

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF PIMA

FILED  
TONI L. HELLON  
CLERK, SUPERIOR COURT

THE STATE OF ARIZONA,

Plaintiff,

vs.

001-JOSEPH RICHARD FLORY

Defendant.

Cause No. 2015 JAN 27 PM 3:21

DIRECT INDICTMENT

D. WANDELL, DEPUTY  
253-GJ-018

CR20150298-001

The grand jurors of the County of Pima, in the name of the State of Arizona, and by its authority accuse JOSEPH RICHARD FLORY, and charge that in Pima County:

COUNT ONE: SEXUAL ABUSE, A CLASS FIVE FELONY

On or about the 26th day of May, 2014, JOSEPH RICHARD FLORY committed sexual abuse by intentionally or knowingly engaging in sexual contact with [REDACTED] TO WIT: CAUSING VICTIM TO TOUCH DEFENDANT'S PENIS, without her consent, in violation of A.R.S. §§ 13-1404.

COUNT TWO: SEXUAL ABUSE, A CLASS FIVE FELONY

On or about the 26th day of May, 2014, JOSEPH RICHARD FLORY committed sexual abuse by intentionally or knowingly engaging in sexual contact with [REDACTED] TO WIT: TOUCHING VICTIM'S VAGINA, without her consent, in violation of A.R.S. §§ 13-1404.

COUNT THREE: ATTEMPTED SEXUAL ABUSE, A CLASS SIX FELONY

On or about the 26th day of May, 2014, JOSEPH RICHARD FLORY attempted to commit sexual abuse by intentionally or knowingly engaging in sexual contact with [REDACTED] TO WIT: ATTEMPTING TO TOUCH VICTIM'S VAGINA, without her consent, in violation of A.R.S. §§ 13-1404, 13-1001.

TP: 1405270081

BARBARA LAWALL  
PIMA COUNTY ATTORNEY

By

Dated

A True Bill

Foreperson of the Grand Jury

# OFFICIAL REPORT



Agency: TPD

## Case Summary Report

Case Number: 1405270081

Date: 5/27/2014 06:47:03

Last Modified: 5/27/2014 06:32:34

### Incident Information

Date/Time Reported 05/27/2014 03:38	Date/Time Found 05/27/2014 03:38	Date/Time Found 05/27/2014 03:38	Officer (39766) BONANNO, WILLIAM C
Incident Location 7858 E Wrightstown Rd, Tucson, AZ 85715			

### Crime Classification (UCR)

<b>1</b>	Charge Type	Description SEX OFFENSES/MOLESTING	TPD CODE 1701	FBI 11D	<input type="checkbox"/> Att <input checked="" type="checkbox"/> Com
Alcohol, Drugs or Computers Used <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computers		Location Type OTHER/UNKNOWN	Premises Entered	Forced Entry <input type="checkbox"/> Yes <input type="checkbox"/> No	Weapons 1. None 2. 3.
Entry	Exit	Criminal Activity N			
Bias Motivation	Bias Target	Bias Circumstances		Hate Group	

### Victim(s)

Seq. # <b>1</b>	Name Type INDIVIDUAL	Injuries None	AZ Resident (R, N or U) Resident		Ethnicity Unknown	
Name (Last, First, M) [REDACTED]			Race W	Sex F	DOB [REDACTED]	Age [REDACTED]
Address [REDACTED]					Home Phone [REDACTED]	
Employer Name/Address [REDACTED]					Business Phone [REDACTED]	
Victim of Crimes 1						

TTY Required

I WAIVE 'upon request' rights in this case

I CHOOSE 'upon request' rights in this case

REQUEST/Waiver exception per A.R.S. 13-4405(B) and Section 8-386(B)

Lawful Representative (If Applicable):

Relationship to Victim:

Phone Number (If Different From Victim):

Address (If Different from Victim):

