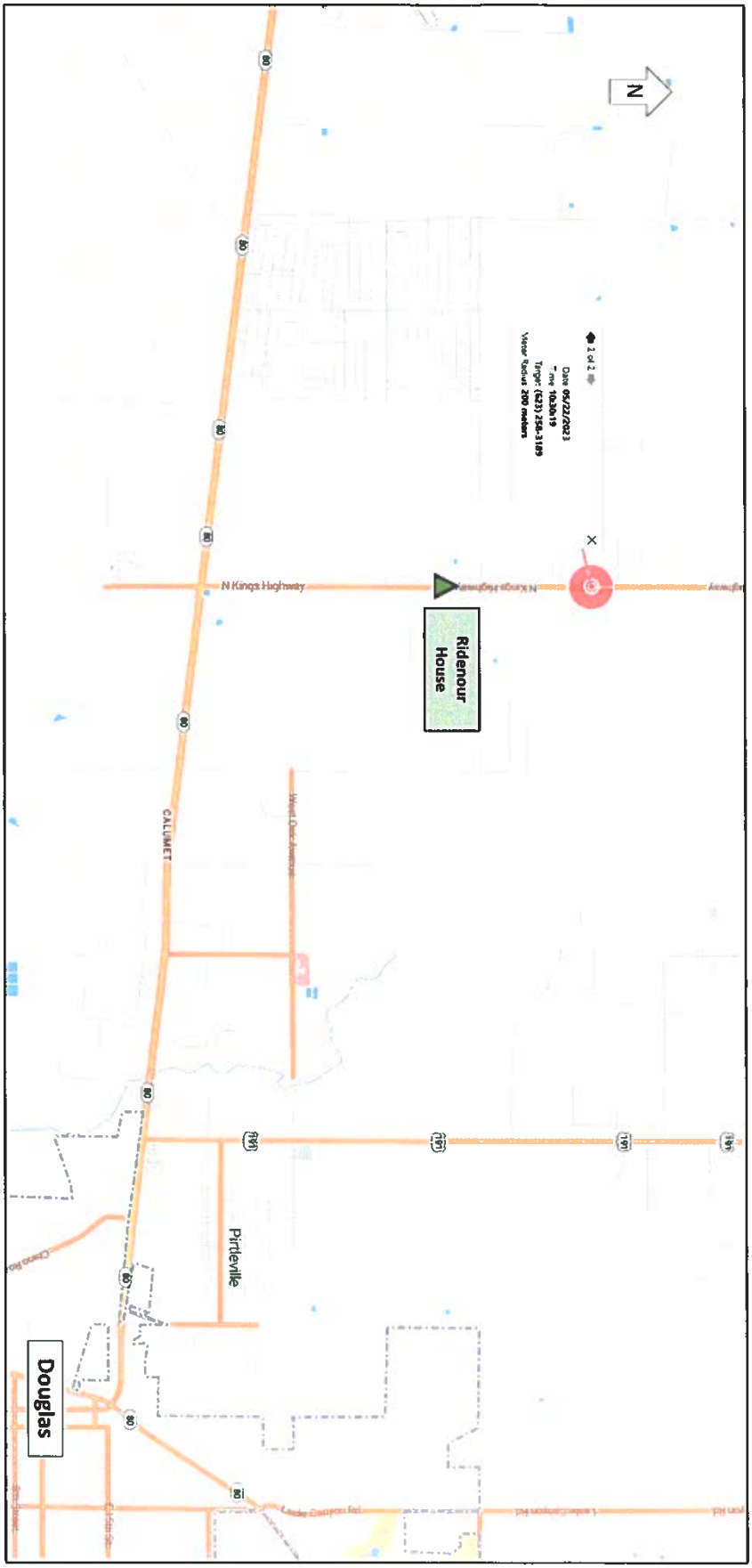
ATTACHMENTS

Attachment 1: Defendant phone movement on May 22, 2023, summary chart slides attached to ATF ROI 24

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