

# Teacher acquitted of harassing student

By GRACE R. DOVE  
Post Staff

Dallas High School teacher John Bancala was found not guilty of harassing a student after a preliminary hearing held before District Magistrate James Tupper April 29.

The hearing on charges of harassing ninth-grader Richard Cibula was attended by several teachers, numerous spectators, newspaper reporters, photographers and television crews from two area stations, who packed the courtroom and waiting area to capacity.

The television newscasters said that the boy's mother had called their stations to notify them of the hearing several days before.

The charges stemmed from an alleged altercation February 22 between Bancala and Cibula in Bancala's fifth period consumer education class, in which Cibula claimed that Bancala pulled him by the ear, twisted his arm behind his back and threw him against a wall after he refused to leave the room.

Cibula testified that Bancala had grabbed his arm and twisted it behind his back "as far as it would go" during the altercation and hit him in the jaw "with a closed fist."

When asked by Bancala's attorney, John Neff, why Bancala had asked him to leave the classroom five times during the two weeks prior to the incident, Cibula said, "He doesn't like me. He told me so."

"I never did nothing wrong," Cibula continued. "Something would go wrong in the class and he would always blame it on me."

Cibula said that after leaving Bancala's class, he went to the guidance office, where he saw assistant principal David Bieri and guidance counselor Patricia Russin, who gave him ice for "a big bump" on the side of his head.

He said that he didn't see the school nurse, and was later sent back to another class.

Bieri and Russin testified that when they saw Cibula after the altercation, they didn't see any

bumps, bruises, redness, swelling or other injuries on his body.

"He had only a couple of small scratches behind his ear," Bieri said. "He complained of pain in his leg and the back of his neck but there weren't any visible injuries."

Teacher JoAnn Drayer testified that she had seen Cibula with a scratch on his neck two days before the altercation in Bancala's class.

Cibula said that after school, he went home, lay down on the couch for a while, then got up and walked from his Harris Hill Road home to the Center Street park, where he watched a basketball game. Then he walked home.

When Neff asked him what time he had done these things, he flared, "I wasn't timing every little thing I did — I didn't have a stopwatch on me."

His mother, Laura Cibula, testified that she had picked up her son in her car while he was returning home from the park, heard what had happened to him and drove him to the hospital.

"He was crying," she said. "He was scared because Bancala was picking on him."

In his defense, Bancala, a 20-year classroom veteran, testified that after unsuccessfully trying to get Cibula to stop talking and making noises in class, he told the boy several times to leave the room.

"It was not possible for me to teach or communicate in any way with my students," he said. "I told them that they had a free period until Cibula left the room."

At this point, Cibula began to chant, "Hell no, I won't go," Bancala said.

Bancala said that he attempted to reach principal Frank Galicki and vice-principal David Bieri on the classroom's intercom to have them remove Cibula from his classroom, but was told that they weren't in the building.

When Cibula continued to make noises and insulted Bancala, the teacher said that he leaned over Cibula, grabbed his shirt collar and again told him to leave.



POST PHOTO/GRACE R. DOVE

**NOT GUILTY** — Dallas High School teacher John Bancala gets into his car after his preliminary hearing April 28 on a harassment charge, in which he was found not guilty.

When Cibula again refused, Bancala said that he let go of his shirt collar and grasped the boy's wrist.

"Finally he realized that I was serious, got up from his seat and left the room on his own," Bancala said, his voice cracking. "There was no other physical contact. I did not hit, punch or push the boy."

Four classmates testified that they heard Cibula call Bancala names and chant "Hell no, I won't go" when he was told to leave the room.

Jason Thomson and Brian O'Donnell said that they saw Bancala throw Cibula against a wall during the altercation.

"I saw his head hit the wall maybe five times," O'Donnell said. "It happened so fast."

Keith Swartwood said that when Bancala pushed Cibula, his cheek touched the wall.

Although he was seated only 10 feet away from Cibula, Swartwood didn't see Bancala hit Cibula, he said.

"Mr. Bancala pushed Richard's desk. The desk slammed into the wall," Rebecca Koval said. "I never saw Rich's body hit the wall. I was in good view and leaned over to see everything better."