# OFFICIAL REPORT



Agency: TPD

## Case Summary Report

Case Number: 1405270081

Date: 5/27/2014 06:47:03

Last Modified: 5/27/2014 06:32:34

### Offender(s)

Seq. #	Name Type	Name(Last, First, M)				
1	INDIVIDUAL	S1, 1405270081, JOE				
AKA	Race	Sex	DOB	Age	Height	Weight
	W	M			5'06"	
Address					Home Phone	
Employer Name/Address					Business Phone	
Scars, Marks, Tatoos or other distinguishing features						
Physical Characteristics						

### Suspect Details

# OFFICIAL REPORT



Agency: TPD

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Date: 5/27/2014 06:47:03

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### Property

Seq. # <b>0</b>	Description FEMALE UNDERWEAR (WHITE IN COLOR)	Serial Number	Make/Model	
Owner	License / State	Color		
Status EVIDENCE	Status Officer (00003) OFFICER, BEAST	Quantity 1.00	Units of Measure	Value
Gun Type	Caliber	Finish	Grip	Gun Stock
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Sight Type
Property Notes				

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### Notes/Narratives

I responded to [REDACTED] in reference to a Sexual Offenses call that took place earlier in the day (5/26) at around 1745 hours. The victim lives at this location in the county, however the incident took place within the city limits at 7858 E Wrightstown (Rubs Massage).

Upon arriving, I spoke with [REDACTED], the listed victim. [REDACTED] was at her Boyfriends apartment when I spoke with her and was encouraged by him to make this report. [REDACTED] shared with me that she had been a victim of sexual assault in the past and was hesitant at first to report this incident.

[REDACTED] told me that she went to the 'Rubs' massage parlor located at 7858 E Wrightstown earlier in the day at 1745 hours. She had been to this location twice in the past without incident. Today [REDACTED] appointment was scheduled with a male whom she only knew as, 'Joe'. [REDACTED] had never visited with Joe, but did so today as her regular person was not working.

[REDACTED] told me that At first the massage seemed very routine. [REDACTED] was completely naked except for her underwear and the massage started while she was laying on her stomach. Soon after the massage started, [REDACTED] felt Joe rub up against her and described it as though he was pushing against her with his penis. She described it as being erect or like he had a "Boner". While massaging her legs, [REDACTED] also felt approximately 6 separate brush-ups against her crotch. She believed that Joe used the blade of his hand when he did this.

[REDACTED] then turned over for the next steps of the massage. Joe never touched her breast area inappropriately but did begin to get much rougher as he worked on her legs. [REDACTED] said she became more concerned at this time, when Joe moved her arms to the side of the table and again pushed his penis against her arms. Joe had satin like pants on and the only contact was through clothing. [REDACTED] moved her arms back on to the table, at which time Joe began to massage closer and closer to her groin area. It was at this time, that [REDACTED] could feel Joe manipulate the edges of her underpants with his finger tips. Joe never went any farther then the edges of the underwear and never touched her genitalia. There was never any type of penetration either inside or outside [REDACTED] clothing. There was also no conversation during the massage.

[REDACTED] was unsure if she wanted to prosecute but said that she was likely too, at the urging of her boyfriend. [REDACTED] hesitation only stemmed from her experience with a past incident of sexual assault.

I collected the underwear that [REDACTED] was wearing at the time of the incident and placed them in to evidence. [REDACTED] was provided with a VINE.

