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Courts and Justice

Prosecutors drop felony assault charge against protester accused of damaging TownHall employee's hearing with bullhorn

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Sydney Yahner faced up to eight years in prison if she was convicted of second-degree felonious assault charge that accused her of damaging the hearing of a TownHall employee during a July 2020 protest. Marc Bona, cleveland.com



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By Cory Shaffer, cleveland.com

CLEVELAND, Ohio -- Cuyahoga County Prosecutor Michael O'Malley's office dropped a felonious assault charge against a woman accused of damaging a TownHall employee's hearing with a bullhorn during a protest last summer.

Sydney Yahner, who faced up to eight years in prison if she was convicted of the second-degree felony charge, never touched TownHall hostess Jacqueline Boyd or set foot on the restaurant's property during the July 12, 2020 protest outside the Ohio City bar and eatery.

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But Boyd complained to police that she had partial hearing loss and bleeding in her ear from the sound of the electronic bullhorn that Yahner blared in her direction, and a grand jury indicted Yahner in January.

The case was set to go to trial Wednesday, but Cuyahoga County Common Pleas Court Judge Timothy J. McGinty granted prosecutors' request to dismiss the case on Tuesday.

Yahner's defense attorney, Peter Pattakos, filed an expert report in July from a Ohio State University doctor and professor who is an expert in hearing loss. The expert found no evidence of hearing damage in Boyd's medical records.

O'Malley's office then got its own expert who examined Boyd and also found that she suffered no long-term hearing damage, prosecutors said.

Assistant Cuyahoga County Prosecutor Chad Cleveland filed a motion to dismiss the charge on Oct. 28 citing "information gathered during the pendency of this matter."

Prosecutors dismissed the charge without prejudice, meaning they have the option to refile charges in the future.

"There are so many people trapped in the criminal justice system because they didn't have the support and resources that I've had," Yahner said in a statement Pattakos posted on his firm's website. "Without the fearless and generous efforts of my attorneys and the outpouring of support I received from my family and community, I could have easily been scared into taking a plea for a crime I didn't commit. I will forever stand in solidarity with those who have been falsely charged of crimes and will work to advocate against the blatant abuse and misuse of public resources represented by my prosecution."

Yahner was indicted alongside fellow protester Josiah Douglas, but prosecutors dropped the charge against him within weeks of the indictment after videos showed Yahner was more aggressive in her use of the bullhorn.

Yahner, Douglas and about a dozen other members of the group With Peace We Protest demonstrated at the entrance to the West 25th Street establishment's back patio, in the parking lot adjacent to the West Side Market.

A Facebook event page the group created for the protest accused the restaurant and its owner, Bobby George, of not observing COVID-19 protocols and of racism and sexism. George has denied the allegations.

Boyd, the director of operations for the restaurant's parent company and the first cousin of its owner Bobby George, sat in a hostess chair at the entrance during the protest.

Videos show Boyd coming over to Cleveland police officers who were parked in a cruiser to monitor the protest, and complaining about the protest several times. She also asked the officer if she could just say the noise popped her ear drum to get them to leave, according to the video. The statement was made more than 20 minutes after Yahner arrived at the protest.

Yahner followed Boyd to the window of the police cruiser and activated a siren effect, according to the video.

Boyd complained to police that she had hearing loss in one ear. She also complained about why police were not arresting the demonstrators, according to videos.

The case was assigned to a detective, who filed a report the month after the protest that said Boyd went to a doctor who diagnosed her with tinnitus. The detective also repeatedly referred to the group of protesters as “Antifa” protesters in the report.

Pattakos pointed to the George family’s status in Northeast Ohio as influential political donors in Cleveland and called the felony prosecution of protesters chilling.

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“Needless to say we are glad that the charges against Sydney have been dismissed but it is beyond outrageous that she and Josiah were ever indicted in the first place,” Pattakos said.

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