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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

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BY: M BURNETT

Attorneys for STATE OF ARIZONA

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

vs.

THOMAS JONATHAN CHANTRY,

Defendant.

CAUSE NO. P1300CR201801308

**VERIFIED MOTION PURSUANT TO
A.R.S. 13-3961(D) TO HOLD
DEFENDANT WITHOUT BOND AND
REQUEST FOR HEARING**

Matter Unassigned At This Time

1 The State of Arizona, by and through Sheila Polk, Yavapai County
2 Attorney, and her deputy undersigned, pursuant to A.R.S. 13-3961(D)
3 respectfully requests this Court to hold the Defendant without bond, pending a
4 hearing as proscribed by 13-3961(E) on the grounds that that there is clear and
5 convincing evidence that the Defendant poses a substantial danger to the community or
6 has engaged in conduct constituting a violent offense, and that no condition or
7 combination of conditions of release may be imposed that will reasonably assure the
8 safety of the community. The State would further submit that evidence which will be
9 presented at the required hearing will establish the proof is evident or the presumption
10 great that the Defendant committed the offense for which he is presently charged. The
11 State further requests that this Court set the hearing as required by 13-3961(E) for no
12 less than 48 hours after the Defendant's initial appearance (or later if requested by the

1 Defendant) based upon the fact that the State only learned that the Defendant had self-
2 surrendered to the jail at approximately 4:00 p.m. on September 10, 2018, and the State
3 needs an additional 24 hours, as permitted by statute upon a showing of good cause, to
4 secure the presence of the detective to present testimony at such hearing.

5 The State, through undersigned counsel, hereby certifies that the following facts
6 will be established at the time of the hearing, and support a finding that the Defendant
7 has engaged in conduct constituting a violent offense and/or is a danger to the
8 community, and that no release conditions will reasonably assure the safety of the
9 community:

10
11 **1. The Defendant engaged in conduct constituting a violent offense (Child**
12 **Molestation, a dangerous crime against children.**
13

14 The Defendant is charged with four counts of Child Molestation, a dangerous
15 crime against children, a violent offense under 13-3961(D), along with four counts of
16 Aggravated Assault on a Minor, with sexual motivation and one count of Child Abuse.
17 Between the dates of January 31, 1998 and October 31, 2000, Defendant, who was the
18 pastor of the victim's church, repeatedly subjected [REDACTED], who was 10 to 12
19 years old at the time, to unspeakable acts of sadistic physical abuse, which were always
20 followed by acts of molestation (under the guise of "soothing" and "comforting" the child
21 after the beatings), which included stroking, rubbing and fondling of the victim's
22 testicles, penis and anus. The Defendant would tell the young victim (who had a very
23 religious upbringing) that God had commanded him to punish him for his sins, and
24 even worse, he also told the victim that if he ever told anyone about their secret, he

1 would not go to heaven.¹

2 **Summary of evidence which will be presented to show Defendant committed the**
3 **acts he is charged with and thereby engaged in conduct constituting a violent**
4 **offense**

5 Per the victim's mother, [REDACTED], the Defendant approached her in early
6 1998 (knowing she was going through or had recently gone through a very difficult
7 divorce from an abusive husband), and asked her if he could "tutor" her 10 year old son
8 twice a week.² [REDACTED] was heavily dependent on the church for emotional
9 support, and was elated that the pastor had taken a special interest in her son and
10 readily agreed to same. The Defendant initially began tutoring the victim twice a week
11 on Tuesdays and Thursdays, but in the months and years that followed, the sessions
12 would often take place on a near daily basis. In recent statements, the victim has
13 described that the "spankings" began almost immediately after the tutoring started, were
14 always for trivial things such as missing a math problem, and rapidly increased in both
15 frequency and severity as time went on.³ He stated that he was initially spanked with a
16 belt, a switch or various wooden paddles, and that the spankings for the first several
17 months, while extremely hard, were always over his clothes. The victim's mother
18 recalled that her son would always wear his thickest jeans on the days he had tutoring
19 with the Defendant.

