

## SENTENCING STATEMENT

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It is important that we begin with a clear understanding of what you are being sentenced for. You are being sentenced based on the guilty verdicts unanimously entered by a jury of your peers who found that you sexually assaulted 10 boys.

A jury of your peers has determined that you are guilty of 45 separate charges. You had the opportunity to learn before the trial what the evidence against you would be. You had the right to confront your accusers here in open court and have your attorney subject them to cross-examination. You had the benefit of the rules of evidence that assured that you received a fair trial.

The sentence today is based only on facts proven in open court to be true beyond a reasonable doubt. In short, you received the benefit of all the due process that underlies our system of law. No penalty can be legitimately imposed under our system of criminal law unless that due process is satisfied.

No judge may impose a sentence without giving a defendant a right to speak to the Court. In addition, I have read your letter and the letter from Mrs. Sandusky attached to your sentencing memorandum. There is no dispute that you have done much positive work in your career and in your community, and not just with the Second Mile. It is perhaps the ultimate tragedy of your situation that all the qualities that made you so successful as a coach and community leader have continued to conceal the very vices that have lead to your downfall. And it is precisely that ability to conceal your vices – apparently from yourself and from everybody else – that makes you dangerous.

You abused the trust of those who trusted you. These were not crimes committed against strangers. Those kinds of crimes are bad enough, but to betray the trust of those who looked to you as a protector is much, much worse. So the crime is not only what you did to their bodies. Your crime is also what your assault did to their psyches and to their souls; and your assault to the sense of safety and wellbeing of the larger community in which we all live.

There is a lesson for our communities in all of this. It is that in the protection of our children we must always be vigilant to assure that there are not those among us who would harm them. The problem is that where pedophiles are concerned it is very often the case that they, as you were, are trusted community figures.

It is hard for the average citizen to understand why pedophiles are not quickly recognized and caught. But the reality is that it is the very nature of the pedophile's method to take time to ingratiate himself to both parents and children -- to develop relationships of trust that enable him first to commit his crimes, and then to conceal his crimes.

It is this remarkable ability to deceive that makes such crimes so heinous. It is easy for those who have never encountered a pedophile to think there must be something wrong with those who failed to recognize what was going on. Those who have never encountered a pedophile can hardly begin to understand the anguish of those who have been so expertly deceived, and who did not realize until too late the harm that had been done.

So the tragedy of this crime is that it is a story of betrayal. The most obvious aspect of that betrayal, of course, is your betrayal of those ten children. But, it has been my experience over many years that some victims of these kinds of crimes feel that somehow by testifying they have betrayed the person who assaulted them. Some of your victims, at some point after all, had a genuine affection for you. As one of them said today, you were “respected, trusted, and admired,”

So many people have been personally involved in the issues surrounding this trial and its fallout. Some have had their innocence taken. For others, their sense of community and place has been shattered, their loyalties have been tested, and their lives have been irrevocably altered. All of them have hoped that justice, as they define it, would be done.

Has justice been done? It is a fair, and an important, question. It is a question we should all ask ourselves, in some period of calm reflection.

But as we do that, we first have to define what we mean when we say “justice.”

To some, “justice” is nothing more than a result we happen to agree with. If we agree with the result, then we say justice was done. If we disagree with the result, then we say there was an injustice.

A moment’s reflection, however, demonstrates that the concept of “justice” is much, much more complicated.

And so, I want to say a word specifically to the victims. The fact that you were assaulted is no cause for embarrassment or shame. As children you were the victims of a pedophile. His deception included creating in you the feeling of guilt if you were to report him. His conduct was no fault of your own. As adults you have now come forward to hold him accountable. It is for your courage, and not for your assault that you will be remembered, and on which you must focus if you are to heal and become whole.

In fashioning the sentence I have taken into account the factors that the Sentencing Code specifies: specifically, the protection of the public, the gravity of your crimes as they relate to their impact on the lives of the victims and on the community as a whole, and your rehabilitative needs. While you are being sentenced only for the specific crimes for which you were found guilty, I am obviously aware of, and have taken into account, the effect of those convictions on this community. I have also taken into account the Sentencing Guidelines, as well as the statutorily mandated sentences for some offenses.

Of course, I hope it goes without saying that there is no place in our law that permits a sentence to be a substitute for vengeance or an instrument of retaliation.

I have carefully read the pre-sentence report prepared by the Probation Department; carefully listened to the statements of your victims; and carefully read the written statement you submitted, your statement in court this morning, and your broadcast statement of last night. Regarding your broadcast statement I

can only say that like all conspiracy theories it makes a leap from the undeniable to the unbelievable.

The sentence is structured as a whole. There is no significance, therefore, to the fact that the sentences on some counts are either concurrent with, or consecutive to, sentences imposed on other counts. The fact that some sentences are concurrent, or consecutive to, sentences on other counts is not any indication that I necessarily believe any one crime is more or less serious than any other crime, or that the offenses against one person are any more or less deserving of punishment than the offenses against another person. I have simply tried to simplify an otherwise complex sentencing structure to a more easily understood format.

I am now going to impose the sentence. I will tell you in advance what the total sentence will be so you will not have to stand there adding up numbers in your head. I am not going to sentence you to centuries in prison, although the law would permit that. But talking to a 68 year-old man about dozens and dozens of decades in prison is too abstract to have any practical meaning. It is only a big number.

But when I say -- as I will -- that you are sentenced to spend not less than 30 years nor more than 60 years in prison then that has the unmistakable impact of saying very clearly "for the rest of your life."

Therefore, the sentence of the Court is as follows:

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After sentencing:

I state for the record, however, that the convictions regarding Victim number 8 – Counts 36 through 40 at 2422-2011 -- are specifically intended to run concurrently, and if those convictions should happen to be reversed on appeal it will make no difference to the sentence structure as a whole and will not require a remand for resentencing. That is also true for any sentence imposed on a conviction that might subsequently be deemed to have merged with another conviction and on which a concurrent sentence was imposed.