



Attn: Andrew
215-592-1343

**OFFICE OF THE DISTRICT ATTORNEY
WYOMING COUNTY**

One Courthouse Square, P.O. Box 209
Tunkhannock, Pennsylvania 18657-0209

Telephone (570) 836-4681 Fax (570) 836-4781

George P. Skumanick, Jr.
District Attorney

Gerald F. Idec, Jr.
Assistant District Attorney

February 5, 2009

Anthony Paul Litwin, III
Assistant District Attorney

David A. Ide
Chief County Detective

Mary Jo Miller
18 McCord St.
Tunkhannock, PA 18657

Dear Ms. Miller:

Marissa Jame Miller has been identified in a police investigation involving the possession and/or dissemination of child pornography. In consultation with the Victims Resource Center and the Juvenile Probation Department, we have developed a six to nine month program which focuses on education and counseling. If you son/daughter successfully completes this program no charges will be filed and no record of his/her involvement will be maintained.

We have scheduled a meeting with all of the identified juveniles and their parents to discuss the program in more detail and to answer your questions. Following the meeting you will be asked to participate in the program. Participation in the program is voluntary. Please note, however, charges will be filed against those that do not participate or those that do not successfully complete the program.

The meeting is scheduled for February 12, 2009 at 7:00 p.m. in the Wyoming County Courthouse. If you are unable to attend but still wish to participate please call my office.

Very truly yours,

George P. Skumanick, Jr., Esquire
Wyoming County District Attorney

GPS/amt



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David A. Ide
Chief County Detention

FACSIMILE COVER PAGE

IN RE: Course Outlines

TO: Vic Wilczak

FAX NUMBER: 412-681-8707 DATE: 2/5/09

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Female Group

Goals

To learn about sexual violence and its effects on victims and the community.
Understand behaviors which foster or encourage violence.
Identify ways to prevent violence.
Apply information learned to everyday life.

Session 1

Objectives:

Learn about the work of the Victims Resource Center.
Gain an understanding of sexual violence, how often it happens and who are the victims.
Gain an understanding of consent.
Gain an understanding of how participants' actions were wrong.

Introduction

Legal implications – District Attorney George Skumanick

Guidelines for group:

Be on time.
Attend every session.
Confidentiality – what is said in group stays in group.
Respect – Be respectful of others' opinions even if you disagree with them

Presentation: Role of Victims Resource Center

Presentation: What is Sexual Violence?

Handout: PCAR Brochure

Discussion

How often does it happen?

Who are the offenders?

Presentation: Consent – what is it? Who can give it? Laws

Discussion

Homework: Write a report explaining why you are here.

Explain: What you did.

Why it was wrong.

Did you create a victim? If so, who?

How did what you did affect the victim? The school? The community?

Session 2 – Sexual Violence Spectrum

Objectives: Further understand what sexual violence is – its prevalence, victims, perpetrators, impact and costs.

To recognize the spectrum of actions which make up sexual violence.

To recognize that sexual violence is about power and control.

Read homework from session 1.

Exercise: The Sexual Violence Spectrum

Discussion

Impact of sexual violence on victims.

Video: Listen and Learn – stories of victims.

Discussion

Homework: Bring in one newspaper or magazine article about sexual violence. Be prepared to discuss who was the offender and how the violence affected the victim.

Session 3 – Sexual Harassment

Objectives:

To understand the definition of sexual harassment

To recognize the effect of sexually harassing behaviors on victims.

To distinguish between sexual harassment and flirting behaviors.

To identify ways to create a sexual harassment-free environment.

Presentation: What is sexual harassment?

Who are the victims?

Types of sexual harassment.

Sexual harassment and the cyber world.

Video: No Excuses

Discussion

Role Play: Creating an environment safe from sexual harassment. What can you do?

Homework: Describe one incident of sexual harassment you observed in your school.

Session 4 – Gender identity – Gender strengths.**Objectives:**

To gain an understanding of what it means to be a girl in today's society, both advantages and disadvantages.

Identify women in history who have had an influence in the advancement of women's rights.

Identify non-traditional societal and job roles.

Learn how girls/women can overcome societal barriers and achieve all their goals.

Report on homework.

Discussion

Exercise: Famous Women

Discussion

Exercise: I like being a girl because.....

Discussion

Video: Killing Us Softly – Messages from advertisers.

Discussion

Homework: Bring in one newspaper or magazine ad that "uses" a woman to sell a product.

Session 5 – Self Concept**Objectives:**

Learn to identify areas of personal strength

Identify how others build their strengths.

Identify how participants would like to be valued in their world.

Exercise: Gender Advantages and Disadvantages.

Discussion

Exercise: Read *Phenomenal Women* by Maya Angelou

Discussion

Exercise: Who influences you?

Discussion

Male Group

Goals

To learn about sexual violence and its effects on victims and the community.
Understand behaviors which foster or encourage violence against women.
Identify ways to prevent violence against women.
Apply information learned to everyday life.

Session 1

Objectives:

Learn about the work of the Victims Resource Center.
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Gain an understanding of consent.
Gain an understanding of how participants' actions were wrong.

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Presentation: Role of Victims Resource Center

Presentation: What is Sexual Violence?

Handout: PCAR Brochure

Discussion

How often does it happen?

Who are the offenders?

Presentation: Consent - what is it? Who can give it? Laws

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Who are the victims?

Types of sexual harassment.