20 According to [REDACTED], less than a year into the tutoring, the Defendant introduced

¹ The victim described being haunted as a child with thoughts of going to a burning hell if he told anyone about what the Defendant was doing to him.

² It is important to note that the Defendant, who was a pastor at the time, had previously approached another family within the church in mid-1995 and requested to "tutor" their son as well, and that victim, who never knew of [REDACTED] abuse (nor [REDACTED] of his), likewise later reported sadistic acts of discipline followed by nearly identical acts of "soothing" (i.e. stroking his penis) during the entire time he was being tutored by Defendant as well.

³ These details are again eerily similar to those which the victim tutored by the Defendant in 1995 and 1996 had reported, and also mirrored many descriptions given by two additional victims who were tutored by the Defendant in 1999.

1 the "boat oar", which he described as about 3-4 feet in height and similar to the
2 decorative oars one might see with writing on them that are frequently hung on walls.
3 The oar was kept on a mantel in the Defendant's home and one day, after stating he
4 needed to increase the severity of [REDACTED] punishment, the Defendant took the oar
5 down and used it on him.⁴ The victim described the beatings with the oar to be
6 excruciating, to the point of leaving bruises and making it painful to sit for days
7 afterwards.⁵ At one point, the victim told the Defendant he simply could not take
8 another beating with the oar, and that was when the Defendant gave him the option he
9 had clearly been grooming him for all along. Specifically, according to [REDACTED] the
10 Defendant told him that he could choose a spanking by hand, but since it would not hurt
11 as much as the oar, it would have to be harder and his pants would have to be down.
12 Not surprisingly, [REDACTED] chose this option and the acts of molestation then began. The
13 Defendant would pull [REDACTED] pants and underwear down and instruct him to bend over
14 a bed or a chair or sometimes to grab his ankles⁶ The Defendant would generally tell
15 [REDACTED] how many "swats" he was to receive and would count them out as he
16 administered each one. In between swats, the Defendant would "soothe" [REDACTED] by
17 stroking his testicles and penis. The Defendant specifically told [REDACTED] only he could
18 punish him and only he could soothe him. The Defendant would be breathing heavily
19 during the spanking/soothing and would often moan. Occasionally, [REDACTED] would see the
20 defendant from his bent over position touching his crotch over his pants. On one
21 particular occasion, when the Defendant administered a particularly painful blow, [REDACTED]

⁴ Three other victims and an Elder in the church at the time likewise described this oar. The other children likewise described being paddled with the oar by the Defendant.

⁵ The victim's mother would reluctantly later admit she had seen bruises on her son's upper thighs on one or more occasions which he had told her were the result of "spankings" by the pastor.

⁶ Yet another detail which matched the account of the 1995 victim.

1 | jerked away from his position bent over the bed and in doing so turned towards the
2 | Defendant who was standing behind him and saw the Defendant quickly remove his
3 | hand from inside his pants. The Defendant became infuriated at [REDACTED] and shouted at
4 | him that he was never to turn around, and then administered extra "swats" to emphasize
5 | the point. On another occasion, the Defendant had [REDACTED] lying over his lap (pants
6 | down) after a spanking, and was rubbing his bottom. He then began to slip a finger in
7 | between the cheeks of his buttocks and rubbed around his anus. The victim recalls
8 | feeling the Defendant's erect penis on that occasion.

9 | After the Defendant introduced the "option" of the bare-bottomed hand
10 | spankings, almost all spankings thereafter were bare-bottomed, whether by hand or
11 | instrument, and almost every spanking was accompanied by acts of molestation.
12 | Despite intensely loathing the touching that accompanied the hand spankings, [REDACTED]
13 | would nonetheless often choose this option because while still extremely painful, it was
14 | nowhere near as unbearable as the beatings with the oar. On other occasions,
15 | disgusted and ashamed by the touching (especially as it grew more intense) [REDACTED]
16 | would choose the oar. Notably the victim recalls how he would frequently try hard not to
17 | react to the spankings, willing himself not to scream out or cry, and how this would
18 | infuriate the Defendant and result in him getting beaten more severely. As an adult
19 | reflecting back on this, [REDACTED] states it is now so clear to him that the Defendant wanted
20 | to hear him cry and wanted to see his expressions of pain.