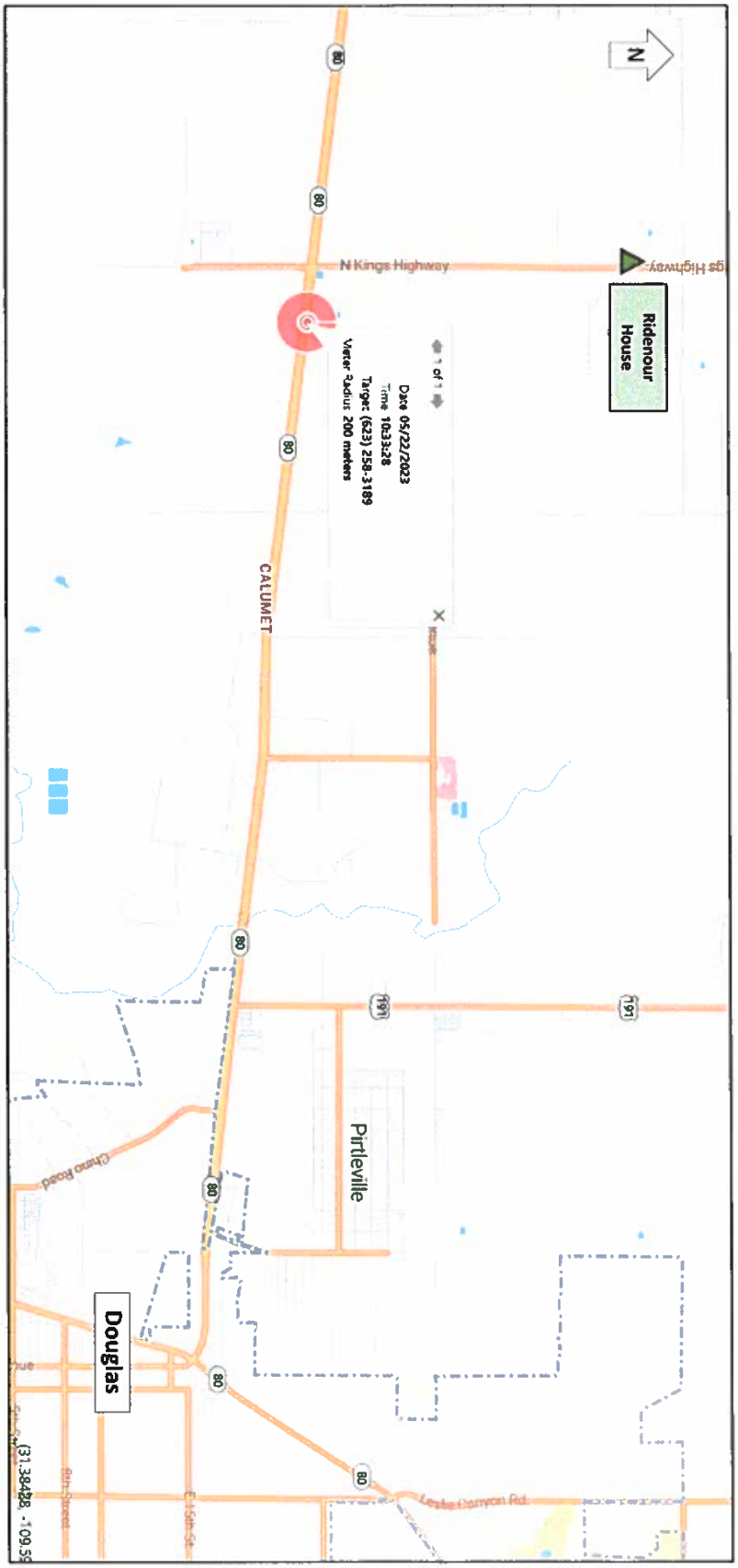
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Date Prepared: 10/4/2023

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UