

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2401 Disciplinary Docket No. 3
: :
Petitioner : No. 113 DB 2017
: :
v. : Attorney Registration No. 310210
: :
JEFFREY T. TOMAN, : (Lackawanna County)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 9th day of May, 2018, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and Jeffrey T. Toman is suspended on consent from the Bar of this Commonwealth for a period of three years, retroactive to October 8, 2017. He shall comply with all the provisions of Pa.R.D.E. 217.

Respondent shall pay the costs incurred by the Disciplinary Board in the investigation and prosecution of this matter.

A True Copy Patricia Nicola
As Of 5/9/2018

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner,	:	No. 113 DB 2017
	:	
v.	:	Attorney Reg. No. 310210
	:	
JEFFREY T. TOMAN,	:	(Lackawanna County)
Respondent	:	
	:	

JOINT PETITION IN SUPPORT OF DISCIPLINE ON CONSENT
PURSUANT TO Pa. R.D.E. 215(d)

Petitioner, Office of Disciplinary Counsel (“ODC”), by Paul J. Killion, Chief Disciplinary Counsel, and Anthony A. Czuchnicki, Disciplinary Counsel, and Respondent, Jeffrey T. Toman, and Respondent’s counsel, Christopher Powell, Jr., Esquire, file this Joint Petition in Support of Discipline on Consent under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter “Pa. R.D.E.”) and respectfully state and aver the following:

1. Petitioner, whose principal Office is located at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, PA 17106, is invested, pursuant to Pa. R.D.E. 207, with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

FILED
3/26/2018
The Disciplinary Board of the
Supreme Court of Pennsylvania

2. Respondent, Jeffrey T. Toman, was born on July 14, 1983, was admitted to practice law in Pennsylvania on December 10, 2010, has a registered public address of 1515 Pittston Avenue, Scranton, Lackawanna County, Pennsylvania 18505, and is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent is represented by Christopher Powell, Jr., Esquire.

SPECIFIC FACTUAL ADMISSIONS AND
RULES OF PROFESSIONAL CONDUCT VIOLATED

4. On July 13, 2016, Respondent was charged with:

- a. Unlawful Contact with a Minor – Obscene and Other Sexual Materials and Performances, 18 Pa. C.S.A. § 6318(A)(4), a Third-Degree Felony;
- b. Dissemination of Explicit Sexual Material to a Minor, 18 Pa. C.S.A. § 5903(C)(1), a Third-Degree Felony;
- c. Criminal Use of a Communication Facility, 18 Pa. C.S.A. § 7512(A), a Third-Degree Felony; and
- d. Corruption of Minors, 18 Pa. C.S.A. § 6301(A)(1)(i), a First-Degree Misdemeanor.

5. These charges were docketed at Commonwealth v. Toman, CP-35-CR-1898-2016 (C.P. Lackawanna Co.).

6. A true and correct copy of the criminal complaint filed against Respondent is attached hereto as Exhibit 'A.'

7. On March 16, 2017, Respondent pled nolo contendere to the offense of Corruption of Minors.

-
8. By Order dated June 27, 2017, Respondent was sentenced to:
 - a. six to twenty-three months imprisonment;
 - b. to obtain mental health and drug and alcohol evaluations;
 - c. to refrain from drugs or alcohol; and
 - d. to refrain from contact with the crime victim.
 9. Respondent notified ODC of his criminal conviction.
 10. On July 24, 2017, ODC filed a Certificate of Conviction, notifying the Court of Respondent's conviction, and requesting that the Court enter Rule to Show Cause why Respondent should not be placed on temporary suspension pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa. R.D.E") 214(d)(1).
 11. The Court entered a Rule to Show Cause on August 4, 2017; Respondent did not respond to the Rule.
 12. On September 8, 2017, the Pennsylvania Supreme Court entered an Order placing Respondent on temporary suspension.
 13. The Court also ordered Respondent to comply with the provisions of Pa. R.D.E 217.
 14. On September 25, 2017, Respondent complied with Pa. R.D.E. 217.
 15. On October 9, 2017, the suspension Order became effective, pursuant to Pa. R.D.E. 208(f)(3).
 16. Respondent served a portion of his sentence incarcerated, but has been released on probation to serve out the remainder of his sentence.

