

INELIGIBLE VOLUNTEER RECORD SHEET
REGISTRATION SERVICE
BOY SCOUTS OF AMERICA

DATE: 11/10/89

FULL NAME John Harold Smith S.S. NO. [REDACTED]
(No initials if you can possibly get full name)

ADDRESS [REDACTED]

CITY Canton STATE Ohio ZIP CODE 44703

DATE OF BIRTH 2/21/61 (This is important and should be exact)

APPROXIMATE AGE _____ (To be used ONLY when date of birth is not known)

RELIGION _____ NATIONALITY (Citizen of) _____

OCCUPATION Bakers Asst/Telemarketing

EDUCATION High school graduate and Mansfield Business College

WEIGHT 150 HEIGHT 5'8" RACE Caucasian

COLOR OF HAIR Brown COLOR OF EYES Green

ANY DISTINGUISHING PHYSICAL CHARACTERSTICS corrective lenses

HOBBIES OR SPECIAL INTERESTS _____

MARRIED SINGLE NAME OF SPOUSE _____

CHILDREN _____
(Name, number, ages, if possible)

SCOUTING CONNECTIONS:

<u>UNIT #</u>	<u>CITY</u>	<u>STATE</u>	<u>POSITION</u>	<u>DATE REGISTERED</u>	<u>DATE RESIGNED</u>
T 254	Canton	Ohio	SA	2/1/84 to 1/31/85	
			SM	7/1/85 to 1/31/87	
Chartered Organization <u>Otterbein</u>					
<u>United Methodist Church</u>					

SPECIAL RECOGNITION _____

INCIDENT: TYPE 1 DATE OF INCIDENT 9/27/86 RESOLUTION 3
Type Resolution

- | | |
|--|--------------------------------|
| 1=Scout Related | 1. Internal (only Scouts Know) |
| 2=Non-scout related | 2. Criminal action |
| 3=homosexual (not specifically with youth) | 3. Court action |
| | 4. Probationary status |
| | 5. Reported to state agency |

Check off list of attached documentation

1. Description of incident
2. Victim(s) statement
3. media reports
4. Legal proceedings
5. Offender's statement
6. Official notification of termination
7. Found guilty/~~innocent~~ by court

NOTED

NOV 22 1989

JOSEPH L ANGLIM

Council Buckeye #436 Signed [Signature]
SCOUT EXECUTIVE

READY FOR FILE

NOV 23 1989

A. GRAVES

November 28, 1989

Mr. Jack A. Johnson
Scout Executive
Buckeye Council, No. 436

PERSONAL AND CONFIDENTIAL

SUBJECT: JOHN HAROLD SMITH

Dear Jack:

Thank you for the detailed information sent concerning the above Scouter. This case has been reviewed with our attorney and is now on our permanent Ineligible Volunteer File.

Sincerely,

Paul Ernst, Director
Registration Service

ag

cc: East Central Region

CONF011844

READY FOR FILE

OCT 30 1989

A. GRAVES

October 30, 1989

Mr. Jack A. Johnson
Scout Executive
Buckeye Council, No. 436

PERSONAL AND CONFIDENTIAL

SUBJECT: John H. Smith

Dear Jack:

On May 18, you sent us a letter indicating that the above named individual should be placed on the Ineligible Volunteer File. You also enclosed a copy of the court record which indicated that he had plead guilty to Gross Sexual Imposition.

We have enough material for placing him on the file, but we do need a record sheet, so that we can identify Mr. Smith. Please complete the enclosed Ineligible Volunteer Record Sheet to the best of your ability, so we can identify Mr. Smith anywhere he might attempt registration. Since this is such a common name, we would like to have as much information as possible.