**OFFICIAL REPORT**



Agency: TPD

**Case Summary Report**

Case Number: 1405270081

Date: 5/27/2014 06:47:03

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**Notes/Continuation**

# OFFICIAL REPORT



## Incident/Investigation Report

Agency: TPD

Case Number: 1405270081

Date: 1/7/2015 13:22:05

### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
01/07/2015 10:38:29	FOLLOW UP	(42989) DOBELL, ROBERT A
Contact Name		Supervising Officer
		(35644) CARLSON, JOHN M

### Victim(s)

Seq. #	Name Type	Injuries	AZ Resident (R, N or U)		Ethnicity	
2	INDIVIDUAL	None	Resident		Non-Hispanic	
Name (Last, First, M)			Race	Sex	DOB	Age
[REDACTED]			W	F	[REDACTED]	[REDACTED]
Address					Home Phone	
[REDACTED]					[REDACTED]	
Victim of Crimes						
1						

TTY Required

I WAIVE 'upon request' rights in this case

I CHOOSE 'upon request' rights in this case

REQUEST/Waiver exception per A.R.S. 13-4405(B) and Section 8-386(B)

Lawful Representative (If Applicable):

Relationship to Victim:

Phone Number (If Different From Victim):

Address (If Different from Victim):

# OFFICIAL REPORT



## Incident/Investigation Report

Agency: TPD

Case Number: 1405270081

Date: 1/7/2015 13:22:06

### Offender(s)

Seq. # <b>2</b>	Name Type INDIVIDUAL	Name(Last, First, M) FLORY, JOSEPH							
AKA				Race W	Sex M	DOB [REDACTED]	Age [REDACTED]	Height	Weight
Address 19410 N 74 DR, GLENDALE, AZ 85308								Home Phone (623) 692-8177	
Employer Name/Address /								Business Phone	
Scars, Marks, Tatoos or other distinguishing features									
Physical Characteristics									

### Suspect Details





**Incident/Investigation Report**

Agency: TPD

Case Number: 1405270081

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**Incident/Investigation Report**

Agency: TPD

Case Number: 1405270081

Date: 1/7/2015 13:22:06

**Supplement Notes**

On 052914, my supervisor Sgt. Milbourn, #26933 assigned this case to me for follow-up investigation. The victim [REDACTED] reported that she had been inappropriately touched during a massage on May 26, 2014 at Rubs (7858 E. Wrightstown).

June 4, 2014

On this date at approximately 0930 hours, I conducted an interview (recorded) with [REDACTED] at her home. The following is a paraphrased summary of the interview. Refer to the recording for complete details.

- [REDACTED] stated that the incident occurred on May 26th at approximately 5:45pm
- She had called earlier that day for an appointment. She said the usual places she went to (You Love Massages and Lotus Wellness Center) were closed
- [REDACTED] stated that she had been to Rubs before and the last time she was there was a few months ago
- [REDACTED] stated that she was to receive the "Signature" massage which included a full body massage. She stated that she wanted her shoulders focused on as well. She said the massage was to last for an hour. She said the massage was not to include the buttocks
- [REDACTED] stated that she was told at the time of the reservation that her appointment would be with "Joe"
- [REDACTED] stated that she's had massages from men before and never had any problems
- [REDACTED] said that after she arrived, she checked in with the receptionist and was then greeted by Joe
- [REDACTED] stated that once in the massage room, she was given privacy to undress and laid on to the table
- She stated that she removed all of her clothing except for her underwear; [REDACTED] stated that this is how much clothing she usually removed for massages
- She said that she laid on the table with a sheet underneath her, and a sheet and blanket over her. Michelle said she was covered with just the sheet from her shoulders to her feet
- [REDACTED] said the massage began with her lying on her stomach
- She said there was space around the table for Joe to be able to walk around
- [REDACTED] said that Joe started out by massaging her shoulders. He pulled the sheet down to her lower back
- [REDACTED] said that he moved from her shoulders to her upper back and then to her right arm
- [REDACTED] said that her arms were to the rear and along her sides (palms facing in)
- She said that Joe had turned her right hand out (palm facing up) and began working on her right rotator cuff
- She said that she had moved her hand to face in again, but that Joe moved it back to the palm facing up
- She said at this time she felt what she thought was his erect penis against her hand. She said that it felt like it was pulsing

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██████████ said that Joe didn't move his hips at all, but that his penis was up against her hand. She did not remember how long this lasted

