



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

COMMONWEALTH OF

v.

GERALD A. SANDUSKY,

PETITIONER.

CP-14-CR-2421-2011

CP-14-CR-2422-2011

HONORABLE SENIOR JUDGE
JOHN M. CLELAND

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AMENDED AND NEW WITNESS
CERTIFICATIONS

FILED ON BEHALF OF:

PETITIONER, GERALD A. SANDUSKY

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AMENDED and NEW WITNESS CERTIFICATIONS

AND NOW COMES, Petitioner, Gerald A. Sandusky, by and through his counsel, Alexander H. Lindsay, Jr., Esq., and J. Andrew Salemme, Esq., and the Lindsay Law Firm, P.C., and files these Amended Witness Certifications in compliance with the PCRA Court's March 28, 2016 order as well as new witness certifications.¹

Witness Certification Standard

The Pennsylvania Superior Court recently addressed the law governing witness certifications in the PCRA setting in *Commonwealth v. Pander*, 100 A.3d 626 (Pa. Super. 2014) (*en banc*). The *Pander* Court unanimously opined,

Specifically, Pa.R.Crim.P. 902(A)(15) states that a petition seeking an evidentiary hearing shall include "a signed certification as to each intended witness, stating the witness's name, address, and date of birth, and the substance of the witness's testimony. Any documents material to the witness's testimony shall also be included in the petition[.]"

While the rule also sets forth that a "defendant shall attach to the petition any affidavits, records, documents, or other evidence which show the facts stated

¹ The documents and exhibits that will be utilized by the witnesses are referenced primarily in Mr. Sandusky's May 6, 2015 petition and are not repeated herein. Other documents are referred to that have been attached to Mr. Sandusky's March 7, 2016 petition and additional documentation has been attached hereto. With respect to D.S., taped statements will be utilized.

in support of the grounds for relief,” this is not a prerequisite for an evidentiary hearing. Pa.R.Crim.P. 902(D). Concomitantly, the statute reads,

Where a petitioner requests an evidentiary hearing, the petition shall include a signed certification as to each intended witness stating the witness's name, address, date of birth and substance of testimony and shall include any documents material to that witness's testimony. Failure to substantially comply with the requirements of this paragraph shall render the proposed witness's testimony inadmissible.

42 Pa.C.S. § 9545(d)(1).

Pander, supra at 640. The *Pander* Court, quoting from a prior case that, in turn, quoted from the legislative history regarding the statute, added:

the original bill required that each witness had to sign a statement and have a notarized, sworn statement at the end of the statement indicating that this was a true and correct representation of what he would testify to at the coming collateral hearing. There were objections to that, feeling that that was too onerous to require a defendant to go out and obtain notarized statements from all of his witnesses, some of which would be hostile witnesses, and I agreed with that.

So as a result, this amendment allows a defendant to merely present a summary of the statement so we know generally what that witness is going to say and merely sign a certification. **Either the witness, his attorney, the defendant's attorney, or the petitioner himself, the defendant himself can sign a certification** saying to his best knowledge that this was an accurate statement of what the witness would testify to. So I think it is an effort, again, not to take anyone's rights away from him but also to help that defendant in the processing of his appeal and hopefully to make it easier for him to obtain a hearing, which we want him to obtain.

Pa. Senate Journal, 1st Spec. Sess., June 13, 1995, at 217.

Id. at 641 (underlines added) (bold emphasis in case). The Court continued, “Simply put, the certification requirement can be met by an attorney or *pro se* petitioner certifying what the witness will testify regarding.” *Id.* at 642.

In Mr. Sandusky’s May 6, 2015, and March 7, 2016 petitions, he submitted witness certifications that delineated a short summary regarding the issues that the witnesses would

testify, and included the exhibits and attachments that would be utilized. On March 28, 2016, the PCRA court found that these certifications only covered the topics on which the witnesses would testify and ordered Mr. Sandusky to re-file witness certifications that state more fully the substance of each witnesses' testimony. These certifications summarize, as required by rule, but do not necessarily fully encompass, the expected testimony.²

Witness Certification of Attorney Joseph Amendola

Mr. Amendola was born on June 21, 1948. His work address is 110 Regent Court, Suite 202, State College, Pennsylvania 16801. As set forth in Mr. Sandusky's petition, Mr. Amendola represented Mr. Sandusky for purposes of his trial. Counsel hereby certify the following summary of Mr. Amendola's expected testimony. Mr. Amendola will testify that he truthfully and ethically represented to the trial court that he could not effectively and adequately represent Mr. Sandusky when he made a motion to withdraw prior to trial. In addition, Mr. Amendola will state that, with respect to the Costas interview, he did not conduct a hostile mock interview with Mr. Sandusky or any mock interview relative to the types of questions Mr. Sandusky could be expected to be asked. Mr. Amendola will provide testimony regarding how he prepared Mr. Sandusky for the interview and state that he did not advise against the Costas interview and actually encouraged the interview. In addition, he will admit that he did not explain that Mr. Sandusky's interview could be used against him at trial. Rather, Mr. Amendola will state that he informed Mr. Sandusky approximately fifteen minutes before the interview began that Mr. Costas wanted to talk to Mr. Sandusky and not solely Mr. Amendola.

² As the overwhelming majority of these witnesses are hostile witnesses, the exact testimony that they will offer is difficult to predict. These certifications are based on what it is expected that these witnesses will testify regarding based on relevant materials and are not intended to fully encompass or guarantee that the witnesses will testify accordingly.

In addition, Mr. Amendola will testify that he advised Mr. Sandusky to waive his preliminary hearing based on the mistaken belief that Mr. Sandusky's bail would be increased and he would be placed in jail, despite there being no grounds under the applicable rule to increase Mr. Sandusky's bail. Mr. Amendola will also provide that he did not discuss prior to waiving the hearing that Mr. Sandusky would be foregoing an opportunity to cross-examine the accusers under oath and inform Mr. Sandusky that would have been able to use their testimony at that hearing for preparation for trial and at trial. Additionally, Mr. Amendola will submit that his decision to waive Mr. Sandusky's preliminary hearing was not part of a strategy relative to trial preparation.

Mr. Sandusky certifies that Mr. Amendola will further submit testimony that he did not retain a jury consultant for purposes of investigating the likelihood of achieving a jury untainted by significant prejudicial information in Centre County. Rather, Mr. Amendola obtained a jury consultant solely for the purpose of aiding in jury selection in Centre County. That consultant, nevertheless, was unavailable for trial. It is believed and averred that Mr. Amendola will testify that he opposed the Commonwealth's motion to change venue without retaining an expert or jury consulting firm to conduct research relative to the propriety of that decision and failed to review any jury studies that show in high profile cases that certain traditional *voir dire* questions have the perverse effect of heightening prejudice. Further, Mr. Amendola will testify that he did not question jurors regarding the specific prejudicial information that each juror acknowledged being aware of; namely, he did not ask the jurors whether they read the entirety of the grand jury presentments, especially the erroneous description relative to Mike McQueary's grand jury testimony. Mr. Amendola will add that he did not ask specialized *voir dire* questions relative to what specific information the jurors had read or heard and whether they believed that Penn State

University engaged in any cover up or that Mr. Sandusky was responsible for the death of Joe Paterno and tarnishing the University's reputation.

Mr. Amendola, it is believed, will testify that he did not interview or have his investigator interview the accusers who testified at trial or during the grand jury proceedings, nor did his team interview Ronald Petrosky, James Calhoun, Michael McQueary, Michael McQueary's father, or Dr. Dranov. Nor did Mr. Amendola interview Timothy Curley, Gary Schultz, or Dr. Graham Spanier.

Mr. Amendola will testify that despite stating in his opening statement that there was overwhelming evidence against Mr. Sandusky that, in fact, the evidence against Mr. Sandusky rested exclusively on the credibility of the accusers, Michael McQueary, and hearsay evidence. Accordingly, the evidence was not overwhelming, but the number of accusers was significant. Mr. Amendola will state that he did not review all of the discovery in the case and that due to extensive discovery being turned over he was unprepared to adequately represent Mr. Sandusky. In this regard, Mr. Amendola will state, consistent with prior record statements, that he did not review Matt Sandusky's grand jury testimony. Further, he will add that he was unaware of the James Calhoun tape in which Mr. Calhoun made the exculpatory statement that he did not witness Jerry Sandusky molesting a child in a shower on Penn State's campus. Mr. Amendola it is believed will testify that had he reviewed this material his own statement during the post-sentence motion hearing, relied on by the Superior Court, in affirming Mr. Sandusky's conviction on direct appeal, would have been materially different. That is, Mr. Amendola will provide that had he been aware of certain materials in discovery he would definitely have altered his trial strategy and defense.

Mr. Amendola will further provide that he did not seek to quash the charges where prosecutorial and/or governmental misconduct resulted in the leak of significant information substantially and improperly influencing the grand jury presentment, despite being aware of such leaks. Further, Mr. Amendola will acknowledge that he did not move to quash the presentment because the grand jury lacked jurisdiction to conduct the original investigation into the allegations by Aaron Fisher since they did not relate to organized crime, public corruption, or crimes that came to the attention of the grand jury during their investigations into such other organized crime or public corruption. In this regard, Mr. Amendola will admit that he did not make an argument based on the plain language and definition of a multi-county grand jury that limits its jurisdiction nor distinguish those cases that did not consider the relevant statutory language in examining whether a grand jury could investigate a crime that was not directly related to public corruption or organized crime outside the course of the crime coming to its attention during a proper investigation into public corruption or organized crime..

Mr. Amendola will also testify that he did file a motion in limine regarding the reliability of the accusers based on the fact that the accusers statements were unduly tainted by suggestive and improper questioning by police, although he had a tape recorded statement wherein police admitted to improperly feeding information to the accusers. Additionally, Mr. Amendola will maintain that he did not consider filing a motion in limine seeking to preclude any testimony by the accusers that was the result of repressed memory therapy nor seek to call an expert witness on the subject after several witnesses testified that the reason their stories changed was that they had previously blocked out the information and it only recently came to light after undergoing therapy.

Furthermore, Mr. Amendola it is believed and therefore averred will testify that he knew that Allan Myers consistently maintained that he was Victim #2, the McQueary shower child. Mr. Amendola will state that Mr. Myers provided Mr. Amendola's investigator with exculpatory evidence that was consistent with several other statements that Mr. Myers made that did not implicate Mr. Sandusky. Mr. Amendola it is believed will testify that he believed that Mr. Myers subsequent retention of Attorney Andrew Shubin resulted in Myers making several statements to law enforcement that accused Mr. Sandusky of wrongdoing. Mr. Amendola was unaware, however, that Agent Sassano of the Commonwealth had sent an email stating that he did not believe that at least one of Mr. Myers' statements against Mr. Sandusky was unreliable because Agent Sassano concluded that Attorney Shubin was responsible for the statement.

Mr. Amendola will testify that he was informed by the Commonwealth that Attorney Andrew Shubin was tampering with Mr. Myers and that he and the Commonwealth had an understanding whereby neither party would present Mr. Myers. Mr. Amendola will state that he did not utilize Mr. Myers' exculpatory statements despite the Commonwealth not being able to introduce any of his other inconsistent statements since it did not call him to testify and it would have violated Mr. Sandusky's confrontation clause rights. In this regard, Mr. Amendola, it is believed, will state that he did not research whether the Commonwealth could present that evidence. In addition, Mr. Amendola will testify as to his interaction with Attorney Andrew Shubin: Mr. Myers attorney. Mr. Amendola will submit that both he and the Commonwealth knew that Allan Myers was the McQueary shower teenager and that the Commonwealth's claim that Victim #2 was known only to God was misleading and untrue. However, despite the prosecutor's improper statement, Mr. Amendola will testify that he did not object nor request a

mistrial. He will add that he did not discuss with Mr. Sandusky that he could use Mr. Myers' statements at trial.

Mr. Amendola will state that he did not subpoena Dr. Graham Spanier nor interview him to determine if he would testify. Relatedly, Mr. Amendola will provide that he believed Tim Curley, Gary Schultz, and Graham Spanier could provide testimony in aid of Mr. Sandusky based on their grand jury testimony, which called into question Michael McQueary's recollection of what he reported. Similarly, Mr. Amendola, it is believed, will remark that he did not consider using the grand jury testimony of these men on the basis that it was admissible under the rules of evidence where Attorney Frank Fina, during the grand jury proceedings, was attempting to show that these men were lying, which would have been the same motive for questioning these men at Mr. Sandusky's trial.

