

SUMMARY OF THE ARGUMENTS

- I. The lower court erred in ignoring the dictates of Rules 8(a) and 14 of the Federal Rules of Criminal Procedure by misjoining distinct and disparate counts under the umbrella of one superseding indictment. Though York sought severance to prevent bias and prejudice at trial, the lower court improperly denied severance of the dissimilar charges, resulting in unfair prejudice to York at trial. This misjoining of distinct and disparate offenses blurred statute of limitations issues relative to Mann act claims and influenced the jury's verdict. The government sought to eliminate the objectivity of the jury by submitting evidence of York's alleged wrongdoing regarding cash structuring in an effort to make York appear guilty of other unrelated crimes of child molestation and vice-versa. Therefore, York's Fifth Amendment right to a fair trial was violated and his convictions must be vacated.
- II. The District Court committed reversible error when it denied York's motion to dismiss the RICO claims of the indictment. As a matter of law, the provisions of the criminal RICO statutes were designed to reign in the excess of organized crime and not the isolated criminal acts of a single clergy member in a religious organization. Without the proper nexus of racketeering activity and a corrupt enterprise, the RICO provisions are inappropriate and