Sincerely,

Paul Ernst, Director
Registration Service

ag

Enclosure

cc: East Central Region

CONF011845

READY FOR FILE

AUG 31 1989

JULIE EATON

August 30, 1989

Mr. Jack A. Johnson
Scout Executive
Buckeye Council, No. 436

PERSONAL AND CONFIDENTIAL

SUBJECT: JOHN H. SMITH

Dear Jack:

I hate to bother you again, but I still need the Confidential Record Sheet, so I can identify Mr. Smith should he attempt registration in some other location. I am enclosing another form for your use. Please complete this with all the information which is available.

We have everything else we need at this time, which will enable us to keep Mr. Smith on our Confidential File and refuse registration. Thanks for your help in protecting the youth of America.

Sincerely,

Paul Ernst, Director
Registration Service

je

Enclosure

cc: East Central Region

CONF011846

May 25, 1989

READY FOR FILE

MAY 24 1989

Mr. Jack A. Johnson
Scout Executive
Buckeye Council, No. 436

JUNIF EATON

PERSONAL AND CONFIDENTIAL

SUBJECT: JOHN H. SMITH

Dear Jack:

Thank you very much for your letter of May 19, and the information attached. This is most helpful to us and will enable us to establish a file which will lead to refusal of any future registration attempts.

I am enclosing a Confidential Record Sheet which I would like to have completed, so that we can identify Mr. Smith anywhere he might attempt registration. Please complete this with as much information as you have available.

A copy of a paper with Mr. Smith's signature would also aid in the identification process. If you have a paper in your file with his signature please send that with the Confidential Record Sheet.

Thanks for your help in protecting the youth of America.

Sincerely,

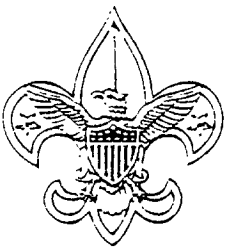
Paul Ernst, Director
Registration Service

je

Enclosure

cc: East Central Region

CONF011847



BUCKEYE COUNCIL, INC. #436
BOY SCOUTS OF AMERICA

5136 TUSCARAWAS STREET WEST

CANTON, OHIO 44708

PHONE: (216) 477-7248

May 18, 1989

Mr. Paul Ernst, Director
Registration and Subscription Service
National Council
Boy Scouts of America
1325 Walnut Hill Lane
P. O. Box 152079
Irving, Texas 75015-2079

Dear Paul:

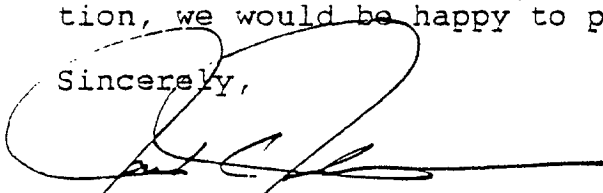
It is my unpleasant duty to ask you to add to our Confidential List a Scouter of the Buckeye Council. The gentleman in question is Mr. John H. Smith, residing at [REDACTED], Canton, Ohio 44703.

I am enclosing for your perusal a copy of the Judgement Entry stating his plea of guilty on one count of gross sexual imposition.

Mr. Smith has not been registered with the Buckeye Council since January 31, 1987.

If you would require any additional information or substantiation, we would be happy to provide.

Sincerely,


Jack A. Johnson
Scout Executive

JAJ:sm

Enclosures

*no neg at this time
Added to CF file
5/24/89*



STATE OF OHIO,

CASE NO. 89-9198

Plaintiff,

JUDGE WILLIAM A. MORRIS

vs.

PLEA OF GUILTY

JOHN H. SMITH,

CRIM. R. 11(C)

Defendant.

I, JOHN H. SMITH, am represented by Attorney Mitchell A. Machan.

My attorney and the Court have advised me that I am charged with the crime(s) Force Sexual Imposition (F-3)

that the penalties provided by law is/are 1 yr 1/2 2 yrs
did not know and love of 5,000 in 1987;

that my plea will result in a conviction for the crime or crimes charged; and that the Court can sentence me immediately after accepting my plea.