21 | These sadistic rituals continued on for close to three years. In late September of
22 | 2000, [REDACTED] picked her son up from tutoring one day and knew immediately
23 | that something was very wrong. The victim could barely walk or sit. When she asked

1 her son what had happened, he told her he had gotten a particularly bad paddling from
2 the pastor that day for missing three math problems.⁷ When they returned home she
3 asked if she could see his bottom and was shocked when he pulled down his pants.
4 She has testified that his entire buttocks and upper back thighs were covered with deep
5 purple bruises and blisters. The bruises were about four inches wide and shaped like a
6 board and there were so many there was no space in between them. Her son told her
7 the spanking was bare-bottomed and with a board. [REDACTED] did not however tell her about
8 the sexual touching because like many young boys in such a situation, he was
9 embarrassed and ashamed. Despite the shocking discovery, much to her shame today,
10 [REDACTED] did not call the police, nor did she even report it immediately to the church
11 elders. Instead, she prayed and made excuses for her son not to attend the next few
12 tutoring sessions. Within a few weeks however, she sent him back, which sent a
13 message loud and clear to the then 12-year-old boy – despite telling his mother of the
14 abuse, despite her seeing the terrible injuries from same, she did not protect him. The
15 Defendant was clearly in control and continued to abuse him. [REDACTED] proceeded to keep
16 this secret festering inside him for the next 18 years. He harbored deep resentment
17 toward his mother, the church, law enforcement and the justice system for failing to
18 protect him as a child. It was with great reluctance and much trepidation that he finally
19 came forward in recent weeks to talk about what happened to him as a child. He is 30
20 years old now and would likely tell the Court that he still has doubts that the judicial
21 system can ever right this wrong, and that his reason for coming forward is simply

⁷ Victim's mother admits that she knew her son was routinely receiving spankings from the pastor during tutoring sessions, however was unaware of the severity of same until this day. She has twice painfully testified in Court that she nonetheless continued to send her son back to the pastor for tutoring, something she states she will never forgive herself for.

1 because he knows it is time for him to finally deal with it.

2 **The Defendant is a danger to the community and no conditions of release can**
3 **assure the safety of the community**
4

5 To complete the story of what happened to the victim in this case back in 2000,
6 and establish evidence of the Defendant's continued danger to the community (and
7 especially to children), the State will present additional evidence at the hearing as
8 follows:

9 A few weeks after sending [REDACTED] back to tutoring, his mother had a conversation
10 with her 25-year-old niece, wherein she voiced her concerns about the nature of the
11 spankings [REDACTED] had been receiving from the Defendant. Her niece, who also attended
12 the same church was instantly mortified to hear that the pastor had been frequently
13 spanking her 12-year-old cousin with his pants down and immediately reported it to one
14 of the church elders. The elder subsequently contacted [REDACTED] mother and asked her if
15 it was true and she proceeded to tell him everything her son had told her. It was this
16 report that ultimately resulted in a church "investigation" being done. While the State
17 will not go into the lengthy details about the so-called "investigation," evidence
18 presented at a recent trial clearly established the investigation was done in such a
19 manner as to protect the church and church association, *not* the children.

20 In addition to the physical abuse of [REDACTED], the church investigation involved
21 additional allegations of inappropriate physical abuse of three other children by the
22 Defendant. Specifically, in September or October of 1995, only months after becoming
23 the pastor at the church, the Defendant approached [REDACTED] and [REDACTED] and asked if
24 he could tutor their 11 year old son [REDACTED]. Much like [REDACTED], the [REDACTED]
25 were initially elated that their new pastor had taken an interest in their son and agreed

1 to same. The Defendant began tutoring [REDACTED] two days a week in his office at the
2 church. No one else would be present on church grounds during these times, with the
3 exception of [REDACTED] 12 year old brother who would be doing homework in another
4 room. Like [REDACTED], [REDACTED] has testified that the Defendant began spanking him almost
5 immediately after the tutoring began. [REDACTED] likewise stated that the spankings began
6 over the clothes and were administered with a belt, a switch or wooden paddles.
7 [REDACTED] has testified that the spankings were for trivial things and as an adult he now
8 realizes that the Defendant created reasons to spank him. [REDACTED] has testified that
9 the spankings were extremely painful and that it hurt to sit down afterwards. [REDACTED]
10 stated that the Defendant would always make him sit on his lap afterwards and that he
11 would "soothe" [REDACTED] by rubbing his bottom and rubbing his penis over the clothing.
12 The Defendant specifically told [REDACTED] he was not allowed to soothe himself, that only
13 the Defendant could do that because he was the one who gave the pain.

