You Decide

4.5 A seventeen-year-old rented sexually oriented videotapes on two occasions from VIP Video in Millville, Ohio. The first time, the seventeen-year-old used his father's driver's license for identification. The second time, he paid in cash, and the clerk did not ask him for an identification or proof of age. The owner of the store, Peter Tomaino, did not post a sign in the store indicating that sexually oriented rentals would not be made to juveniles. Tomaino was absent from the store at the time of the rentals. He was convicted under a statute that provides that "no person, with knowledge of its character or content, shall recklessly . . . sell . . . material . . . that is obscene or harmful to juveniles."

Should Tomaino's conviction be overturned? Could he constitutionally be sentenced to prison? See *State v. Tomaino,* 733 N.E.2d 1191 (Ohio App. 1999).

You can find the answer at study.sagepub.com/lippmaness2e