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Department of State

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

vs.

John Francis Theroux, M.D.,
Respondent

File No.: 11-49-09207

Docket No: 0338-49-13

CONSENT AGREEMENT AND ORDER

PARTIES

The Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs ("Commonwealth") and John Francis Theroux, M.D. ("Respondent") stipulate as follows in settlement of the above-captioned case.

APPLICABLE LAW

1. This matter is before the State Board of Medicine ("Board") pursuant to the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, ("Act"), 63 P.S. §§ 422.1-422.53, *as amended*; the Medical Care Availability and Reduction of Error ("Mcare") Act, Act of March 20, 2002, P.L. 154, No. 13, 40 P.S. §§ 1303.101-1303.910, *as amended*; the Criminal History Record Information Act, Act of July 16, 1979, P.L. 116, No. 47, *as amended* ("CHRIA"), 18 Pa. C.S. §§ 9101 – 9183; and/or the Act of July 2, 1993, P.L. 345, No. 48 ("ACT 48"), 63 P.S. §§ 2201-2207, *as amended*.

LICENSURE STATUS

2. At all relevant and material times, Respondent held the following license to practice medicine and surgery in the Commonwealth of Pennsylvania: license no. MD429039, which was originally issued on May 10, 2006, and which is currently set to expire on December 31, 2014.

STIPULATED FACTS

3. The Respondent admits that the following allegations are true:

a. Respondent's license may be continually reactivated, renewed, or reinstated upon the filing of the appropriate documentation and payment of the necessary fees.

b. Respondent's last known address on file with the Board is: 1296 Murray Street, Apartment 1, Forty Fort, PA 18704.

c. In or around September 2011, Respondent was employed as a child psychiatrist at Children's Service Center of the Wyoming Valley in Wilkes-Barre, Pennsylvania.

d. On or about September 7, 2011, a Criminal Complaint was filed in the County of Luzerne, Magisterial District 11-1-05 at docket number CR-346-11 charging Respondent with:

(1) Sixty-six (66) Counts of violating 18 Pa. C.S.A. § 6312(d)(1), Possession of Child Pornography, a Felony of the Third Degree; and

(2) One (1) Count of violating 18 Pa. C.S.A. § 7512(a), Criminal Use of a Communication Facility, a Felony of the Third Degree.

e. On or about November 21, 2011, a Criminal Information was filed in the Court of Common Pleas of Luzerne County at docket number CP-40-CR-0002877-2011 charging Respondent with:

(1) Sixty-six (66) Counts of violating 18 Pa. C.S.A. § 6312(d)(1), Possession of Child Pornography, a Felony of the Third Degree; and

(2) One (1) Count of violating 18 Pa. C.S.A. § 7512(a), Criminal Use of a Communication Facility, a Felony of the Third Degree.

f. True and correct copies of the Criminal Complaint, Affidavit of Probable Cause, and Criminal Information are attached collectively hereto as **EXHIBIT A** and are incorporated by reference.

g. On or about January 25, 2012, Respondent entered a plea of guilty in the Court of Common Pleas of Luzerne County at docket number CP-40-CR-0002877-2011 to:

(1) Sixty-six (66) counts of violating 18 Pa. C.S.A. § 6312(d)(1), Possession of Child Pornography, a Felony of the Third Degree.

h. A true and correct copy of the Plea Agreement and Order is attached hereto as **EXHIBIT B** and incorporated by reference.

i. On or about June 7, 2012, Respondent was sentenced by the Luzerne County Court of Common Pleas at docket number CP-40-CR-0002877-2011 to:

(1) One (1) year home confinement with electronic monitoring;

(2) Two (2) years supervised release (which includes the one year of home confinement);

(3) Three (3) years probation;

(4) Registration for life with the Pennsylvania State Police,

Megan's Law;

(5) Prohibition from having any unsupervised contact with minors on the internet; and

(6) Prohibition from being in schools, school zones, public parks, playgrounds, pools, libraries and other.

j. A true and correct copy of the Sentencing Sheet is attached hereto as **EXHIBIT C** and incorporated by reference.

ALLEGED VIOLATIONS

4. The Commonwealth alleges that the Board is authorized to:

a. suspend or revoke, or otherwise restrict Respondent's license under Sections 41 and 42 of the Act, 63 P.S. §§422.41-422.42, or impose a civil penalty under Sections 39 through 42 of the Act, 63 P.S. §§ 422.39-422.42, and/or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent violated Section 41(3) of the Medical Practice Act, 63 P.S. § 422.41(3), in that Respondent was convicted of a felony in a court of this Commonwealth.

b. suspend or revoke Respondent's license under 18 Pa. C.S.A. §9124(c)(1) of the CHRIA because Respondent has been convicted of a felony.

PROPOSED ORDER

5. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

a. Respondent violated Section 41(3) of the Medical Practice Act, 63 P.S. § 422.41(3), in that Respondent was convicted of a felony in a court of this Commonwealth.

b. Respondent violated the CHRJA at 18 Pa. C.S.A. §9124(c)(1) because Respondent has been convicted of a felony.