DISCIPLINARY RULE VIOLATIONS

17. Respondent admits to violating the following Rules of Professional Conduct

in this matter:

- a. RPC 8.4(b): It is professional misconduct for a lawyer to ... commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- b. Rule 8.4(c): It is professional misconduct for a lawyer to ... engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- c. Rule 8.4(d): It is professional misconduct for a lawyer to ... engage in conduct that is prejudicial to the administration of justice.
- d. Pa. R.D.E. 203(b)(1): The following shall also be grounds for discipline ... conviction of a crime.

SPECIFIC JOINT RECOMMENDATIONS FOR DISCIPLINE

Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent is a three year suspension, retroactive to the effective date of the temporary suspension.

A criminal conviction is a per se basis for discipline, pursuant to the Board Rules. Pa. R.D.E. 203(b)(1). Therefore, the sole issue for disposition is the appropriate measure of discipline to be imposed. Disciplinary sanctions are not primarily designed for their punitive effects, but seek to determine the fitness of an officer of the court to continue in that capacity. Office of Disciplinary Counsel v. Duffield, 644 A.2d 1186 (Pa. 1994). In this respect, the length of sentence is but one factor for consideration, and must be considered along with the facts which gave rise to the conviction. Office of Disciplinary Counsel v. Eilberg, 441 A.2d 1193 (Pa. 1982). Consideration is also given to the nature of the underlying offense; the offense grading and degree; whether the offense includes a degree of dishonesty; the attorney's employ at the time of the offense; as well as the duration over which the offense occurred.

The circumstances of this matter are comparable to several prior cases which

concerned the corruption of minors. Disbarment and/or five-year suspensions have been imposed under certain circumstances. See Office of Disciplinary Counsel v. Pazuhanich, 15 DB 2005 (disbarment); Office of Disciplinary Counsel v. Cappuccio, 79 DB 2009 (five year suspension). A significant factor to both of these cases, not present here, was the public nature of the respondent-attorneys' employment; Respondent-Pazuhanich was a two-time District Attorney, recently elected to the judiciary; and Respondent-Cappuccio was Chief Deputy District Attorney at the time of his offenses. These matters can be juxtaposed to matters where lesser suspensions have been imposed. See Office of Disciplinary Counsel v. Ibe, 7 DB 2014 (two and one-half year suspension on consent); Office of Disciplinary Counsel v. Sangiamo, 35 DB 2001 (twenty-month suspension). Respondent-Ibe was convicted of supplying alcohol to minors, as well as possession of a stolen firearm. Respondent-Ibe received five years of probation as the term of his conviction, and no jail time. Respondent-Sangiamo was convicted of one count of corrupting the morals of a minor, after the minor, a sixteen year old female who was working for him as an intern, initiated indecent contact with him. Respondent pled guilty and received two to twenty-three months imprisonment with "outmate" status.

Comparing and contrasting the present matter to the aforementioned cases is instructive. Circumstances which would warrant more significant discipline were presented in the criminal complaint.¹ Most significantly, Respondent is alleged to have

¹ It is important to note that pursuant to the Rules, a "conviction" means any guilty verdict, whether after trial by judge or jury, or finding of guilt, and any plea of guilty or *nolo contendere* that has been accepted by the court, whether or not sentence has been imposed." Pa. R.D.E. 214(i) (emphasis added). Respondent has admitted to his plea. See ¶ 7. It is unnecessary for Respondent to admit to the facts which underlie his conviction based upon the fact that a certificate of conviction is "conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against the attorney based upon the conviction." Pa. R.D.E. 214(e). Respondent understands that, were ODC to proceed to a hearing, ODC would seek to establish these underlying facts.

manipulated his attorney-client relationship in order to support contacting his *client's* minor-daughter. Additionally, were the facts as charged established, Respondent should have been well-aware that the conduct he engaged in was inappropriate.

