



Zac McDonald

Why Is This Ex-Restaurant Owner Still on the Lam After Latest Rape Allegations?

SEAN HOLSTEGE | AUGUST 14, 2018 | 7:00AM

When the woman regained consciousness, a man was having sex with her on the freshly sanded floor of what at the time was supposed to be downtown Phoenix's latest restaurant, The Monocle.

All she could make out was the silhouette of his hair. She pushed him off.

Dazed and bewildered, she staggered to the restroom and retched. None of this made sense. The 27-year-old woman, who we are calling RN, had had just two beers with the man over three hours, plus a vodka nightcap. She knew that was nowhere near enough for her to black out, not for somebody in the often hard-drinking restaurant business.

She ordered a Lyft. It was 12:47 a.m. on May 30, 2017, the Tuesday at the end of the Memorial Day weekend. Five minutes and \$7.50 later, RN was home safe in her downtown Phoenix apartment, her cellphone shows. In interviews with *Phoenix New Times* and police, she said cameras at her apartment caught her in a disheveled state, buttons undone, sobbing. She doesn't remember the ride home.

It took until that Saturday afternoon, June 3, for RN to muster the fortitude to walk into Phoenix Police headquarters on Washington Street and report a rape.



Arthur John Bachelier in a May 2017 MCSO booking photo. / **Courtesy of MCSO**

A few days later police later called the man, the would-be owner of The Monocle, Arthur Bachelier. He agreed to give them a DNA swab and an interview. It was not the first time he'd given a swab or been accused of a sexual assault.

Now, more than a year on, Bachelier is somewhere, maybe anywhere, looking over his shoulder.

A man convicted of repeatedly assaulting a teenage girl, twice accused in court of violating probation, then named as a suspect in a new rape, was allowed to walk out of jail, blow off court, and vanish.

In March, a Maricopa County judge issued a bench warrant for his arrest.

At the time of the reported assault, 33-year-old Bachelier was days away from opening the bar near a hive of college students, as police, city officials and state liquor regulators remained unaware of the alleged attack. He posted regular updates on Facebook about the opening and hung a “coming soon” banner out front. *New Times* carried a short story about it.

The county probation department didn't know anything about The Monocle when Bachelier was arrested on suspicion of tampering with an electronic monitoring device.

If they had, they may have noted that state law prevented Bachelier from getting a liquor license in the first place. The law prohibits anyone convicted of a felony in the last five years from getting a permit.

The state liquor board knew nothing about The Monocle, either. Nobody had applied for a permit. Same story at the Phoenix Police Department's liquor permit task force. Nor had anybody sought or received city permits to renovate The Monocle. The last time city inspectors had been there was in 2006, when it was still Matt's Tavern.

Those facts, and how authorities interacted with RN, left her dismayed that the system failed her and other women.

"I couldn't help but think they dropped the ball here," she said.

Bachelier was on probation for life after serving 19 months in state prison, having admitted in court in 2013 to trio of sex crimes involving an underage girl.

The Monocle died before it opened. Shortly after *New Times* broke the story of Bachelier's past that June, the sign vanished and the Facebook page and website were taken down. Emails and phone calls bounced. The corporation behind the restaurant filed papers dissolving the partnership.

Five days before he met RN for beers, Bachelier walked out of jail on \$500 bond. He'd been accused of violating probation by cutting the GPS anklet, among other things.

He was on probation for life after serving 19 months in state prison, having admitted in court in 2013 to a trio of sex crimes involving an underage girl.

Prosecutors said he had fondled and forced intercourse and oral sex on the girl, his wife's younger sister. She told police her abuse occurred a few times a month in different houses, started when she was 12 and continued for six years, according to court records.

Bachelier would sneak into the girl's bedroom and look down her nightshirt when she pretended to sleep, court records showed. While his wife was showering, he'd rub her sister's breasts, rub his penis against her, put his fingers inside her, get oral sex and force himself into her anus. The abuse went on month after month, year upon year.