PERMANENT VOLUNTARY SURRENDER

c. In consideration for not imposing other disciplinary sanctions (which could include the revocation of Respondent's license to practice medicine and surgery and the imposition of civil penalties and/or the costs of investigation), the Parties propose, and the Board hereby accepts, the **PERMANENT VOLUNTARY SURRENDER** of Respondent's license to practice medicine and surgery in the Commonwealth of Pennsylvania, along with any other licenses, registrations, certificates, approvals, authorizations, or permits (hereinafter referred to collectively as "authorizations to practice the profession") issued by the Board to Respondent at the time this Consent Agreement is adopted by the Board. Respondent acknowledges that with the permanent voluntary surrender of his authorizations to practice the profession, Respondent is surrendering any and all property rights he may have in those authorizations to practice the profession and will no longer be eligible to renew those authorizations to practice the profession. As further stated consideration for the Commonwealth not seeking other disciplinary sanctions against Respondent, Respondent agrees to:

(1) cease practicing medicine and surgery in the Commonwealth on and after the effective date of this Consent Agreement, and shall not indicate any ability to

practice the profession in the Commonwealth in any manner whatsoever in the future,

(2) Unless otherwise specified in this agreement, Respondent agrees to not apply, at any time in the future, for the reactivation, reinstatement, reissuance, or the issuance of any authorization to practice issued by the Board and further directs that the board should not consider, and may deny without hearing, any application for an authorization to practice filed with the Board,

(3) not work as an unlicensed assistant to any person holding an authorization from the Board to practice the profession,

(4) not possess a controlling interest in any organization requiring an authorization from the Board to practice the profession,

(5) not possess a controlling interest in any organization whose employees require an authorization from the Board to practice the profession when conducting the business of the organization,

d. For purposes of this paragraph, the term 'controlling interest' shall include being an owner, officer, director, partner, or associate, as well as owning any quantity of outstanding corporate stock sufficient to control or direct the actions of the firm.

e. Respondent shall, within ten (10) days of adoption of this Consent Agreement and Order, surrender Respondent's wall certificate, biennial renewal certificate and wallet card (or notarized affidavit of their loss or destruction) by mailing them to:

Bridget K. Guilfoyle
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State Legal Office
P.O. Box 2649
Harrisburg, PA 17105-2649

or by delivering them in person at:

Bureau of Professional and Occupational Affairs
One Penn Center
2601 North 3rd St.
Harrisburg, Pennsylvania

f. This Order constitutes disciplinary action by the Board and shall be reported to other licensing authorities and any applicable national licensing databank as a disciplinary action by the Board.

g. This case shall be deemed settled and discontinued upon the Board issuing an Order adopting this Consent Agreement.

ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS

6. Respondent agrees that if Respondent is charged with a violation of an Act enforced by this Board in the future, this Consent Agreement and Order shall be admitted into evidence without objection in that proceeding.

ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING

7. Respondent acknowledges receipt and service of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in

this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

ACKNOWLEDGMENT OF RIGHT TO ATTORNEY

8. Respondent acknowledges that he is aware that he has the right to consult with, and/or be represented by, private legal counsel of Respondent's choosing and at Respondent's expense when reviewing, considering and accepting the terms of this Consent Agreement. Respondent had an opportunity to consult with Attorney James J. Kutz and Attorney Jason L. Reimer regarding this Consent Agreement.

WAIVER OF CLAIM OF COMMINGLING AND OTHER CONSTITUTIONAL CLAIMS

9. Respondent expressly waives any constitutional rights and issues, such as commingling of prosecutorial and adjudicative functions by the Board or its counsel, which may arise or have arisen during the negotiation, preparation and/or presentation of this Consent Agreement. Respondent specifically agrees that if the Board rejects this agreement, it may assume that the facts and averments as alleged in this Consent Agreement are true and correct for the limited purpose of recommending a sanction, based on those assumed facts, that would be acceptable to the Board before hearing the case. In the event that the Board does assume the facts and averments as alleged in this Consent Agreement are true for purposes of making a recommendation as to an acceptable sanction, such action shall not constitute commingling of prosecutorial and adjudicative functions by the Board or its counsel, and the Respondent expressly waives any constitutional rights and issues related to alleged commingling, bias, or violation of due process rights to have an unbiased and impartial adjudicator in any subsequent

hearing. If a hearing is subsequently held, neither this Consent Agreement nor the proposed terms of settlement may be admitted into evidence and any facts, averments, and allegations contained in the Consent Agreement must be proven at hearing unless otherwise separately stipulated. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

NO MODIFICATION OF ORDER

10. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the Stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

AGREEMENT NOT BINDING ON OTHER PARTIES

11. The Office of General Counsel has approved this Consent Agreement as to form and legality; however, this Consent Agreement shall have no legal effect unless and until the Board issues the stipulated Order.