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

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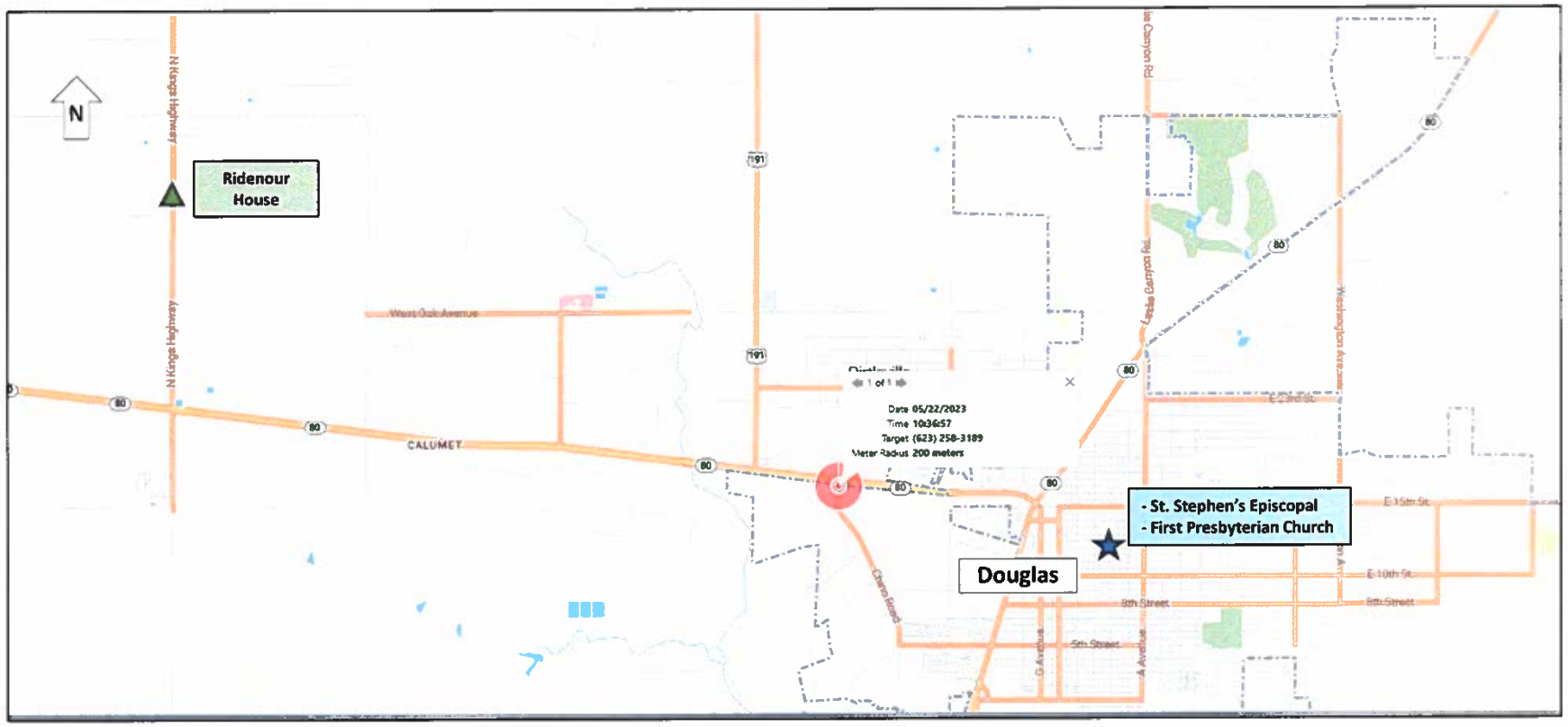
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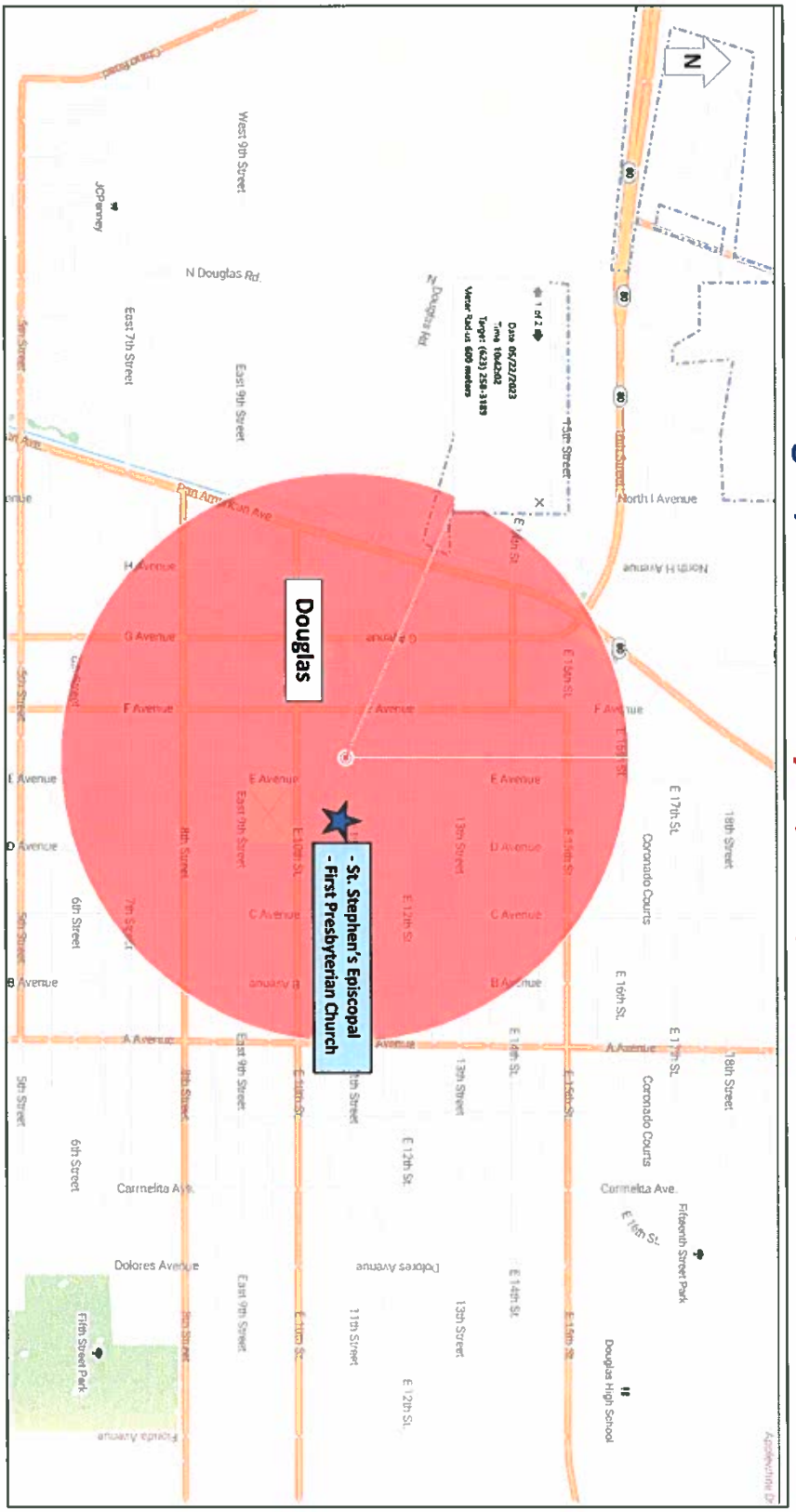
