

## NEWS

# Stark County commissioners to pay \$40K to settle lawsuit by cleared guidance counselor

**Robert Wang** The Repository

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CANTON – Stark County commissioners have agreed to pay \$40,000 to settle claims by a guidance counselor, later cleared of a felony charge, that a sheriff's detective committed malicious prosecution against her.

According to the text of a resolution later released by the commissioners' office, one reason the county agreed to settle the ongoing lawsuit is the potential cost of litigation, depositions and the discovery process along with a possible appeal could exceed \$100,000.

In return for the plaintiff dropping her claims, the county agrees to pay \$30,000 to the plaintiff Dawn Jones-Harrington, a guidance counselor at GlenOak High School. The county also will pay \$10,000 to the law firm representing her, the Pattakos Law Firm based in Fairlawn.

Stark County Administrator Brant Luther in an email wrote that no written settlement agreement, which could be a public record, exists. The county will pay the settlement amount out of its general-fund obligations fund. It's not clear if the payment will be covered by insurance.

**More:** GlenOak counselor sues Stark sheriff's deputy over "flawed" criminal case

## Jones-Harrington sues after arrest

In October 2020, Jones-Harrington filed a lawsuit against Stark County Sheriff's Deputy Rocco Ross in his personal capacity. She claimed he had subjected her to malicious prosecution. Jones-Harrington did not name the sheriff's office, the Stark County commissioners or Stark County as defendants.

In March 2020, Stark County Common Pleas Judge Frank Forchione dismissed a third-degree felony charge of obstructing justice against Jones-Harrington. The case, he said, had "more holes than Swiss cheese."

He found in the middle of the trial that prosecutors failed to prove that Jones-Harrington had sought to hinder sheriff's deputies from finding a robbery suspect in her home. Forchione found the evidence so lacking he made the rare move to acquit Jones-Harrington before a jury could take up the case.

Peter Pattakos, Jones-Harrington's attorney, said the settlement amount was "reasonable," and his client was not seeking an excessive amount.

"She's very glad that the county was willing to pay a substantial sum to recognize the wrong that was done with the prosecution. And she's glad to put this issue in the past. ... We're grateful that Dawn's name has been cleared. And the county paying this settlement amount is confirmation of that."

Pattakos said there were no other terms of the settlement other than the \$40,000.

A relative of Jones-Harrington committed a robbery on Nov. 6, 2019, fled and hid in the attic crawlspace of Jones-Harrington's Plain Township home. Jones-Harrington later said she did not know he was in her home.

According to Jones-Harrington's complaint, she was asleep when Ross and other deputies arrived at her home to question her about the suspect. She said she did not know where he was and said she was frightened by what she perceived to be Ross' "aggressive and hateful demeanor." So she refused to allow Ross to search her home. He did not at that time have a search warrant.

The complaint says Jones-Harrington contacted the sheriff's deputy assigned to be a school resource officer at GlenOak and then consented to a search of her home if Ross did not conduct the search and once her family was out of the home. The robbery suspect was later arrested in her attic.

The complaint accused Ross of lying under oath in a preliminary hearing and falsely saying that Jones-Harrington prevented deputies from capturing Daniels by initially declining consent for Ross and the other deputies to search her home.

After Ross sought the felony charge against Jones-Harrington, she was arrested and booked into the Stark County Jail. The Plain Local School District placed her on paid administrative

leave. She was reinstated to her job after she was acquitted.

## **Cost to taxpayers**

In February, Mel L. Lute Jr. of the Baker Dublikar law firm took over as Ross' attorney in the case from the Stark County prosecutor's office. He said the prosecutor's office apparently transferred the case because of a possible conflict of interest.

"I think it's a good resolution because it brings to a conclusion a case that would have been very, very expensive to litigate to its conclusion," Lute said about the settlement. "My client maintains his denial of liability. There will be a release of all claims against Det. Ross. It's what happens when people are pragmatic and they understand the costs of litigation these days."

Lute said Ross denies all the allegations by the plaintiff, including the claim Ross lied under oath in the preliminary hearing or violated any of Jones-Harrington's rights.

"He had no control over whether she was prosecuted or not," he said, adding that state law gives prosecutors greater immunity from lawsuits than law enforcement officers. Which is why he believes Ross was named as the defendant and not prosecutors who chose to pursue the felony charge.

Messages were left seeking comment for Stark County Prosecutor Kyle Stone and former Stark County Prosecutor John Ferrero, who was the prosecutor until the end of 2020.

Lute confirmed that a state law requires a governmental entity employing law enforcement officers to indemnify those officers against any lawsuits related to anything they did in the scope of their official duties. Therefore, the county covered the cost of the settlement and Ross' legal bills. He said he did not know yet how much Baker Dublikar will bill the county for his representation of Ross.

"Whatever that bill is, it substantially and is absolutely very, very much lower than it would have been if we had been unable to reach an agreement," he said. "Litigation is very expensive. Even if you win."

Reach Robert at (330) 580-8327 or [robert.wang@cantonrep.com](mailto:robert.wang@cantonrep.com).

On Twitter: [@rwangREP](https://twitter.com/rwangREP).