



# SHERRI BEVAN WALSH

## Summit County Prosecuting Attorney

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### CHIEF COUNSEL

Brad Gessner

November 16, 2021

### CRIMINAL DIVISION

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Criminal Chief  
(330) 643-2800  
(330) 643-2137 Fax

Chief Perry Tabak  
City of Hudson Police Department  
36 S. Oviatt St.  
Hudson, Ohio 44236

### CIVIL /TAX DIVISION

John Galonski  
Civil Chief  
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Dear Chief Tabak:

### JUVENILE DIVISION

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At your request, the Summit County Prosecutor's Office conducted an investigation of the events that transpired during and as a result of the September 13, 2021 Hudson School Board meeting. The following summary is based upon our investigation of the Hudson City School District instructional materials, Ohio Department of Education instructional materials, documented communications sent to Hudson School Board members, Hudson school administrators, as well as interviews of over a dozen individuals.

### CHILD SUPPORT DIVISION

Jennifer Tultz  
Director  
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#### **What occurred at the September 13, 2021 Board of Education meeting?**

On September 13, 2021, Craig Shubert, the elected Mayor of the City of Hudson, spoke at a Hudson Board of Education meeting. It was his first time speaking at a Board of Education meeting. In his comments to the Board of Education, Mr. Shubert stated: "It has come to my attention that your educators are distributing essentially what is child pornography in the classroom. I've spoken to a judge this evening. She's already confirmed that. So I'm going to give you a simple choice - you either choose to resign from this Board of Education or you will be charged."

### VICTIM SERVICES

Crystal Baker  
Director  
(330) 643-2800  
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Following the meeting, the comments of Craig Shubert went viral locally, nationally, and internationally. The primary focus of what he described as "child pornography" is in a book entitled *642 Things to Write About* and was distributed to Hudson High School students in a College Credit Plus creative writing course offered through Hiram College.

### COMMUNICATIONS

James Pollack  
Director  
(330) 643-8386  
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#### **What is a College Credit Plus class?**

College Credit Plus programs, approved by the Ohio House and Senate, permit students to graduate from high school having already earned college credit for courses approved and taught in a program associated with an Ohio Institution of Higher Education. Students can save up to two years of college expenses with full participation.

### COMMUNITY OUTREACH

Tania Nemer  
Prosecutor  
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This program, which has been in effect since the Fall of 2015, was recently updated by the Ohio Legislature under House Bill 110. The program may deal with "mature subject matter," which is defined as subject matter or material of a graphic, explicit, violent, or sexual nature. The House and Senate mandated a disclaimer for all institutions participating in this program:

The subject matter of a course enrolled in under the college credit plus program may include mature subject matter or materials, including those of a graphic, explicit, violent, or sexual nature, that will not be modified based upon college credit plus enrollee participation regardless of where course instruction occurs.

In order for a student to attend these classes, every parent and student is required by both Hiram College and Hudson High School to sign a waiver acknowledging "adult themes and content including books, movies, illustrations, or topics as part of the curriculum" that would "not be modified to accommodate the age of the College Credit Plus participants."

State Senator Kristina Roegner, who represents the Hudson area, was a sponsor of this Bill. It should be noted that State Senator Roegner, through her attorney, declined to be interviewed relative to this investigation.

### ***642 Things to Write About***

The book contains only single sentence writing prompts and the room to write. There are no pictures, drawings, or graphics of any nature. At issue are seven of those 642 prompts. The book was an ungraded journal that students never turned in. The students were permitted to select any prompt they chose. We have no evidence that any student wrote on any of the prompts in question. We understand that some parents would be concerned with exposing their children to such topics. However, the parents of all students who were enrolled in the class, past and present, signed a waiver as to topics of adult themes and content, including books, movies, and illustrations. Since the Mayor's comments, no students were removed from the class nor did any parents request that their child be removed.

### **Following the board meeting**

As a result of the comments by Craig Shubert, members of the Board of Education and Administrators of the Hudson City Schools received threatening and profane phone calls and emails. Two members of the Board of Education have documented over 150 calls and emails between the two of them. These calls and emails were reported to the Hudson Police Department. Due to the nature and working relationship between the Police Department and the Hudson City Schools, the Hudson Police Department requested that the Summit County Prosecutor's Office independently review this matter to determine if any criminal charges were warranted.