Mr. Amendola also will provide that he did not research the law regarding the Commonwealth's inability to reference that Mr. Curley and Mr. Schultz had been charged with perjury and that such evidence would have been inadmissible. Moreover, Mr. Amendola will state that he did not consider whether the Commonwealth could introduce emails, that acknowledged that a report of horseplay in a shower involving Mr. Sandusky, as "impeachment evidence" of the grand jury testimony of Messrs Curly, Schultz, and Spanier.

It is believed and averred that Mr. Amendola will testify that he agreed with Mr. Rominger that the prosecutor violated Mr. Sandusky's constitutional rights when he referenced Mr. Sandusky's failure to testify and the prosecutor suggested that Mr. Sandusky tacitly admitted to the crimes by not testifying where he did speak to Bob Costas. In this respect, Mr. Amendola will acknowledge that he had no reasonable basis for not requesting a mistrial in light of the at least five separate references to Mr. Sandusky not testifying.

Mr. Amendola will also testify that he was mistaken when he asserted at the post-sentence motion hearing that had he reviewed discovery more thoroughly that he would not have presented different evidence or altered some of his trial strategy. Specifically, he would have played the Calhoun recording. Mr. Amendola will also submit that his advice to Mr. Sandusky regarding testifying was based on his belief that the Commonwealth could call Matt Sandusky as a rebuttal witness. He will admit that he did not discuss filing any oral or written motion to preclude Matt Sandusky from testifying as unduly prejudicial or discuss with Mr. Sandusky the proper manner of conducting a direct examination to preclude any cross-examination beyond the scope of that direct examination. He will acknowledge that he was so distraught upon learning of Matt Sandusky claiming that he had been abused and had repressed the abuse, that he thought about quitting. Mr. Amendola will add that he did not tell Mr. Sandusky that Matt's claims were based on repressed memories nor did he discuss that even in the event that Matt were somehow permitted to testify, Mr. Amendola could have impeached Matt with his grand jury testimony.

Witness Certification of Karl Rominger

Mr. Rominger was born on July 1, 1973 and his address is 155 South Hanover Street, Carlisle, Pennsylvania 17013. Counsel hereby certify that Mr. Rominger will testify consistently with his affidavit and incorporates those averments herein. Mr. Rominger will also discuss the article he had on his website at the time of Mr. Sandusky's preliminary hearing regarding it being a common mistake that counsel make in waiving a preliminary hearing. He will add that in a case where the defendant is charged with serious offenses and the evidence hinges on credibility, a preliminary hearing is essential. Mr. Rominger will maintain that there is generally no reasonable basis to waive a preliminary hearing in a case such as Mr. Sandusky's and that he disagreed with that strategy, but deferred to Mr. Amendola. Further, he will submit that he discussed with Mr. Amendola the filing of pre-trial motions regarding the abuse of the grand jury process and Judge Feudale's claim that no exculpatory evidence existed with respect to certain grand jury materials requested. However, Mr. Amendola did not seek to quash the grand jury presentments

He will also testify that he and Mr. Amendola did not seriously consider taking a direct appeal after the court denied their motion to withdraw. However, he will maintain that he was being truthful when he set forth that he had an ethical duty to withdraw from the case. Mr. Rominger will discuss Mr. Amendola being overwhelmed by the discovery and Mr. Amendola's inability to adequately prepare a defense. Mr. Rominger will submit that he found Mr. Amendola's opening statement to be a critical blunder and highly damaging to Mr. Sandusky. Mr. Rominger will also state that Mr. Amendola and the Commonwealth had an understanding that they would not present Allan Myers and that the Commonwealth represented that Attorney Andrew Shubin was tampering with Mr. Myers. In this regard, he will provide evidence that it was set forth that Mr. Shubin attempted to secrete Mr. Myers so that he could not be interviewed

without the presence of Mr. Shubin. Mr. Rominger will acknowledge that he objected to the prosecutor's improper references to Mr. Sandusky's silence and that counsel neglected to move for a mistrial.

Mr. Rominger will discuss his and Mr. Amendola's attempt to introduce the grand jury testimony of Tim Curley, Gary Schultz and Graham Spanier. He will testify that he was unaware of the Calhoun statement that was part of discovery and that he would have certainly introduced that at trial had he been aware of that information. In a similar respect, Mr. Rominger will testify that, had he been called by Attorney Gelman during the post-sentence motion hearing, he would have indicated that the case would have been presented differently.

without the presence of Mr. Shubin. Mr. Rominger will acknowledge that he objected to the prosecutor's improper references to Mr. Sandusky's silence and that counsel neglected to move for a mistrial.

Mr. Rominger will discuss his and Mr. Amendola's attempt to introduce the grand jury testimony of Tim Curley, Gary Schultz and Graham Spanier. He will testify that he was unaware of the Calhoun statement that was part of discovery and that he would have certainly introduced that at trial had he been aware of that information. In a similar respect, Mr. Rominger will testify that, had he been called by Attorney Gelman during the post-sentence motion hearing, he would have indicated that the case would have been presented differently.

Witness Certification of Appellate Counsel Norris Gelman

Mr. Gelman's date of birth is unknown, but his address is 2000 Market Street, No. 2940, Philadelphia, Pennsylvania 19103. Counsel hereby certify the following summarization of Mr. Gelman's expected statements. He will testify that he represented Mr. Sandusky for purposes of his direct appeal, including litigating post-sentence motions. Mr. Gelman will testify that he only met with Mr. Sandusky twice, and never before Mr. Sandusky's post-sentence motion hearing. He will admit that on both occasions that he met with Mr. Sandusky he fell asleep.

Mr. Gelman will acknowledge raising a sufficiency of the evidence claim relative to Phantom Victim #8 before the trial court, but not pursuing that issue on appeal. It is believed and therefore averred that he will testify that he did not conduct extensive research on the issue of an unconstitutional deprivation of due process where a conviction is based solely on hearsay evidence, despite a rule change being necessary in 2011 to allow only hearsay to satisfy the much lower *prima facie* burden required at a preliminary hearing.

Mr. Gelman will testify regarding his re-direct examination of Mr. Amendola and why he did not examine Mr. Amendola on how Mr. Amendola would have conducted his defense differently had he fully reviewed discovery, including being aware of the James Calhoun tape, and what Mr. Amendola would have done differently had a continuance been granted. In this respect, Mr. Gelman it is believed and averred also was unaware of the taped statement and did not review the entirety of discovery prior to questioning Mr. Amendola regarding discovery. Further, Mr. Gelman will explain why he did not present Mr. Rominger at the hearing, who would have testified that the trial defense would have been different had the trial court awarded the continuance. Mr. Gelman also will explain why he chose not to raise any confrontation clause claim relative to Mr. Petrosky's relaying of hearsay testimony as well as his decision not to raise a meritorious claim regarding the admission of that testimony in violation of case law

that precludes the introduction of hearsay evidence where it is the sole evidence that establishes that a crime occurred, despite having raised the issue in his post-sentence motion.

Witness Certification of Allan Myers

Allan Myers was born on April 28, 1987. His address is known but not being disclosed for privacy reasons. Counsel hereby certify that Mr. Myers will testify as follows. Mr. Myers was interviewed by Curtis Everhart, an investigator for Mr. Amendola. During that interview, Mr. Myers acknowledged being closely associated with Mr. Sandusky. Mr. Myers will submit that during that interview he maintained that he was alleged Victim #2, the McQueary shower teenager. Further, Mr. Myers will testify that he denied any misconduct on the part of Mr. Sandusky during that interview. Mr. Myers also will submit that he spoke out in favor of Mr. Sandusky on a number of occasions, and has indicated that law enforcement pressured him during his initial interviews. He will relate that he traveled over twelve hours to attend Mr. Sandusky's mother's funeral, that he asked Mr. Sandusky to stand as his father for his high school senior night, lived with the Sandusky family as an adult for a period, and that he asked them to attend his wedding. Mr. Myers will further submit that he was friends with David Hilton, who testified at trial on behalf of Mr. Sandusky. He will relay that Mr. Hilton accurately relayed to police that Mr. Myers had expressed shock and disbelief at the accusations against Mr. Sandusky.

Mr. Myers will admit that he retained Attorney Andrew Shubin, and that Mr. Shubin advised him not to speak with investigators without Mr. Shubin's presence. Additionally, Mr. Myers, it is believed and therefore averred, will provide testimony that Mr. Shubin assured him that he would not be called to testify at trial. Mr. Myers will further testify that he was interviewed by Investigator Ken Cummings. He will confirm that he told Mr. Cummings that the statements he made to Curtis Everhart that Mr. Sandusky did not abuse him were truthful. Mr. Myers will submit that he was the individual in the shower observed by Michael McQueary, *i.e.*, alleged Victim #2.

Witness Certification of Ken Cummings

Ken Cummings was born on October 21, 1961. His address is 99 Kinderkamack Road, Suite 303, Westwood, New Jersey 07675. Counsel hereby certify the following. Mr. Cummings will testify that he is a partner in CIS Investigations located in Westwood, New Jersey. He will add that in March, 2014, he was contacted by John Ziegler and Chuck Benjamin and asked to locate Allan Myers, an alleged victim in the Sandusky prosecution and once located, attempt to interview him. Mr. Cummings will submit that through investigation of public records, he ascertained the address of Myers who had at that time recently purchased a home. Once that information was determined, Mr. Cummings attempted to contact Myers by writing two letters, both seeking a conversation or an interview. No response was forthcoming from Myers and so Mr. Cummings decided to attempt to contact him directly by going to the address obtained through his investigation. On a Saturday morning in early April, 2014, Mr. Cummings went to the Myers home and knocked on the door. Myers wife answered the door and Mr. Cummings asked for Allan. Myers came to the door and out onto the porch. Mr. Cummings will testify that he showed Myers the Curtis Everhart interview. A summary of Mr. Everhart's interview is attached to the PCRA Appendix at page 432.

Mr. Cummings will testify to his interview with Myers. More specifically, he will submit that Myers stated that his statements to Everhart were truthful and accurate, reaffirming that Mr. Sandusky did not molest him and that he was the McQueary shower teenager, in essence, recanting several statements he made to law enforcement after retaining Attorney Andrew Shubin that suggested that Jerry Sandusky molested him.

Witness Certification of Attorney Andrew Shubin

Mr. Shubin's precise date of birth is unknown. His professional address is 333 S. Allen Street, State College, Pennsylvania 16801. Counsel hereby certify the following summary of Mr. Shubin's proposed testimony. Mr. Shubin will testify that he represented Allan Myers, J.S., D.S., R.R., and Matt Sandusky during and after the Sandusky trial. Mr. Shubin will provide that his own website indicates that he represented Victim #2, who is Allan Myers. It is believed and therefore averred that he will confirm that the Commonwealth was aware that Allan Myers was Victim #2. Mr. Shubin will testify regarding whether he did or did not secrete Mr. Myers from investigators. Further, Mr. Shubin will submit testimony in response to an e-mail from Agent Sassano in which the agent accused Mr. Shubin of drafting a statement by Mr. Myers as well as the report of Agent Sassano that indicated that Inspector Corricelli believed Attorney Shubin drafted a three page statement regarding accusations by Mr. Myers against Mr. Sandusky..

It is also believed and therefore averred that Mr. Shubin will acknowledge that he recommended to the individuals that he represented that they seek counseling and that he was aware of Matt Sandusky, J.S., and D.S., undergoing therapy that enabled them to recover repressed memories. Indeed, Mr. Shubin provided statements to the media confirming a tape recorded statement by Matt Sandusky in which Matt states that his memories of the abuse were only recently surfacing. Mr. Shubin will also testify that, as required by Pennsylvania law, he had written fee agreement arrangements with his clients and that these agreements were contingent fee agreements.

Witness Certification of Sara Ganim

Ms. Ganim was born in 1987, her exact date of birth is unknown. She is a correspondent for CNN in New York, but her home address is unknown. Ms Ganim will testify regarding her investigation and reporting regarding the Sandusky investigation. While it is expected that she would invoke the Pennsylvania Shield Law and refuse to disclose her confidential source for her March 31, 201- article, such privilege does not apply to non-confidential sources. Thus, Ms. Ganim will testify as to the substance of her article. In this respect, she will submit that she contacted Ronald Scheffler, one of the original investigators of the Z.K. 1998 shower incident which resulted in no charges based on Z.K.'s statements to police. She will testify that Scheffler asked her how she knew of the police report.