EFFECT OF BOARD'S REJECTION OF CONSENT AGREEMENT

12. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

ENTIRE AGREEMENT

13. This agreement contains the whole agreement between the participants; provided however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no


other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

AGREEMENT DOES NOT PREVENT ADDITIONAL DISCIPLINE BASED ON OTHER COMPLAINTS

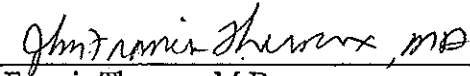
14. Nothing in this Order shall preclude the Prosecution Division for the Commonwealth from filing charges or the Board from imposing disciplinary or corrective measures for violations or facts not contained in this Consent Agreement;

VERIFICATION OF FACTS AND STATEMENTS

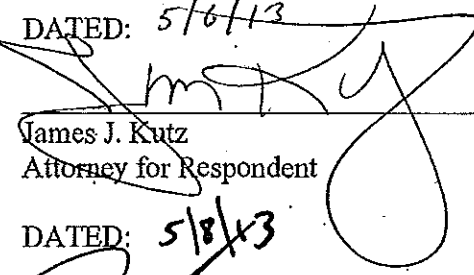
15. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.


Bridget K. Guilfoyle
Prosecuting Attorney

DATED: 05/10/13


John Francis Theroux, M.D.
Respondent

DATED: 5/6/13


James J. Kutz
Attorney for Respondent

DATED: 5/8/13


Jason L. Keimer
Attorney for Respondent

DATED: 5/8/13

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF LUZERNE
Magisterial District Number: 11-1-05
MDJ: Hon. PAUL J. ROBERTS, JR.
Address: 500 WYOMING AVENUE
KINGSTON, PA 18704
Telephone: 570-287-2800



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA
VS.

DEFENDANT: (NAME and ADDRESS)
JOHN FRANCIS THEROUX
First Name Middle Name Last Name
585 CHARLES AVE
KINGSTON, PA 18704

NCIC Extradition Code Type
☒ 1-Felony Full ☐ 4-Felony No Ext. ☐ B-Misdemeanor Unk'd. ☐ E-Misdemeanor Pending
☐ 2-Felony Ltd. ☐ 5-Felony Pend. ☐ C-Misdemeanor Surrounding States ☐ Distance: _____
☐ 3-Felony Surrounding States ☐ A-Misdemeanor Full ☐ D-Misdemeanor No Extradition

DEFENDANT IDENTIFICATION INFORMATION

Docket Number	Date Filed	OTN/LiveScan Number	Complaint/Incident Number	SID#	Request Lab Service?
CR-346-11	9/11/11	5148737-0	082611-0533		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
GENDER	DOB	POB	Add'l. DOB	Co-Defendant(s)?	
<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	03/29/1958		/ /	<input type="checkbox"/>	
AKA	First Name	Middle Name	Last Name	Gen.	
RACE	<input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Unknown				
ETHNICITY	<input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown				
HAIR COLOR	<input type="checkbox"/> GRY (Gray) <input type="checkbox"/> RED (Red/Aubn) <input type="checkbox"/> SDY (Sandy) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> PLE (Purple) <input type="checkbox"/> BRO (Brown) <input type="checkbox"/> BLK (Black) <input type="checkbox"/> ONG (Orange) <input type="checkbox"/> WHI (White) <input type="checkbox"/> XXX (Unk./Bald) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> PNK (Pink) <input checked="" type="checkbox"/> BLN (Blonde / Strawberry)				
EYE COLOR	<input type="checkbox"/> BLK (Black) <input checked="" type="checkbox"/> BLU (Blue) <input type="checkbox"/> BRO (Brown) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> HAZ (Hazel) <input type="checkbox"/> MAR (Maroon) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> MUL (Multicolored) <input type="checkbox"/> XXX (Unknown)				
Driver License	State	PA	License Number	Expires	03/30/2014
DNA	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		DNA Location	150	
FBI Number			MNU Number	FL HEIGHT In.	
Defendant Fingerprinted				<input type="checkbox"/> YES <input type="checkbox"/> NO	
Fingerprint Classification				5 8	

DEFENDANT VEHICLE INFORMATION

Plate #	State	Hazmat	Registration Sticker (MM/YY)	Comm'l Veh. Ind.	School Veh.	Oth. NCIC Veh. Code	Reg. same as Def.
VIN		Year	Make	Model	Style	Color	<input type="checkbox"/>
		0					

Office of the attorney for the Commonwealth ☒ Approved ☐ Disapproved because: _____

(The attorney for the Commonwealth may require the complaint, arrest warrant affidavit, or both, be approved by the attorney for the Commonwealth prior to filing. See P.A.R.Crim.P 507).
ADA JENNY ROBERTS *Approved* 09/06/2011
(Name of the attorney for the Commonwealth-Please Print or Type) (Signature of the attorney for the Commonwealth) (Date)

I, Det. RICHARD KOTCHIK / Charles J. Balogh / Sgt. Jeff Costello MO24165A, 4978-15748
(Name of the Affiant) PSP/MPD/EC - Assigned Affiant ID Number & Badge #
of KINGSTON MUNICIPAL POLICE DEPARTMENT / Luzerne County PA0400800
(Identify Department or Agency Represented and Political Subdivision) (Police Agency ORI Number)
do hereby state:
1. ☒ I accuse the above named defendant who lives at the address set forth above
☐ I accuse the defendant whose name is unknown to me but who is described as:

