

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
vs. : NO.: CP-22-MD-0001374-2011
:
TIMOTHY MARK CURLEY : CHARGE(S): Perjury; Penalties for Failure
: to Report or to Refer

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
vs. : NO.: CP-22-MD-0001375-2011
:
GARY CHARLES SCHULTZ : CHARGE(S): Perjury; Penalties for Failure
: to Report or to Refer

AMENDED DECORUM ORDER

AND NOW, this 15th day of December, 2011, the Court's Decorum Order of December 9, 2011, is **AMENDED** as to opening time of the Dauphin County Courthouse and electronic transmission by credentialed reporters as set forth herein.

1. Paragraph 18 of the Decorum Order of December 9, 2011 is **AMENDED** to provide that the Courthouse will open at **7:30 a.m.** on Friday, December 16.
2. Upon no objection by the Commonwealth or counsel for Defendants Timothy M. Curley and Gary C. Schultz, the Motion to Intervene is **GRANTED** for the limited purpose of seeking modification of the December 9, 2011 Decorum Order.
3. Upon consideration of the Expedited Motion to Intervene and Modify Decorum Order, the position of counsel for Defendants Timothy M. Curley and Gary C. Schultz, as set forth in correspondence to the Court dated December 1, 2011, attached

hereto, and the response of the Commonwealth as having no position, the terms of the Court's Decorum Order of December 9, 2011 are **AMENDED** as follows:

- A. Paragraphs 7 (c), (d), (e) and (h) of the December 9, 2011 Decorum Order are modified to permit credentialed reporters to email, text message, and "tweet" from laptop computers and handheld devices during the preliminary hearing.
 - B. Only credentialed reporters are permitted to possess and use such devices in the Courtroom and assembly room. No member of the general public may use such a device.
 - C. The within Amended Decorum Order does not amend the prohibition against audio, picture or video recording or transmission from Courtroom 1, the assembly room, or elsewhere in the Courthouse as set forth in the December 9, 2011 Decorum Order.
4. In all other respects, the requested relief of the Intervenor's Expedited Motion to Intervene and Modify Decorum Order is **DENIED**.

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BY THE COURT:


TODD A. HOOVER
PRESIDENT JUDGE

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Dec. 5, 2011

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December 1, 2011

The Honorable Todd A. Hoover
President Judge
Dauphin County Courthouse
101 Market Street
Harrisburg, PA 17101

**RE: Response to Media Guidelines in the matter of
Commonwealth of Pennsylvania v.
Timothy Mark Curley**

and

Commonwealth of Pennsylvania v.

Gary Charles Schultz

Dear Judge Hoover:

We have reviewed the Media Guidelines that were provided yesterday by e-mail. We have no objections to paragraphs (a), (d), (f), (g) and (h). However, regarding paragraph (b), we believe that included in the prohibition should be the taking of any audio recordings. Therefore, we request that "audio recordings" be added to the second sentence of paragraph (b).

We object to paragraph (c). We believe that paragraph (c) violates Rule 112(A)(2) of the Pennsylvania Rules of Criminal Procedure which prohibits broadcasting from the courtroom. The term "advanced communication technology" utilized in the Rule is defined by Pa.R.Crim.P. 103, and includes laptop computers and "smart-phones as "any communication equipment that is used as a link between parties in physically separate locations". Therefore, laptop and smart-phone communication used by the press is prohibited in the courtroom. As set forth, we object to the use by the press of laptop computers and smart-phone communications from the courtroom.

The Honorable Todd Hoover
Ms. Carolyn Thompson
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December 1, 2011

During our telephone conversation on November 23, 2011, you mentioned another Dauphin County Judge's order allowing reporters "tweeting" during hearings and trials. Although we have not seen a copy of the order, if applicable to the preliminary hearing in this case, we would similarly object pursuant to the prohibition on broadcasting from the courtroom provided by Rules 112 and 103.

If you have any questions regarding this matter, please let us know.

Very sincerely,



Caroline M. Roberto
Attorney for Timothy M. Curley

Thomas Farrell
Attorney for Gary C. Schultz

CMR:geb

cc: Carolyn Thompson, Court Administrator
Bruce Beemer, Esquire
The Honorable William Wenner
Troy Petery