### **Is the use of the book *642 Things to Write About* dissemination of Child Pornography?**

Mayor Craig Shubert advised the Board of Education that "dissemination" of the textbook was child pornography and "I've spoken to a judge this evening. She's already confirmed that." Per Mr. Shubert and the *Akron Beacon Journal*, Summit County Domestic Relations Court Judge Katarina Cook "confirmed Shubert showed her some of the writing prompts." Judge Cook also told the newspaper that she was

reacting as a “mother and I was shocked because I’m the mother of four boys.” Judge Cook, through her attorney, declined to speak with this office or its investigators.

In Ohio, child pornography is obscene material involving a juvenile, sexually oriented matter involving a juvenile, or any material that causes an excessive interest in sexual matters and lacks literary, artistic, political, or scientific value. The book at issue does not display any material involving a juvenile let alone any obscene or sexually oriented material involving a juvenile. Further, this is not about what the student might ultimately write, but what the book stated. The “pornography” would need to be evident in the book itself, and it is not.

**The book *642 Things to Write About* is not child pornography. The statement that educators in Hudson were disseminating child pornography, in the use of the book *642 Things to Write About* is not true.** In interviews with this office, Craig Shubert has now stated that he has “hearing issues” and may not have heard the Judge correctly. However, in a Facebook video Mr. Shubert made with political candidate Josh Mandel on October 18, 2021, Shubert nods along as Mandel claims the Mayor “is going to send the prosecutors after you [the Board of Education] or you will resign.”

#### **What has occurred since Craig Shubert addressed the Hudson Board of Education?**

Members of the Hudson Board of Education and Administrators for the school system received over 150 violent threats and vile messages, phone calls and emails. The phone calls have been anonymous and shown on caller ID as originating primarily in Texas and Pennsylvania. Since the phone calls were unidentified, subpoenas cannot be sent at this time. Attempts at tracing the threatening emails have been unsuccessful as they have come from encrypted servers in Switzerland. A Texas Ranger has been contacted regarding one identified caller, however the message left was vile language and not a specific threat that could result in charges. Additionally, a Capitol Police officer was questioned regarding an identified individual who had previously threatened a United States Senator. The message this individual left a Hudson School Board member was offensive but not criminal.

The nature of these communications is extremely disturbing. A school administrator received a recorded phone message:

**See everybody’s paying attention to Phil right now when they don’t know you’re the Commi c\*\*\* that put all those nasty f\*\*\*\*\* books in the school. Well, I’m looking at an entire chat room 600-700 people passing around you personally – your information. You’ve been doxed all the way back to elementary school and a couple of them are talking about doing really horrible s\*\*\* to you that makes Silence of the Lambs look like Blues Clues. So, you reap what you sow and you get what you f\*\*\*\*\* deserve.**

Board members received emails such as:

- You’re a freak. You should be drug behind a truck until only a nasty mess is left. Your f\*\*\* little girls.
- YOU AND YOUR COLLEAGUE’S GUILTY OF BEING PREDATORS!
- You’re a f\*\*\*\*\* bitch boomer.
- How long have you been hurting our children!?

- Charges are pending and coming. Sexual predator status will follow you for life. Soon, you will not be able to walk the public streets.
- FILTHY PERVERT!
- Leave the schools and the students in peace or there will be consequences to your perverted actions.
- PEDOPHILES do not need to resign, they need to be ARRESTED and CHARGED.
- You out yet? F\*\*\*\*\* commie pervert.
- You're a Sabbatean Frankist. A devil worshipper, and I know exactly where you live, you inverted anti-human piece of s\*\*\*.
- YOU FILTHY JEW SODOMITES DESERVE A HORRIBLE DEATH You sickf\*\*\*\* better make peace with Satan, because you are going to see him soon!
- "you better watch your f\*\*\*\*\* backside we are coming for you...pornography in the classroom...how about lynching out in the courtyard prick."

The calls, emails and social media posts that follow in the manner of those select examples above are potential criminal offenses including Aggravated Menacing, Telecommunications Harassment, Ethnic Intimidation, either as the principal or with Complicity. They range from misdemeanors to felonies. These comments resulted in members of the Hudson Board of Education reporting that they feared for the safety of themselves and their families. They felt apprehensive about leaving their homes, compelled to close their curtains, and had friends who declined to socialize with them based upon fears for their personal safety.