- She said that he continued to lean forward towards her head and massage the shoulder
- She said that she felt that Joe putting his penis against her hand was deliberate
- ██████████ said that Joe then worked on her left arm/shoulder
- She said that he didn't do anything inappropriate as she had her left hand clenched in a fist and he turned her left hand up
- ██████████ said that Joe then massaged her legs. She said that as he massaged her right thigh, she felt the blade of his hand between her legs, up against her ██████████
- She said that she then felt his fist pushing against her ██████████ The touching of the ██████████ was over the sheet and underwear
- ██████████ said that when Joe moved to the left leg, she held her legs together and he wasn't able to touch her ██████████
- ██████████ said that she then rolled over to her back. She said that Joe held the sheet up off of her as she rolled over. She said she felt that he held the sheet up higher than normal
- ██████████ said that while on her back, Joe massaged her shoulders, arms, and legs
- She said that while he massaged her right leg, he went up as high as her thigh and she felt his fingers go underneath the hem of her underwear along the inner thigh. She said there was no touching of the ██████████
- She said that when he went to massage the left leg, she was very tense and he didn't massage the leg as much as he did the right leg
- ██████████ said that after he finished the massage and left the room, she noticed there was lotion on her thigh along the hem of the underwear where Joe had touched her. The lotion went mid-way on top of the thigh, down to where her body would have been touching the table
- ██████████ said that when she left the massage room, Joe greeted her with a cup of water, but didn't escort her to the lobby. She said that he didn't provide her with a business card either
- ██████████ said that she didn't resist, stop the massage, or say anything to Joe because she was having flashbacks of when she was sexually assaulted in the past and was told not to make a sound
- ██████████ said that the only time Joe spoke to her during the massage was when he asked about the amount of pressure he was applying and again when he said thank you after the massage
- ██████████ described Joe as white, 25-30 years old, approximately 5'7", 160-180 pounds, black hair that was spiked on top, well groomed beard, was wearing a black Rubs shirt and grey dress pants
- ██████████ said that he appeared shy, inexperienced in massages, and had a very feminine handshake
- ██████████ said that Joe was about her height and that she thought the massage table was at the height of her hips
- ██████████ said she was wore a dress and a cardigan sweater to the massage
- After she left Rubs (about 6:50-7pm), she tried to call her boyfriend Colin Morton, but he didn't answer his phone. He was at work
- She then drove around and went shopping at Target and Ross (Grant/Tanque Verde)
- ██████████ said that she went home from there and tried to watch some television
- She said that at around midnight, she called a national agency called RAINN (1-800-656-HOPE) for guidance
- ██████████ said that she was able to speak to Colin around 2:30am and he came over to her apartment
- She said she told him what happened but was unsure what she should do. She said that he advised her to call the police
- I asked ██████████ if at any time she flirted with Joe or gave the impression she was looking for more than just a massage. She stated no
- I asked her if she was having any relationship problems with Colin and she said no.

This concluded the interview at approximately 1030 hours. After the interview, I provided ██████████ with the phone number to SACASA.

After I spoke to ██████████ I attempted to make contact with Colin at his apartment. He lives in the same complex as ██████████ He did not answer the door.

At approximately 1130 hours, I went to Rubs on Wrightstown and met with the receptionist Madisen Ballesteros. She stated that the manager Judy Holman was not there. I left my business card and asked to have Judy call me.

# OFFICIAL REPORT



## Incident/Investigation Report

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After I returned to the office, I received a call from Judy. I explained to her that there had been an allegation of inappropriate touching during a massage by an employee. I asked to have a meeting with her to explain the situation and determine who the employee is. Judy agreed to meet and scheduled this for June 5th, at 1400 hours.

At approximately 1340 hours, I conducted a telephonic interview (recorded) with Colin Morton (██████████). The following is a paraphrased summary of the interview. Refer to the recording for complete details.

