

Previously Assigned to Div:

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TO BE COMPLETED BY HOMICIDE ONLY

AGENCY CASE NUMBER: 2022-00345516

COURT CASE NUMBER: _____

**IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT IN AND
FOR ORANGE COUNTY, FLORIDA**

STATE OF FLORIDA

vs.

NAME: **Agostinho L Rodrigues**

D.O.B: **01/19/1960** RACE/SEX: **White/Male**

HOME ADDRESS: **2424 Depauw Ave, Orlando, FL 32804**

PHYSICAL DESCRIPTION: HEIGHT: **5'11"** WEIGHT: **160** HAIR: **Black** EYES: **Brown**

SOCIAL SECURITY NUMBER: [REDACTED]

DRIVERS LICENSE NUMBER: **FLORIDA R362-012-60-019-0**

A F F I D A V I T F O R A R R E S T W A R R A N T

STATE OF FLORIDA
COUNTY OF ORANGE

Comes now the affiant, **Detective Kelly Jockin (32390)**, a sworn law enforcement officer, to wit: **a police officer** for the **Orlando Police Department**, submitted via a secure electronic file system before the issuing judge, **in and for Orange County, Florida, Ninth Judicial Circuit**, who makes this affidavit and states under oath that affiant has probable cause to believe that certain laws have been violated in **Orange County, Florida**, and that on/between **September 30, 2022**, the Defendant, **Agostinho L Rodrigues**, did violate Florida State Statute(s), and commit the offense(s) of:

- C1: Sexual Battery of Person >18 years
- C2: Battery

FSS: 794.011(4)(B)-1
784.03-7

Your affiant, **Detective Kelly Jockin (32390)**, is and has been since **February 27, 2017**, a duly sworn **police officer**, with the **Orlando Police Department, Florida**.

YOUR AFFIANT, IN THE COURSE OF THEIR OFFICIAL DUTIES, HAS COME TO INVESTIGATE:

On October 3, 2022 at 1243 hours **Officer S. Servider (17678)** responded to [REDACTED] in reference to a sexual offense. **Ofc. Servider** met with the complainant, [REDACTED], and determined the location of the occurrence was **1005 Virginia Dr, The Healthy Human Personal Training and Alternative Specialty Services**.

During her interview with **Ofc. Servider**, [REDACTED] stated she was attending a scheduled appointment with a man know to her as **"Dr. Tinho"** or **Dr. Agostinho Rodrigues** for a chiropractic adjustment. This was [REDACTED]'s third appointment. During her adjustment, **Rodrigues** wanted to check her lymph nodes and instructed [REDACTED] to remove her shirt. **Rodrigues** lifted her bra and exposed her breasts. **Rodrigues** began rubbing and massaging her bare breasts and squeezing her nipples. **Rodrigues** placed his hand under [REDACTED]'s pants and panties and told [REDACTED] he was going to stimulate her. **Rodrigues** used his fingers to rub [REDACTED]'s clitoris for approximately one minute. [REDACTED] reported she did not stop **Rodrigues** from touching her vagina because she believed he was performing a medical procedure. **Ofc. Servider** made a notification to the **Special Victims Unit**.

I, Detective K. Jockin (32390), was assigned the case for investigative follow up. I scheduled an appointment with [REDACTED] for October 5, 2022 at 0900 at the Orlando Police Department Headquarters. [REDACTED] arrived at the appointment and was brought to the interview room where I conducted a video and audio recorded interview. [REDACTED] was crying as she entered the room. [REDACTED] stated the following: [REDACTED] was introduced to Rodrigues through a referral from her massage therapist, Melissa Largo, after she was suffering severe lower back pain causing her difficulty to perform daily activities including walking. When [REDACTED] needed to reschedule her appointment time with Rodrigues, Largo requested her to call Rodrigues directly for future appointments. [REDACTED] stated after the two prior appointments she was experiencing relief from Rodrigues' medical treatment. During the second appointment, Rodrigues brought [REDACTED] to a separate massage room after her adjustment in the open gym area. Rodrigues requested her to remove her shirt and he was going to massage her lymph nodes on her chest. [REDACTED] stated she remained in her sports bra during this treatment. Rodrigues also video recorded [REDACTED] on his cell phone while she performed exercises on some of the weight machines. Rodrigues explained he wanted her to have a reference on how to perform the exercises properly. Rodrigues texted her the videos rather than using her personal cell phone to record.