Arthur John Bachelier, in a 2013 prison booking photo for sexual incidents with an underaged girl. / **Courtesy of Arizona Department of Corrections**

After being charged with eight felonies and pleading guilty to three, he was sentenced to five years. It was his first conviction.

Bachelier was 29 when he entered state prison in Florence.

When he got out in 2015, Bachelier registered as a sex offender and was ordered to wear an ankle bracelet with a GPS tracker as part of his lifetime probation sentence.

Except he'd failed to show up to group therapy sessions, violating the conditions of his release, according to court documents.

They say that in May 2017 he was violating the terms of his release again when he got a smartphone, possessed alcohol, and tampered with the ankle monitor.

Bachelier and a man named Gerald Lee Logan III filled out papers in late April 2017 with the Arizona Corporation Commission listing both as members in a limited liability partnership. Bachelier had registered The Monocle's website and email.

Logan has no criminal record in Arizona. *New Times* could not reach him for comment.

Bachelier already posted pictures of the sanded floor on Facebook and hung a banner on the wrought-iron fence proclaiming the new hot spot was “coming soon.” It looked like another new hipster hangout would emerge in the restored, historic-designated Farish House. The Colonial Revival-style brick home with Queen Anne details is one of 32 surviving houses built before 1910 on the Phoenix Historic Properties Register.

The makeover was taking shape. The welcoming banner and the fresh lawn outside, the polished hardwood floors and the stainless-steel beer taps inside, all trumpeted the bar’s imminent rebirth.

The next thing she remembers is waking up with him on top of her. Her shorts had been pulled down and the buttons of her leotard were undone.

It was around that time in May 2017 that Bachelier met RN. She had been in the coffee house next door on Third Street and was walking her dog back to her downtown apartment. It was the same breed as his, a pit-bull mix.

They struck up a conversation and quickly learned they both were interested in restaurants. RN had been in the business awhile.

Bachelier invited RN to look around. She declined, but they swapped occasional texts, and he kept the offer open.

She asked how the Monocle was coming. He said the floors had delayed the planned June 1 opening.

He asked if she wanted to see the progress. She said that sounded fun. He asked what beer she liked. She said IPA.

One of the texts seemed a bit creepy to her.

He told her “we should go out,” and asked what she was up to.

She told him she'd been out for drinks with friends and was home with the dog.

“When we celebrate the opening, your (sic) gonna have to tag along and let go of all those inhabitants,” he texted back. She took it as “inhibitions.” That was five days before his arrest.



The "COMING SOON" sign at The Monocle, at 816 North Third Street in downtown Phoenix, has been gone for more than a year. / Sean Holstege

RN set her doubts aside on Monday, May 29, 2017 – Memorial Day – and agreed to meet Bachelier at The Monocle.

The Lyft driver dropped her off at 7:02 p.m.

Only Bachelier was there. For more than three hours, they talked about restaurants over two beers, she recalled. At one point, an investor showed up, a woman she recalled as “nice, middle-aged.” RN got the sense that neither had a clue about restaurants.

She recalls that at no point did Bachelier try to kiss or touch her. At around 9:30 p.m. she texted a friend saying she was bored and heading home, she recalled.

Then Bachelier talked her into a vodka nightcap and started blaring “awful techno music.” She recalls going to the bathroom a couple of times, when he could have been left alone with the drinks.

The next thing she remembers is waking up with him on top of her. Her shorts had been pulled down and the buttons of her leotard were undone. She was queasy and disoriented.

She had spent time working in the New York restaurant scene, notorious for heavy drinking. But this was different. She had never blacked out and never on three drinks.

She felt queasy and muddled for a few days. It was like a brutal hangover that wouldn't quit. Again, nothing she'd ever experienced.

Medical advice websites, such as healthline.com, say that common symptoms of Rohypnol, better known as roofies or the date rape drug, include “feeling very drunk, even if you've only had one drink,” dizziness, nausea, confusion, and blackouts.

The detective asked repeatedly if RN had been attracted to Bachelier, whether there had been any flirting, and if she had entertained romantic notions.