☐ I accuse the defendant whose name and popular designation are unknown to me and whom I have
therefore designated as John Doe or Jane Doe
with violating the penal laws of the Commonwealth of Pennsylvania at [414] KINGSTON
585 CHARLES AVE KINGSTON
In LUZERNE County [40] on or about Friday August 26, 2011 at 1839 hrs.
(County Code) (Date) (Time)
CEASED FROM THE RECORD
DATE OF March 2012

EXHIBIT
A

CLERK OF THE COURT OF COMMON PLEAS
Jacqueline A. ...
Page 1 of 1



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 11	OTN/LiveScan Number	Complaint/Incident Number 082611-0533
Defendant Name	First: JOHN	Middle: FRANCIS	Last: THEROUX

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.

(Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g., PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA §§ 213.1 - 213.7.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903						
Lead?	1	6312	D1	of the	18	66	F		/120
	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number				<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone		

Statute Description (Include the name of statute or ordinance):

Acts of the accused associated with this Offense:

SEXUAL ABUSE OF CHILDREN: The Actor, JOHN FRANCIS THEROUX (DOB 03/29/1958), on or about, 08/26/2011, in the County of Luzerne, knowingly possessed or controlled a book, magazine, pamphlet, slide, photograph, film, videotape or other material depicting a child under the age of 17 years engaging in a prohibited sexual act or in the simulation of such act, in violation of Section 6312(d) of the Pennsylvania Crimes Code, Act of December 6, 1972, as amended, 18 Pa. C.S. 6312(d)(1) (FELONY OF THE THIRD DEGREE) (66 Counts)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903						
Lead?	2	7512	A	of the	18	1	F		260/90Z
	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number				<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone		

Statute Description (Include the name of statute or ordinance):

CRIMINAL USE OF A COMMUNICATION FACILITY

Acts of the accused associated with this Offense:

CRIMINAL USE OF A COMMUNICATION FACILITY: Section 7512 (a) of Title 18, PA Crimes Code: IN THAT the DEFENDANT, JOHN FRANCIS THEROUX, did on or about the date, time and placed specified, use a communication facility to commit, cause or facilitate the commission or the attempt thereof of any crim which constitutes a felony. The Defendant used a Communication Facility to commit, cause or facilitate the Commission or the attempt thereof, of SEXUAL ABUSE OF CHILDREN, (FELONY)



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 11	OTN/LiveScan Number	Complaint/Incident Number 082611-0533
Defendant Name	First: JOHN	Middle: FRANCIS	Last: THEROUX

- I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
- I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 PA C.C. 4904) relating to unsworn falsification to authorities.
- This complaint is comprised of the preceding page(s) numbered 1 through 2.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of Assembly, or in violation of the statutes cited. (Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

9-7-11 (Date)

Det. Richard [Signature] (Signature of Affiant)
Det. C. [Signature]

AND NOW, on this date 9-7-11 I certify that the complaint has been properly completed and verified.

An affidavit of probable cause must be completed before a warrant can be issued.

11-1-05
(Magisterial District Court Number)

[Signature]
(Issuing Authority)



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 11	OTN/LiveScan	Complaint/Incident Number 082611-0533
Defendant Name	First: JOHN	Middle: FRANCIS	Last: THEROUX

AFFIDAVIT of PROBABLE CAUSE

On August 26th, 2011 at approximately 16:28hrs, Sgt. Jeffrey COSLETT and Detective Richard KOTCHIK spoke with a walk-in complainant identified as Lynn YASENCHAK, regarding a possible child pornography case she had knowledge of. YASENCHAK, Clinical Social Worker employed at Barr Physiological Services. YASENCHAK stated she had met with John THEROUX and Mary THEROUX, husband and wife, of 585 Charles Ave in Kingston, on two separate occasions, August 13th, 2011 and August 22nd, 2011 regarding marital issues they were having. YASENCHAK stated that during the August 22nd session, Mary THEROUX stated that she was not holding this back anymore and revealed that John Theroux was involved in "kiddy porn".

According to a detailed report given to investigators by YASENCHAK, Mary THEROUX had brought a file folder into the office containing pictures printed two weeks prior to this visit. These pictures were found by Mary THEROUX on a hard drive which John THEROUX used. The picture given to YASENCHAK was of 4 pre-pubescent females. They appeared to be young in age. There was no sexual activity, but the bodies were lying next to one another in a row. YASENCHAK stated that THEROUX admitted that he looks at young female pictures and stated "it's not illegal if there isn't any sex acts involved". THEROUX stated that he loves to "orgasm", and reported that his interest in this behavior increased when his wife made him leave the bedroom. YASENCHAK stated that there was a point in the conversation that Mary stated that she was fearful for her children in the home. There are two children living at the residence, a sixteen (16) year old female and a seven (7) year old female.