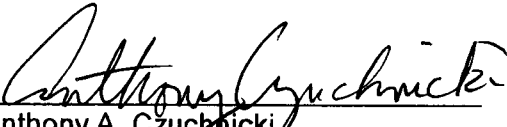
However, in support of Petitioner and Respondent's Joint Recommendation, it is respectfully submitted that additional mitigating circumstances are also present in that Respondent:

1. was ultimately convicted of only a single first-degree misdemeanor offense;
2. accepted prison time as part of his sentence;
3. is willing to consent to a suspension longer than one year and one day, which will require petitioning for reinstatement prior to Respondent's resumption of the practice of law;
4. does not have any history of prior discipline;
5. did not have physical contact with the minor; and
6. did not hold public office.


WHEREFORE, Petitioner and Respondent respectfully request that pursuant to Pa. R.D.E. 215, a three-member panel of the Disciplinary Board review and approve the above Joint Petition in Support of Discipline on Consent and file its recommendation with the Supreme Court of Pennsylvania in which it is recommended that the Supreme Court of Pennsylvania enter an Order Suspending Respondent for three years, retroactive to the effective date of his temporary suspension for the conduct set forth herein.

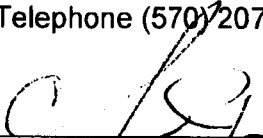
Respectfully submitted,

Date: 3/26/18

By: 
Anthony A. Czuchnicki
Disciplinary Counsel
Attorney Registration No. 312620
601 Commonwealth Avenue, Suite 5800
P.O. Box 62675
Harrisburg, PA 17106-2675
Telephone (717) 772-8572

Date: 3/23/18

By: 
JEFFREY T. TOMAN
Respondent
Attorney Registration No. 310210
1515 Pittston Avenue
Scranton, PA 18505
Telephone (570) 207-6555



Christopher Powell, Jr., Esquire
527 Linden Street
Scranton, PA 18503

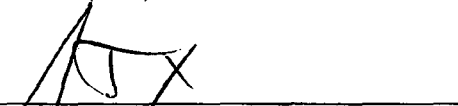
BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

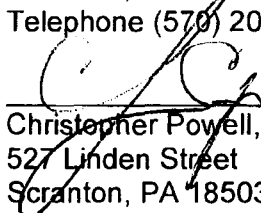
OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner,	:	No. 113 DB 2017
	:	
v.	:	Attorney Reg. No. 310210
	:	
JEFFREY T. TOMAN,	:	(Lackawanna County)
Respondent	:	

VERIFICATION

The statements made in the foregoing Joint Petition in Support of Discipline on Consent Pursuant to Pa. R.D.E. 215(d) are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/26/18 By: 
Anthony A. Czuchnicki
Disciplinary Counsel
Attorney Registration No. 312620
601 Commonwealth Avenue, Suite 5800
P.O. Box 62675
Harrisburg, PA 17106-2675
Telephone (717) 772-8572

Date: 3/23/18 By: 
JEFFREY T. TOMAN
Respondent
Attorney Registration No. 310210
1515 Pittston Avenue
Scranton, PA 18505
Telephone (570) 207-6555


Christopher Powell, Jr., Esquire
527 Linden Street
Scranton, PA 18503

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner,	:	No. 113 DB 2017
	:	
v.	:	Attorney Reg. No. 310210
	:	
JEFFREY T. TOMAN,	:	(Lackawanna County)
Respondent	:	
	:	


RESPONDENT'S AFFIDAVIT UNDER RULE 215(d) OF THE
PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

I, Jeffrey T. Toman, Respondent in the above-captioned matter, hereby consent to the imposition of a three year license Suspension as jointly recommended by the Petitioner, Office of Disciplinary Counsel, and myself, in a Joint Petition in Support of Discipline on Consent and further state:

1. My consent is freely and voluntarily rendered; I am not being subjected to coercion or duress; I am fully aware of the implications of submitting the consent;
2. I am aware there is presently pending a proceeding involving allegations that I have been guilty of misconduct as set forth in the Joint Petition;
3. I acknowledge that the material facts set forth in the Joint Petition are true;
4. I consent because I know that if the charges continued to be prosecuted in the pending proceeding, I could not successfully defend against them; and

5. I acknowledge that I am fully aware of my right to consult and employ counsel to represent me in the instant proceeding, and have done so.

