

Father recently pardoned after speaking up for his daughter, who was sexually assaulted

By Jeffery M. Leving SM

Virginia Governor Glenn Youngkin did the right thing Sunday when he pardoned a father who was arrested for speaking out at a 2021 school board meeting after his daughter was sexually assaulted at school.

The father, Scott Smith, was convicted of obstruction of justice and disorderly conduct after he was forcibly removed by police from a school board meeting he attended following the assault on his daughter by another student in October of 2021. He appealed to the circuit court, and the obstruction of justice conviction was dismissed.

In his [pardon](#), Governor Youngkin said that Smith was confronted at the meeting by a community member who allegedly threatened to spread false and malicious information about his business with the intent to damage his reputation and that after a verbal confrontation, Smith was arrested. The pardon also noted that the Loudoun County Circuit Court issued an order disqualifying the original prosecutor in his case due to concern about “the integrity of the prosecution,” “The impartiality of the Commonwealth’s Attorney, and a specific finding that Smith’s due process rights were “in jeopardy.”

This is an interesting case because while there are some things that both supporters and detractors of the pardon seem to agree on, the case also has given life to innuendos about transgender people that seem to be a red herring.

The things about this case that appear to be proven: 1) Scott Smith's daughter was sexually assaulted in a school bathroom. 2) The offender, who was a fellow student, was transferred to another school after the incident and within months, he assaulted another girl at the new school. 3) He was ultimately convicted of both assaults and was sent to a residential treatment facility and will be on probation until he is 18. Additionally, the offender will remain on the Virginia sex-offender registry for the rest of his life.

There are also things about the incidents that are murky, but seem to be a red herring. It has been reported that the offender was wearing a skirt when he assaulted Smith's daughter in a school bathroom. While this ignited debates over transgender issues in the state and across the country, with Smith even previously saying that his daughter's assault was the result of "radical gender policies" and his attorneys claiming that his daughter was assaulted by "a boy claiming to be 'gender fluid.'"

However, Virginia's attorney for Loudoun County, Buta Biberaj (D) said that was not accurate. She said the

offender was not transgender or gender fluid. (Biberaj was the original prosecutor in the case who was disqualified by a judge and who told the Washington Post on Sunday that Youngkin's pardon was "a slap in the face for law enforcement.")

I contend that whether the offender wore a skirt or not or was transgender or gender fluid or not is irrelevant and sadly a red herring. The real issue as I see it is that every father should have the right to speak up and protect his daughter.

The fact is, Smith's daughter was assaulted and there is no proven link between gender fluid or transgender people and people who commit violent sex acts. Alleging this type of thing is equivalent to pointing out the race of a juvenile carjacker and trying to blame it on his race — something that would rightfully cause outrage. Sadly, when it comes to discriminating or scapegoating transgender people, the voices of hate drown out the real issue, that being why the offender was transferred to another school to assault someone else instead of being dealt with after he assaulted Smith's daughter.

After the two assaults, a grand jury issued a scathing report in December about the school's handling of them, saying the second assault could have been avoided. That investigation, launched by Youngkin and Attorney General Jason Miyares (R) as one of their first acts in office,

concluded that school administrators bungled the response to sexual assaults in May and October 2021. The student in question was transferred to another high school after the first assault, and committed a second assault at the new school. The report found that the school district's superintendent, Scott Ziegler, lied about the first incident during a school board meeting, denying that there had been a sexual assault in a school bathroom even though he knew an assault had been reported. The grand jury brought indictments about Ziegler and school district spokesman Wayde Byard. Byard was acquitted of the charge against him, but Ziegler is scheduled to go to trial later this month.

Getting to the bottom of why the offender was transferred to another school after the first assault is the important issue here, not whether he was wearing a skirt, gender fluid or trans gender. The offender has already been tried, convicted and sentenced. Now it's time to focus on the school board in order to ensure nothing like this ever happens again and we should also never forget that every father should have the right to protect his daughter.

Attorney Jeffery M. Leving is the recipient of President Biden's 2023 Presidential Lifetime Achievement Award.

Leving, who has dedicated his career to safeguarding children and reuniting them with their fathers, has written

three acclaimed books: “Fathers’ Rights,” “Divorce Wars” and “How to be a Good Divorced Dad,” the latter of which was praised by President Obama and by Cardinal Francis E. George, then the Archbishop of Chicago. Follow Jeffery M. Leving on Facebook and X @DadsRights.