It is believed and therefore averred that she will maintain that she did contact Z.K.'s mother, Debra McCord, who refused to talk with her for the March story. She will testify whether she is aware that Aaron Fisher and Mike Gillum have written that the information Ms. Ganim learned was leaked, and that the Moulton Report suggests that there was a possibility of a grand jury leak. Further, Ms. Ganim will testify whether she was knew any investigators or law enforcement officials with the Pennsylvania State Police or Office of Attorney General while the Sandusky investigation was underway. Ms. Ganim will also testify that she learned of the grand jury presentment that was improperly released and whether she is aware of any other journalist who had discovered the leaked presentment.

Witness Certification of Dr. Paul Simpson

Dr. Simpson's DOB is 10/23/1961. His address is 7618 N. La Cholla Blvd., Tucson, Arizona 85741. Counsel certifies the following summarization of Dr. Simpson's testimony as follows. He is a forensic psychologist that has testified as an expert in state, federal, and military court. He would have been available to offer his services for the Sandusky trial. Dr. Simpson would testify that he was formerly an adherent of repressed memory therapy, but, after extensive research, concluded that such therapy is unsound. He would provide that he has treated individuals who have been sexually abused and evaluated sex offenders. Dr. Simpson would submit to a reasonable degree of scientific/psychological certainty that there is no scientific basis that individuals repress traumatic occurrences in their lives. He would add, to a reasonable degree of certainty, that repressed memory therapy can create false memories. Dr. Simpson would opine that individuals are not consciously lying when discussing these false memories, but believe that the memories are real and the events actually have transpired.

In addition, Dr. Simpson would testify how different types of repressed memory therapy work and that memories that result there from are unreliable. He would explain the process of how memory works and discuss the scholarly research in the area and opine to a reasonable degree of scientific certainty that recovered memories of sexual abuse by an offender who is continuously in the accuser's life are far less likely to be accurate than freestanding memories. Dr. Simpson will also opine on the proper methods of questioning that should be engaged in when there are allegations of sexual abuse and why non-directive language is important so as to avoid influencing a person making an allegation. In this respect, Dr. Simpson will testify that the manner of questioning used by Pennsylvania State Police was improper. Furthermore, Dr. Simpson will opine on the manner in which Michael Gillum prodded Aaron Fisher and that such techniques are not proper for a forensic investigation. He also will add that testimony and

statements from various accusers such as Aaron Fisher, Z.K., D.S., J.S., and Matt Sandusky, suggest that they were undergoing repressed memory therapy. Dr. Simpson would utilize materials that are available from his website as well as his book, Second Thoughts, and other scholarly literature, including the materials on repressed memory attached to Mr. Sandusky's March 7, 2016 Amended Petition.

Witness Certification of Dr. Philip Esplin

Dr. Esplin was born on September 7, 1945, and his address is 7131 East Buena Terra Way, Scottsdale, Arizona 85253. Counsel hereby certify that Dr. Esplin will testify as follows. Dr. Esplin will opine on the necessity of providing expert testimony on the unreliability of repressed or recovered memories in cases involving alleged sex abuse. Similar to Dr. Simpson, Dr. Esplin will testify as to the appropriate manner of questioning in sex abuse cases so as to avoid suggestive questioning and improperly tainting the witness's recollection. Dr. Esplin will provide that based on statements made by various accusers both before, during, and after trial, certain accusers were undergoing some type of repressed memory therapy. Dr. Esplin will submit that the less confidence a person has in the reliability of his initial recollection the more likely that the witness may rely on other external factors to strengthen the confidence in the memory. He will discuss interviewer bias, *i.e.*, that interviewers who have a prior belief as to the occurrence of certain events conduct their interviews with the goal of obtaining confirmatory evidence rather than seeking an objective disclosure.

Further, Dr. Esplin will testify regarding suggestive interviewing techniques that include repeated interviews, use of repeating specific questions, implicit or even explicit threats, and telling the interviewee that the person involved does bad things. Dr. Esplin will be asked to opine more specifically on the interviewing techniques employed by Michael Gillum and police with Aaron Fisher while Mr. Fisher was a child. He will provide testimony that the interviewers tainted the interviews based on having a preconceived idea of what transpired and trying to prove that instead of using open ended questions to establish what actually occurred. Additionally, Dr. Esplin will opine that there were biased interviewers for all accusers, selected reinforcement of responses, negative stereotyping by both Mr. Gillum and police of Mr. Sandusky, repeated questions within and across interviews, and multiple interviews by different interviewers. With

this in mind, Dr. Esplin can opine to a reasonable degree of certainty that there was a significant likelihood of post-event contamination of the accusers' recollection.

Witness Certification of Psychologist Michael Gillum

Michael Gillum's date of birth is unknown. He has a professional office at 454 Pine Street, Suite 1B, Williamsport, Pennsylvania 17701. Counsel hereby certify that the following is a summary of the proposed testimony that Mr. Gillum would offer at an evidentiary hearing. Mr. Gillum will acknowledge that in his first interview with Aaron Fisher he believed that Mr. Sandusky had sexually abused Mr. Fisher. Indeed, he will admit that he was already informed by Jessica Dershem that she did not believe Aaron Fisher was being forthcoming regarding the absence of sexual abuse. He will submit that his goal thereafter was to have Mr. Fisher come forward with sexual allegations against Mr. Sandusky. Mr. Gillum will testify that he explained the process of grooming to Mr. Fisher over three years of therapy and indicated that Mr. Sandusky's behavior such as bear hugs, kissing on the forehead, and placing a hand on the thigh were grooming behavior.

Mr. Gillum will testify that Mr. Fisher did not initially talk or open up about any abuse, and Mr. Gillum stated, "I know that something terrible happened to you. I understand that you want it to stop and you want to get away from him and you're not sure if you want to take it further than that." Mr. Gillum will acknowledge that after continued prodding, Mr. Fisher did state that Mr. Sandusky touched Mr. Fisher's genitals and kissed him on the mouth. With regard to an oral sex allegation, Mr. Gillum will admit that Mr. Fisher did not tell him that such an event occurred on his own; rather, Mr. Gillum asked him if Mr. Sandusky performed oral sex. Mr. Gillum will testify that Aaron Fisher claimed that Mr. Sandusky would have him killed. Mr. Gillum will submit that he saw Aaron every day for weeks and that Mr. Fisher would call him on his cell phone at any time. Mr. Gillum will testify that he wrote the report submitted by Jessica Dershem that began the police investigation.

Mr. Gillum will also submit that he prepared Mr. Fisher to give a statement to State Police on December 12, 2008, and that he was permitted to attend the grand jury proceedings in which Mr. Fisher testified. Further, Mr. Gillum will admit that he acted as an advocate for Mr. Fisher, and not as a neutral investigator. He will acknowledge that he does not approve of the current practice of allowing victims to tell their story without a supporter, which he was of Mr. Fisher. Mr. Gillum will explain that in Mr. Fisher's first police interview he denied that oral sex transpired. He will offer that Mr. Sandusky in his interview with Clinton County Children and Youth Services denied fondling or kissing Mr. Fisher and "was totally mystified by the entire situation." Mr. Gillum will testify that after the first police interview he spent considerable time with Mr. Fisher and that he insisted that he, Gillum, be present for Mr. Fisher's second interview with state police.

Mr. Gillum will maintain that Mr. Fisher did not verbally answer many questions during that interview and did not give details regarding the abuse, providing one or two word answers. He will acknowledge that he specifically asked Mr. Fisher if there were other boys who had been abused. In addition, he will testify that Trooper Scott Rossman, who took over the investigation, was not a sexual abuse officer trained with dealing with children alleging sexual abuse. In this respect, he will testify that Trooper Rossman asked Mr. Fisher, "Did he [Jerry Sandusky] ever try to put his dick in your butt? I mean his penis in your anus?"

Mr. Gillum will relate that the first grand jury did not issue a presentment against Mr. Sandusky and that it informed the Office of Attorney General that Mr. Fisher had trouble responding to questions and did not elaborate on the abuse. This despite the prosecutor's use of leading questions throughout. He will submit that the grand jurors wished to hear Mr. Fisher provide a narrative. Accordingly, Mr. Gillum will testify that he coached Mr. Fisher in order to

prepare him for his testimony and actually wanted to testify on his behalf. He will continue that the second grand jury did not feel that Mr. Fisher's testimony was strong enough to result in an arrest. Mr. Gillum will testify that neither he, Mr. Fisher, nor Dawn Daniels, spoke with Sara Ganim for her March 31st news story and that he believed a leak existed. He will admit that in February 2011, Ms. Ganim approached Mr. Fisher's mom at her home and used Aaron's name, regarding the investigation. He will testify that Attorney Frank Fina asserted to him that the investigation was slowed because of a poor state police investigation. Mr. Gillum will add that at that time, Mr. Fisher told law enforcement that he would no longer be a witness.

Mr. Gillum will acknowledge owning and having read the book, *Courage to Heal*, one of the leading repressed memory books. He will acknowledge that Mr. Fisher did not consider himself a victim until he was fifteen. He will testify as to the type of therapy he performed with Aaron Fisher, and any other accusers, including whether he employed any type of repressed memory therapy on either Mr. Fisher or any other accuser.

Witness Certification of Attorney Joseph McGettigan

Mr. McGettigan's professional address is 30 Cassatt Avenue, Berwyn, Pennsylvania 19312. Counsel certify the following summary of Mr. McGettigan's expected testimony. Mr. McGettigan will testify that he was the lead trial prosecutor during the Sandusky trial and that Attorney Frank Fina was also heavily involved. Mr. McGettigan will testify that he was aware of an individual named Allan Myers and that Mr. Myers asserted that he was Victim #2, but he still claimed that Victim #2 was known only to God. Mr. McGettigan will acknowledge that the prosecution had issues with Mr. Myers civil attorney, Andrew Shubin. It is believed and therefore averred that Mr. McGettigan will admit that Attorney Fina represented at one point that Mr. Shubin was or may have been tampering with Mr. Myers. Mr. McGettigan will testify regarding his decision not to call Mr. Myers and that when he stated that there were victims only known to God, he knew of Mr. Myers. Mr. McGettigan will testify regarding the inconsistent statements that the accusers made, notably those statements that changed after the accusers retained civil counsel and entered into contingency fee agreements in order to potentially or having already sued The Second Mile, Penn State University, and Mr. Sandusky. Mr. McGettigan will also submit that in his closing statement he did make reference to Mr. Sandusky not testifying, and it is expected that he will claim that it was in response to Mr. Amendola's closing.

In addition, he will testify that Matt Sandusky, when he came forward, made statements regarding repressed memory therapy. Further, Mr. McGettigan will submit that after Matt Sandusky came forward he and Attorney Fina represented to Mr. Sandusky's trial attorneys that they would call Matt Sandusky in rebuttal to testimony offered by Mr. Sandusky. Similarly, Mr. McGettigan will acknowledge that the only reason that he would ask questions to Mr. Sandusky about Matt Sandusky would have been to call Matt Sandusky in rebuttal. In this regard, he will

admit that if Mr. Sandusky denied abusing Matt that he intended to call Matt Sandusky. Mr. McGettingan will add that during the post-sentence motion hearing he set forth that repressed memory therapy was not part of the case, although Matt Sandusky, and his attorney, Andrew Shubin, when Matt Sandusky came forward, expressly mentioned repressed memory therapy.

Witness Certification of Attorney Frank Fina

Frank Fina's DOB is unknown. His professional address is the Office of the District Attorney in Philadelphia. Mr. Fina will testify that he did advise against charging Mr. Sandusky solely based on the allegations made by Aaron Fisher and that he believed Mr. Fisher's accusations were weak and insufficient to lead to a likely successful prosecution. He will testify regarding the grand jury information that Mr. Sandusky alleges was leaked to Ms. Ganim, and is expected to deny leaking the information himself. He will acknowledge that he had a close working relationship with Supervising Grand Jury Judge Barry Feudale, who was removed as a grand jury judge and subsequently stripped of his senior judge status. Mr. Fina will testify that he examined Mr. Curley, Mr. Schultz, and Graham Spanier during the grand jury proceedings with the intent of showing that they conspired to cover up alleged wrongdoing of Mr. Sandusky and to show that they were untruthful.