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Eric RIDENOUR Phone Analysis

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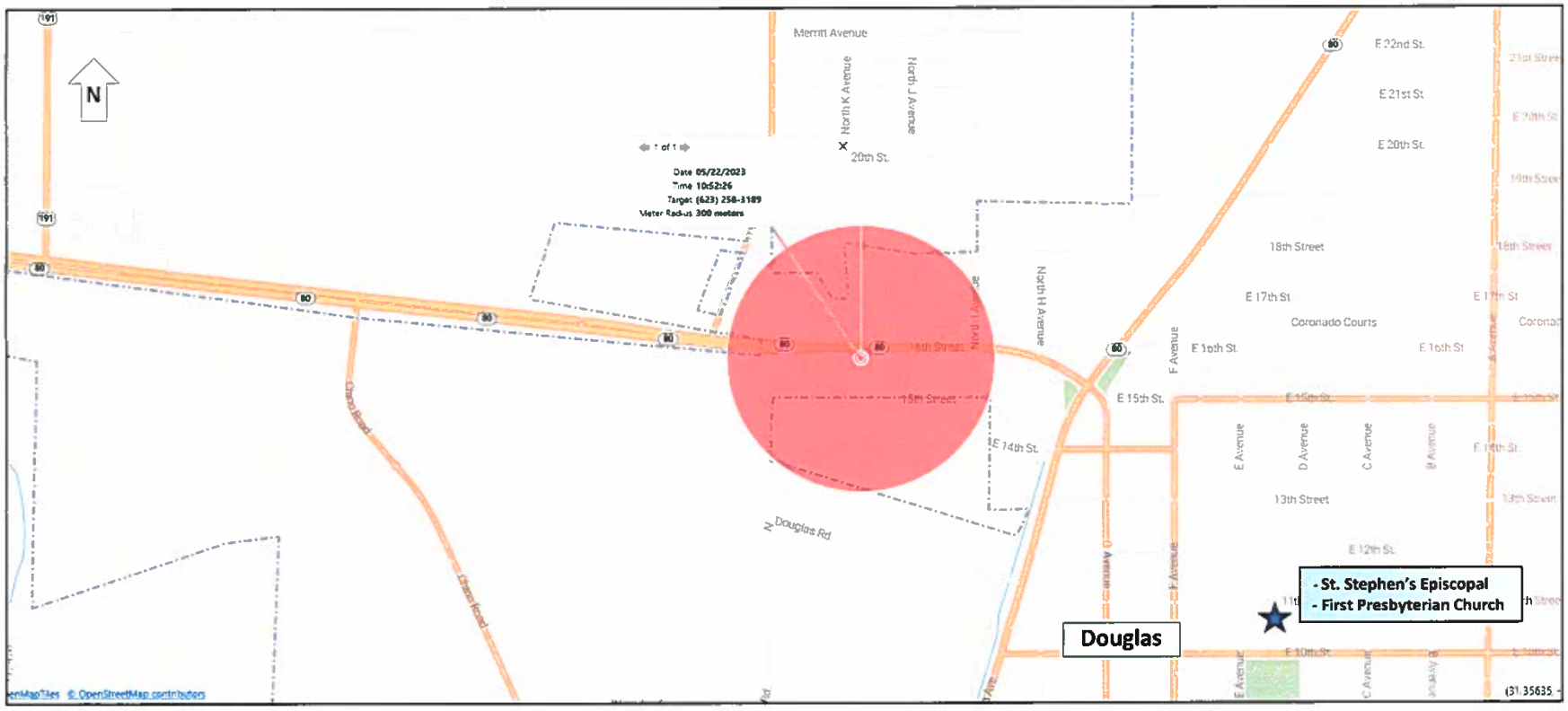