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Video: No Excuses

Discussion

Role Play: Creating an environment safe from sexual harassment. What can you do?

Homework: Describe one incident of sexual harassment you observed in your school.

Session 4 – The relationship between ideas about masculinity and violence.

Objectives:

To examine the messages that boys and men receive from society about the concept of masculinity.

To become more cognizant of thoughts, ideas and reactions to media images.

Report on homework.

Discussion

Exercise: "Act like a man" box.

Discussion

Video: Tough Guise

An examination of the relationship between images of popular culture and its influence on the concept of masculinity in the United States.

Discussion

Homework: Bring in one newspaper or magazine ad and discuss how it influences our perception of what is a "real man."

Session 5 – What can boys and men do to stop violence against women.

Objectives:

To understand the role of men and boys in the effort to stop sexual violence.

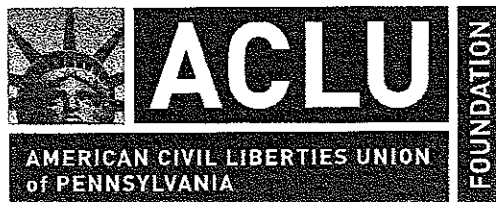
Learn practical steps men and boys can take every day to stop sexual violence.

Discussion: Why is stopping sexual violence a men's issue?

Intervention techniques.

Scenarios/discussion

Handout: Ten Things Men Can Do to Prevent Violence Against Women.



March 13, 2009

Eastern Region Office
PO Box 40008
Philadelphia, PA 19106
215.592.1513 T
215.592.1343 F

BY TELE-FAX
(570-836-4781)

Central Region Office
PO Box 11761
Harrisburg, PA 17108
717.238.2258 T
717.236.6895 F

George P. Skumanick, Jr.
District Attorney of Wyoming County
1 Courthouse Square
Tunkhannock, PA 18657-1233

Western Region Office
313 Atwood Street
Pittsburgh, PA 15213
412.681.7736 T
412.681.8707 F

RE: Marissa Miller, Grace Kelly and Nicole Charney

Dear Mr. Skumanick:

I am writing in response to your March 5 letter, which, in relevant part, denied our request for a copy of the two photos showing our clients because to transmit them "would be a violation of the Federal Statute." Based on your own description of the photos, however, they are not illegal under federal law.

The federal child pornography statute applies only to "sexually explicit conduct" or "lewd exhibition of the genitals or pubic area." *See* 18 U.S.C. § 2256. Neither photo, according to your description, meets this definition. The one of Marissa and Grace depicts them from the waist up, wearing just bras. The one of Nicole shows her breasts, but not genitalia or pubic area, which are covered by an opaque towel. Accordingly, I am renewing my request that you transmit to me a copy of the two photographs.

I am also writing to confirm the position you took during the March 3 telephone conversation that included my staff attorney, Sara Rose, and me. You advised us that you believed you could charge each of the girls under 18 Pa.C.S. § 6312(d), for possession of child pornography. You asserted that because the girls apparently consented to being photographed they could be charged as accomplices. You also indicated that you could charge them under 18 Pa.C.S. § 7512, which governs Criminal Use of a Communication Facility. Finally, you indicated that they could be charged under the open lewdness statute, 18 Pa.C.S. § 5901.

You also indicated during the call that you had not reconsidered your intention to proceed with charges if the girls refused the informal adjustment that has been offered, and apparently accepted, by the approximately seventeen other minors. Under that informal adjustment, our clients would have to pay \$100 to participate in a five-week, two hours per week, course. You indicated that you would be willing to

Miller v. Skumanick

EXHIBIT 3


George P. Skumanick, Jr.
RE: Miller, Kelly and Charney
March 13, 2009
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waive the fee for Miller and Kelly, but not Charney. You were kind enough to fax the outline of that course in a seven-page fax transmitted on March 5. Additionally, if our clients accepted the informal adjustment they would be on probation for at least 6 months and would during that time be subjected to random drug tests.

If I have misrepresented the current status of our discussion, please accept my apologies. Please also let me know as soon as possible what it is we have misunderstood. If I do not hear from you I will assume that the foregoing description accurately reflects your position.

We expect to complete our research this weekend and will respond to your demands next week.

Respectfully,



Witold Walczak
Legal Director

WJW/vw

HON. BRENDAN J. VANSTON
PRESIDENT JUDGE

44th JUDICIAL DISTRICT
JUVENILE COURT SERVICES
WYOMING COUNTY COURT OF COMMON PLEAS
#1 Courthouse Square
TUNKHANNOCK, PA 18657-1216
Telephone: (570) 996-2242
Fax: (570) 836-3222

JOHN YARNELL
CHIEF PROBATION OFFICER

JOSEPH A. FRANCIS
SENIOR PROBATION OFFICER

ATTN: Vic

February 23, 2009

Mary Jo Miller
18 McCord Street
Tunkhannock, PA 18657

Re: Marissa Miller

Dear Ms. Miller,

This is to inform you that you are scheduled for an appointment Saturday, February 28, 2009 at 8:30 a.m. at the Wyoming County Courthouse. This meeting is to finalize the paperwork for the informal adjustment. The above named juvenile and one parent must attend the meeting.

Thank you for your attention to this matter.

Sincerely,

Tammy Goodwin

Tammy Goodwin
Assistant Administrator

TMG/tmg

Cc: file

FAX
4/2 681 8707