

Sex-magazine publisher Flynt indicted in Cincinnati

Prosecutor says his store sold porn tapes to boy

By JOHN NOLAN
Associated Press

CINCINNATI — Hustler magazine publisher Larry Flynt, who beat obscenity charges more than 20 years ago, was indicted yesterday on charges of selling obscene videotapes to a 14-year-old boy.

The 15-count indictment against Flynt and his brother includes charges of pandering obscenity. Flynt was convicted of that charge in 1977 for distributing Hustler in Cincinnati.

The conviction — detailed in a 1996 movie "The People vs. Larry Flynt" — was thrown out and Flynt was never retried.

But yesterday's indictment also includes the charges of engaging in a pattern of corrupt activity and conspiracy to engage in a pattern of corrupt activity. Those charges carry possible penalties of two to eight years in prison, compared to a maximum year for a pandering obscenity charge.

The charges cite videos sold in Flynt's downtown bookstore.

"I'm not going to say whether Hustler is obscene," prosecutor Joseph Deters said. "This is about videos. He can sell whatever he wants. But if he sells obscene videos, obscene materials, he will be prosecuted."

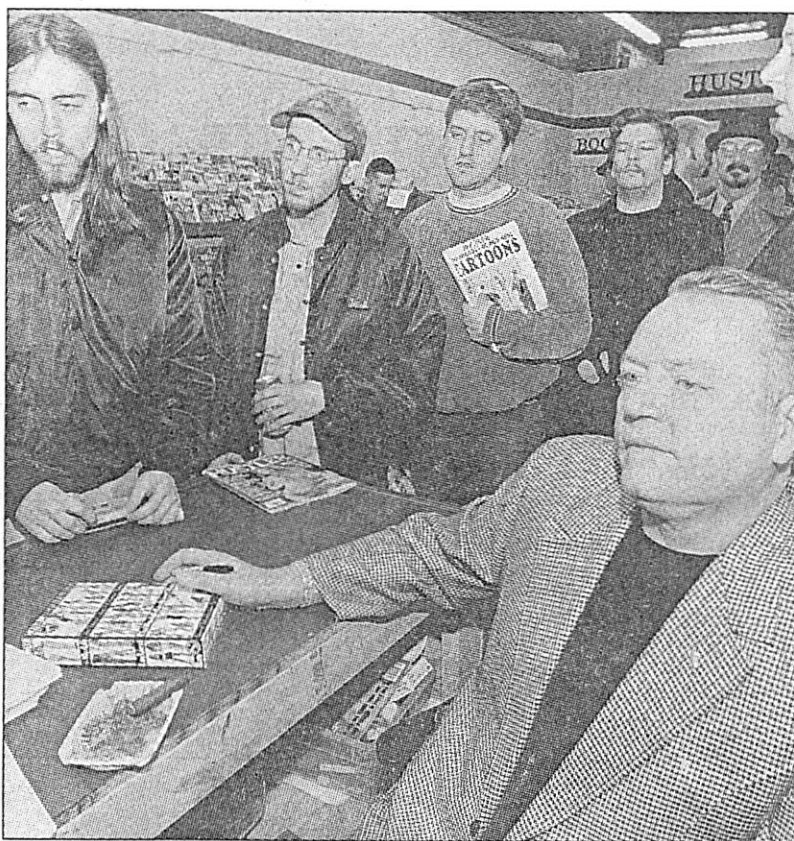
Flynt said in a telephone interview with The Associated Press he did not know the circumstances of the alleged sale to the boy, but doubts he could be convicted for it because he was in California at the time.

He said that his company has a policy of not selling adult material to juveniles, and that he was surprised by the charges of engaging in a corrupt activity.

"They threw everything at me but the kitchen sink," Flynt said from Los Angeles. "Hustler today is more explicit than the issues they prosecuted me on 20 years ago. But (Deters) still doesn't want to tackle Hustler because he doesn't think he can get a conviction under the law."

Jimmy Flynt, who manages his brother's downtown bookstore, said he has no plans to change the store's operations. "We're going to be open for a long time," he said.

The indictment charged that the brothers distributed to a juvenile material showing explicit sexual conduct. The video titles included "Vivid Raw 3 Doubleheader," "31 Girl Pick-



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Hustler magazine publisher Larry Flynt, shown in a February photo, said that his company has a policy of not selling adult material to juveniles and that he was surprised by the Cincinnati charges of engaging in a corrupt activity.

up," "Oral Passions" and "Sex Raiders."

Deters said the 14-year-old bought an obscene video in Flynt's store, sold the tape to a friend and bragged about the purchase. The boy then went to police, who sent him into the store twice to buy more videos, he said.

Deters said he expects the Flynt brothers to surrender within the next few weeks.

For years after Flynt's 1977 prosecution, retailers refused to sell Hustler for fear of prosecution. But Flynt brought the magazine back to Cincinnati in May, giving away copies downtown. Authorities did nothing.

In October, he opened his Hustler bookstore, and it has been selling videos, sex toys and Hustler along with mainstream publications.

He has told reporters in recent months that he wanted a trial on ob-

scenity charges, because he believes a jury today would find that Hustler does not violate community obscenity standards. Being cleared in such a trial would make it easier for him to persuade other Cincinnati retailers to sell Hustler, he said.

For an obscenity conviction, prosecutors must prove that the average person would find that the material appeals to prurient interests and depicts sexual conduct that is offensive to community standards. Prosecutors also must show that the material lacks serious artistic, literary, scientific or political value.

Larry and Jimmy Flynt are each charged with nine counts of pandering obscenity, three counts of disseminating matter harmful to juveniles, two counts of conspiracy to engage in a pattern of corrupt activity and one count of engaging in a pattern of corrupt activity.