

# Porn case attracts powerful legal help

► A national civil liberties group steps in to help Patrick Corp, who was convicted of taking photos of his 17-year-old girlfriend.

By Ed White  
The Grand Rapids Press

A Mecosta County man sentenced to five months behind bars for having sexually explicit photos of a 17-year-old girlfriend will appeal his conviction with help from a major law firm and money from a group concerned about civil liberties.

"I'm convinced there's unfairness," said local attorney Donald Garthe, who defended Patrick Corp in federal court in Grand Rapids. "This law was not intended to apply to his activity. I welcome the participation of a large firm that can explore those constitutional issues."

Fearing a long prison sentence, Corp, 24, accepted a deal from prosecutors last year and pleaded guilty to one count of possessing child pornography in exchange for the dismissal of other charges related to the actual photography.

Under a 1998 federal law, it is a crime to create or possess child pornography if the pictures were produced with materials transported in interstate commerce. In Corp's case, the paper used to print pictures was part of that commerce because it was made outside Michigan.

"I almost find it laughable as justification for a federal case," said Phil Harvey, who heads a Washington-based group called the Liberty Project. "This is a clear case of government meddling in areas where it has no business meddling."

The Liberty Project is hiring Jenner & Block, a 400-lawyer firm, to handle the appeal.

"When children are abused sexually, then we all agree something should be done about it," Harvey said. "Photos of this couple simply don't fall under the definition of child pornography as I think the general public understands the term."

## PORN

### The law's intent was to prosecute pedophiles

CONTINUED FROM B1

Garthe said the federal law is aimed at pedophiles who exploit children, especially over the Internet, not his client. The government concedes there was no evidence that Corp attempted to distribute the pictures.

But there also was no guarantee that the pictures wouldn't eventually land in someone else's hands and harm other minors, Assistant U.S. Attorney Richard Murray said.

The director of the Big Rapids Public Safety Department, who referred the case to federal authorities, said Corp's actions were "predatory in nature. He got what he deserved."

"I sleep very well knowing Mr. Corp was held accountable for his behavior," Kevin Courtney said today. "If a big law firm and people with lots of money want to waste money on Mr. Corp, that's their prerogative. I would strongly encourage them to donate money to people who protect people — not people who prey on them."

Corp's girlfriend was considered a minor because she wasn't

18 at the time.

She said she consented to the photos and didn't want Corp prosecuted. U.S. District Judge Gordon Quist noted an irony: It was legal for the pair to have sex but illegal to take pictures.

Quist recently sentenced Corp to five months in prison and six months in a halfway house. A past criminal record enhanced the punishment. The judge, however, won't object if the government decides to keep Corp in a halfway house for the entire 11 months.

"The alleged victim in this case knew what she was doing," Quist said. "In addition to having sex with (Corp), she was having sex with the defendant's wife, it appears. ... The alleged victim is the person that initiated the taking of pictures for her own sexual pleasure."

Corp has not started his sentence. His attorney hopes it will be put on hold while the case is reviewed by an appeals court in Ohio. Corp decided to pursue an appeal after learning it wouldn't jeopardize the sentence.

"He didn't need a lot of encouragement," Garthe said.