

THE PREPARATION AND
TRIAL OF AN
OBSCENITY CASE:
A Guide for the
Prosecuting Attorney

Presented by:
Community Defense Counsel,SM
A Resource of the Alliance Defense FundTM

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THE PREPARATION AND TRIAL OF AN OBSCENITY CASE: A Guide for the Prosecuting Attorney

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Revised Foreword to the Second Edition

In preparing the second edition of this text, our greatest difficulty was in limiting the scope and depth of the discussion. There have been books and numerous articles written about obscenity law and the issues that arise in the trial of such cases. However, there has been a serious lack of information available to government attorneys relating to the "prosecution" of such cases.

Because of this, our final product represents an effort to provide much-needed "practical" assistance to the nation's prosecuting attorneys. This text will also benefit other government attorneys who may be faced with the task of drafting legislation for the control of businesses dealing in "hard core" pornography. Many sources available in your library will offer a list of cases on a certain subject, but none will instruct you concerning the advocacy of a case from the prosecutor's perspective. The focus of this text is on the practical application of the law, based on the years of experience and successful prosecutions by the members of our legal staff, and will not necessarily provide an exhaustive source of research on every subject.

In reading this text, you will notice that some subjects are discussed generally. The reason for such general discussion is that the laws of each state may differ, and you will be encouraged to review the law of your jurisdiction for further guidance.

Finally, it should be understood that this is primarily a seminar text, to be used in conducting conferences for prosecuting attorneys. Additional authority to complement the text can be supplied when appropriate to conform to the jurisdiction where the seminars are held.

It is our hope that prosecuting attorneys will benefit from our efforts. If we can provide further assistance or explanation relating to the matters discussed herein, we are always available to help. The most important thing we want to convey is that you *can* successfully prosecute obscenity crimes.

Foreword to the Third Edition

This third edition is Community Defense Counsel's first effort to make this publication available to attorneys in electronic format. Community Defense Counsel is a resource of the Alliance Defense Fund, Inc.

Materials in this edition have been scanned from the second edition. Therefore, some formatting loss and scanning errors may exist.

This book was previously referenced as the CDL Prosecutor's Manual. That title has been changed to CDC Prosecutor's Manual. Minor revisions have been made to the Foreword to the Second Edition and the biographies of the authors have been updated to reflect their continuing and prominent role in the battle against pornography. Otherwise, the content of this edition is unchanged from the second edition.

Community Defense Counsel is pleased to make this publication available online free of charge to registered users of its website. Although the legal content herein remains unchanged since the second edition was first published in 1988, we believe these materials continue to be a valuable resource for attorneys and officials handling obscenity issues. As with all legal resources, practitioners and officials should always confirm and update their research. Information contained in this publication is not legal advice nor does it serve as an alternative to competent legal counsel.

**Community Defense Counsel
September 10, 2002**

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