14 On one occasion during Christmas break, the Defendant offered to keep [REDACTED]
15 overnight at the parsonage with him to save his parents the trip of bringing him to his
16 lesson the next day. [REDACTED] parents agreed. That night, the Defendant told
17 [REDACTED] stories about how older Monks used to spank younger Monks for sins they had
18 not yet committed, and that he needed to do that to [REDACTED] as well. The Defendant
19 showed [REDACTED] two new wooden paddles that he had handcrafted himself for the
20 occasion. On this night, for the first time, Defendant told [REDACTED] he needed to pull his
21 pants and underwear down. Defendant stated he wanted to see [REDACTED] "butt turn
22 red." Defendant then instructed [REDACTED] to bend over and grab his ankles and
23 proceeded to spank him, very hard with one of the wooden paddles. He next made

1 [REDACTED] lay across his lap (pants still down) and spanked him again with his hand.
2 After this he proceeded to rub [REDACTED] bare bottom and stroke his penis. [REDACTED]
3 subsequently reported the bare-bottom spankings to his parents, and shortly thereafter
4 his father, [REDACTED] and Rich Howe (an Elder with the church) confronted the
5 Defendant about the bare-bottomed spanking. The defendant admitted to spanking
6 [REDACTED] but denied ever spanking him bare-bottomed. After this, the only tutoring the
7 Defendant was allowed to do with [REDACTED] had to be at the [REDACTED] home when one of
8 his parents were present. While [REDACTED] disclosed the bare-bottom spanking and
9 bottom rubbing in a letter to the church council during the investigation in 2000, and also
10 wrote that the Defendant was a sick and twisted monster who had said he liked to see
11 [REDACTED] "butt turn red," he did not report the molestation at that time. In fact, [REDACTED]
12 never told anyone (except his wife) about the molestation until 2016 when a separate
13 police investigation began of the Defendant for molesting yet another young man.
14 [REDACTED] testified that the reason he never reported the molests was because he was
15 terribly ashamed as he had gotten erections when the Defendant would fondle his
16 penis. Not understanding that this was normal, he felt he had done something wrong.

17 Allegations of abuse of yet another young boy by the name of [REDACTED]
18 surfaced during the 2000 church investigation as well. [REDACTED] was tutored and babysat
19 by the Defendant during the summer of 1999, along with his sister [REDACTED] [REDACTED] recently
20 testified that during that summer, the Defendant spanked him too many times to count,
21 that the spankings were frequently bare-bottomed and were for trivial things. [REDACTED]
22 recalled being spanked with a boat oar and having bruises from same. [REDACTED] also was
23 present at the Defendant's house on occasions when [REDACTED] was there and actually

1 recalled seeing [REDACTED] getting beaten with the boat oar by the Defendant.

2 Notably, [REDACTED], [REDACTED] sister was only spanked once by the Defendant
3 and it was on one of the very first occasions the Defendant was watching she and her
4 brother. [REDACTED] testified that the spanking was over the clothing, was harder than
5 anything she has ever experienced and literally knocked the wind out of her. She was
6 unable to even cry out. [REDACTED] was never spanked again to her recollection, but lived in
7 fear of the Defendant that summer and remembers she always stayed put when the
8 Defendant told her to, as he would take both her brother and [REDACTED] off alone to
9 his office for a "paddling" and she always remembered that it was clear the boys were
10 upset and had been crying when they returned.

