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DAUPHIN COUNTY  
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COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS  
: OF DAUPHIN COUNTY  
v. :  
: No. CP-22-CR-5164-2011  
GARY CHARLES SCHULTZ, :  
Defendant : CHARGES: PERJURY; PENALTIES  
: FOR FAILURE TO REPORT

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS  
: OF DAUPHIN COUNTY  
v. :  
: No. CP-22-CR-5165-2011  
TIMOTHY M. CURLEY, :  
Defendant : CHARGES: PERJURY; PENALTIES  
: FOR FAILURE TO REPORT

**EXHIBITS TO COMMONWEALTH'S ANSWER TO DEFENDANTS' MOTIONS FOR SEVERANCE OF COUNTS AND DEFENDANTS WITH MEMORANDUM OF LAW**

AND NOW, comes the Commonwealth of Pennsylvania by its attorneys, Attorney General Linda L. Kelly, Chief of Staff Bruce R. Beemer, and Chief Deputy Attorney General James P. Barker, who file this Exhibits to Commonwealth's Answer to Defendants' Motions for Severance of Counts and Defendants with Memorandum of Law, and in support provide copies of the following:

Appendix A: Emails exchanged Gary C. Schultz, Timothy M. Curley, and Graham Spanier in 1998 and 2001

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## APPENDIX A

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To: Spanier, Graham[gspanier@psu.edu]; Curley, Tim[tmc3@psu.edu]  
From: Gary C. Schultz  
Sent: Wed 2/28/2001 7:12:58 PM  
Subject: Re: Meeting

<html>

Tim and Graham, this is a more humane and upfront way to handle this.&nbsp; I can support this approach, with the understanding that we will inform his organization, with or without his cooperation (I think that's what Tim proposed).&nbsp; We can play it by ear to decide about the other organization.&nbsp;<br>

<br>

At 10:18 PM 2/27/01 -0500, Graham Spanier wrote:<br>

<blockquote type=cite cite>Tim:&nbsp; This approach is acceptable to me.&nbsp; It requires you to go a step further and means that your conversation will be all the more difficult, but I admire your willingness to do that and I am supportive.&nbsp; The only downside for us is if the message isn't &quot;heard&quot; and acted upon, and we then become vulnerable for not having reported it.&nbsp; But that can be assessed down the road.&nbsp; The approach you outline is humane and a reasonable way to proceed.<br>

<br>

At 08:10 PM 2/27/01 -0500, Tim Curley wrote:<br>

<blockquote type=cite cite>I had scheduled a meeting with you this afternoon about the subject we discussed on Sunday. After giving it more thought and talking it over with Joe yesterday-- I am uncomfortable with what we agreed were the next steps.&nbsp; I am having trouble with going to everyone, but the person involved. I think I would be more comfortable meeting with the person and tell him about the information we received. I would plan to tell him we are aware of the first situation. I would indicate we feel there is a problem and we want to assist the individual to get professional help. Also, we feel a responsibility at some point soon to inform his organization and and maybe the other one about the situation. If he is cooperative we would work with him to handle informing the organization. If not, we do not have a choice and will inform the two groups. Additionally, I will let him know that his guests are not permitted to use our facilities.<br>

<br>

I need some help on this one. What do you think about this approach?</blockquote><br>

<br>

Graham B. Spanier<br>President<br>The Pennsylvania State University<br>201 Old Main<br>University Park, Pennsylvania&nbsp;&nbsp;16802<br><br>Phone:&nbsp;&nbsp;814-865-7611<br>email:&nbsp;&nbsp;gspanier@psu.edu<br></blockquote></html>

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To: TMC3@psu.edu[TMC3@psu.edu]  
Cc: Coble-Joan (JLC)[Coble-Joan (JLC)]  
From: Gary C. Schultz  
Sent: Mon 2/26/2001 6:57:16 PM  
Subject: Confidential

Tim, I'm assuming that you've got the ball to 1) talk with the subject ASAP regarding the future appropriate use of the University facility; 2) contacting the chair of the Charitable Organization; and 3) contacting the Dept of Welfare. As you know I'm out of the office for the next two weeks, but if you need anything from me, please let me know.