During [REDACTED]'s third scheduled appointment, [REDACTED] stated Rodrigues greeted her with a kiss and a hug which he had not previously done. After the adjustment, Rodrigues brought [REDACTED] to the private massage room and informed her he would perform the massage to drain her lymph nodes. When she came to the massage table, Rodrigues assisted her with taking off her shirt without her asking for assistance. Rodrigues started massaging the top of her chest, as he had previously done, and without notification or warning he lifted her sports bra exposing her breasts. Rodrigues placed her bra in a position under her arm pits. Rodrigues proceeded to massage all around the entire breast area at times cupping her breasts in his hands. Rodrigues was standing behind her and she closed her eyes because she was uncomfortable with him holding her breasts. Rodrigues began pinching and pulling on her nipples causing [REDACTED] to flinch or tense. [REDACTED] stated whenever she would react uncomfortably, Rodrigues would provide verbal reassurance the procedure was for the purposes of draining the lymph nodes. Although [REDACTED] felt this was inappropriate, she believed because he was a doctor she could trust he was performing a medical procedure. [REDACTED] felt the sports bra was hindering his ability to massage the area she was informed the lymph nodes were needing to be drained. After he concluded "massaging" her breasts he left her sports bra at her arm pit level and proceeded to push his hands on her skin downward between her cleavage and underneath her yoga pants and underwear. Rodrigues was standing behind her and his stomach and shirt were touching her face as he moved his hands in this direction. Rodrigues started using his hands in a downward motion on the side of her groin stating he needed to drain the lymph nodes. There was no reference made to how this procedure would improve her back pain. Rodrigues started to move his hands down the center of her vagina and his fingers went into her vaginal cavity to touching her clitoris. [REDACTED] stated she again tensed and flinched due to this seeming inappropriate. During each time Rodrigues stroked his hands between her cleavage and into her underwear he would proceed further towards the vaginal opening and nearly placed his fingers inside the opening. Rodrigues would respond to [REDACTED] flinching again by informing her the procedure was for medical purposes and to "stimulate" her. When Rodrigues stopped the sexual abuse, he assisted [REDACTED] in placing her shirt back on. When they left the massage room, Rodrigues did a tutorial session to show [REDACTED] how she could conduct a personal massage in the groin area to drain the lymph nodes on her own. [REDACTED] felt as though Rodrigues was trying to further insinuate the sexual abuse was for appropriate medical services.

[REDACTED] stated while she was inside the massage room, the lights were off and the door was ajar while her breast were exposed and he was touching her vagina. [REDACTED] described the massage room as a tight space with limited room for mobility and with lighting available.

[REDACTED] stated she was distraught when she drove home and began crying. [REDACTED] stated she attempted to search the internet for reason a chiropractor would conduct this type of "massage", but she was unable to locate any results that would reduce her alarm. [REDACTED] stated she felt dirty and was unable to speak to her husband about the incident out of fear she would be accused of not stopping the abuse.

When she returned home, [REDACTED] stated she would start crying without warning around her teenage children. [REDACTED] reached out to a personal friend who advised her what happened was not appropriate and encouraged her to contact police. [REDACTED] informed her friend through texts about the incident and her feelings in regards to what occurred. I reviewed these messages and these were consistent with [REDACTED]'s testimony. The personal friend was present when [REDACTED] reported the incident to police. [REDACTED] conducted a recorded phone call with Rodrigues. Rodrigues apologized for her feeling uncomfortable and explained he asked "Melissa (massage therapist)" to reach out to her and further explain the procedures. [REDACTED] asked if she could set boundaries for the next appointment where Rodrigues would not touch her clitoris. Rodrigues agreed to these terms and stated "absolutely". [REDACTED] asked for a reasonable explanation as to why he would massage her clitoris so she could feel more comfortable. Rodrigues apologized if he touched this area and explained it was not his intention to make her feel uncomfortable. Rodrigues assured her this would not happen again. [REDACTED] also requested that he did not pinch her nipples and Rodrigues agreed. Rodrigues stated he did not wish to discuss this matter over the phone any further. Rodrigues offered to show [REDACTED] anatomy books during the next visit to help her understand the procedure. Rodrigues made scheduled an appointment with [REDACTED] for 0930 on Friday (October 6, 2022).

[REDACTED] provided me with the unwashed clothing she wore during the incident. The items were submitted into evidence and an FDLE lab transmittal was complete for forensic analysis of the items. [REDACTED] positively identified Rodrigues during a photo lineup.

It should be noted, I investigated a prior report from another patient of Rodrigues on June 23, 2022 under Orlando Police case number 2022-00217944. The incident occurred on April 24, 2022 at the same location and the same room. The patient reported Rodrigues started massaging her bare breasts. Rodrigues informed the patient he was massaging her stomach. As this massage was occurring, Rodrigues would place his hands under her yoga pants and into her underwear. Rodrigues hands would proceed to the "lips" or outer labia of the victim's vagina several times in a back and forth motion. The victim in this case was mentally distraught due to the incident and was unable to proceed with the investigation. The victim was referred to counseling through the Victim's Service Center.

The Florida Department of Health shows Rodrigues as a licensed Chiropractic Physician since July 3, 2018 under license number CH12513.

Based on the aforementioned investigation, I find probable cause to arrest Agostinho Rodrigues in violation of FS 794.011(4)(B)-1 Sexual Battery Victim over 12 years of age and FS 784.03-7 Battery. Rodrigues did place his fingers on the clitoris of the vagina and at the base of the vaginal opening of the victim's vagina explaining this was for the purposes of "stimulating her". Rodrigues penetrated the victim's vagina without her permission and she was not offered an opportunity to consent based on her belief and trust Rodrigues was acting as a medical professional. Rodrigues used his hands to cup the victim's breasts in a groping manner and pulled and pinched her breasts causing discomfort without her permission. These actions serve no bona fide medical purpose, particularly for a complaint of lower back pain.

Kelly Jockin /s

Detective Kelly Jockin (32390)

SWORN TO AND SUBSCRIBED before me in the County and State aforesaid this 6 day of October, 2022.

Ann Mislant /s

PLACED UNDER OATH BY