At approx. 8:39 P.M. on August 26th, 2011, Sergeant Jeffrey COSLETT and Detective Richard KOTCHIK of the Kingston Police Department, along with Detective Charles Balogh of the Luzerne County District Attorney's Office, Internet Crimes Against Children (ICAC) Task Force executed a Search Warrant at the residence of John Francis THEROUX and Mary Cooney THEROUX. When investigators entered the residence, Mary THEROUX and her two minor children were the only ones at the residence. Sgt. COSLETT and Detective KOTCHIK gathered the children and placed them in the family room located on the first floor, rear of the residence. Detective BALOGH spoke with Mary THEROUX regarding the purpose of the search warrant and what would be expected of her during this process. Mary THEROUX

Jeff Coslett (4935)

I, RICHARD KOTCHIK (4978) / Charles J Balogh (15748), BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FORGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Det. Richard Kotchik / Sgt. Jeffrey Coslett
(Signature of Affiant)

Sworn to me and subscribed before me this 9-7-11 day of Sept, 11
9-7-11 Date [Signature], Magisterial District Judge.

My commission expires first Monday of January.

SEAL



**POLICE CRIMINAL COMPLAINT
AFFIDAVIT CONTINUATION PAGE**

Docket Number:	Date Filed: 11	OTN/LiveScan Number	Complaint/Incident Number 082611-0533
Defendant Name	First: JOHN	Middle: FRANCIS	Last: THEROUX

AFFIDAVIT of PROBABLE CAUSE CONTINUATION

stated she knew why investigators were there.

A short time later John Francis THEROUX arrived at the residence. Detective BALOGH took Mr. THEROUX in the front formal living room and conducted his interview. THEROUX was advised why investigators were executing a search warrant on his residence. THEROUX was advised that he was not under arrest and free to leave. THEROUX agreed to speak with Detective BALOGH. THEROUX advised BALOGH that he would use "navnet.com" to download images of female teenagers. According to THEROUX, he would keyword searches such as "nude teens", "family nudist", "young nudist", "young", "teen", and "babysitter". THEROUX stated that he's sure he used other terms over time. According to THEROUX, he has been downloading images of nudist teenagers for years. He advised that he's used "navnet.com" for approximately one (1) year. THEROUX admitted that some of the images he has stored are of children under the age of eighteen (18) years of age. When asked how many images he has, THEROUX stated that he has approximately five hundred (500) and twenty or more depict children under the age of eighteen (18). THEROUX stated that all images are stored on an internal hard drive which he removed from one of the Dell towers. When asked the whereabouts of the internal hard drive and printed pictures, THEROUX advised that his wife has them. THEROUX advised BALOGH that all the images were in a folder labeled "New Folder" in the C: directory. THEROUX stated that these images would get him aroused and would masturbate to those images. THEROUX stated that at times he would utilize the Dell and home made desktop computers located in the computer room (located on the first floor). In addition, he stated that he would use the Dell laptop which was located in the family room and an IBM ThinkPad laptop in his bedroom closet. THEROUX stated that he has videos stored on the internal hard drive from a subscription to "IFeelMyself.com". THEROUX stated that all those videos depict adult females masturbating.

According to THEROUX, he has utilized "Google" to look up the Pennsylvania Child Pornography Laws. THEROUX stated that as long as the children aren't engaging in sexual acts it wouldn't be considered child pornography. However, he did state the law is "ambiguous". THEROUX stated that he was "addicted to teen images for arousal". After masturbating, he would feel guilty. THEROUX does admit that the printed pictures his wife had printed from the internal hard drive are of that of children under the age of eighteen (18). In particular, the one printed image which was shown to their marriage counselor. Once the interview was completed, THEROUX agreed to provide a written statement regarding the information contained in the search warrant as it pertained to his involvement in this investigation.

Mary THEROUX advised investigators that she has the internal hard drive and the printed pictures upstairs in her closet. Mrs. THEROUX took Sgt. COSLETT and Det. BALOGH upstairs to the second floor master bedroom. Mrs. THEROUX advised investigators that the internal hard drive and printed pictures were in her closet; in a basket and inside an envelope which was under clothes. During the search of the residence, investigators

Det. Ruth Ketchum / Sgt. Jeffrey Carlson Det. C. J. [Signature]
(Signature of Affiant)



POLICE CRIMINAL COMPLAINT
AFFIDAVIT CONTINUATION PAGE

Docket Number:	Date Filed: 11	OTM/LiveScan Number	Complaint/Incident Number 082611-0533
Defendant Name	First: JOHN	Middle: FRANCIS	Last: THEROUX

AFFIDAVIT of PROBABLE CAUSE CONTINUATION

located several desktops computers, laptops and two internal hard drives all of which were seized.

On August 31, 2011 Detective BALOGH removed item 8; Western Digital 80GB internal hard drive bearing serial number WMAM9MR28172 from the Pennsylvania State Police Northeast Computer Crime evidence room. BALOGH forensically imaged the hard drive utilizing AccessData FTK Imager 3.0.1.