That Saturday, June 3, 2017, she reported the assault at Phoenix police headquarters.

The intake officer erroneously told her she had missed the window to have a rape kit done. Even if she had, a physical exam still would have revealed various wounds consistent with forced sex or possibly yield other forensic evidence that could prove useful, veteran sex crimes investigators said.

On Tuesday, June 5, RN made contact with the police detective. She told her that she could have had an exam Saturday, but that without it the case was a weak he-said, she-said.

The detective asked repeatedly if RN had been attracted to Bachelier, whether there had been any flirting, and if she had entertained romantic notions. Three times RN insisted the sex was not consensual and she never considered the meeting a date, she said.

In the police report, the detective said the two shared a San Tan and a Corona beer in a “three-hour span of conversation getting to know each other better.” The officer called it a date and noted RN told her friend that she was leaving because “Arthur was not her type of man, despite a strong start.”

The report follows the same narrative RN gave *New Times*.

The detective asked her if she wanted to press charges. She started to second-guess herself and got emotional, the detective wrote in the report, concluding, “as of now this incident is for documentation purposes.”

The next day, June 6, RN texted Bachelier and asked if he was around to talk.

He said he’d prefer to meet in person, but didn’t want her to feel he was putting her off.

She replied, “My biggest fear is getting herpes, haha. I really just wanted a clear answer if you used a condom,” adding she was mad at herself for not remembering anything and was not “remotely reassured” that he didn’t remember having sex.

“Sorry. I’m in a meeting now,” he replied.

Later, the detective set up a confrontation call from the police station, to trap him into a confession or into revealing a key detail. RN called Bachelier from her cellphone, but it was blocked. She tried the police phone, and he picked up right away, with the detective listening in.

“He seemed very careful on the phone and tried to get off the phone,” RN recalled, noting that he didn’t seem nervous but polished. Calm.

She asked about the condom. “You don’t have anything to worry about,” he replied.

Then she accused him, saying she remembered enough to know he raped her on the floor. He said he was sorry, but was drunk and didn’t remember any of the sex.

“I’d rather not do this on the phone,” he told her.

She called him a liar.

He hung up.

“For the time being, I would ask you to hold off on a statement. It looks like Phoenix Police Department is investigating your matter

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The detective told RN she got too emotional and she couldn’t use any of the exchange for the investigation, RN recalled.

A week later she called back and arranged to collect the unwashed clothing from that night and to collect a DNA swab from RN.

Police on June 12 had already won a court order to collect a buccal swab from Bachelier. The next morning, the Phoenix Police Department’s fugitive apprehension squad picked him up and brought him to the station.

They read him his rights, collected the DNA, and interviewed him. The police report from that interview was not available.

By now, RN started to wonder why Bachelier's name wasn't anywhere to be found on the website. It was odd that Google had nothing about him being involved in restaurants. She thought it weird that he didn't have a car and had asked her to bring the beers that night. RN didn't know that he'd lost his nursing license because of his criminal history. Then she learned of his past.

Time passed. The Monocle closed before it opened. Bachelier went to court in July 2017 to answer the probation violation charges. RN emailed the detective asking how the hearing went.



A 27-year-old woman said she was sexually assaulted by The Monocle's co-owner a few days before the restaurant was scheduled to open. / **Sean Holstege**

She asked the police and prosecutors in the sex crimes unit at the Maricopa County Attorney's Office how she might help and what she had to do.

They told her, she recalled, that such a move might hurt her own case against Bachelier because if it ever got to a jury, the panel might think her vindictive.

One attorney advised her in an email, "For the time being, I would ask you to hold off on a statement. It looks like Phoenix Police Department is investigating your matter, and

the probation court is aware that there is another pending matter. They are unlikely to consider your statement since it is not related to the case that is being considered today."

In August 2017, a grand jury indicted Bachelier on one charge of tampering with an electronic monitoring device, a felony. RN emailed to tell police she was leaving the state and to ask again how the case was going.

The detective acknowledged the emails but didn't say much.