---

To: Tim Curley[tmc3@psu.edu]  
Cc: Spanier-Graham (GBS)[Spanier-Graham (GBS)]  
From: Gary C. Schultz  
Sent: Wed 5/6/1998 6:05:37 PM  
Importance: Normal  
Subject: Re: Joe Paterno  
Categories: Produced By Microsoft MimeOLE V6.00.2900.2180

Will do. Since we talked tonight I've learned that the Public Welfare people will interview the individual Thursday.

At 05:24 PM 5/5/98 -0400, Tim Curley wrote:

> ~~I have touched base with the coach.~~ Keep us posted. Thanks.

>

---

> Tim Curley

> Tmc3@psu.edu

>

>

>

**From:** Gary C. Schultz <gcs2@psu.edu>  
**Sent:** Wednesday, May 06, 1998 2:06 PM  
**To:** Tim Curley  
**Cc:** Spanier-Graham (GBS)  
**Subject:** Re: Joe Paterno

Will do. Since we talked tonight I've learned that the Public Welfare people will interview the individual Thursday.

At 05:24 PM 5/5/98 -0400, Tim Curley wrote:

>I have touched base with the coach. Keep us posted. Thanks.

>

---

>Tim Curley

>[Tmc3@psu.edu](mailto:Tmc3@psu.edu)

>

>

>

To: Curley-Tim (TMC)[Curley-Tim (TMC)]  
Cc: Spanier-Graham (GBS)[Spanier-Graham (GBS)]; Harmon-Thomas (TRH)[Harmon-Thomas (TRH)]  
From: Gary C. Schultz  
Sent: Tue 6/9/1998 6:08:41 AM  
Importance: Normal  
Subject: Re: Jerry  
Categories: Produced By Microsoft MimeOLE V6.00.2900.2180

They met with Jerry on Monday and concluded that there was no criminal behavior and the matter was closed as an investigation. He was a little emotional and expressed concern as to how this might have adversely affected the child. I think the matter has been appropriately investigated and I hope it is now behind us.

>Date: Mon, 08 Jun 1998 21:59:42 -0400  
>To: Tim Curley <tmc3@psu.edu>  
>From: "Gary C. Schultz" <gcs2@psu.edu>  
>Subject: Re: Jerry

>  
>Tim, I don't have an update at this point. Just before I left for vac, Tom told me that the DPW and Univ Police services were planning to meet with him. I'll see if this has happened and get back to you.

>  
>At 10:27 AM 5/30/98 -0400, Tim Curley wrote:  
>>Any further update?

>>  
>>  
>>  
>>

>>At 09:46 AM 5/19/98 -0400, you wrote:  
>>>No, but I don't expect we'll hear anything prior to the end of this week.  
>>>

>>>At 09:37 PM 5/18/98 -0400, Tim Curley wrote:  
>>>>Any update?

>>>>  
>>>>

>>>>At 04:11 AM 5/14/98 -0400, you wrote:  
>>>>>Tim, I understand that a DPW person was here last week; don't know for sure  
>>>>>if they talked with Jerry. They decided to have a child psychologist talk  
>>>>>to the boys sometime over the next week. We won't know anything before then.  
>>>>>

>>>>>At 02:21 PM 5/13/98 -0400, Tim Curley wrote:  
>>>>>>Anything new in this department? Coach is anxious to know where it stands.  
>>>>>>

>>>>>>Tim Curley  
>>>>>>Tmc3@psu.edu

>>>>>>  
>>>>>>  
>>>>>>

>>>>>>Gary C. Schultz  
>>>>>>Sr. V.P. for Finance and Business/Treasurer  
>>>>>>208 Old Main  
>>>>>>Phone: 865-6574  
>>>>>>Fax: 863-8685

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>>>>>>



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>>>> Tim Curley

>>>> Tmc3@psu.edu

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>>> Gary C. Schultz

>>> Sr. V.P. for Finance and Business/Treasurer

>>> 208 Old Main

>>> Phone: 865-6574

>>> Fax: 863-8685

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>> Tim Curley

>> Tmc3@psu.edu

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To: ~~Harmon-Thomas (TRH)~~[~~Harmon-Thomas (TRH)~~]  
From: Gary C. Schultz  
Sent: Tue 6/9/1998 6:02:33 AM  
Importance: Normal  
Subject: Re: Jerry  
Categories: Produced By Microsoft MlmeOLE V6.00.2900.2180

Tom, I've been holding some "catch up time" on my calendar on Monday and I'd suggest that we use a piece of it to meet and discuss the status (I also recall the last time we talked you indicated that there was some aspects of this that you felt you should review with me when we had a chance to talk). Please get ahold of Joan and see what time will work. thanks

>Date: Mon, 08 Jun 1998 21:59:42 -0400  
>To: Tim Curley <tmc3@psu.edu>  
>From: "Gary C. Schultz" <gcs2@psu.edu>  
>Subject: Re: Jerry

>  
>Tim, I don't have an update at this point. Just before I left for vac, Tom told me that the DPW and Univ Police services were planning to meet with him. I'll see if this has happened and get back to you.