- Colin stated that he had received a phone call (butt dial) and then a text message from ██████████ around midday; 5:30-6pm
- He said that in the text message ██████████ asked him to call her
- Colin said that he called her around 2:20am. He said she was upset and crying, and asked him to come over
- Colin said that he went over to ██████████ apartment around 2:40am. He said she was still upset and crying
- He said that she eventually told him that she had been inappropriately touched while getting a massage at Rubs
- He said she told him that the masseuse had touched the area around her crotch and touched underneath her underwear while she was lying on her stomach. He said she told him that there was no penetration
- Colin said that ██████████ was undecided about what to do and that he convinced her to make a police report. He said that he left the room when she spoke with the officer
- Colin said that he and ██████████ have been dating for 2 years and met in Phoenix
- He said that things were going well in their relationship.

This concluded the interview at approximately 1350 hours.

June 5, 2014

On this date at approximately 1400 hours, I met with Judy Holman at Rubs. I explained to Judy what the allegation was and I told her that the victim identified the employee as Joe. Judy stated that Joseph Flory ██████████ was the employee. She also stated that there had been two other complaints from customers of inappropriate touching by Flory. These were reported on May 27th and 28th. Judy stated that Flory had initially been placed on administrative leave pending an internal investigation on May 28th, but after this most recent complaint was received, she said that Flory was terminated today. Judy stated that Flory had been made aware of a police investigation. Judy stated that Shalene Taylor (corporate manager) was the one who terminated Flory and spoke with him today. Judy said that Flory had just left her office before I arrived. She said that he was there to clean out his locker. She said she advised Flory he was not allowed on the property and he left without his belongings.

Judy gave me a copy of the two reports made by the customers. The report filed by ██████████ documented the incident occurred on May 23rd during her massage at approximately 5:30pm. The report filed by ██████████ documented her incident occurred on March 31st. Judy stated that Garcia did not want to be a victim nor file a police report. Judy contacted ██████████ and she was willing to speak with me at a later time.

██████████ report alleged that Flory inappropriately touched the tops of her breasts. ██████████ report alleged that Flory pressed his erect penis against her thigh, his hand grazed against her vagina, and that he massaged her chest too close to her breasts.

After I spoke with Judy, I met with Ms. Taylor ██████████ at her office (1531 N. Wilmot, 520-383-8888). I conducted a recorded interview with her. The following is a paraphrased summary of the interview. Refer to the recording for complete details.

- Shalene stated that she became aware of the complaints against Flory and initially placed him on administrative leave on May 28th
- She stated that the decision was made to terminate him after this last complaint
- Shalene said that Flory came to her office at approximately 1:30pm today and she terminated him

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-Shalene said that Flory denied the allegations, that he wanted to know who the victims were, and that he wanted to know who the detective was for him to talk to

-Shalene said she had advised the State Board to have Flory's license revoked.

This concluded the interview.

July 16, 2014

On this date, I received a phone call from Judy Holman in regards to a fourth victim. She stated that a lady by the name [REDACTED] had filed a complaint of incident during a massage with Flory that occurred on July 6, 2013. According to Holman, [REDACTED] reported that Flory had inappropriately touched her breasts. [REDACTED] did not file a written report of the incident.

July 17, 2014

On this date I received a call from [REDACTED]. She stated that she was willing to participate in the investigation. [REDACTED] was unable to conduct a telephonic interview at the time and agreed to meet with me a later date.

July 28, 2014

On this date I called and left a voice message for [REDACTED] to call me back.

October 1, 2014

On this date, I went to the apartment complex where Flory was last known to live. The address was the same as [REDACTED]. I met with a leasing agent who told me that Flory had moved from the apartment complex in July 2013.

November 11, 2014

On this date I spoke with [REDACTED]. She stated that she had received a letter two weeks ago from the Arizona State Massage Therapy Board. She stated that she had been invited to testify in a hearing scheduled for November 17th in Phoenix. The hearing was to decide on the fate of Flory's state license. [REDACTED] stated that an investigator named Stanley Conger [REDACTED] had been assigned to the State's investigation.