Date: 3/23/18

By: 
JEFFREY T. TOMAN
Respondent
Attorney Registration No. 310210
1515 Pittston Avenue
Scranton, PA 18505
Telephone (570) 207-6555

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner,	:	No. 113 DB 2017
	:	
v.	:	Attorney Reg. No. 310210
	:	
JEFFREY T. TOMAN,	:	(Lackawanna County)
Respondent	:	


CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of Pa. R.A.P. 121.

Electronic mail, as follows:

Jeffrey T. Toman
c/o Christopher Powell, Jr., Esquire
527 Linden Street
Scranton, PA 18503
cpowell@powell-law.com

Date: 3/22/18

By: 
Anthony A. Czuchnicki
Disciplinary Counsel
Attorney Registration No. 312620
601 Commonwealth Avenue, Suite 5800
P.O. Box 62675
Harrisburg, PA 17106-2675
Telephone (717) 772-8572

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF LACKAWANNA

Magisterial District Number: 45-1-03

MDJ Hon. MAG. CORBETT
Address: 1629 PITTSBURGH AVENUE
SCRANTON, PA 18505

Telephone: (570)963-6516



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA

DEFENDANT:

VS.
(NAME and ADDRESS)

JEFFREY T. TOMAN
First Name Middle Name Last Name
1515 PITTSBURGH AVE
SCRANTON, PA 18505

COPY

NCIC Extradition Code Type

- 1 - Felony Full
- 2 - Felony Ltd.
- 3 - Felony Surrounding States
- 4 - Felony No Ext.
- 5 - Felony Pend.
- 6 - Felony Pend. Extradition Determ.
- A - Misdemeanor Full
- B - Misdemeanor Limited
- C - Misdemeanor Surrounding States
- D - Misdemeanor No Extradition
- E - Misdemeanor Pending
- F - Misdemeanor Pending Extradition Determ.

DEFENDANT IDENTIFICATION INFORMATION

Case Number: 0019-107-13-2016 Date Filed: 07/13/2016 OTN/LiveScan Number: X035116-A Complaint/Incident Number: 20160622M5427 SID: _____ Request Lab Service? YES NO

GENDER: Male Female
DOB: 07/14/1983 POB: _____ Add'l. DOB: 06/15/1984 Co-Defendants?

AKA: _____ First Name Middle Name Last Name Gen. _____

RACE: White Asian Black Native American Unknown

ETHNICITY: Hispanic Non-Hispanic Unknown

HAIR COLOR: Gry (Gray) Red (Red/Aubn) SDY (Sandy) BLU (Blue) PLE (Purple) BRO (Brown)
 Blk (Black) Ong (Orange) WHI (White) XXX (Xnk/Bald) GRN (Green) PNK (Pink)
 Bln (Blonde / Strawberry)

EYE COLOR: Blk (Black) Blu (Blue) BRO (Brown) GRN (Green) GRY (Gray)
 HAZ (Hazel) MAR (Maroon) PNK (Pink) MUL (Multicolored) XXX (Unknown)

Driver License: State PA License Number 26495698 Expires _____ Weight (lbs.): 150

DNA: YES NO DNA Location _____ Height (in): 5-10

FBI Number: _____ MNU Number: _____

Defendant Fingerprinted: YES NO

Fingerprint Classification: _____

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 _____

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 PA, R. Crim. P 307.)

