

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

COMMONWEALTH OF PENNSYLVANIA, :  
 :  
 v. :  
 : No. CP-22-CR-5164-2011  
 GARY C. SCHULTZ, :  
 :  
 Defendant. :  
 :

**ORDER**

AND NOW this \_\_\_\_\_ day of \_\_\_\_\_, 2012, upon consideration of Defendant Gary C. Schultz's Motion to Sever Trial, it is ORDERED that said Motion be granted and that Mr. Schultz's trial be severed from Mr. Timothy Curley's trial. Mr. Schultz's trial shall be scheduled for

\_\_\_\_\_.

\_\_\_\_\_, J.

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

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PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :  
v. : No. CP-22-CR-5164-2011  
GARY C. SCHULTZ, :  
Defendant. :

**DEFENDANT GARY SCHULTZ MOTION TO SEVER**

AND NOW, comes defendant, Gary C. Schultz, by and through his attorney, Thomas J. Farrell, Esquire, and the law firm of Farrell & Reisinger, LLC, and files this Motion to Sever Trial and states the following in support:

1. Defendant, Gary C. Schultz, is charged with one count of Perjury in violation of 18 Pa.C.S. § 4902, a felony of the third degree, and one count of Failure to Report, a violation of 23 Pa.C.S. § 6319, a summary offense.
2. Pursuant to Pennsylvania Rule of Criminal Procedure 583, Mr. Schultz moves this Court to order that he be tried separately from Mr. Timothy Curley and that Counts One and Two be severed.
3. Rule 583 permits a court to order separate trials if, as here, a defendant may be prejudiced by a joint trial.
4. As is stated more fully in Mr. Schultz' Brief in Support of Motion to Sever Trial, which is being filed simultaneously herewith and defendant incorporates by reference, Mr. Schultz will be prejudiced if he is tried jointly with Mr. Curley.

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5. Granting this Motion also accords with Mr. Schultz' Sixth Amendment Confrontation Clause Rights and the rules concerning a proper joinder, Pa. R. Cr. P. 582.

WHEREFORE, Defendant, Gary C. Schultz, respectfully requests that this Motion to Sever Trial be granted and that his trial be separated from defendant Timothy Curley's trial.

Respectfully submitted,

By: 

Thomas J. Farrell, Esquire  
Attorney for Gary C. Schultz  
Pa. I.D. No. 48976  
Farrell & Reisinger, LLC  
436 7<sup>th</sup> Avenue, Suite 200  
Pittsburgh, PA 15219  
(412) 894-1380

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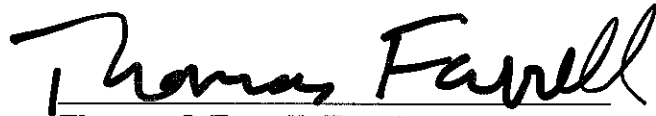
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Motion, was emailed and mailed, First Class Mail, this 17th day of September, 2012, to the following

Bruce Beemer  
Deputy Attorney General  
Office of the Attorney General  
Strawberry Square  
Harrisburg, PA 17120  
([bbeemer@attorneygeneral.gov](mailto:bbeemer@attorneygeneral.gov))

I also certify that a true and correct copy of the within Motion, was mailed, First Class Mail, this 17th day of September, 2012, to the following:

Caroline M. Roberto, Esquire  
429 4<sup>th</sup> Avenue, Suite 500  
Pittsburgh, PA 15219



Thomas J. Farrell, Esquire  
Attorney for Defendant, Gary C. Schultz