11 In addition to the foregoing evidence of physical and sexual abuse of the other
12 children (now adults), the State will present evidence of a report that was authored by
13 the church council that was sent in to "investigate" the allegations against the Defendant
14 back in 2000, wherein the church council expressed strong concerns that perhaps the
15 Defendant was "***punishing children for his own personal pleasure.***" The council also
16 alluded to their belief that the Defendant had been less than candid about the true
17 extent of what he had done to the four children. This report was mysteriously sealed by
18 the church association immediately following their investigation. It was never shown to
19 the parents and in fact, remained hidden from all for the next 17 years. As a result, no
20 report was ever made to law enforcement back in 2000, and in the end, the Defendant
21 was allowed to quietly slip away to the hospice of another church, in another state. Even
22 more shocking, with the assistance of that same church association, within a year and a
23 half after leaving Prescott, the Defendant was actually teaching children (the same age

1 as those he had abused in Prescott) in a Christian School, where within two years he
2 was again the subject of a police investigation – this time for paddling a five year old
3 boy (who was not even his student) hard enough to leave marks that were still visible
4 two days later. Not surprisingly, this matter too was quietly tucked away, and the
5 Defendant continued to teach at that same school. The State is presently looking into
6 information it has received that there were possibly up to five other children at that same
7 school who may have been inappropriately “disciplined” by the Defendant during the
8 time he was there.

9 Finally, in 2015, an 18 year old young man by the name of [REDACTED] came
10 forward and reported he had been molested by the pastor of his church when he was
11 four years old. [REDACTED] was attending Miller Valley Baptist Church when he was four
12 and the Defendant was the pastor of that church at the time.

13 **No conditions of release can reasonably assure the safety of the community.**

14 The Defendant was confronted about inappropriate bare-bottomed spanking of
15 [REDACTED] in 1996 and was extremely lucky that [REDACTED] did not come forward to
16 Disclose the incidents of molestation at that time. He nonetheless proceeded to engage
17 In almost identical behavior with [REDACTED] in 1998, and again with [REDACTED]
18 1999. In 1999 the Defendant was confronted by [REDACTED] father about inappropriately
19 spanking his son and daughter without his permission, yet he nonetheless continued to
20 engage in the same (and far worse) conduct with [REDACTED] thereafter all the way up
21 until October of 2000. Then, after having narrowly escaped criminal charges in 2000
22 (with the help of the church association), in 2004, the Defendant is again the subject of
23 a police investigation for spanking a 5 year old child so hard that the child had visible

1 marks after two days. The State would submit that the fact that Defendant continued to
2 engage in risky and/or outright criminal conduct after so many "close-calls" is not only
3 evidence of his dangerousness, but also establishes that the Defendant is unable to
4 control his impulses, urges and desires and therefore, the State would respectfully
5 submit that no conditions will ensure the safety of other children in the community.

6 At the Defendant's recent trial, defendant took the stand and boldly claimed that
7 every single one of the 20 individuals who testified at trial had lied about something. He
8 literally denied every single thing of significance that every single witness testified to
9 during the trial. Undersigned counsel and Mr. Sears met with four of the jurors after
10 trial, all of whom unanimously agreed that they did not believe anything that the
11 Defendant said *under oath* during his testimony. The State would submit that this is
12 relevant as it goes to whether the Defendant can be trusted to abide by any conditions
13 of release set by this Court, especially since the Defendant has been living in another
14 state with absolutely no supervision other than that of his father-in-law, who just
15 happens to be a ranking member of the very church association that covered up the
16 Defendant's criminal conduct in 2000.

17 The foregoing facts are those which the State believes it will establish at a
18 hearing to hold the Defendant without bond.

19 Undersigned counsel certifies that to the best of her knowledge and belief, all of
20 the facts set forth above are true and accurate.

RESPECTFULLY SUBMITTED this 11th day of September, 2018.

Sheila Polk
Yavapai County Attorney

By: 

Susan L. Eazer
Deputy County Attorney

COPY of the foregoing

☐ mailed ☒ emailed ☒ hand-delivered
this 11th day of September, 2018 to:

Hon. Michael Bluff
Yavapai County Superior Court

John Sears
Attorney for Defendant

By: 