In the fall, RN left Arizona and began work at a rape clinic. She knew the realities of her case, but kept checking in with the police about the status of their investigation and with prosecutors on Bachelier's court proceedings.

RN wanted to testify. She knew her case might be a long shot, and accepted that, but she might be able to do more good for other women if a judge saw fit to lock him up.

In December, Bachelier appeared in an arraignment, entered a plea of not guilty to the tampering charge, and Maricopa County Court Commissioner Thomas Kaipio ordered he could stay out of jail if he wore a monitoring device.

Motions were filed noting the absurdity of wearing two – one as a condition of probation and another as the new condition of his release.

In February of this year, the Phoenix sex crimes detective wrote RN, “The leotard you had given me has been assigned finally to an analyst but it has still not been processed. I’m sorry for the amount of time it takes to be processed, but I have no control on when or how the crime lab prioritizes their assigned cases. I will definitely let you know as soon as I hear anything. Feel free to check with me anytime if you don’t hear from me in a while.”

A few months later, RN asked about the status of the DNA results and the cases, but got no real news.

RN remains perturbed.

“You’re telling me I don’t have a case, but you don’t want me to do anything to protect other people?” she said. “I never got a straight answer from anyone. I thought it was shitty that the choice wasn’t mine.”

“I couldn’t bear the idea that somebody was going to allow him to open a bar.”

Amanda Steele, spokesperson for the County Attorney’s office, said in a recent interview that RN’s testimony would have had no bearing on any penalty Bachelier might get from a judge.

“Probation violation cases have nothing to do with the character of the defendant. It’s whether or not you violated probation. That’s it,” she said.

Steele could not explain why Bachelier had been released earlier on \$500 bond, given the gravity of his original crimes, or on the original prison term he served for them. She pointed out that “sentencing is completely up to the judge.”

However, sentences are based, in part, on the recommendations of prosecutors.

“Generally, in sex assault cases we try to hold them non-bondable. But the burden of proof is on us to prove they are a clear and present danger,” Steele said.

RN said she came forward to protect other women.

“I couldn’t bear the idea that somebody was going to allow him to open a bar,” RN said.

“There are a lot of other women out there who get raped and a lot doesn’t get reported. I didn’t think he was going to stop,” she said. “Opening a bar in downtown Phoenix was like handing him victims.”

“If it happened to me before it ever opened, what’s going to happen late at night? I thought he was setting it up to control the liquor in an isolated bar,” she said.

Then on March 15, authorities asked the court to revoke Bachelier’s release order.



The space that was to be The Monocle on North Third Street is renovated, historic, and, now, available for lease. / Felicia Campbell

“The defendant has cut and removed his electronic monitoring bracelet. Attempts to locate him have been unsuccessful. At this time, the defendant’s whereabouts are unknown,” the pretrial services officer wrote in a court petition.

Three days later Maricopa County Superior Court Judge Pro-Tempore Cindi Nanetti issued a warrant for Bachelier’s arrest, noting his last known address on Third Street in Tempe. The order did not authorize out-of-state extradition.

He missed his next court date.

The Maricopa County Sheriff’s Office has a backlog of more than 31,000 unserved felony warrants. Early after taking office, Sheriff Paul Penzone promised to bring that number down and has touted the work of his fugitive apprehension squad.

But Bachelier, a convicted and registered sex offender, accused of a new sexual assault, has been on the run for five months.

The MCSO did not reply to questions about the status of the search, nor what the department is doing to find Bachelier. Nor did the Phoenix Police Department answer questions about Bachelier, The Monocle, or RN’s sexual assault case.

The Monocle may be gone, but in June the city of Phoenix conducted an electrical inspection of the old house at 816 North Third Street and more recently, somebody applied for a liquor permit there for the Farish House.

And somewhere, Bachelier is out there. RN is not afraid for herself, but she worries about other women. And she thinks the system to protect them failed.

“This guy has been given so many chances, he completely violates probation, has no regard for the rules,” she said. “He thinks he’s smarter than the system and he’s succeeded.””

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