

IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA, :

v. :

TIMOTHY MARK CURLEY, :

Defendant. :

No.CP-22-CR-5165-2011

ORDER

AND NOW, to-wit, this _____ day of September 2012, upon due consideration of Defendant Curley's Motion To Join Schultz' Motion For Severance And Brief In Support. it is hereby ORDERED and DECREED that Mr. Curley's Motion to Join is hereby GRANTED.

BY THE COURT:

J.

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IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

2012 SEP 17 11 3 51

COMMONWEALTH OF PENNSYLVANIA,

v.

TIMOTHY MARK CURLEY

Defendant.

DAUPHIN COUNTY
PENNA

CP-22-CR-5165-2011 (Curley) **AND NOW THIS DATE**

SEP 17 2012

SERVICE IS ACCEPTED
AND COPY RECEIVED
Edward M. Roberto
DISTRICT ATTORNEY

**DEFENDANT CURLEY'S MOTION TO JOIN
SCHULTZ' MOTION FOR SEVERANCE AND BRIEF IN SUPPORT**

AND NOW, comes the defendant, Timothy Mark Curley, by and through his attorney, Caroline M. Roberto, Esquire, and respectfully files the following Motion:

1. On or about September 17, 2012, defendant Gary Charles Schultz filed his Motion to Sever and Brief in Support of Motion for Severance
2. Mr. Schultz' arguments focus on the Confrontation Clause violations and prejudice resulting to fair trial generally, and his rights specifically.
3. The analysis leads to same conclusion with regard to Mr. Curley's rights. The Prosecutions' evidence likely includes Schultz' testimony to the Grand Jury, his interview with investigators, notes to himself, and other statements, all of which implicate Curley by name and title (See Exhibits C and D to Schultz' Motion and Brief). Those statements are inadmissible against Curley under the Rules of Evidence and under the Confrontation Clause. The prejudice which stems from their admission, even if redacted, cannot be prevented by limiting instruction and therefore, severance is required. See Schultz' Brief in Support of Motion for Severance, 1-2.

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DAUPHIN COUNTY


4. Schultz' arguments for severance of defendants, and in particular his analysis and application of the principles of the Sixth Amendment of the United States Constitution and Article I, Section 9 of the Pennsylvania Constitution, apply with equal force in all substantive ways to Mr. Curley

5. Therefore, by this Motion, Mr. Curley formally requests to join Mr. Schultz' legal argument as stated in the above-cited Motion to Sever and Brief in Support of Motion for Severance.

WHEREFORE, Defendant respectfully requests this Honorable Court enter an Order permitting Mr. Curley to join Mr. Schultz' Motion for Severance and Brief in Support.

Respectfully submitted,

By: _____

for curley

Caroline M. Roberto, Esquire
Attorney for Defendant,
Timothy Mark Curley
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(412) 391-4071

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COMMONWEALTH OF PENNSYLVANIA, :
 :
 v. : No. CP-22-CR-5165-2011
 :
 TIMOTHY MARK CURLEY, :
 :
 Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Defendant
Curley's Motion To Join Schultz' Motion For Severance And Brief In Support was mailed
and e-mailed, this 17th day of September, 2012, to the following:

Bruce Beemer
Deputy Attorney General
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Caroline M. Roberto, Esquire
Attorney for Defendant, Timothy Mark Curley