Explaining why he found Bancala not guilty, Tupper said that there was too much conflicting testimony about what actually had happened in the classroom.

"The other students said that Cibula hit the wall, touched the wall with his cheek, fell or had his desk hit the wall," he said. "There was no medical testimony proving the boy's injuries. Mrs. Cibula submitted two photos which she said were Rich's injuries, but they couldn't be positively identified as her son."

Tupper said that he didn't believe that Bancala intended to commit a crime and that the prosecution hadn't met its burden of proof.

Bancala refused to comment to the media after the verdict. Attorney Neff said that Bancala would have permanently lost his teaching credentials if he had been convicted of the charges.

Associated with the Moldovsky and Neff law firm of Philadelphia, Neff said that Bancala, not the teachers' union, hired and paid him for the defense.

## Student and mother face charges

After seeing the teacher whom she accused of attacking her son acquitted, Laura Cibula will have her own day in court May 5.

Charges of disorderly conduct and harassment were filed against her by Dallas High School principal Frank Galicki in connection with an incident March 29 at the school, in which she allegedly became loud and disorderly and pushed Galicki, according to a police report.

Mrs. Cibula had gone to the school to discuss an incident March 28, in which her son, Richard, is accused of threatening to shoot a female teacher.

A charge of making terroristic threats against the boy has been petitioned by police to Luzerne County Juvenile Court.

Mrs. Cibula's preliminary hearing before District Magistrate James Tupper will be at 1 p.m. May 5.

## Police report

### Kingston Township

#### TWO-CAR ACCIDENT CLOSSES CARVERTON

According to Kingston Township police, a two-car accident shortly before 9 p.m. April 29 closed Carvertown Road and backed up traffic on Route 309 past Hillside Road for nearly an hour.

Police said that a 1992 Pontiac Grand Prix operated by Linda Jancewicz, 39, of Dallas, was hit on its passenger side as it was turning left from Route 309 south onto Carvertown Road by a 1989 Cadillac Eldorado operated by Phillip Paylor, 46, of RR 5 Tunkhannock.

Paylor told police he had been driving north on Route 309 in the driving lane and was unable to stop in time to avoid the impact in the middle of the Carvertown Road intersection, which spun the Jancewicz vehicle sideways, according to the report.

Police said the Paylor vehicle left approximately 40 feet of skid marks before the point of impact.

Possible charges against the drivers are pending, police said. Kingston Township patrolmen Wade Curtis and Robert Weiss were assisted at the scene by ambulances from Kingston Township and Dallas and the Trucksville fire companies.

Patrolman Wade Curtis investigated the accident.

### Harveys Lake Borough

#### POLICE CRUISER STOLEN

The Pennsylvania State Police are investigating the theft of a marked police cruiser, stolen from Oak Street April 28 at 9:30 p.m. and later recovered on Noxen Road.

According to chief of police Lionel Bulford, patrolman Scott Baker had parked the car and left the keys in it while he answered a call.

The cruiser sustained several scratches and dents in the incident, Bulford said.

## SPRING POOL SPECIALS

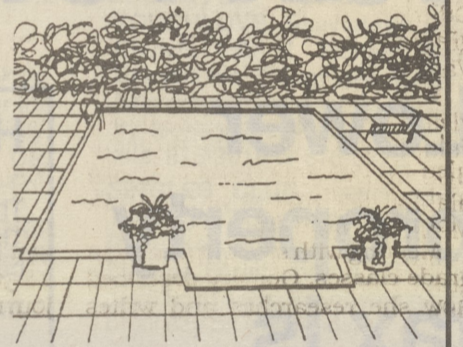
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## Cottage

(continued from page 1)

Firefighters from the Lehman Fire Company assisted Lake Silkworth at the fire.

Neither Newberry or state trooper Sylvester Myers from the fire marshal's office could determine how the brush behind the cottage had originally ignited.

Myers said that the fire marshal's investigation is complete.

Neighbors have complained to the Lehman Township supervisors since April, 1993, about the home's lack of a septic system and several television sets, furniture and other items, which Rayes had accumulated in the front yard.

Difficulties in finding who is the cottage's actual owner had delayed the Lehman Township supervisors and Luzerne County from taking action.

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