

Landmark Decision

Adult Bookstore Owner's Arrest, Conviction Upheld

The arrest and conviction of adult bookstore owner Earl Kuhns were upheld by the State Court of Appeal in what could be a landmark opinion.

Kuhns, who owned Frenchy's K and T Adult Bookstore on Pacific Avenue, was arrested in 1971 along with his clerk, Richard Castner, for allegedly selling obscene material in his store.

Both were convicted on three charges of selling obscene material in Santa Cruz. The opening of the bookstore and subsequent arrest of the two men caused a stir in the community at the time.

District Attorney Chris Cottle said the court upheld all of Kuhn's convictions, but threw out two charges against Castner.

The court said there was insufficient evidence to show Castner had "sufficient knowledge" of the books' contents, said Cottle.

The court of appeal's decision will become state law — marking the case as landmark.

Few cases are included in state law each year.

Cottle said the court upheld questions of constitutionality, and the relevance of the prosecution showing pictures of the bookstore's display windows as evidence.

Cottle called the books which were confiscated and used as

evidence "hard-core" pornography. They dealt with sex between animals and humans and between an adult and child.

The court ruled the books did fall in the obscene category.

Frenchy's bookstore, which appeared on the mall in the late seventies, caused a furor among some residents.

There was picketing in front of the store, and police raided it three times.

Cottle said the store was bombed once.

Kuhns may appeal the appeal's court decision.

The Court Calendar

Friday, Sept. 24, 1976

tion. He was also given a sus-