My attorney and the Court have advised me that by entering a Plea of Guilty or No Contest I am waiving (giving up) the following Constitutional Rights:

1. My right to have a jury trial or a trial to the Court;
2. My right to confront witnesses against me;
3. My right to have compulsory process for obtaining witnesses in my favor (the right to subpoena witnesses in my favor);
4. My right to require the State to prove my guilt beyond a reasonable doubt;
5. My right not to be compelled to testify against myself.

I hereby acknowledge that I understand all of the above, and that all of the above terms have been explained to me.

In Open Court, this 6th day of April, 1989 I do hereby waive (give up) the rights listed above.

was duly served upon me in this case.

I hereby enter a Plea of Guilty/No Contest to the charge(s) of _____

Miscellaneous (Disorderly Conduct)

which are a violation of the Ohio Revised Code Section(s) 2907.03

No promises or threats have been made to me by anyone to secure my Plea of Guilty.

I acknowledge that I am pleading guilty freely and voluntarily.

I further acknowledge that I understand the nature of the charge(s) and the maximum penalty involved upon conviction.

I further acknowledge that I understand that I will/~~will not~~ be eligible for probation.

I have complete confidence in my lawyer and acknowledge that he/she has effectively and diligently represented me.

It is solely my own choice to enter a Plea of Guilty with full knowledge of the other alternatives available to me.

I understand that I have a right to appeal procedural issues reserved upon a Plea of Guilty.

I understand that I have a right to appeal procedural issues reserved upon a Plea of No Contest.

Dated this 6th day of April, 1989

Signed in the presence of:

[Signature]
Prosecuting Attorney

[Signature]
Attorney for Defendant

[Signature]

Plea Accepted - Judge

[Signature]
Defendant

[Signature]
Court Reporter

STARK COUNTY, OHIO

STATE OF OHIO,

CASE NO. 89-9198

Plaintiff,

vs.

JUDGMENT ENTRY

JOHN H. SMITH,

PLEA OF GUILTY ON

Defendant.

BILL OF INFORMATION

AND APPLICATION FOR

PROBATION



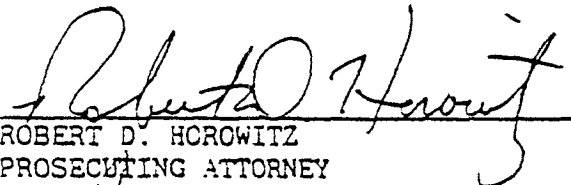
This day, April 6, 1989, the defendant, JOHN H. SMITH, came in the custody of the Sheriff, and accompanied by his Counsel, Richard Drake, Esq., for arraignment on the Bill of Information filed herein by the Prosecuting Attorney of Stark County, Ohio, charging him with Gross Sexual Imposition, 1 Ct. (R.C. 2907.05), and informed the Court that he consulted with his Attorney and that his Attorney had fully informed him as to the nature of the charge and the elements constituting the crime under the statute pertaining to it including the penalties and the right to a Trial by Jury, and that the defendant desired to enter a Plea of Guilty to this charge. Whereupon the Court having inquired of the defendant and his Counsel as to the defendant's knowledge and understanding of his rights aforesaid, and the Court found that the defendant did understand all his rights, and the defendant entered his Plea of Guilty to the crime of Gross Sexual Imposition, 1 Ct. (R.C. 2907.05) as charged in the Bill of Information, which said Plea was accepted by the Court. A written Plea of Guilty is hereby attached and made a part of this Judgment Entry.

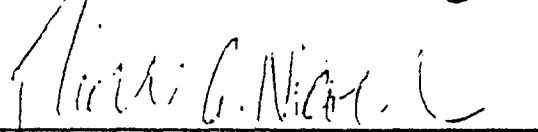
Thereupon the Court inquiring as to whether or not the defendant had anything to say as to why judgment should not be pronounced against him, and the defendant requested of the Court that sentence be deferred pending the filing of application for probation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the imposition of sentence for the defendant be deferred pending the return of the investigation by the Probation Officer and a probation hearing to be set after return of the investigation.