On September 1, 2011 Detective BALOGH forensically previewed item 8; Western Digital 80GB internal hard drive utilizing Encase 6.19. BALOGH viewed hundreds of images which depicted nude or semi nude teenage girls. The images were located in the C:\ directory, "New Folder". This is consistent with THEROUX statement that he stored the images on the internal hard drive under the C: directory labeled "New Folder". BALOGH selected eighty-three (83) images as possible images of child pornography. These images were printed to be examined by Dr. Gary W. LAWRENCE (Pediatrician).

On September 6, 2011 at approximately 3:30 P.M. Detectives BALOGH and KOTCHIK had a Pediatrician, Dr. Gary W. LAWRENCE, review eighty-three (83) images which were from THEROUX internal hard drive (item 8). Dr. LAWRENCE had selected sixty-six (66) images which depicted nude or semi nude children under the age of eighteen (18) years of age. Of those, the youngest female was ten (10) years of age.

Det. Richard Kotchik *Sgt. Jeffrey Coslov* *Det. C. J. Bell*
(Signature of Affiant)

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Docket No: CP-40-CR-0002877-2011

The Attorney for the Commonwealth of Luzerne County by this information charges that in the County of Luzerne, Pennsylvania, John Francis Theroux:

COUNT 1: Child Pornography - (F3)

Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 1

COUNT 2: Child Pornography - (F3)

Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 2

COUNT 3: Child Pornography - (F3)

Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 3

COUNT 4: Child Pornography - (F3)

Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 4

COUNT 5: Child Pornography - (F3)

Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 5

COUNT 6: Child Pornography - (F3)

Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 6

CERTIFIED FROM THE RECORD

THIS 9th DAY OF March 2012

CLERK OF THE COURT OF COMMON PLEAS

Printed 11/21/2011 8:58 AM
Jacqueline Embury

Commonwealth of Pennsylvania
Court of Common Pleas
County of Luzerne
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COUNT 7: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 7

COUNT 8: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 8

COUNT 9: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 9

COUNT 10: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 10

COUNT 11: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 11

COUNT 12: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 12

COUNT 13: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 13

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COUNT 14: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 14

COUNT 15: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 15

COUNT 16: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 16

COUNT 17: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 17

COUNT 18: Child Pornography - (F3)
Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 18

COUNT 19: Child Pornography - (F3)
Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 19

COUNT 20: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 20

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COUNT 21: Child Pornography - (F3)
Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 21

COUNT 22: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 22

COUNT 23: Child Pornography - (F3)
Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 23

COUNT 24: Child Pornography - (F3)
Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 24

COUNT 25: Child Pornography - (F3)
Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 25

COUNT 26: Child Pornography - (F3)
Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 26

COUNT 27: Child Pornography - (F3)
Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 27

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COUNT 28: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 28

COUNT 29: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 29

COUNT 30: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 30

COUNT 31: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 31

COUNT 32: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 32

COUNT 33: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 33

COUNT 34: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 34

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COUNT 35: Child Pornography - (F3)
Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 35

COUNT 36: Child Pornography - (F3)
Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 36

COUNT 37: Child Pornography - (F3)
Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 37

COUNT 38: Child Pornography - (F3)
Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 38

COUNT 39: Child Pornography - (F3)
Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 39

COUNT 40: Child Pornography - (F3)
Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 40

COUNT 41: Child Pornography - (F3)
Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 41

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COUNT 42: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 42

COUNT 43: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 43

COUNT 44: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 44

COUNT 45: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 45

COUNT 46: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 46

COUNT 47: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 47

COUNT 48: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 48

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COUNT 49: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 49

COUNT 50: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 50

COUNT 51: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 51

COUNT 52: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 52

COUNT 53: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 53

COUNT 54: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 54

COUNT 55: Child Pornography - (F3)
Offense Date: 8/28/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 55

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COUNT 56: Child Pornography - (F3)

Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 56

COUNT 57: Child Pornography - (F3)

Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 57

COUNT 58: Child Pornography - (F3)

Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 58

COUNT 59: Child Pornography - (F3)

Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 59

COUNT 60: Child Pornography - (F3)

Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 60

COUNT 61: Child Pornography - (F3)

Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 61

COUNT 62: Child Pornography - (F3)

Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 62

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COUNT 63: Child Pornography - (F3)
Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 63

COUNT 64: Child Pornography - (F3)
Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 64

COUNT 65: Child Pornography - (F3)
Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 65

COUNT 66: Child Pornography - (F3)
Offense Date: 8/26/11 18 § 6312 §§ D1

The Actor knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. To Wit: Depiction No. 66

COUNT 67: Criminal Use Of Communication Facility - (F3)
Offense Date: 8/26/11 18 § 7512 §§ A

The Actor used a communication facility to commit, cause or facilitate the commission or attempt thereof of any crime which constitutes a felony under Title 18 of Pennsylvania Consolidated Statutes or under the Controlled Substance Drug, Device and Cosmetic Act of Pennsylvania.