Charges could be filed on individuals with the culpable mental state of knowingly participating in these actions. To date we have not been able to locate the persons behind the threatening phone calls, emails, and social media posts. It is clear that Craig Shubert has aided, abetted, and incited these individuals with his baseless unsupported statements that led to these potential crimes. However, we cannot demonstrate, beyond a reasonable doubt, whether Craig Shubert acted knowingly when he spoke at the Board of Education meeting on September 13, 2021 or was just a pawn. It is clear he acted irresponsibly and recklessly in his comments, but that is not the required mental state needed to prove these offenses. Should Judge Cook or State Senator Kristina Roegner cooperate and speak with our investigators, we could better evaluate or reevaluate the intent of Craig Shubert. His continued conduct, such as that with candidate Mandel, remains troubling.

### **Did the Mayor commit the crimes of disrupting a lawful meeting or inciting panic?**

First, we must look to the mental states required in the Ohio Revised Code. Mental state is a necessary element of every criminal charge and must be proven beyond a reasonable doubt. While we cannot investigate the mind of another to determine how and why they acted in a certain manner, we look to the facts and the evidence surrounding their conduct to make that determination. Ohio has four mental states; relevant here are "purposely and knowingly." *Purposely* is when someone acted with a specific intent to cause a certain result. *Knowingly* is when, regardless of the purpose, someone is aware that their conduct will probably cause a certain result. This calls for a high probability that the result would occur.

The Ohio Revised Code defines disturbing a lawful meeting as, "No person, with purpose to disrupt a lawful meeting shall do any act which obstructs or interferes with the due conduct of such meeting or

shall make any utterance, gesture, or display which outrages the sensibilities of the group.” Alleging board/school sponsored dissemination of child pornography at the Hudson Board of Education meeting has resulted in numerous threats, and intimidating communications to both the Hudson School Board and senior members of the Hudson School’s administration. Craig Shubert advised our investigators that prior to the board meeting September 13, 2021, he attended a political fundraiser for a Stow City Council candidate. At that event, Senator Roegner advised him of the matter involving Hudson Schools and he shared images from the book with Judge Cook. He had a conversation with the Judge about the book’s content and child pornography. He and Senator Roegner left the fundraiser to go directly to the Hudson Board of Education meeting. Senator Roegner left the meeting prior to his speaking. It appears that Craig Shubert was not planning on attending the board meeting until the issues he spoke of were raised by Senator Roegner and defined by Judge Cook. Again, without their cooperation, we do not have the necessary evidence to prove his actual purpose.

“*Inducing Panic*” occurs when a person causes serious public inconvenience or alarm, by initiating or circulating a report or warning of an alleged crime, knowing that such report or warning is false. Again, Craig Shubert stated that he believed the use of the book on the CCP class syllabus was child pornography based upon his discussion with Judge Cook who has declined to speak with investigators.

#### **What happened in Hudson as a result of Mayor Craig Shubert’s reckless behavior?**

As Mayor of the City of Hudson, Craig Shubert may preside over meetings of Council, but he has no vote. He serves as the official and ceremonial head of the Municipal government and is to be recognized as such by the Governor for military purposes and by the courts for the purpose of serving civil processes. As a ceremonial Mayor, he has no Law Enforcement authority to threaten or authorize the filing of criminal charges. The City Administrator holds the authority in conducting the business of the City. The Mayor has no authority over the Board of Education. He confused residents into a belief that he did have such authority. He does not. He confused residents into a belief that the writing resource *642 Things to Write About* contained child pornography. It does not. Board of Education members and School employees were threatened and harassed based upon his conduct and his words. Once information became public that the “legal advice” Craig Shubert spoke of was incorrect, he later appeared on Facebook with a state-wide candidate celebrating him “taking on” the School Board “because they were pushing all this inappropriate sexual stuff to the little kids in the school.” This was not true. Yet, at that point Mr. Shubert smiled and waived at the camera. His conduct and behavior are not only rash but irresponsible. This investigation centers upon the state of mind or culpable mental state of Craig Shubert. Based on the level of cooperation by those who brought this matter to his attention on September 13, 2021, there is not sufficient evidence to prove his intent as required by law. This review has no bearing on any civil causes of action that may exist such as slander per se for false allegations of crimes of a sexual nature.

#### **Conclusion**

While there are potentially charges that could arise from direct threats to members of the Board of Education and school administrators by others, we find that the book *642 Things to Write About* is not child pornography. We further find that while Craig Shubert’s behavior was ill-advised and inappropriate, there is not sufficient evidence to file criminal charges at this time.

Chief Perry Tabak  
November 16, 2021  
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Should you have any questions regarding this matter please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Brad Gessner". The signature is written in a cursive style with a large initial "B".

Brad Gessner  
Chief Counsel