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>At 10:27 AM 5/30/98 -0400, Tim Curley wrote:  
>>Any further update?

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>>>>>At 02:21 PM 5/13/98 -0400, Tim Curley wrote:  
>>>>>>Anything new in this department? Coach is anxious to know where it stands.

>>>>>>  
>>>>>>Tim Curley  
>>>>>>Tmc3@psu.edu

>>>>>>  
>>>>>>

>>>>>>Gary C. Schultz  
>>>>>>Sr. V.P. for Finance and Business/Treasurer  
>>>>>>208 Old Main  
>>>>>>Phone: 865-6574  
>>>>>>Fax: 863-8685

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>>>>Tim Curley  
>>>>Tmc3@psu.edu

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>>>>Gary C. Schultz

>>>>Sr. V.P. for Finance and Business/Treasurer

>>>>208 Old Main

>>>>Phone: 865-6574

>>>>Fax: 863-8685

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>>Tim Curley

>>Tmc3@psu.edu

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**From:** Gary C. Schultz <gcs2@psu.edu>  
**Sent:** Tuesday, June 09, 1998 2:04 AM  
**To:** Thomas Harmon  
**Subject:** Re: Confidential

Tom, you can ignore my earlier email, unless you feel that we should talk some more about this. thanks

At 01:11 PM 6/1/98 EST, Thomas Harmon wrote:

>Gary,

>

>The DPW investigator and our officer met discreetly with Jerry this  
>morning. His account of the matter was essential the same as the  
>child's. He also indicated that he had done this with other children  
>in the past. He was advised since there was no criminal behavior  
>established that the matter was closed as an investigation.  
>He was a little emotional and expressed concern as to how this might  
>have adversely affected the child.

>

>Tom

>

>

>

>

>Thomas R. Harmon  
>Director of Police Services  
>The Pennsylvania State University  
>30-B Eisenhower Parking Deck  
>University Park, PA 16802  
>(814) 865-1864  
>[harmon@police.psu.edu](mailto:harmon@police.psu.edu)

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Respectfully submitted,  
LINDA L. KELLY  
Attorney General

By: Bruce R. Beemer per AB  
BRUCE R. BEEMER  
Chief of Staff  
Attorney No. 76148

By: James P. Barker  
JAMES P. BARKER  
Chief Deputy Attorney General  
Attorney No. 67315

OFFICE OF ATTORNEY GENERAL  
Criminal Law Division  
16<sup>th</sup> Floor-Strawberry Square  
Harrisburg, PA 17120  
(717) 787-3391  
Date: October 1, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving one copy of the foregoing Exhibits to Commonwealth's Answer to Defendants' Motions for Severance of Counts and Defendants with Memorandum of Law upon the persons and in the manner indicated below:

*Via U.S. First-Class Mail,  
Postage pre-paid:*

Caroline Roberto, Esquire  
Law & Finance Building  
5<sup>th</sup> Floor  
429 Fourth Avenue  
Pittsburgh, PA 15219  
(412) 391-4071  
(Counsel for Timothy M. Curley)

Thomas J. Farrell, Esquire  
Farrell & Reisinger  
436 7<sup>th</sup> Avenue, Suite 200  
Pittsburgh, PA 15219  
(412) 894-1380  
(Counsel for Gary Charles Schultz)

Carolyn C. Thompson, Esquire  
Dauphin County Courthouse  
Court Administrator's Office  
101 Market Street, Suite 300  
Harrisburg, PA 17101  
(717) 780-6624  
(District Court Administrator)

By:



**JAMES P. BARKER**  
Chief Deputy Attorney General  
Attorney No. 67315

**OFFICE OF ATTORNEY GENERAL**  
Criminal Law Division  
16<sup>th</sup> Floor-Strawberry Square  
Harrisburg, PA 17120  
(717) 787-6346

**Date: October 1, 2012**