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Eric RIDENOUR Phone Analysis

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Prepared by: IRS Barto, ATF Phoenix Crime Gun Intelligence Center (CGIC)
Date Prepared: 10/4/2023

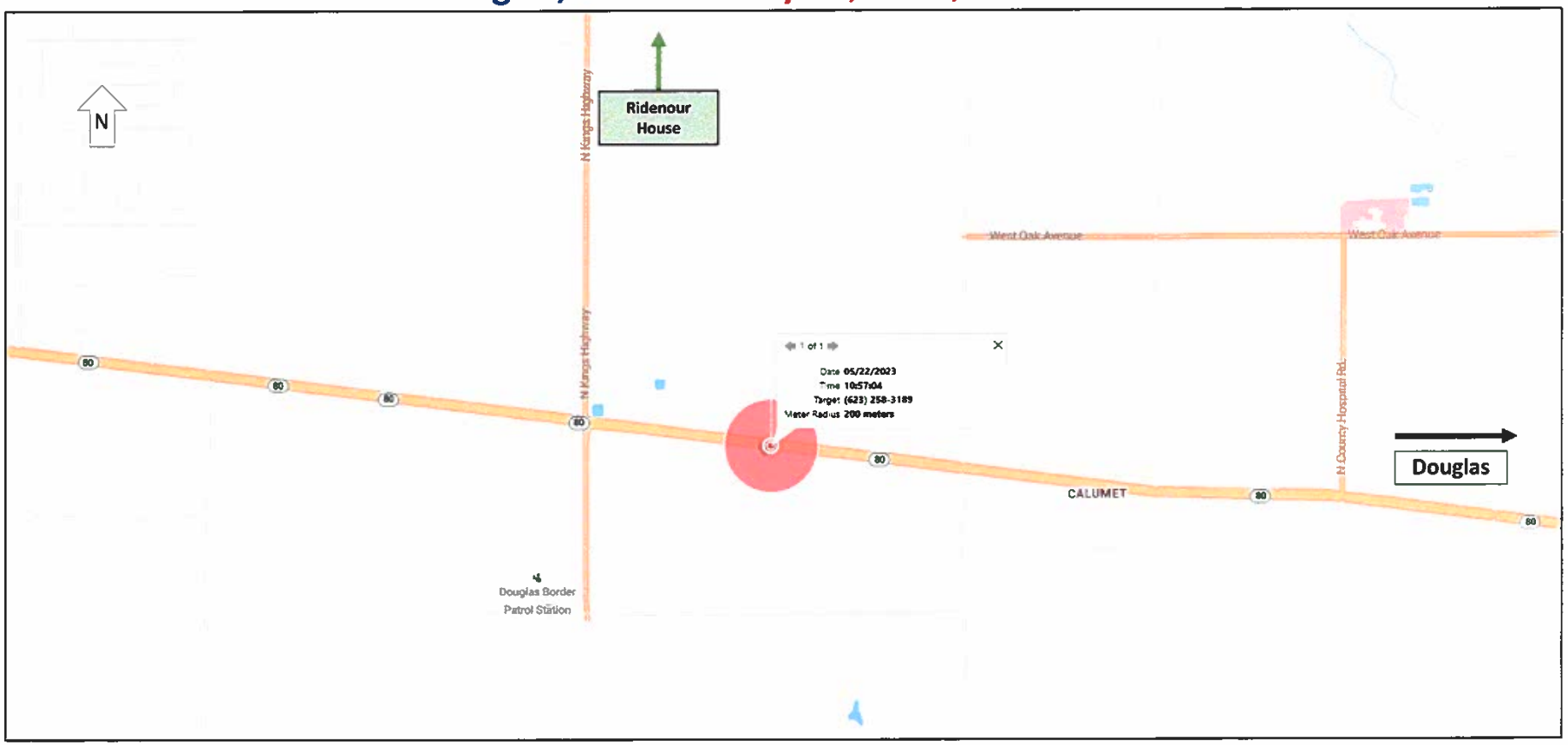
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Eric RIDENOUR Phone Analysis

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