Mr. Fina will testify as to the fact that the accusers' statements changed over time, including differences between their grand jury and trial testimony and that these changes frequently occurred after the accusers retained civil attorneys and entered into fee agreements for the purpose of bringing suit against Penn State, The Second Mile, and Mr. Sandusky. Mr. Fina will submit that he made statements to trial counsel suggesting that Attorney Andrew Shubin was tampering with Allan Myers and that he had a low opinion of Mr. Shubin. Mr. Fina will acknowledge that the Office of Attorney General was skeptical of Mr. Shubin. Mr. Fina, however, will testify that he was aware that Allan Myers professed to be Victim #2, and that he and the OAG were aware that Mr. Myers consistently maintained that he was Victim #2. Mr. Fina will testify regarding Matt Sandusky's revelations and that Matt indicated that he came forward because he only recently, after having retained Andrew Shubin, remembered being abused. Finally, he will submit that he represented to trial counsel that they would call Matt

Sandusky in rebuttal if Mr. Sandusky testified and that the only reason to ask Mr. Sandusky questions about Matt was so as to be able to call Matt in rebuttal since they would not otherwise be able to do so.

Witness Certification of Attorney Jonelle Eshbach

Ms. Eshbach's age is unknown. Her address is being ascertained. Ms. Eshbach will testify that Mr. Fina and other members of the Office of Attorney General were reluctant to move forward with charging Mr. Sandusky based solely on the allegations made by Aaron Fisher because they believed the prosecution was not strong. She will acknowledge that the case was largely stalled prior to the Sara Ganim story. She will testify as to the number of accusers who had testified at that point and relate which accusers could have provided the information about Aaron Fisher that were included in the Ganim story that Mr. Sandusky contends contains information that was improperly leaked to Ms. Ganim by the government, including but not limited to law enforcement. Ms. Eshbach will also testify that the original grand jury presentment was improperly placed online resulting in the media, specifically, Sara Ganim, having immediate access.

Witness Certification of Trooper Scott Rossman

Trooper Scott Rossman's date of birth is unknown and his professional address is being ascertained. Counsel certify the following summary of Trooper Rossman's expected testimony. Trooper Rossman will testify regarding interviewing the accusers: Aaron Fisher, M.K., D.S., J.S., B.S.H, and Z.K. He will submit that he asked Aaron Fisher if Mr. Sandusky ever stuck his dick in Mr. Fisher's butt, before correcting himself. Trooper Rossman will acknowledge that when he was interviewing the persons who ultimately became accusers he was seeking individuals who had been abused, and was not a neutral investigator asking open ended questions. In this regard,

Trooper Rossman will testify as to how state troopers are trained to interrogate witnesses. Trooper Rossman will admit that he had no specialized training in conducting interviews with child sex victim's when he interviewed accuser Aaron Fisher. Trooper Rossman will testify that many of those he interviewed initially related that nothing happened or something minimal occurred that was not criminal and that he would tell them that he believed more happened. Trooper Rossman will acknowledge that he did not believe telling these accusers that he did not believe their initial stories would taint the interviewee's story. Trooper Rossman will be asked whether he leaked grand jury information and or knew Sara Ganim.

Witness Certification of Inspector Corricelli

Inspector Corricelli's date of birth is unknown. His professional address can be ascertained. Counsel certify the following summary of Inspector Corricelli's testimony. Inspector Corricelli will testify to his April 3, 2012 interaction with Allan C. Myers and his attorney, Andrew Shubin. In this respect, he will testify that he traveled to Attorney Shubin's office to meet with Mr. Myers, but Mr. Myers was too distraught over the death of a fellow Marine to discuss the Sandusky matter. Inspector Corricelli will maintain that Attorney Shubin and not Mr. Myers told him that Myers claimed that Mr. Sandusky was involved with oral sex, anal sex, and digital penetration. Inspector Corricelli will add that Attorney Shubin and not Myers provided a three page statement purportedly from Mr. Myers containing allegations against Mr. Sandusky. Inspector Corricelli will acknowledge that he reviewed the document and concluded that Attorney Shubin was the author and not Mr. Myers, and that he advised Agent Sassano to that effect. Inspector Corricelli will relay that Agent Sassano told him that he did not want a document that the Inspector suspected was written by Attorney Shubin; accordingly, he did not provide a copy to Agent Sassano..

Witness Certification of D.S.

D.S. was born on October 10, 1984. His address is not being disclosed. Counsel certify the following summary of D.S.'s expected testimony. D.S. will testify consistently with his post-trial interviews. He will set forth that he underwent repressed memory therapy, which helped him to remember the alleged abuse by Mr. Sandusky. In this respect, D.S. will state that prior to beginning therapy and the accusations by others against Mr. Sandusky he did remember Mr. Sandusky placing his hand on his knee. D.S. will admit that before the accusations against Mr. Sandusky surfaced, he did not consider himself a victim nor, until seeking therapy, remember being sexually abused by Mr. Sandusky. D.S. will testify regarding the therapy he underwent leading up to trial. Consistent with his trial testimony, he will testify that it was only recently, at the time of trial, that he recalled Mr. Sandusky touching his nipples, blowing on his stomach, giving him bear hugs, washing him in the shower, or touching his penis. He will acknowledge attending virtually every Penn State home game between 1996-2000 because of Mr. Sandusky, and continued to tailgate with the Sandusky family up to 2008.

Witness Certification of Lindsay Kowalski

Counsel hereby certifies that Ms. Kowalski will testify consistently with her affidavit, including her creation of trial exhibits that were not utilized by Mr. Amendola. She will submit that Mr. Amendola was overwhelmed during the preparation for trial and that he appeared to lack an overall strategy for trial. Mr. Sandusky relies on Ms. Kowalski's affidavit for a more extensive discussion of her proposed testimony.

Witness Certification of Agent Anthony Sassano

Agent Sassano's date of birth is unknown. His address can be ascertained. Counsel certifies the following summary of Agent Sassano's expected testimony. Agent Sassano will submit testimony that he believed, based on information from Inspector Corricelli, that Attorney Shubin had provided a statement regarding Allan Myers and alleged abuse by Mr. Sandusky that was the product of Mr. Shubin and not Mr. Myers. Agent Sassano will further acknowledge that Attorney Shubin initially refused to allow law enforcement to interview Mr. Myers. He will add that he was aware that Mr. Myers had been interviewed by Corporal Leiter and Ellis and denied any sexual misconduct by Mr. Sandusky.

Agent Sassano will continue that it was Shubin who first insisted that Mr. Myers was abused by Mr. Sandusky, but refused to allow Mr. Myers to be interviewed unless he, Shubin, was present. Agent Sassano will testify regarding Mr. Myers statement that Mr. Sandusky did not abuse him on a trip to the University of Virginia or trips to Orlando, Florida, Los Angeles, or San Francisco. Agent Sassano will submit that Myers stated that he stayed at Mr. Sandusky's home over 100 times, but was never abused at that location and that despite Mr. Myers making a statement that he had been abused in the shower and was the McQueary shower teenager, Agent Sassano, after a failed additional interview attempt, indicated that no further investigation into Mr. Myers would occur.

Witness Certification of Trooper James Ellis

Trooper Ellis date of birth is unknown. His address is being ascertained. Counsel certifies the following summary of Trooper Ellis' proposed testimony. Trooper Ellis will testify consistently with his report regarding the September 20, 2011 interview he and Trooper Leiter conducted with Allan Myers, in which Myers, the McQueary shower teenager, denied any sexual abuse by Mr. Sandusky. This report was part of Mr. Sandusky's PCRA appendix.

Witness Certification of Corporal Joseph Leiter

Corporal Leiter's date of birth is unknown. His address is currently unknown, but can be learned. Counsel certify the following summary of Corporal Leiter's expected testimony. Corporal Leiter will testify that he interviewed Aaron Fisher, Michael McQueary, B.S.H., M.K., Z.K., D.S., and S.P., and interviewed a number of the multiple times. He will acknowledge that he told the accusers that there other alleged victims or that they were not alone, although he did not specify how many additional other accusers there were. Corporal Leiter will acknowledge that he was on the taped interview that revealed the suggestive interview of B.S.H. and the discussion with civil attorney Ben Andreozzi about informing B.S.H. about other accusers. More specifically, we will testify that in the recorded conversation he said, after being asked by Attorney Andreozzi if it was okay to tell B.S.H. that other individuals had allegedly made accusations of intercourse, that he does that "with all the other kids[.]" He will admit that he was seeking to have those he interviewed make allegations against Mr. Sandusky and was not a disinterested investigator. Corporal Leiter will testify that during the interview he stated, "We need you to tell us this is what happened." Corporal Leiter will also testify consistently with his report regarding Deb McCord, the mother of Z.K., about being contacted by Sara Ganim, who somehow learned of information related to Z.K. that was likely leaked to her.

Corporal Leiter will further submit that he interviewed Allan Myers on September 20, 2011. He will acknowledge that in that interview Mr. Myers did not make any sexual allegations against Mr. Sandusky. He will admit that during trial he did discuss testimony with Trooper Rossman, which was in violation of the court's sequestration order.

Witness Certification of Attorney Thomas Farrell

Mr. Farrell will testify regarding proper trial preparation for serious crimes, including sex offenses. Mr. Farrell will also testify regarding the amount of time that is needed to adequately review 12,000 pages of discovery when preparing for trial. He will submit that advising a client to be interviewed by the national media without conducting either a mock interview or otherwise preparing the interviewee has no reasonable basis. Mr. Farrell will add that waiving a preliminary hearing in a case like Mr. Sandusky's is a critical blunder and serves no reasonable basis. He will submit that such a waiver precludes defense counsel from ascertaining what a witness may say at trial and limits potential impeachment of those witnesses. Mr. Farrell will testify that failing to perform any serious investigation into whether a jury can be selected in a particular area that will not be unduly prejudiced by pretrial publicity has no reasonable basis. Mr. Farrell will further opine that Mr. Amendola's *voir dire* questioning, after the jurors acknowledged extensive knowledge of prejudicial media information, some of which was inaccurate, was deficient.

Mr. Farrell will continue that setting forth in an opening statement that there is overwhelming evidence against your client, when that statement is untrue, serves no reasonable purpose. He will add that failing to request a mistrial after the prosecution improperly references, multiple times, a defendant's failure to testify, has no reasonable basis. Mr. Farrell will provide that failing to review critical parts of discovery, including exculpatory evidence, is deficient representation as well as neglecting to review grand jury testimony of expected witnesses. Mr. Farrell will also submit that failing to introduce Mr. Myers statements as either impeachment or substantive evidence lacked a reasonable basis where he claimed to be Victim #2, and it would have seriously called into question Mr. McQueary's changed story, which was inconsistent with Mr. McQueary's own actions in having observed a child being raped.

Witness Certification of Attorney Ben Andreozzi

Mr. Andreozzi will testify that he represents victims of crimes, most frequently victims of sexual abuse. He will admit that he represented B.S.H., and is the voice on the tape played at Mr. Sandusky's trial regarding the interview by police in which they improperly fed B.S.H. certain information. Mr. Andreozzi will testify that he does not dispute the statements on the tape. Mr. Andreozzi will admit to having a contingency fee agreement with B.S.H. and to having filed suit against the Second Mile on behalf of B.S.H. in November of 2011, a full six months before Mr. Sandusky's trial, which was not revealed at trial. Mr. Andreozzi will acknowledge that despite that law suit he did testify at trial that he never discussed suing anyone with B.S.H. Attached are the complaint and several other filings from Mr. Andreozzi relative to B.S.H., which were filed before he and B.S.H. testified at trial that they had not discussed filing suit.

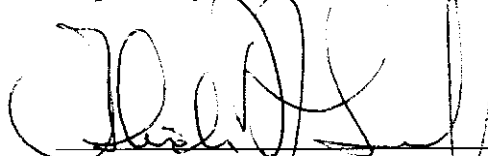
Witness Certification for Dick Anderson

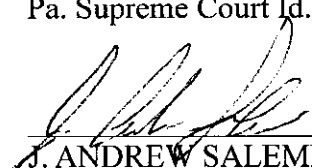
Mr. Anderson is a friend and supporter of Mr. Sandusky who testified at trial. His address is known but not being disclosed to prevent harassment. Mr. Anderson will testify that Mr. Amendola did not prepare him in any manner regarding Mr. Anderson's testimony in support of Mr. Sandusky. He will add that Mr. Amendola appeared unprepared and overwhelmed.