JUDGE

APPROVED BY:


ROBERT D. HOROWITZ
PROSECUTING ATTORNEY


RICHARD A. NICODEMO
ASSISTANT PROSECUTING ATTORNEY



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School liability lawsuit to get hearing

Ohio Supreme Court to rule in molesting case involving Massillon boys

By John Higgins Beacon Journal staff writer

Published on Thursday, Nov 01, 2007

The Ohio Supreme Court agreed Wednesday to review whether Massillon Schools should be immune from a lawsuit brought by the parents of two elementary school boys who were sexually molested by a volunteer chess coach.

John H. Smith pleaded guilty in 2002 to gross sexual imposition involving the children, ages 9 and 10, and was sentenced to four years in prison.

The parents, listed on the suit as Jane Doe and Jenny Doe, sued the school district in 2005.

The schools required criminal background checks at the time for all teachers, aides, staff members, cooks, janitors, bus drivers and anybody involved in the care, control or custody of children, according to the lawsuit.

But the policy on volunteers did not require criminal background checks. Massillon now requires them.

Smith did not have a written contract with the schools or receive compensation.

The suit contends the school district was negligent because it allowed Smith unsupervised access to children on school grounds, "thus allowing Smith to 'groom' them for potential abuse."

School systems, like other governmental bodies, generally cannot be held liable for civil suit damages resulting from officials carrying out government functions. They can be held liable, however, if employee negligence causes death or injury that occurs on school premises.

Smith was convicted of molesting the two boys in a motel room in Michigan during a "field trip" that the parents believed was sponsored by the school, the suit says.

Both the Stark County Common Pleas judge, Sara Lioi, who has since become a federal judge, and the 5th District Court of Appeals ruled that the school system was immune from lawsuit because the boys were molested off school property.

The lawsuit had argued that although the boys were molested off school premises, "the negligence which led to the injuries" occurred on school grounds.

The parents asked the Ohio Supreme Court in July to review the case, contending the appeals judges' ruling misinterpreted Ohio case law, creating a "blanket immunity" for schools "as long as the molestations do not occur on school grounds."

Smith pleaded guilty to gross sexual imposition in 1989 for molesting two Boy Scouts, ages 9 and 10, and spent two years in prison, the lawsuit says.

Wuyanbu Zutali, founder of the Stark County Scholastic Chess Federation, assigned Smith to coach and oversee after-school chess activities at Franklin-York Elementary School in 1997, according to court documents.

The school did not ask him for a written application, a list of references or any basic background information, such as date of birth, Social Security number, address or phone number, the lawsuit says.

All chess club practices were at the school. Children needed permission slips and medical authorizations from their parents, the team's successes were published in the school newsletter and Smith was listed in the school yearbook as Chess Club adviser, the suit says.

"In the spring of 2000, Smith sent home a letter inviting certain 'select members' of the Franklin-York Chess Club on a field trip over spring break, including the Doe children," the suit says.

During the trip, Smith and the boys slept in the same motel room. The boys later said Smith had "done something to them in the room while they were sleeping; neither were willing to provide details," the lawsuit says.

A few months before the Michigan trip, Zutali's chess organization suspended Smith's membership after an alleged racial incident at one of the tournaments. Zutali approached the school's principal with concerns about Smith's "fitness to coach chess to small children" and was ignored, the suit says.

In the fall of 2001, Zutali took his concerns to the Massillon Police Department, where detective Bobby Grizzard discovered Smith's sex offense conviction.

Each side will file documents with the state supreme court over the next few months. Oral arguments are likely in the spring. The court, on average, takes about four months to make a decision after hearing arguments, a court spokesman said.

John Higgins can be reached at 330-996-3792, 800-777-7232 or jhiggins@thebeaconjournal.com.

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