DEPUTY DA MCCAMBRIDGE

(Name of the attorney for the Commonwealth - Please Print or Type)

(Signature of the attorney for the Commonwealth)

07/12/2016

(Date)

I, **DET. JEFFREY GILROY**
(Name of the Affiant)

644/27118
PSW/PG/EC - Assigned Affiant ID Number & Badge #

of **SCRANTON POLICE DEPARTMENT**
(Identify Department or Agency Represented and Political Subdivision)

PA0350400
(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

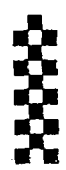
with violating the penal laws of the Commonwealth of Pennsylvania at [302] **SCRANTON**
(Subdivision Code) (Place-Political Subdivision)

SCRANTON

in LACKAWANNA County [35] on or about 07/01/2015 to 06/16/2016
(County Code) (Offense Date)

EXHIBIT

A





POLICE CRIMINAL COMPLAINT

Docket Number	Date Filed 07/13/2016	IN/LiveScan Number	Complaint/Incident Number 20160622M5427
Defendant Name	First JEFFREY	Middle T.	Last TOMAN

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. - 213.7.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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Lead?	<input checked="" type="checkbox"/>	1	6318	A4	of the	18	1	F3		
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):
CONTACT/COMM.W/MINOR-OBSCENE MAT/PERFORM

Acts of the accused associated with this Offense:

CONTACT/COMM.W/MINOR-OBSCENE MAT/PERFORM The Actor, Jeffrey Toman, on or about, July 2015 through June 2016, in the County of Lackawanna, commits an offense if he is intentionally in contact with a minor for the purpose of engaging in an activity prohibited under any of the following, and either the person initiating the contact or the person being contacted is within this commonwealth; Obscene and other sexual materials and performances as defined in section 5903 (relating to obscene and other sexual materials and performances), that is to say the actor, sent nude pictures of his penis via text messages, in violation of Section 6318 (A) (4) of the Pennsylvania Crimes Code, as amended, 18 Pa.C.S. 6318 (A) (4)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
------------------	--	---	---

Lead?	<input type="checkbox"/>	2	5903	C	of the	18	1	F3		
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):
OBSCENE AND OTHER SEXUAL MATERIALS

Acts of the accused associated with this Offense:

OBSCENE AND OTHER SEXUAL MATERIALS AND PERFORMANCES The Actor, Jeffrey Toman, on or about, July 2015 through June 2016, in the County of Lackawanna, commits an offense if he knowingly disseminates by sale, loan, or otherwise explicit sexual materials to a minor, that is to say the actor, sent nude pictures of his penis via text messages to Juvenile Female I.S. in violation of Section 5903 (C) of the Pennsylvania Crimes Code, as amended, 18 Pa.C.S. 5903 (C)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
------------------	--	---	---

Lead?	<input type="checkbox"/>	3	7512	A	of the	18	1	F3		
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 COMMUNICATION FACILITY

Acts of the accused associated with this Offense:

CRIMINAL USE OF COMMUNICATION FACILITY The Actor, Jeffrey Toman, on or about, July 2015 through June 2016, in the County of Lackawanna, commits a felony of the third degree if that person uses a communication facility to commit, cause or facilitate the commission or the attempt thereof of any crime which constitutes a felony under this title or under the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act. Every instance where the communication facility is utilized constitutes a separate offense under this section., that is to say the actor, utilized a cellular phone to disseminate explicit sexual material to a minor, in violation of Section 7512 (A) of the Pennsylvania Crimes Code, as amended, 18 Pa. C.S. 7512 (A)



POLICE CRIMINAL COMPLAINT

Docket Number	Date Filed 07/13/2016	CrIN/LiveScan Number	Complaint/Incident Number 20160622M5427
Defendant Name	First JEFFREY	Middle T.	Last TOMAN

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
---	--	---	---

<input type="checkbox"/> Lead?	4	6301	A1	of the:	18	1	M1		
	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PeriNDOT Data (If applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
-------------------------------	-----------------	--------------------------------------	------------------------------------

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

Acts of the accused associated with this Offense:
CORRUPTION OF MINORS The Actor, Jeffrey Toman , on or about, July 2015 through June 2016, in the County of Lackawanna, being 18 years of age or upwards, corrupted or tended to corrupt the morals of, Juvenile Female I.S., a child or children under the age of 18, by an act, or aided, abetted, enticed or encouraged said minor in the commission of a crime, or knowingly assisted or encouraged such minor in violating his parole or any court order, namely, provided explicit sexual material, in violation of Section 6301(a) of the Pennsylvania Crimes Code, Act of December 6, 1972, as amended, 18 Pa. C. S. §6301(a)



POLICE CRIMINAL COMPLAINT

Docket Number	Date Filed 07/13/2016	OTN/LiveScan Number	Complaint/Incident Number 20160622M5427
Defendant Name	First JEFFREY	Middle T.	Last TOMAN

- 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 3.