Witness Certification for Chad Rexrode

Mr. Rexrode is a friend and supporter of Mr. Sandusky. His address is therefore being withheld to reduce possible harassment. Mr. Rexrode will testify that Mr. Amendola did not prepare him for his trial testimony and that Mr. Amendola seemed unprepared and overwhelmed..

Respectfully submitted,



ALEXANDER H. LINDSAY, JR. ESQ.
Pa. Supreme Court Id. No. 15088¹

J. ANDREW SALEMME, ESQ.
Pa. Supreme Court Id. No. 208257

THE LINDSAY LAW FIRM
110 East Diamond Street, Suite 301
Butler, Pennsylvania 16001
Phone: 724.282.6600
Fax: 724.282.2672
Attorneys For Gerald A. Sandusky

ATTACHMENT

"John Doe #4", a pseudonym,
c/o Andreozzi & Associates, P.C.
215 Pine Street, Suite 200
Harrisburg, PA 17101

Petitioner

v.

The Second Mile
1402 South Atherton Street
State College, PA 16801

Respondent

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
PENNSYLVANIA

DOCKET NO.



ORDER

It is hereby ordered that plaintiff John Doe #4's motion for injunctive relief is granted and the Court orders as follows:

1. The Defendant The Second Mile is hereby enjoined and restrained from transferring, selling, encumbering, dissipating or adversely affecting its assets, real, personal or otherwise, until further order of this Court.
2. The Court hereby appoints _____ as receiver to gather, within ____ days, all financial information necessary to supply the court with an accounting of The Second Mile's present assets and liabilities. The receiver shall provide an accounting to the court within ____ days;
3. The receiver is permitted to approve day to day expenditures of the Second Mile limited to rent, utilities, supplies, and other ordinary and necessary business costs and expenses. The payment of any other expenditures, whether at the request of the receiver or the defendant The Second Mile, shall occur only upon request to and approval by the Court upon notice to the Plaintiff, through his counsel;

4. The parties are directed to appear on _____ for hearing on Plaintiff's request for a permanent injunction.

BY THE COURT:

, J.

Benjamin D. Andreozzi, Esquire
Identification No.: 89271
Andreozzi & Associates, P.C.
215 Pine Street, Suite 200
Harrisburg, PA 17101
717-525-9124



Jeffrey P. Fritz, Esquire
Identification No.: 78124
Soloff & Zervanos, P.C.
1525 Locust Street, 8th Floor
Philadelphia, PA 19102
215-732-2260

Attorneys for Plaintiff,
John Doe #4

"John Doe #4", a pseudonym,
c/o Andreozzi & Associates, P.C.
215 Pine Street, Suite 200
Harrisburg, PA 17101

Plaintiff

v.

The Second Mile
1402 South Atherton Street
State College, PA 16801

Defendant

**COURT OF COMMON PLEAS
PHILADELPHIA COUNTY,
PENNSYLVANIA**

DOCKET NO.

COMPLAINT - EQUITY

EMERGENT MOTION FOR INJUNCTIVE RELIEF

Plaintiff "John Doe #4", a pseudonym, by his attorneys, respectfully moves this

Honorable Court to grant injunctive relief pursuant to Rules 1531 & 1533 of the Pennsylvania Rules of Civil Procedure and avers the following in support thereof:

1. Plaintiff filed a Verified Complaint in Support of Injunctive Relief in conjunction with the filing of the present Motion, and that Complaint forms the factual basis for the relief requested and is incorporated by reference herein. See attached Verified Complaint in Support of Injunctive Relief with Exhibits 1-7, attached hereto as Exhibit 1.

2. In summary, Plaintiff's Complaint avers that he was repeatedly sexually assaulted by Jerry Sandusky, and that The Second Mile, which Sandusky founded, was negligent and

reckless in allowing Sandusky to have continued access to the Plaintiff and other children after it knew that he posed a significant risk of harm to Plaintiff and similarly situated children. *Id.* at paras. 11-21; 30-31. The Verified Complaint in Support of Injunctive Relief seeks to bar **The Second Mile from dissipating its assets in anticipation of litigation.** *Id.*

3. In Pennsylvania, the prerequisites for granting a preliminary injunction are:

- (a) “the party seeking a preliminary injunction must show that an injunction is necessary to prevent immediate and irreparable harm that cannot be adequately compensated by damages”;
- (b) “the party must show that greater injury would result from refusing an injunction than by granting it, and, concomitantly, that issuance of an injunction will not substantially harm other interested parties in the proceedings”;
- (c) “the party must show that a preliminary injunction will properly restore the parties to their status as it existed immediately prior to the alleged wrongful conduct”;
- (d) “the party seeking an injunction must show that the activity it seeks to restrain is actionable, that its right to relief is clear, and that the wrong is manifest, or, in other words, must show that it is likely to prevail on the merits”;
- (e) “the party must show that a preliminary injunction will not adversely affect the public interest.”

W. Pittsburgh P'ship v. McNeilly, 840 A.2d 498, 505 (Pa. Commw. Ct. 2004) (quoting *Summitt Towne Centre, Inc. v. Shoe Show*, 828 A.2d 995, 1001 (Pa. 2003)).

4. **Plaintiff and other victims of Sandusky and The Second Mile will suffer immediate and irreparable harm if the Defendant dissipates its assets and becomes judgment proof.**

5. The injury that Plaintiff and other victims would suffer as a result of liquidation or the transfer of assets significantly outweighs the harm to Defendant which would merely be precluded from transferring, selling, encumbering, dissipating or adversely affecting assets

without prior Court approval. The proposed injunction, would not interfere with Defendant's everyday operations.

6. The preliminary injunction will properly restore the parties to their status as it existed prior to the alleged wrongful conduct while at the same time ensure that the Defendant remains solvent and operational.

7. The Plaintiff and other victims are likely to prevail on the merits of the case as further outlined in Plaintiff's Complaint, which specifically identifies Defendant's notice of inappropriate contact between Sandusky and children. Furthermore, a party seeking the injunction does not need to prove that it will prevail on its theory of liability but only that there are substantial legal questions that the court must resolve to determine the rights of the parties. *Walter v. Stacy*, 837 A.2d 1205, 1209 (Pa. Super. Ct. 2003).

8. A Court may order relief in the form of issuance of a preliminary injunction barring the dissipation of assets in *anticipation* of civil liability, not requiring the certainty of liability or entry of a judgment. *Id.*; see *Ambrogi v. Reber*, 932 A.2d 969, 2007 PA Super. 278 (Pa. Super. 2007), *appeal denied*, 597 Pa. 725, 952 A.2d 673, 2008 Pa. LEXIS 926 (2008); Standard Pennsylvania Practice, § 83:57 Dissipation of Assets (“A trial court may grant a preliminary injunction to prevent dissipation of assets in *anticipation* of a lawsuit.”) (emphasis added).

9. The relief requested will not adversely affect the public interest, and, to the contrary, will promote the greater interest of the public by not interrupting Defendant's current operations, assuming proper institutional policies and procedures have been implemented to ensure the safety and well being of the children involved in Defendant's continuing pursuits.

10. A court may order a defendant place assets or the proceeds from the sale of any of their assets into escrow to satisfy a potential judgment. *Ambrogi v. Reber*, 932 A.2d at 976, *appeal denied*, 597 Pa. 725, 952 A.2d 673, 2008 Pa. LEXIS 926 (2008); *Walter*, 837 A.2d at 1207.

11. The proposed injunction is needed to prevent the “unfair, wholesale” dissolution of Defendant's assets. *See Walter, supra*. To allow Defendant to sell off or otherwise dispose of their assets and evade a judgment would result in a miscarriage of justice.

12. The proposed injunction is necessary and its need emergent because the interim CEO David Woodle has already announced, both on November 18th and November 21, 2011, that the board is contemplating folding or transferring its programs to other organizations. *See* “Charity Founded by Accused Ex-Coach May Fold”, New York Times, November 18, 2011, Exhibit 6 to the Verified Complaint; Statement of The Second Mile, November 21, 2011, attached as Exhibit 3 to the Verified Complaint.

13. Both of these options would likely result in the dissipation of assets.

14. The proposed injunctive relief is reasonable and will abate the harm Plaintiff and others will suffer.

15. Plaintiff and other victims should be entitled to recover damages from any judgment they may ultimately receive in a civil proceeding, and only the entry of a preliminary injunction will ensure the preservation of assets.

16. Based upon the foregoing, Plaintiff has demonstrated that all of the elements necessary for the entry of injunctive relief are present, and no public interest is harmed by the relief sought.

17. Further, Plaintiff will deposit with the Court an appropriate amount determined by the Court in the form of a bond pursuant to *Pa. R.C.P. 1531(b)* to facilitate the issuance of the preliminary/permanent injunction. John Doe #4 has limited financial resources and therefore should only be required to post *de minimis* bond.

18. Plaintiff John Doe #4 requests appointment of a receiver, pursuant to Pa.R.Civ.P. 1533, to oversee the financial transactions of Defendant The Second Mile and entry of an appropriate Order.

WHEREFORE, for the foregoing reasons, plaintiff respectfully requests that this Court grant the injunctive relief sought and enter an Order to:

1. enjoin and restrain Defendant The Second Mile from transferring, selling, encumbering, dissipating or adversely affecting its assets until further Order of this Court;
2. appoint a receiver pursuant to Pa.R.Civ.P. 1533, who shall be permitted to approve day to day expenditures of the Second Mile limited to rent, utilities, supplies, and other ordinary and necessary business costs and expenses. The payment of any other expenditures, whether at the request of the receiver or the defendant The Second Mile, shall occur only upon request to and approval by the Court upon notice to the Plaintiff, through his counsel; and
3. require The Second Mile to supply an accounting of its present assets and liabilities to the receiver.

Respectfully submitted,

BY: *Benjamin D. Andreozzi /s/*

Benjamin D. Andreozzi, Esquire

BY: *Jeffrey P. Fritz /s/*

Jeffrey P. Fritz, Esquire

Co-Counsel for Plaintiff
John Doe #4

Dated: November 23, 2011

VERIFICATION

Benjamin D. Andreozzi, Esquire, attorney for the Plaintiff John Doe #4 in the foregoing matter, verifies that he is authorized to sign this Verification. He has reviewed the facts set forth in the foregoing Plaintiff's Emergent Motion for Injunctive Relief and accompanying Memorandum of Law and the facts set forth herein are true and correct to the best of his knowledge, information and belief. These statements are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

BY: *Benjamin D. Andreozzi /s/*

Benjamin D. Andreozzi, Esquire

Date: November 23, 2011

CERTIFICATE OF SERVICE

The undersigned hereby certifies that service of a true and correct copy of the Plaintiff's Emergent Motion for Injunctive Relief, Memorandum of Law in Support of Plaintiff's Emergent Motion for Injunctive Relief and Exhibits thereto were served upon the following counsel and parties by email (*labraham@archerlaw.com*) and first-class U.S. mail, postage prepaid, on November 23, 2011:

Lynn Abraham, Esquire
Archer & Greiner
One Liberty Place, Thirty-Second Floor
1650 Market Street
Philadelphia, PA 19103
Counsel for The Second Mile

SOLOFF & ZERVANOS, P.C.

BY: Jeffrey P. Fritz /s/
JEFFREY P. FRITZ, Esq.
1525 Locust Street, Eighth Floor
Philadelphia, PA 19102

Dated: November 23, 2011



EXHIBIT 1

Verified Complaint in Support of Injunctive Relief With Exhibits 1 – 4 to Verified Complaint

Benjamin D. Andreozzi, Esquire
Identification No.: 89271
Andreozzi & Associates, P.C.
215 Pine Street, Suite 200
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Attorneys for Plaintiff,
John Doe #4

"John Doe #4", a pseudonym,
c/o Andreozzi & Associates, P.C.
215 Pine Street, Suite 200
Harrisburg, PA 17101

Plaintiff

v.

The Second Mile
1402 South Atherton Street
State College, PA 16801

Defendant

**COURT OF COMMON PLEAS
PHILADELPHIA COUNTY,
PENNSYLVANIA**

DOCKET NO.

COMPLAINT-EQUITY

VERIFIED COMPLAINT IN SUPPORT OF INJUNCTIVE RELIEF

Plaintiff "John Doe #4", a pseudonym, by his attorneys, respectfully petitions this Honorable Court to grant injunctive relief pursuant to Rules 1531 & 1533 of the Pennsylvania Rules of Civil Procedure and avers the following in support thereof:

The Parties

1. Plaintiff is an adult individual who is identified herein as "John Doe #4"¹ (a pseudonym) who can be contacted by his counsel, Ben Andreozzi, Esquire, 215 Pine Street, Suite 200, Harrisburg, PA 17101.