After I spoke with [REDACTED], I called Conger and left a voice message for him to call me.

November 14, 2014

On this date, I received a voice message from Conger. He stated that a hearing was scheduled on November 17th to discuss the revocation of Flory's state license. He also stated that he had sent numerous requests to Flory but had not received a response from him as of that date. Conger provided addresses for Flory of [REDACTED] (Tucson) and [REDACTED] (Glendale, AZ), phone number [REDACTED] and an email address of [REDACTED].

November 17, 2014

On this date, Det. Miller, #38878 and I went to the Speedway address to attempt contact with Flory. No one answered while we were there. I left a business card for Flory to call me.

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After I returned to the office, I called Gail Young (property manager, La Mariposa Townhomes, 520-299-4466). I asked her if Flory was a tenant at the complex and she stated that he was not on the lease for unit #4.

November 18, 2014

On this date, I called [REDACTED] and she stated that she still wanted to participate in the investigation. An interview was to be scheduled at a later date.

January 7, 2015

On this date at approximately 0858 hours, I conducted a telephonic interview (recorded) with [REDACTED]. The following is a paraphrased summary of the interview. Refer to the recording for complete details.

[REDACTED] stated that she had made an appointment for a deep tissue massage (Deluxe Version) with the Rubs location at Tanque Verde/Wrightstown

-She said the massage was to last for one hour

[REDACTED] said that she had requested this particular massage because she was experiencing upper back and calf pain

-She thought the massage took place in the fall of 2013, but wasn't certain of the exact date. She did not know the masseuse's name

[REDACTED] said the massage was to be with a male. She said that she had been at Rubs 6-7 times before and never had a male masseuse

[REDACTED] said she was brought back to the massage room by the male and was allowed to undress in private

[REDACTED] said she undressed down to just her underwear and then got onto the massage table with the blanket and sheet over her. She said the covers were pulled up to under her arm pits and she was lying on her stomach

- [REDACTED] said that her back, buttocks, and legs were massaged

-She said that she thought it was odd her buttocks was massaged but thought it was part of the Deluxe package

-She said there was no touching of the genitals or rectum

[REDACTED] stated that when she rolled over to her back, the masseuse stood near her head and lifted the covers as she rolled over

[REDACTED] said that the masseuse stood on the same side of the opening when the covers were lifted and he was able to see her breasts

[REDACTED] said that her neck, shoulders, scalp and legs were massaged while she was on her back

-She said that when the area of her clavicle was massaged, he moved his hands down to massage her breasts. She said he came within " - 1" above the nipples

[REDACTED] felt this was inappropriate

[REDACTED] said that when her chest and arms were being massaged, the masseuse was making moaning sounds that sounded sexual to her

-After the massage, she was given his business card and left without reporting the incident

[REDACTED] said that about six months later, she had made an appointment for a massage at the Wilmot location

-She said she told the scheduler that she didn't want a male because of her previous experience at the Tanque Verde location

[REDACTED] said the manager spoke with her and told her to call the manager at the Tanque Verde location to report this

[REDACTED] called the Tanque Verde manager and was told that the masseuse had other complaints and had been let go

[REDACTED] described the masseuse as a white male, mid 20s, 5'6", thin, dark brown hair, goatee.

This concluded the interview. [REDACTED] stated that she would call Rubs to find out the exact date of the massage and who the masseuse was. When she called back she stated the massage was on July 6, 2013 and Joe Flory was the masseuse.

Summary: During the course of my investigation, I was advised by the complainant [REDACTED] that she did not want to participate as a victim.



**Incident/Investigation Report**

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Numerous attempts were made to contact Flory but he never responded to my requests. This case will be taken to the Pima County Attorney's Office for issuing. NFI.