

STATE OF MICHIGAN
CIRCUIT COURT FOR THE COUNTY OF KENT

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

v -

DANIEL A. E. TURNER
AND STEPHEN D. TURNER,

Defendants.

Case No. 93-63014-FHA
93-63014-FH 8

REC'D & FILED
FEB - 8 1994
Kent County Clerk

MOTION TO SEVER DEFENDANTS

Robert F. Mirque, Jr.
Attorney for Defendant
OFFICE OF THE DEFENDER
920 McKay Tower
Grand Rapids, MI 49503
(616) 774-8181

S T A T E O F M I C H I G A N
C I R C U I T C O U R T F O R T H E C O U N T Y O F K E N T

PEOPLE OF THE STATE OF MICHIGAN,
PLAINTIFF,

v -

Case No. 93-63014-FHA
93-63014-FHB

DANIEL A. E. TURNER,
AND STEPHEN D. TURNER,
DEFENDANTS,

NOW COMES, Defendants, Daniel A. E. Turner and Stephen D. Turner, by and through their attorneys, Robert F. Mirque, Jr. and Tonya L. Krause, and move this Honorable Court for an Order to Sever defendants pursuant to MCR 6.121(c) or MCR 6.121(d). In support of this Motion, the Defendants state:

1. That Daniel A. E. Turner is currently charged with kidnapping a child under 14 years, MCL 750.350, MSA 28.582, and two counts of criminal sexual conduct - first degree, MCL 750.570b(1)(a), MSA 28.788(2)(1)(a);

2. That Stephen D. Turner is currently charged with one count of criminal sexual conduct - first degree, supra, and one count of criminal sexual conduct - second degree, MCL 750.520c(1)(a), MSA 28.788(3)(1)(a);

3. That Daniel A. E. Turner and Stephen D. Turner are joined as codefendants;

4. That Daniel A. E. Turner made several statements that Stephen D. Turner believes are antagonistic to his defense;

5. That due to the antagonistic nature of Daniel A. E. Turner's statements, the substantial rights of Stephen D. Turner will incurably be denied if there is a common jury between the two codefendants;

5. That due to the antagonistic nature of Daniel A. E. Turner's statements, a fair determination of innocence or guilt of Stephen D. Turner will incurably be denied if there is a common jury between the two codefendants;

6. That Stephen D. Turner elected to undergo a polygraph examination on September 15, 1993, conducted by the Kent County Sheriff's Department;

7. That during the polygraph examination, Steven D. Turner made numerous statements exculpating himself while inculcating Daniel A. E. Turner;

8. That Stephen D. Turner's polygraph statements are viewed as antagonistic to the defense of Daniel A. E. Turner;

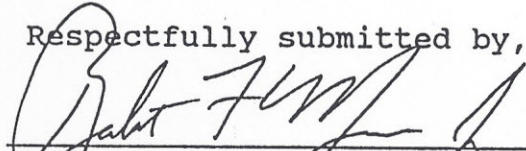
9. That the antagonistic nature of Stephen D. Turner's statements serve to prejudice the substantial rights of Daniel A. E. Turner if there is a common jury between the two defendants;

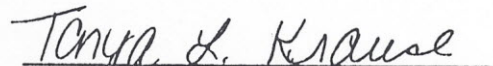
10. That the antagonistic nature of Stephen D. Turner's statements serve to deny Daniel A. E. Turner with a fair determination of guilt or innocence if there is a common jury between the two defendants.

WHEREFORE, Defendants Daniel A. E. Turner and Stephen D. Turner respectfully request this Honorable Court to enter an Order to Sever pursuant to MCR 6.121(c) or MCR 6.121(d).

Dated: November 19, 1993

Respectfully submitted by,


Robert F. Mirque, Jr. (P-47391)
Attorney for Daniel Turner


Tonya L. Krause (P-42056)
Attorney for Stephen Turner

STATE OF MICHIGAN
CIRCUIT COURT FOR THE COUNTY OF KENT

PEOPLE OF THE STATE OF MICHIGAN,

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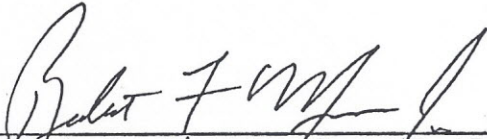
Defendants,

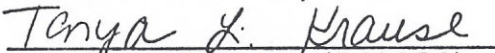
NOTICE OF HEARING

TO: William A. Forsyth
Kent County Prosecutors Attorney
416 Hall of Justice
Grand Rapids, MI 49503

PLEASE TAKE NOTICE that a Motion to Sever will be brought on to be heard before the Honorable Dennis Kolenda on Wednesday, the 24th day of Novmeber 1993, at 9:00 a.m. OR AS SOON THEREAFTER AS COUNSEL MAY BE HEARD.

DATED: November 22, 1993


Robert F. Mirque, Jr. (P-47391)
Attorney for Daniel Turner


Tonya L. Krause (P42056)
Attorney for Stephen Turner