¹ John Doe #4 is identified as "Victim 4" in the statewide investigating grand jury findings of fact, attached as Exhibit 1 hereto.

2. Plaintiff's name and address is not contained in this Complaint so as to protect the privacy and identity of John Doe #4, who incurred injuries and damages while a minor, due to sexual assaults, negligence and recklessness.
3. John Doe #4's use of this pseudonym is done in good faith in order to avoid humiliation, embarrassment, additional psychological harm, and disruption or interference with the following pending criminal cases: *Commonwealth of Pennsylvania v. Gerald A. Sandusky*, docketed in Centre County as MJ-49201-CR-0000636-2011; *Commonwealth of Pennsylvania v. Timothy M. Curley*, docketed in Dauphin County as MJ-12303-CR-0000353-2011; and *Commonwealth of Pennsylvania v. Gary Charles Schultz*, docketed in Dauphin County as MJ-12303-CR-0000354-2011.
4. Defendant, The Second Mile, is a non-profit corporation or similar business entity having offices at 1402 South Atherton Street, State College, PA 16801, Centre County, and elsewhere.
5. Upon information and belief, The Second Mile regularly conducts business in Philadelphia County, including, but not limited to: providing services to residents of Philadelphia County²; contracting with Pennsylvania Chamber Insurance of Philadelphia to provide its health insurance; receiving sponsorships and donations from companies and individuals located in Philadelphia County; and recently

² According to The Second Mile's website: "The Second Mile's Southeast Office, located in King of Prussia, is the base from which volunteers in that area support the statewide work of The Second Mile and serve children and families in the seven-county region: Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, and Philadelphia Counties." See <http://www.thesecondmile.org/specialEvents/seSpecEv.php>. See Exhibit 2.

hiring as its general counsel Lynn Abraham, Esquire of the law firm of Archer & Greiner, located in Philadelphia, Pennsylvania.

6. According to The Second Mile's publications and website, www.thesecondmile.org, "The Second Mile is a nonprofit organization serving the youth of Pennsylvania". See <http://www.thesecondmile.org/welcome.php>, attached as Exhibit 3.
7. Further, according to the Second Mile's website, The Second Mile "was founded in 1977 in State College, Pennsylvania, and is a statewide non-profit organization for children who need additional support and who would benefit from positive human contact. The Second Mile plans, organizes, and offers activities and programs for children - and adults who work with them - to promote self-confidence as well as physical, academic, and personal success." See <http://www.thesecondmile.org/aboutUs.php>, attached as Exhibit 4.

Summary

8. Plaintiff John Doe #4 brings this action seeking emergent injunctive relief to prevent The Second Mile from dissipating its assets so that these assets remain available for John Doe #4 and other victims of childhood sexual abuse committed through the actions of its founder and former employee, Jerry Sandusky, and the negligence and recklessness of The Second Mile and others.

Background

9. The Second Mile was founded by former Penn State University Football Defensive Coordinator Jerry Sandusky and, upon information and belief, was a charity initially devoted to helping troubled young boys.

10. John Doe #4 was introduced to Sandusky in or around 1996 or 1997 through The Second Mile program. John Doe #4 was in his second year of the program and was aged 12 or 13 when he first met Sandusky.
11. Over the course of the next several years, Sandusky and John Doe #4 participated together in various Second Mile programs and frequently met on the property of The Second Mile and elsewhere. During this time, John Doe #4 was subjected to repeated severe sexual assaults by Sandusky at various locations.
12. Upon information and belief, Pennsylvania's Office of Attorney General conducted a multi-year investigation through November, 2011, and a Pennsylvania statewide investigating grand jury heard testimony and considered evidence "into reported sexual assaults of minor male children by Gerald A. Sandusky ("Sandusky") over a period of years, both while Sandusky was a football coach for the Pennsylvania State University ("Penn State") football team and after he retired from coaching." See Findings of Fact of Statewide Investigating Grand Jury, p. 1, attached as Exhibit 1.
13. On November 5, 2011, the investigating grand jury findings were made public and contained numerous findings of fact. *Id.*
14. The Thirty-third statewide investigating grand jury found, among other things, that:
 - a. Sandusky sexually assaulted eight children, including Plaintiff John Doe #4, whom he met through The Second Mile;
 - b. "[i]t was within The Second Mile program that Sandusky found his victims";

- c. The Second Mile personnel and/or its counsel were made aware of complaints of Sandusky's sexual assaults on children and/or inappropriate behavior with children in 1998, 2002 and 2008; and
- d. Sandusky continued his work with The Second Mile until retiring in September, 2010.

Id.

- 15. Specifically, sometime in 1998, complaints were made to Penn State administrators and to university counsel Wendell Courtney, Esquire, who was also general counsel to The Second Mile, that Sandusky engaged in inappropriate sexual activity with minors in the showers of the locker room at Penn State. *Id.* at p. 9. Upon information and belief, Courtney is no longer counsel to The Second Mile.
- 16. Further, on March 1, 2002 at 9:30 p.m., a Penn State graduate assistant observed Sandusky subjecting a ten year old boy to anal intercourse while both were naked in the showers located in the locker room at the Lasch Football Building on the University Park Campus. *Id.* at pp. 6-13.
- 17. After this event, the graduate assistant reported what he had seen to Penn State's head football coach, who, in turn reported this to the Athletic Director. Approximately one and a half weeks later, the **incident was reported to The Second Mile.** *Id.* at pp. 7-8 (emphasis added).
- 18. In particular, then Athletic Director Tim Curley "informed Dr. Jack Raykovitz, Executive Director of the Second Mile of [Sandusky's] conduct reported to him and met with Sandusky to advise Sandusky that he was prohibited from bringing

youth onto the Penn State campus from that point forward. Curley testified that he met again with the graduate assistant and advised him that Sandusky had been directed not to use Penn State's athletic facilities with young people and 'the information' had been given to director of The Second Mile." *Id.* at p. 8.

19. According to a statement issued by the Second Mile on its website, in "November 2008, Mr. Sandusky informed The Second Mile that he had learned he was being investigated as a result of allegations made against him by an adolescent male in Clinton County, PA." See Statement of The Second Mile, November 6, 2011, Exhibit 3.
20. Sandusky ended his work and association with The Second Mile in September, 2010. See Report of Statewide Investigating Grand Jury, p. 1, attached as Exhibit 1.
21. On November 4, 2011, Sandusky was indicted on 40 counts of child sexual abuse, based upon the factual findings of the grand jury as contained in Exhibit 1. *Id.*
22. On November 5, 2011, Sandusky surrendered to authorities and thereafter was arraigned and released on \$100,000 bail. *Id.*
23. On November 13, 2011, The Second Mile's CEO, Jack Raykovitz, resigned after 28 years which was believed to be "in the best interests of the organization", according to a statement on the Second Mile's website. See Statement of The Second Mile, November 13, 2011, Exhibit 3.
24. At the same time, The Second Mile appointed David Woodle as an interim CEO. *Id.*

The Second Mile Seeks to “Fold” or “Transfer its Programs”

25. On January 10, 2011, The Second Mile reported in its last filed IRS form 990 tax return for 2009 (for calendar year ending August 31, 2010) that it had total assets of \$9,454,510 and net assets, after deduction of liabilities, of \$8,974,689. See Return of Organization Exempt From Income Tax, The Second Mile, 2009, Exhibit 5.
26. On November 18, 2011, the New York Times and other news organizations reported that The Second Mile charity planned to “fold.” See “Charity Founded by Accused Ex-Coach May Fold”, New York Times, November 18, 2011, Exhibit 6; See also articles from Centre Daily Times, 11/19/11, NBC Philadelphia, 11/18/11, CBS News, 11/18/11, attached collectively as Exhibit 7 .
27. The New York Times specifically reported that The Second Mile’s interim CEO David Woodle “said in an interview Friday [November 18, 2011] that **the foundation was seeking to transfer its programs to other nonprofit organizations. The Second Mile’s leaders are looking at organizations that could, and would, carry forward the foundation’s work with disadvantaged youths.** He would not say which organizations would be candidates.” Exhibit 6 (emphasis added).
28. On November 21, 2011, The Second Mile reported on its website that: “Because the focus of our organization is on the children, The Second Mile is currently exploring three options: (1) restructuring the organization and keeping its programs going, even if it means doing so at a reduced level of service and

funding, (2) maintaining the programs by transferring them to other organizations or (3) not continuing.” See Statement of The Second Mile, November 21, 2011, Exhibit 3.

The Second Mile Should Be Enjoined From Dissipating or Disturbing Assets

29. The Plaintiff John Doe #4 brings this action seeking injunctive relief to prevent The Second Mile from “transferring its programs” to other organizations or “not continuing”, as has been widely reported and as stated by The Second Mile on its website.
30. Upon information and belief, at least eleven (11) alleged victims of Sandusky have come forward and would likely assert civil claims for negligence and violation of Pennsylvania’s Child Protective Services Law against The Second Mile and other persons and organizations who provided access for Sandusky to sexually assault children.
31. Plaintiff John Doe #4 and others intend to file an action(s) at law seeking damages against Defendant The Second Mile and others based upon The Second Mile’s negligence and failure to report known sexual abuse of children of which The Second Mile personnel were or should have been aware. Based upon the information known to date, as outlined above, John Doe #4 intends to file a complaint against all responsible parties, including The Second Mile for, among other things, the following:
- a. negligence and recklessness in the supervision of John Doe #4;
 - b. negligence and recklessness in the hiring, supervision and retention of its employee/agent, Jerry Sandusky;

- c. negligence per se for violations of Pennsylvania's Child Protective Services Law in failing to report known abuse to authorities;
- d. negligently failing to adopt, enforce and/or follow adequate policies and procedures for the protection and reasonable supervision of children against child sexual abuse;
- e. failing to develop criteria for the selection of employees and volunteers of The Second Mile;
- f. failing to limit one-to-one interactions between Sandusky and children, including John Doe #4;
- g. failing to ban or restrict overnight activities between Sandusky and children, including John Doe #4;
- h. failing to develop and enforce "out of program" contact restrictions between Sandusky and children, including John Doe #4;
- i. failing to develop policies and procedures for the reporting of inappropriate sexual conduct by employees and volunteers within The Second Mile;
- j. failing to prevent the isolation of Sandusky with children, including John Doe #4;
- k. failing to implement, enforce and/or follow adequate protective and supervisory measures for the protection of children including the "Two Deep Rule" or "Two Adult Rule" as is followed in the Boy Scouts of America, religious organizations and other organizations;

- l. negligently failing to warn John Doe #4 and other children and their parents of the known harm posed by Sandusky after The Second Mile personnel knew or should have known of such risk;
 - m. negligently failing to provide John Doe #4 with any assistance in coping with the injuries sustained from sexual assaults; and
 - n. negligent or reckless misrepresentation.
32. Upon information and belief, the Second Mile will likely be without insurance or be without adequate insurance coverage for civil actions asserted against it considering the number of victims, the severity of the harm and consideration of exclusions likely to exist in The Second Mile's insurance policies.
33. The assets of The Second Mile should not be dissipated, encumbered or in any way obligated or disturbed in any form and should be available to victims of sexual abuse, including John Doe #4, if it is determined that The Second Mile is liable for its actions and/or omissions.
34. Unless Defendant is restrained and enjoined as sought herein, John Doe #4 and other victims will be substantially and irreparably injured, for which they will have no adequate remedy at law.
35. The liquidation of Defendant's assets will leave The Second Mile judgment proof and allow it to evade justice for the harm to John Doe #4 and other victims.
36. In Pennsylvania, the prerequisites for granting a preliminary injunction are:
 - (1) "the party seeking a preliminary injunction must show that an injunction is necessary to prevent immediate and irreparable harm that cannot be adequately compensated by damages";

(2) “the party must show that greater injury would result from refusing an injunction than by granting it, and, concomitantly, that issuance of an injunction will not substantially harm other interested parties in the proceedings”;

(3) “the party must show that a preliminary injunction will properly restore the parties to their status as it existed immediately prior to the alleged wrongful conduct”;

(4) “the party seeking an injunction must show that the activity it seeks to restrain is actionable, that its right to relief is clear, and that the wrong is manifest, or, in other words, must show that it is likely to prevail on the merits”;

(5) “the party must show that a preliminary injunction will not adversely affect the public interest.”