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Citation of Statute
and Section:

1 18 § 6312 §§ D1 (F3)
2 18 § 6312 §§ D1 (F3)
3 18 § 6312 §§ D1 (F3)
4 18 § 6312 §§ D1 (F3)
5 18 § 6312 §§ D1 (F3)
6 18 § 6312 §§ D1 (F3)
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Commonwealth of Pennsylvania
Court of Common Pleas
County of Luzerne
11th Judicial District



INFORMATION

Commonwealth of Pennsylvania
v.
John Francis Theroux

Docket No: CP-40-CR-0002877-2011

59 18 § 8312 §§ D1 (F3)
60 18 § 8312 §§ D1 (F3)
61 18 § 8312 §§ D1 (F3)
62 18 § 8312 §§ D1 (F3)
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65 18 § 8312 §§ D1 (F3)
66 18 § 8312 §§ D1 (F3)
67 18 § 7512 §§ A (F3)

All of which is against the Act of Assembly and the peace and dignity of the Commonwealth.

Jacqueline Musto Carroll

Luzerne County District Attorney
Jacqueline Musto Carroll

Received
11-29-11

CLERK OF COURTS
2011 NOV 21 AM 8:54
LUZERNE COUNTY

LUZERNE COUNTY DISTRICT ATTORNEY'S OFFICE

PLEA AGREEMENT

COMMONWEALTH OF PENNSYLVANIA

: IN THE COURT OF COMMON PLEAS
: OF LUZERNE COUNTY

VS.

: CRIMINAL DIVISION

John Francis Theroux

: NO(S). 2877 OF 2011

EXHIBIT
B

Charges listed for trial:

The following plea agreement is executed between the Commonwealth of Pennsylvania, represented by
(Assistant), District Attorney _____; the defendant _____
; and the attorney for the defendant _____.

EXACT terms and conditions of the plea agreement are as follows:

Def will plead guilty as follows:
Counts 1-66 Possession of Child Pornography (F3) Types 1/4/5, a, d
Com with withdraws Count 67. No agreement as to sentence.
Def must waive today sentencing right so he can be evaluated
by the Sexual Offender Assessment Board. Def must register for
life with the Pennsylvania State Police. He is to have
no supervised contact with minors or the internet. He is
prohibited from being in schools, school zones, public parks,
playgrounds, pools, libraries or any other place children
congregate. All items seized in the search will be
forfeited to the District Attorney's office, and contraband
will be destroyed after appeal period.

APPROVED: DATE 1/25/12

Defendant

Prosecutor

A.D.A.

Attorney for Defendant

D.A. or 1st Assistant D.A.

Instructions to A.D.A.:

CERTIFIED FROM THE RECORD

THIS 9th DAY OF March 2012

Prepare agreement precisely as to terms of disposition of charges, sentence agreement if any,
restitution to be paid if any, plus any special terms or conditions.

CLERK OF THE COURT OF COMMON PLEAS

WHITE - Clerk of Courts

YELLOW - District Attorney

PINK - Presiding Judge

GOLDEN ROD - Defendant

By Regina EmLaw

YACOB	J. H.	F. NOGRO
Commonwealth Attorney	Court Stenographer	Defense Attorney

- ☐ Arraignment
- ☒ Guilty Plea
- ☐ Sentencing
- ☐ Revocation
- ☒ Status Conference
- ☐ Pretrial
- ☐ Other

COURT OF COMMON PLEAS - CRIMINAL DIVISION

COUNTY OF LUZERNE

THE COMMONWEALTH OF PENNSYLVANIA

☐ S.C.I.

vs.
John Francis Theroux

Name

CHARGE(S)

CASE NO.

2877

YEAR

DATE

1/25/12

Cts 1-66 Child Porn (F3) → Guilty Plea

Ct 67 Crim Use of Force (F3) → W/D

Defr WAIVES 90 DAY SENTENCING Rule

Eval. By SOAB

REGISTER For Life w/P.S.P./MEGAN'S LAW

Follow All Rules On Commonwealth's Plea Agreement

All Items Seized Are T/B Forfeited To D.A.

* PR/RO/CA ORDERED

* SENTENCING ON:

5-1-12 @ 9:30 AM

@ Penn Place

CLERK OF COURTS
LUZERNE COUNTY

2012 JAN 26 AM 10:19

CLERK OF COURTS

- ☒ Pay Costs
- ☐ Drug/Alcohol Eval.-Follow recommendations
- ☐ No Drugs and Alcohol (Except Dr's Prescript)
- ☐ Do not frequent places serving alcohol
- ☐ Do not associate with persons using D/A

- ☐ Random Testing
- ☒ Follow All Rules and Regulations
- ☒ Report to Probation Now
- ☒ Destroy Contraband After Appeal Period
- ☐ Defendant Advised of Appeal Rights

CERTIFIED FROM THE RECORD

CLERK

J.V. D.

THIS 9th DAY OF March 2012

JUDGE

Hugh F. Mundy, Jr.

