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Boy, 11, sexually assaulted at Kansas' St. John's Military School, awarded \$370,000

BY ERIC ADLER

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JANUARY 14, 2019 06:43 PM,

UPDATED JANUARY 15, 2019 06:19 AM



St. John's Military School in Salina has faced a number of abuse allegations over the years. FILE PHOTO BY JILL TOYOSHIBA JTOYOSHIBA@KCSTAR.COM

As a current military man himself, the father thought that sending his 11-year-old son from Tennessee to [St. John's Military School](#) in Salina would instill in him the kind of discipline the boy needed.

Instead, according to a [lawsuit filed in 2016](#) and now decided through arbitration, the child was sexually assaulted in his dormitory room by a classmate the school ought to have known posed a danger to other children.

The American Arbitration Association at the end of December found that St. John's, as a boarding school, "failed to meet an ordinary standard of care for a child being entrusted to it and its staff" and awarded the child — now age 16 and identified in court papers by his initials, G.D. — \$370,000.

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On Monday, the boy's Kansas City attorney, Dan Zmijewski of DRZ Law, filed a motion with the U.S. District Court in Kansas to order St. John's and its endowment to pay.

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"This is a big victory for all child victims of sexual assault that depend upon institutions to protect and supervise them from becoming victim to sexual predators while under their roof," Zmijewski said in a statement.

The boy, who withdrew from the boarding school, suffered post-traumatic stress disorder and entered counseling, the lawsuit said.

"I think it's reprehensible that it happened," Zmijewski said Monday. "It is something that is going to affect him for years to come. It is devastating."

The situation is not the first time St. John's, founded in 1887 and home to some 235 boys in grades 6 to 12, has found itself cast in a dark light regarding the welfare of its students.

In 2012, the families of 11 boys who attended the school filed a federal lawsuit alleging physical and emotional abuse by upperclassmen. The allegations, which the school vehemently denied, held that boys were forcibly branded with insignia pins, beaten by upperclassmen and subjected to sexually humiliating punishments such as doing naked push-ups.

One boy, 14-year-old Jesse Mactagone of California, who had aspired to one day become a U.S. Army officer, lasted only four days at the school. In the lawsuit, the Mactagones alleged that their son was so severely abused and beaten in August 2011 that he suffered two broken legs, including a displaced femur, forcing him to be rushed to a local hospital.

The suits, filed by Zmijewski, were settled out of court in March 2014 on the eve of trial, with awards ranging from \$55,000 to \$1.8 million.

As that suit was being settled, G.D. entered St. John's for the spring semester.

"The events of this act occurred when that case was in resolution, which is disconcerting," Zmijewski said. "You'd think there would have been extra precautions in place."

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The boy, according to court papers, had his own room located in a residence known as Sage Hall. The hall had security cameras.

In awarding damages, the arbitrator held, “Although there were video monitors in the hallway, the video was not preserved, nor was there any follow up by the boarding school. . . . There was undisputed testimony that the adult on duty to observe the hall frequently brought his sleeping bag to work and slept on duty.”

It was alleged that the classmate, identified by the initials S.A., used to glare at the young boy in the shower and that his behavior was reported to the staff at St. John’s. Despite the complaints, the boy was still allowed to remain at Sage Hall with other middle school students.

Then, one night, the classmate entered G.D.’s room and sexually assaulted him, the complaint alleged. The boy did not make noises or run from his room. Nor did he immediately report the assault, believing “it would brand him as a snitch and put him in more danger of abuse.”

G.D. subsequently left St. John’s. He did not report the assault until he later entered psychological therapy.

G.D.’s father declined to be interviewed for this story. A message left for the school’s president, Col. William Clark, was not immediately returned.

Support for St. John’s among alumni is often as passionate as it can be mixed.

According to court papers, on Dec. 17, the arbitration board found St. John’s “jointly liable for negligent supervision and/or intentional failure to supervise, and/or negligent and/or intentional infliction of emotional distress.” It awarded the plaintiff \$369,175.

G.D. had waited more than a year to report the sexual abuse to authorities. Zmijewski said that, to his knowledge, no criminal charges were ever filed against the child alleged to have committed the assault. Nor, he said, was the child expelled.

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