W. Pittsburgh P'ship v. McNeilly, 840 A.2d 498, 505 (Pa. Commw. Ct. 2004) (quoting *Summitt Towne Centre, Inc. v. Shoe Show*, 828 A.2d 995, 1001 (Pa. 2003)).

37. A court may order that a Defendant place assets or the proceeds from the sale of any of their assets into escrow to satisfy a potential judgment. *Ambrogi v. Reber*, 932 A.2d 969, 2007 PA Super. 278 (Pa. Super. 2007), *appeal denied*, 597 Pa. 725, 952 A.2d 673, 2008 Pa. LEXIS 926 (2008); *Walter v. Stacy*, 837 A.2d 1205, 1207 (Pa. Super. Ct. 2003).

38. The party seeking the injunction does not need to prove that it will prevail on its theory of liability but only that there are substantial legal questions that the court must resolve to determine the rights of the parties. *Walter*, 837 A.2d at 1209.

39. A Court may order relief in the form of issuance of a preliminary injunction barring the dissipation of assets in *anticipation* of civil liability, not requiring the certainty of liability or entry of a judgment. *Id.*; *see also Ambrogi v. Reber*, 932 A.2d 969, 2007 PA Super. 278 (Pa. Super. 2007), *appeal denied*, 597 Pa. 725, 952 A.2d 673, 2008 Pa. LEXIS 926 (2008); Standard Pennsylvania Practice, § 83:57 Dissipation of Assets (“A trial court may grant a preliminary injunction to prevent dissipation of assets in *anticipation* of a lawsuit.”) (emphasis added).
40. Because Plaintiff, John Doe #4 and others will suffer immediate and irreparable harm if the Defendant The Second Mile liquidates its assets and becomes judgment proof, he brings this action seeking an injunction and appropriate relief so that assets will not dissipate, be encumbered, obligated or disturbed to the detriment of himself and other victims of child sexual abuse.

WHEREFORE, for the foregoing reasons, Plaintiff respectfully requests that this Court grant the injunctive relief sought and enter an Order to:

1. enjoin and restrain Defendant The Second Mile from transferring, selling, encumbering, dissipating or adversely affecting its assets until further Order of this Court;
2. appoint a receiver pursuant to Pa.R.Civ.P. 1533, who shall be permitted to approve regular expenditures of the Second Mile incurred in the normal course of its business, limited to rent, utilities, supplies, and other ordinary and necessary business costs and expenses. The payment of any other expenditures, whether at the request of the receiver or the defendant The Second Mile, shall occur only upon request to and approval by the Court upon notice to the Plaintiff, through his counsel; and
3. require The Second Mile to supply an accounting of its present assets and liabilities to the receiver.

Respectfully submitted,

BY: *Benjamin D. Andreozzi /s/*

Benjamin D. Andreozzi, Esquire

BY: *Jeffrey P. Fritz /s/*

Jeffrey P. Fritz, Esquire

Co-Counsel for Plaintiff
John Doe #4

Dated: November 23, 2011

VERIFICATION

Benjamin D. Andreozzi, Esquire, attorney for the Plaintiff John Doe #4 in the foregoing matter, verifies that he is authorized to sign this Verification. He has reviewed the facts set forth in the foregoing Plaintiff's Verified Complaint in Support of Injunctive Relief and the facts set forth therein are true and correct to the best of his knowledge, information and belief. These statements are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

BY: *Benjamin D. Andreozzi /s/*

Benjamin D. Andreozzi, Esquire

Date: November 23, 2011

EXHIBIT 1

INTRODUCTION

We, the members of the Thirty-Third Statewide Investigating Grand Jury, having received and reviewed evidence regarding violations of the Crimes Code occurring in Centre County, Pennsylvania, and elsewhere pursuant to Notice of Submission of Investigation No. 1, do hereby make the following findings of fact and recommendation of charges.

FINDINGS OF FACT

The Grand Jury conducted an investigation into reported sexual assaults of minor male children by Gerald A. Sandusky ("Sandusky") over a period of years, both while Sandusky was a football coach for the Pennsylvania State University ("Penn State") football team and after he retired from coaching. Widely known as Jerry Sandusky, the subject of this investigation founded The Second Mile, a charity initially devoted to helping troubled young boys. It was within The Second Mile program that Sandusky found his victims.

Sandusky was employed by Penn State for 23 years as the defensive coordinator of its Division I collegiate football program. Sandusky played football for four years at Penn State and coached a total of 32 years. While coaching, Sandusky started "The Second Mile" in State College, Pennsylvania, in 1977. It began as a group foster home dedicated to helping troubled boys. It grew into a charity dedicated to helping children with absent or dysfunctional families. It is now a statewide, three region charity and Sandusky has been its primary fundraiser.¹ The Second Mile raises millions of dollars through fundraising appeals and special events. The mission of the program is to "help children who need additional support and would benefit from positive human interaction." Through The Second Mile, Sandusky had access to hundreds of boys, many of whom were vulnerable due to their social situations.

¹ Sandusky retired from The Second Mile in September 2010.

VICTIM 1

The Grand Jury conducted an investigation into the reported sexual assault of a minor child, Victim 1, by Sandusky, when Victim 1, a Second Mile participant, was a houseguest at Sandusky's residence in College Township, Centre County, Pennsylvania. During the course of the multi-year investigation, the Grand Jury heard evidence that Sandusky indecently fondled Victim 1 on a number of occasions, performed oral sex on Victim 1 on a number of occasions and had Victim 1 perform oral sex on him on at least one occasion.

Victim 1 testified that he was 11 or 12 years old when he met Sandusky through The Second Mile program in 2005 or 2006. As with the remaining victims, Victim 1 only came to Sandusky's attention during his second year in the program, when the boy attended The Second Mile's camp on the Penn State University Park campus. During the 2007 track season, Sandusky began spending time with Victim 1 weekly, having the boy stay overnight at his residence in State College, Pennsylvania. Sandusky took Victim 1 to professional and college sporting events, such as Philadelphia Eagles games, or pre-season practices at Penn State. When Victim 1 slept at the Sandusky residence, he would sleep in a finished bedroom in the basement. Occasionally, other boys would also stay overnight at Sandusky's home but usually it was only Victim 1. Sandusky also encouraged Victim 1 to participate in The Second Mile as a volunteer. Sandusky gave Victim 1 a number of gifts, including golf clubs, a computer, gym clothes, dress clothes and cash. Sandusky took the boy to restaurants, swimming at a hotel near Sandusky's home, and to church.

Victim 1 testified that Sandusky had a practice of coming into the basement room after he told Victim 1 that it was time to go to bed. Victim 1 testified that Sandusky would "crack his back." He described this as Sandusky getting onto the bed on which Victim 1 was already lying

and rolling under the boy. With Victim 1 lying on top of him, face to face, Sandusky would run his arms up and down the boy's back and "crack" it. The back-cracking became a ritual at bedtime. Victim 1 said that after Sandusky had cracked his back a number of times, he progressed to rubbing Victim 1's backside while they lay face-to-face on the bed. Victim 1 testified that this began to occur during the summer of 2005 or 2006, before he entered sixth or seventh grade. Sandusky then began to blow on Victim 1's bare stomach. Eventually, Sandusky began to kiss Victim 1 on the mouth. Victim 1 was uncomfortable with the contact and would sometimes try to hide in the basement to avoid Sandusky. Victim 1 testified that ultimately Sandusky performed oral sex on him more than 20 times through 2007 and early 2008. Sandusky also had Victim 1 perform oral sex on him one time and also touched Victim 1's penis with his hands during the 2007-2008 time period. Victim 1 did not want to engage in sexual conduct with Sandusky and knew it was wrong. Victim 1 stopped taking Sandusky's phone calls and had his mother tell Sandusky he was not home when Sandusky called. This termination of contact with Sandusky occurred in the spring of 2008, when Victim 1 was a freshman in high school.

Before Victim 1 ceased contact with Sandusky, Sandusky routinely had contact with him at a Clinton County high school where the administration would call Victim 1 out of activity period/study hall in the late afternoon to meet with Sandusky in a conference room. No one monitored these visits. Sandusky assisted the school with coaching varsity football and had unfettered access to the school.

Victim 1 testified about an incident that occurred one evening at the high school when he and Sandusky were alone in the weight room where there was a rock climbing wall. After Victim 1 fell off the wall a few times, Sandusky lay down on top of him, face to face, and was

rolling around the floor with the boy. No one was able to see Victim 1 and Sandusky because of the configuration of the room. Sandusky was lying under Victim 1 with his eyes closed. Suddenly a wrestling coach, Joe Miller, unexpectedly entered the room and Sandusky jumped up very quickly and explained that they had just been wrestling.

Joseph Miller testified that he was head wrestling coach for the elementary wrestling program for that school district. He knew Victim 1, who had wrestled for him. Miller corroborated that one evening in 2006 or 2007, he returned to the high school to retrieve something he had forgotten. He saw a light on in the weight room which should have been turned off and when he went in, he discovered Victim 1 and Sandusky, lying on their sides, in physical contact, face to face on a mat. He said both Victim 1 and Sandusky were surprised to see him enter the room. He recalls that Sandusky jumped up and said, "Hey Coach, we're just working on wrestling moves." Sandusky was not a wrestling coach. Miller found the use of that secluded room odd for wrestling because the bigger wrestling room right outside the weight room had more room to wrestle and more mats. He had seen Victim 1 with Sandusky frequently before the weight room incident. He saw them together after school and before athletic practice time.

Steven Turchetta testified that he was an assistant principal and the head football coach at the high school attended by Victim 1. He testified that Sandusky was a volunteer assistant football coach. Sandusky also worked with children in the Second Mile program in that school district. Turchetta described the Second Mile as a very large charitable organization that helped children who are from economically underprivileged backgrounds and who may be living in single parent households. Turchetta first met Sandusky in 2002 when Sandusky attempted to assist some Second Mile members who were on Turchetta's football team. Sandusky's

involvement grew from there. In the 2008 season, Sandusky was a full-time volunteer coach. Turchetta said it was not unusual for him, as assistant principal, to call a Second Mile student out of activity period at the end of the day, at Sandusky's request, to see Sandusky. He knew of several students who were left alone with Sandusky, including Victim 1. Turchetta characterized Sandusky as very controlling within the mentoring relationships he established with Second Mile students. Sandusky would often want a greater time commitment than the teenagers were willing to give and Sandusky would have "shouting matches" with various youths, in which Turchetta would sometimes be the mediator. Turchetta would also end up being Sandusky's point of contact for a youth whom he had been unable to reach by phone the previous evening. Turchetta testified that Sandusky would be "clingy" and even "needy" when a young man broke off the relationship he had established with him and called the behavior "suspicious." Turchetta became aware of Victim 1's allegations regarding sexual assault by Sandusky when the boy's mother called the school to report it. Sandusky was barred from the school district attended by Victim 1 from that day forward and the matter was reported to authorities as mandated by law.

Office of Attorney General Narcotics Agent Anthony Sassano testified concerning phone records that establish 61 phone calls from Sandusky's home phone to Victim 1's home phone between January 2008 and July 2009. In that same time, there were 57 calls from Sandusky's cell phone to Victim 1's home phone. There were four calls made from Victim 1's home phone to Sandusky's cell phone and one call from Victim 1's mother's cell phone to Sandusky's cell phone. There were no calls made to Sandusky's home phone by Victim 1 during that time period.

Another youth, F.A., age fifteen, testified that Sandusky had taken him and Victim 1 to a Philadelphia Eagles football game and that Sandusky had driven. He witnessed Sandusky place

his right hand on Victim 1's knee; Sandusky had also done this to F.A. on more than one occasion when they were in Sandusky's car. F.A. was uncomfortable when Sandusky did this and moved his leg to try to avoid the contact. Sandusky would keep his hand on F.A.'s knee even after F.A. tried to move it. F.A. also testified that Sandusky would reach over, while driving, and lift his shirt and tickle his bare stomach. F.A. did not like this contact. F.A. also witnessed Sandusky tickling Victim 1 in similar fashion. Sandusky invited F.A. to stay over at his house but F.A. only stayed one time when he knew Victim 1 was also staying over, after returning from the Philadelphia Eagles game. F.A. confirmed that Victim 1 slept in Sandusky's basement room when F.A. stayed there. F.A. testified that he stayed away from Sandusky because he felt he didn't want to be alone with him for a long period of time, based on the tickling, knee touching and other physical contact. Victim 1 confirmed that Sandusky would drive with his hand on Victim 1's leg.

