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For Immediate Release

Recently, my office filed two charges in the Juvenile Court of Licking County against a 15 year-old girl accusing her of taking nudity-oriented photographs of herself and sending them to others. Those charges are: Illegal Use of a Minor in Nudity Oriented Material for the taking, possessing and/or sending of the photograph; and, Possession of Criminal Tools for using the phone to commit a felony. It should be kept in mind that the charges at this time remain "allegations". That is to say, she will have an opportunity to defend against them should she chose to do so. However, certain observations may be in order as to the decision to charge her.

As with every charging decision, the decision to charge this young girl was made after considering several factors. As a starting point, the taking of photographs of this nature, and the sending of them, constitute criminal offenses under Ohio law. However, other factors played into the decision to charge this girl.

In the early months of this year, my office received some twenty or more reports of similar behavior on the part of juveniles that had been discovered by school officials or law enforcement. When those cases were presented to this office I could have chosen to charge those juveniles with similar criminal offenses. I did not. Instead, I chose to try to educate young people on the legalities of this behavior, as well as the other risks associated with this conduct. To my knowledge, I am the only prosecutor anywhere who decided to try this avenue as a first line of defense against the continuation of this type of behavior.

As a result, since April of this year I have undertaken to speak at schools around Licking County ranging from middle schools to high schools in an effort to stop this practice. At each presentation I was careful to make it quite clear that I did not wish to have to charge young people with criminal offenses for this behavior, but that if they were nonetheless found to be engaging in this behavior after my presentation at their schools, they would be charged as it was necessary to convey to

these young people the urgency of the message I was trying to relay to them. Thus all people in attendance at these presentations got fair warning of the risks they ran by continuing to do these things.

In addition, for those juveniles who had already been involved in this type of behavior *prior* to my presentation at their school, specific instructions were given as to what to do in order to assure that any previously taken pictures could be collected by law enforcement and successfully destroyed. This included specific warnings that failure to follow these steps could result in people getting charged for pictures previously taken as the simple possession of these types of photographs is often illegal.

As a result, a thorough presentation of the risks associated this type of behavior was given at each of these schools. As this case is the first case involving this type of behavior that has been presented to my office since I began that series of school presentations, it appears that most juveniles around Licking County who otherwise may have been inclined to engage in this type of behavior have, fortunately, gotten the message that I attempted to convey. If these allegations are ultimately proven to be true, it is clear that for some reasons this young lady did not get that message. It was not for a lack of trying, however.

According to school officials where this girl was enrolled, this girl actually attended my presentation at their school. Thus, she was one of the hundreds in attendance that were given *actual notice* of the consequences of her behavior – which, as noted, included the fact that she would find herself going to juvenile court on charges of this nature if she were found to have participated in further behavior of this type.

Even more striking is that school officials have reported to me that *after* my presentation at her school they specifically confronted this girl regarding concerns they had and they specifically warned her to take heed of the message she had heard from my presentation. Thus, this girl got a *personal face-to-face warning*, of the consequences of this behavior.

Notwithstanding all of this, a few days later this girl is alleged to have nonetheless sent naked pictures of herself to others. While the investigation into the conduct of those who received the picture continues and thus it is unclear at this time whether they will be charged, it is clear that this girl has no excuse for not knowing that taking, sending, and/or possessing these types of pictures is not just inappropriate, but it is also illegal, and that upon doing so she faced the prospect of being prosecuted.

Ultimately, what happens to this girl will depend first upon whether she is found by the Court to have committed these offenses. Assuming that occurs what type of disposition is likely to occur may largely depend upon what her attitude turns out to be throughout these proceedings. Yes, as has been reported in the media, it is true that a judge *can* make her register as a sex offender for 20 years upon her being adjudicated as a delinquent child for these offenses. This may seem rather harsh. However, the prospect of this occurring was specifically covered in the presentation that the girl attended. Simply put, she knew this could occur. With that said, however, the charges against this girl were fashioned so as to give the judge discretion on this issue. That is to say that the judge *may* elect not to require 20 years of registration, depending, I suspect in part, on the judge's view of this girl's likelihood of re-offending. I can hazard no opinion on whether a judge will ultimately decide to require 20 years of registration.

If it is proven at trial that this girl committed these offense, it will be unfortunate indeed that this girl did not take heed of all the warnings given to her warnings, incidentally, the law did not require her to be given. Hopefully others will learn a lesson from her situation.

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