

## The Miami Herald

June 3, 2003

**Section:** Local

**Edition:** Final

**Page:** 3B

### TEACHER VINDICATED IN CLAIM OF ASSAULT

*JENNIFER MALONEY, jmaloney@herald.com*

The Miami-Dade state attorney's office has dropped all charges against **Van Waiters**, the substitute teacher and former NFL player who was accused of punching a seventh-grader during a classroom altercation.

Waiters, 38, was filling in at Horace Mann Middle School in El Portal on April 10 when the alleged confrontation took place. Waiters was accused of grabbing a 13-year-old boy by the neck, throwing him over a desk and pummeling him in the face and body. But in a statement released Monday, prosecutor Michael Padula said there were "too many inconsistencies in the alleged victim's version of the story and many other more credible versions indicating that the defendant was acting in self-defense."

Padula said there was "scant physical evidence" that such an attack took place. Polaroid photos of the child's face showed minor redness, he said, but not bruises and scrapes consistent with a beating.

According to witnesses, the student punched Waiters and he "was merely holding the alleged victim back away from him," Padula said.

Waiters' lawyer, Robyn Blake, said she and her client were happy and relieved.

"I just credit the state attorney's office for not turning a deaf ear on the evidence - for not blindly listening to the statements of one person who started the whole thing," she said.

Waiters, who was reassigned after the incident to a post that involved no contact with students, will remain there until an internal school district investigation is completed, said John Schuster, a spokesman for the Miami-Dade County Public Schools.

**Illustration:**photo: **Van Waiters** (a)

---

Copyright (c) 2003 The Miami Herald