CLERK OF THE COURT OF COMMON PLEAS

WHITE - ORIGINAL

BLUE - JUDGE

YELLOW - DISTRICT ATTORNEY'S OFFICE

GREEN - WITNESS CLERK'S

PINK - ADULT PROBATION OFFICE

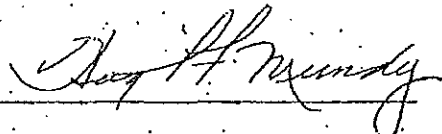
COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
VS. : OF LUZERNE COUNTY
: CRIMINAL DIVISION
JOHN FRANCIS THEROUX : NO. 2877 OF 2011

ORDER

AND NOW, this 30th day of January, 2012, at 2³⁰ o'clock P.M.,

Defendant, JOHN FRANCIS THEROUX, having pled Guilty to Criminal Information No. 2877 of 2011 to Counts 1 through 66, Child Pornography, 18 § 6312 §§ D (1), (F3); IT IS ORDERED AND DIRECTED THAT the Sexual Offender Assessment Board, 1101 S. Front Street, Suite 5700, Harrisburg, PA, 17104-2533, conduct an assessment of the Defendant in accordance with applicable law.

BY THE COURT,


J.

JUDGE HUGH F. MUNDY
JENNY ROBERTS, ASSISTANT DISTRICT ATTORNEY
FRANK W. NOCITO, ESQUIRE
MEGHAN DADE, EXECUTIVE DIRECTOR
SEXUAL OFFENDER ASSESSMENT BOARD

CLERK OF COUP

2012 FEB 10 PM 3:40

LUZERNE COUNTY

CERTIFIED FROM THE RECORD
THIS 9th DAY OF March 2012
CLERK OF THE COURT OF COMMON PLEAS
BY Jacqueline Emmlaw

- ☐ Arraignment
- ☐ Guilty Plea
- ☒ Sentencing
- ☐ Revocation
- ☐ Status Conference
- ☐ Pretrial
- ☐ Other

COURT OF COMMON PLEAS - CRIMINAL DIVISION
COUNTY OF LUZERNE
THE COMMONWEALTH OF PENNSYLVANIA
VS.

☐ S.C.I.

JOHN THEROUX

Name

CHARGE(S)

CASE NO.

2877-

YEAR *11*

DATE

6 / 7 / 12

CT-1-66. POSSESSION OF CHILD REN. (F3) -

Counts 1-33. IPP - 2 yrs. 1st yr. H/A EM, each ct. concurrent each other.
Counts 34-66 Probation 3 yrs concurrent each other + concurrent CT-1-33 consecutive

continue w/ any therapy - treatment - rehabilitation programs. - 12 steps.

Not SOAB - Sex. Violent Predator - NO

DEFT MUST WAIVE 90 DAY SENT. TO BE EVALUATED BY SOAB

DEFT MUST REGISTER FOR LIFE IN PENNSYLVANIA STATE POLICE

DEFT IS TO HAVE NO CONTACT ^{UNSUPERVISED} W/ MINORS ON THE INTERNET.

DEFT PROHIBITED FROM BEING IN SCHOOLS, SCHOOL ZONE, PUBLIC PARKS, PLAYGROUNDS, POOLS, LIBRARIES OR OTHER PLACES CHILDREN CONGREGATE.

ALL ITEMS SEIZED IN SEARCH WILL BE FORWARDED TO DA OFFICE, CONTRABANDS

DESTROYED AFTER APPEAL PERIOD

1 DAY credit time served

Forfeit seizure DA.

EXHIBIT
C

☒ Pay Costs

☐ Drug/Alcohol Eval. Follow recommendations

☒ No Drugs and Alcohol (Except Dr's Prescription)

☐ Do not frequent places serving alcohol

☐ Do not associate with persons using D/A

☐ Random Testing

☒ Follow All Rules and Regulations

☒ Report to Probation

☒ Destroy Contraband After Appeal Period

☒ Defendant Advised of Appeal Rights

CLERK

CLERK OF THE COURT OF COMMON PLEAS

Regueline JUDGE *H. Murphy*

ORIGINAL

WHITE - ORIGINAL

BLUE - JUDGE

YELLOW - DISTRICT ATTORNEY'S OFFICE

GREEN - WITNESS CLERKS

PINK - ADULT PROBATION OFFICE

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

vs.

John Francis Theroux, M.D.,
Respondent

File No.: 11-49-09207

Docket No: 0338-49-13

ORDER

AND NOW, this 28th day of May 2013, the STATE BOARD OF MEDICINE ("Board") adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS



Katie True
Commissioner

For the Commonwealth:

For the Respondent:

Date of mailing:

BY ORDER:
STATE BOARD OF MEDICINE



Andrew J. Behnke, M.D.
Chairman

Bridget K. Guilfoyle, Esquire
2601 North Third Street
P. O. Box 2649
Harrisburg, PA 17105-2649

James J. Kutz, Esquire
Jason L. Reimer, Esquire
POST & SCHELL, P.C.
17 North 2nd Street, 12th Floor
Harrisburg, PA 17101

5/31/13