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.)

13 July 2016
(Date)

[Signature]
(Signature of Affiant)

AND NOW, on this date July 13 2016 certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed before a warrant can be issued.

45-1-03
(Magisterial District Court Number)

[Signature]
(Issuing Authority)





POLICE CRIMINAL COMPLAINT

Docket Number	Date Filed 07/13/2016	OTN/LiveScan Number	Complaint/Incident Number 20160622M5427
Defendant Name	First JEFFREY	Middle T.	Last TOMAN

AFFIDAVIT of PROBABLE CAUSE

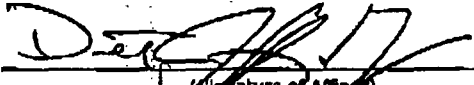
On 23 June 2016, Detective Gilroy of the Scranton Police SVU, was assigned to investigate a report of a local attorney involved in sexting with a minor. Upon review of the report it was determined the lawyer was named Jeffrey Toman, Toman was representing one Stacey Evane with a custody dispute case involving her daughter 14 year old Juvenile Female I.S.

On 28 June 2016, Detective Gilroy went to 1924 Price Street and met with Stacey Evans. Evans provided printouts of text conversations between herself and her former attorney, Jeffrey Toman. This was regarding money owed to Stacey from the services he was supposed to be rendering where he also makes admissions without specific details. He indicates to her during this text message conversation which took place on 13 June that he would be seeking psychological help and asked her not to turn him into the police and ruin his life. Also within the conversation, Stacey confronts him about damaging her daughter and he responds by saying "she isn't broken". An additional text conversation between Toman and Will Morgan, the boyfriend of Stacey Evans, and also best friend of Toman was printed. In these text messages, Toman tells Morgan "I am sorry that I couldn't show on Wednesday, I wanted to even if it meant losing a few teeth, don't lose Stacey over appearing to defend me". This was reportedly a discussion over missing golf league with Morgan on the previous Wednesday after this all was discovered.

On 06 July 2016, Detective Gilroy conducted interviews with Cheryl Hunt and Stephanie Morgan, both of these females were present during a confrontation between Stacey Evans and Jeffrey Toman, where he made admissions to having made inappropriate contact with 14 year old Juvenile Female I.S. The statements were written out by the two females, where both acknowledge Toman did not deny any accusation from Stacey Evans in regard to attempting to solicit her daughter for sexual acts and also sending her nude photos of his penis and masturbating over the phone and asking her to do the same. They were also present for an accusation by Evans that Toman attempted to request that he come over to 14 year old Juvenile Female I.S.'s house when Stacey was not home. During this conversation Toman attempted to mitigate his responsibility and told Evans and the others that she wanted to have sex with him but he would not go through with it.

On 11 July 2016, Detective Gilroy received the DVD of a forensic interview of 14 year old Juvenile Female I.S., conducted in Polk County Florida the previous week. The interview was conducted by Sarah Pitts of the Children's Home Society on 01 Jul 2016. The DVD was mailed on Tuesday 05 Jul 2016. The following is the information gleaned from this interview:

I, DET. JEFFREY GILROY (644), BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.



 (Signature of Affiant)

Sworn to me and subscribed before me this 13th day of July, 2016
 _____ Date _____, Magisterial District Judge

My commission expires first Monday of January, 15





POLICE CRIMINAL COMPLAINT

Docket Number	Date Filed	OTN/LiveScan Number	Complaint/Incident Number
	07/13/2016		20160622M5427
Defendant Name	First	Middle	Last
	JEFFREY	T.	TOMAN

AFFIDAVIT of PROBABLE CAUSE CONTINUATION

Juvenile Female I.S. is a 14 year-old female who resides with her mother in Scranton Pa. Since the previous summer (2015), she has had contact with an adult male by the name of Jeffrey Toman. Toman is a friend of her mother's boyfriend, Will Morgan, and also had represented Stacey Evans (mother) in a custody dispute between herself and 14 year old Juvenile Female I.S.'s father. 14 year old Juvenile Female I.S. first met Toman while skiing with her mother and Will, in the winter of 2014-2015. She did not remember the specific time. In the summer of 2015, Toman began to contact Juvenile Female I.S. directly. He obtained the phone number from Stacey, for the purpose of establishing a relationship with her to better represent her and her mother in the legal battle. He began to ask 14 year old Juvenile Female I.S. personal questions such as, if she had a boyfriend and if she was a virgin. There were other questions that made her a little uncomfortable, but she did not remember specifically what they were. She remembered being at a pre-birthday lunch at Osaka with her Aunt, last summer (2015), when she first began to get text messages from Toman. After he asked her personal questions about herself, he got the idea that she was a lesbian, and she clarified it to him after he asked her. She explained she was just not that much into boys yet. These text messages continued the rest of the day back and forth.

As time went on, he got comfortable with her, and he asked her to do things such as send him pictures of her in her bra and panties, or in a bikini in the summer of 2015. He had sent her a picture of his penis in return. He would ask her for information about sexual experiences and things she would be doing while she talked to him. She gave him misinformation to get his questions answered without him becoming aggressive or angry. She indicated that she was asked by Toman if she would "suck his dick", and he told her he wanted to "finger her". This all took place through text messages according to the interview.

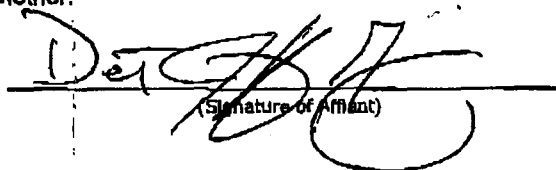
She remembered Toman sending a photo of his "privates" on two separate occasions, these were sent some time during the winter of 2015-2016. She also remembered sending him a picture of her in a bra with a popsicle in her mouth to simulate her performing oral sex on him. She remembered during the relationship that took place that he told her not to tell anyone or they would both be in trouble. He called her "his jail bait" and explained that he could go to jail over her, and asked her to change his name in her phone. She did change it to "Tommy".

She remembered getting a "Face Time" request on her phone, upon answering it, Toman was "jerking off". She turned the phone over and then disconnected within 5 seconds. He had on jeans and a t-shirt while doing this. She later acknowledged that she knew "jerking off" to mean moving your hand up and down on penis.

Later in the summer of 2015, Toman asked her to be his "girlfriend", but said it was only a title, and didn't really mean anything. She had said ok, but was sometimes afraid of his anger issues. She provided an example by talking about referencing one time he asked her to "knit him a pair of pants" and when she refused, he got angry and told her he wasn't talking to her anymore. She remembered him telling her that he had a past substance abuse problem years ago. While they were communicating on a regular basis, he asked her to "play with (herself)" using the end of a vibrating toothbrush, and asked her if he made her "wet". He also would ask to come over her house whenever he found that she was home alone. She would ignore him and he would text her to insist she answer his calls to come over. He also explained "blue balls" and how it hurt to make him wait to climax.

When asked how it finally ended, 14 year old Juvenile Female I.S. indicated that she had ended it due to being afraid of getting in trouble. But shortly after in February/March of 2016, Toman's girlfriend who she only knew as "Sher or Cher" contacted her and told her she knew what was going on, and threatened to tell her mother if she had any further contact with him. After that, he blocked her number, because she attempted to send him something at the request of her mother, and it would not deliver. After Toman split with his girlfriend, he contacted her again, but it was only friendly, and not sexual in nature.

Finally in June of 2016, her mother confronted her after getting "mother's intuition" and observing how he looked at her when they were in same room. She admitted all of this to her mother.


(Signature of Affiant)