VICTIM 2

On March 1, 2002, a Penn State graduate assistant ("graduate assistant") who was then 28 years old, entered the locker room at the Lasch Football Building on the University Park Campus on a Friday night before the beginning of Spring Break. The graduate assistant, who was familiar with Sandusky, was going to put some newly purchased sneakers in his locker and get some recruiting tapes to watch. It was about 9:30 p.m. As the graduate assistant entered the locker room doors, he was surprised to find the lights and showers on. He then heard rhythmic, slapping sounds. He believed the sounds to be those of sexual activity. As the graduate assistant put the sneakers in his locker, he looked into the shower. He saw a naked boy, Victim 2, whose age he estimated to be ten years old, with his hands up against the wall, being subjected to anal

intercourse by a naked Sandusky. The graduate assistant was shocked but noticed that both Victim 2 and Sandusky saw him. The graduate assistant left immediately, distraught.

The graduate assistant went to his office and called his father, reporting to him what he had seen. His father told the graduate assistant to leave the building and come to his home. The graduate assistant and his father decided that the graduate assistant had to promptly report what he had seen to Coach Joe Paterno ("Paterno"), head football coach of Penn State. The next morning, a Saturday, the graduate assistant telephoned Paterno and went to Paterno's home, where he reported what he had seen.

Joseph V. Paterno testified to receiving the graduate assistant's report at his home on a Saturday morning. Paterno testified that the graduate assistant was very upset. Paterno called Tim Curley ("Curley"), Penn State Athletic Director and Paterno's immediate superior, to his home the very next day, a Sunday, and reported to him that the graduate assistant had seen Jerry Sandusky in the Lasch Building showers fondling or doing something of a sexual nature to a young boy.

Approximately one and a half weeks later, the graduate assistant was called to a meeting with Penn State Athletic Director Curley and Senior Vice President for Finance and Business Gary Schultz ("Schultz"). The graduate assistant reported to Curley and Schultz that he had witnessed what he believed to be Sandusky having anal sex with a boy in the Lasch Building showers. Curley and Schultz assured the graduate assistant that they would look into it and determine what further action they would take. Paterno was not present for this meeting.

The graduate assistant heard back from Curley a couple of weeks later. He was told that Sandusky's keys to the locker room were taken away and that the incident had been reported to The Second Mile. The graduate assistant was never questioned by University Police and no other

entity conducted an investigation until he testified in Grand Jury in December, 2010. The Grand Jury finds the graduate assistant's testimony to be extremely credible.

Curley testified that the graduate assistant reported to them that "inappropriate conduct" or activity that made him "uncomfortable" occurred in the Lasch Building shower in March 2002. Curley specifically denied that the graduate assistant reported anal sex or anything of a sexual nature whatsoever and termed the conduct as merely "horsing around". When asked whether the graduate assistant had reported "sexual conduct" "of any kind" by Sandusky, Curley answered, "No" twice. When asked if the graduate assistant had reported "anal sex between Jerry Sandusky and this child," Curley testified, "Absolutely not."

Curley testified that he informed Dr. Jack Raykovitz, Executive Director of the Second Mile of the conduct reported to him and met with Sandusky to advise Sandusky that he was prohibited from bringing youth onto the Penn State campus from that point forward. Curley testified that he met again with the graduate assistant and advised him that Sandusky had been directed not to use Penn State's athletic facilities with young people and "the information" had been given to director of The Second Mile. Curley testified that he also advised Penn State University President Graham Spanier of the information he had received from the graduate assistant and the steps he had taken as a result. Curley was not specific about the language he used in reporting the 2002 incident to Spanier. Spanier testified to his approval of the approach taken by Curley. Curley did not report the incident to the University Police, the police agency for the University Park campus or any other police agency.

Schultz testified that he was called to a meeting with Joe Paterno and Tim Curley, in which Paterno reported "disturbing" and "inappropriate" conduct in the shower by Sandusky upon a young boy, as reported to him by a student or graduate student. Schultz was present in a

subsequent meeting with Curley when the graduate assistant reported the incident in the shower involving Sandusky and a boy. Schultz was very unsure about what he remembered the graduate assistant telling him and Curley about the shower incident. He testified that he had the impression that Sandusky might have inappropriately grabbed the young boy's genitals while wrestling and agreed that such was inappropriate sexual conduct between a man and a boy. While equivocating on the definition of "sexual" in the context of Sandusky wrestling with and grabbing the genitals of the boy, Schultz conceded that the report the graduate assistant made was of inappropriate sexual conduct by Sandusky. However, Schultz testified that the allegations were "not that serious" and that he and Curley "had no indication that a crime had occurred." Schultz agreed that sodomy between Sandusky and a child would clearly be inappropriate sexual conduct. He denied having such conduct reported to him either by Paterno or the graduate assistant.

Schultz testified that he and Curley agreed that Sandusky was to be told not to bring any Second Mile children into the football building and he believed that he and Curley asked "the child protection agency" to look into the matter. Schultz testified that he knew about an investigation of Sandusky that occurred in 1998, that the "child protection agency" had done, and he testified that he believed this same agency was investigating the 2002 report by the graduate assistant. Schultz acknowledged that there were similarities between the 1998 and 2002 allegations, both of which involved minor boys in the football showers with Sandusky behaving in a sexually inappropriate manner. Schultz testified that the 1998 incident was reviewed by the University Police and "the child protection agency" with the blessing of then-University counsel Wendell Courtney. Courtney was then and remains counsel for The Second Mile. Schultz confirmed that University President Graham Spanier was apprised in 2002 that a report of an

incident involving Sandusky and a child in the showers on campus had been reported by an employee. Schultz testified that Spanier approved the decision to ban Sandusky from bringing children into the football locker room and the decision to advise The Second Mile of the 2002 incident.

Although Schultz oversaw the University Police as part of his position, he never reported the 2002 incident to the University Police or other police agency, never sought or reviewed a police report on the 1998 incident and never attempted to learn the identity of the child in the shower in 2002. No one from the University did so. Schultz did not ask the graduate assistant for specifics. No one ever did. Schultz expressed surprise upon learning that the 1998 investigation by University Police produced a lengthy police report. Schultz said there was never any discussion between himself and Curley about turning the 2002 incident over to any police agency. Schultz retired in June 2009 but currently holds the same position as a senior vice president with Penn State, on an interim basis.

Graham Spanier testified about his extensive responsibilities as President of Penn State and his educational background in sociology and marriage and family counseling. He confirmed Curley and Schultz's respective positions of authority with the University. He testified that Curley and Schultz came to him in 2002 to report an incident with Jerry Sandusky that made a member of Curley's staff "uncomfortable." Spanier described it as "Jerry Sandusky in the football building locker area in the shower [] with a younger child and that they were horsing around in the shower." Spanier testified that even in April, 2011, he did not know the identity of the staff member who had reported the behavior. Spanier denied that it was reported to him as an incident that was sexual in nature and acknowledged that Curley and Schultz had not indicated any plan to report the matter to any law enforcement authority, the Commonwealth of

Pennsylvania Department of Public Welfare or any appropriate county child protective services agency. Spanier also denied being aware of a 1998 University Police investigation of Sandusky for incidents with children in football building showers.

Department of Public Welfare and Children and Youth Services local and state records were subpoenaed by the Grand Jury; University Police records were also subpoenaed. The records reveal that the 2002 incident was never reported to any officials, in contravention of Pennsylvania law.

Sandusky holds emeritus status with Penn State. In addition to the regular privileges of a professor emeritus, he had an office and a telephone in the Lasch Building. The status allowed him access to all recreational facilities, a parking pass for a vehicle, access to a Penn State account for the internet, listing in the faculty directory, faculty discounts at the bookstore and educational privileges for himself and eligible dependents. These and other privileges were negotiated when Sandusky retired in 1999. Sandusky continued to use University facilities as per his retirement agreement. As a retired coach, Sandusky had unlimited access to the football facilities, including the locker rooms. Schultz testified that Sandusky retired when Paterno felt it was time to make a coaching change and also to take advantage of an enhanced retirement benefit under Sandusky's state pension.

Both the graduate assistant and Curley testified that Sandusky himself was not banned from any Penn State buildings and Curley admitted that the ban on bringing children to the campus was unenforceable.

The Grand Jury finds that portions of the testimony of Tim Curley and Gary Schultz are not credible.

The Grand Jury concludes that the sexual assault of a minor male in 2002 should have been reported to the Pennsylvania Department of Public Welfare and/or a law enforcement agency such as the University Police or the Pennsylvania State Police. The University, by its senior staff, Gary Schultz, Senior Vice President for Finance and Business and Tim Curley, Athletic Director, was notified by two different Penn State employees of the alleged sexual exploitation of that youth. Pennsylvania's mandatory reporting statute for suspected child abuse is located at 23 Pa.C.S. §6311 (Child Protective Services Law) and provides that when a staff member reports abuse, pursuant to statute, the person in charge of the school or institution has the responsibility and legal obligation to report or cause such a report to be made by telephone and in writing within 48 hours to the Department of Public Welfare of the Commonwealth of Pennsylvania. An oral report should have been made to Centre County Children and Youth Services but none was made. Nor was there any attempt to investigate, to identify Victim 2 or to protect that child or any others from similar conduct, except as related to preventing its re-occurrence on University property. The failure to report is a violation of the law which was graded a summary offense in 2002, pursuant to 23 Pa.C.S. §6319.²

The Grand Jury finds that Tim Curley made a materially false statement under oath in an official proceeding on January 12, 2011, when he testified before the 30th Statewide Investigating Grand Jury, relating to the 2002 incident, that he was not told by the graduate assistant that Sandusky was engaged in sexual conduct or anal sex with a boy in the Lasch Building showers.

Furthermore, the Grand jury finds that Gary Schultz made a materially false statement under oath in an official proceeding on January 12, 2011, when he testified before the 30rd Statewide Investigating Grand Jury, relating to the 2002 incident that the allegations made by the

² The grading of the failure to report offense was upgraded from a summary offense to a misdemeanor of the third degree in 2006, effective May 29, 2007.

graduate assistant were "not that serious" and that he and Curley "had no indication that a crime had occurred."

VICTIM 3

Victim 3, now age 24, met Sandusky through The Second Mile in the summer of 2000, when he was between seventh and eighth grade. The boy met Sandusky during his second year in the program. Sandusky began to invite Victim 3 to go places with him. Victim 3 was invited to Sandusky's home for dinner, to hang out, walk the family dogs and to go to Penn State football games and to Holuba Hall and the gym. When Victim 3 went to the gym with Sandusky, they would exercise and then shower. He recalls feeling uncomfortable and choosing a shower at a distance from Sandusky. Sandusky then made him feel bad about showering at a distance from him, so Victim 3 moved closer. Sandusky initiated physical contact in the shower with Victim 3 by patting him, rubbing his shoulders, washing his hair and giving him bear hugs. These hugs would be both face to face and with Sandusky's chest to Victim 3's back. Victim 3 said that on at least one occasion, Sandusky had an erection when he bear hugged Victim 3 from behind. He also recalled that when he slept over at Sandusky's residence, he slept in the basement bedroom. He testified that Sandusky would come into the bedroom where he was lying down. He sometimes said he was going to give Victim 3 a shoulder rub; sometimes he would blow on Victim 3's stomach; other times he tickled Victim 3. Sandusky would rub the inside of Victim 3's thigh when he tickled him. On two occasions Victim 3 recalls that Sandusky touched Victim 3's genitals through the athletic shorts Victim 3 wore to bed. Victim 3 would roll over on his stomach to prevent Sandusky from touching his genitals.

Victim 3 knew Victim 4 to spend a great deal of time with Sandusky.

VICTIM 4

The investigation revealed the existence of Victim 4, a boy who was repeatedly subjected to Involuntary Deviate Sexual Intercourse and Indecent Assault at the hands of Sandusky. The assaults took place on the Penn State University Park campus, in the football buildings, at Toftrees Golf Resort and Conference Center ("Toftrees") in Centre County, where the football team and staff stayed prior to home football games and at bowl games to which he traveled with Sandusky. Victim 4, now age 27, was a Second Mile participant who was singled out by Sandusky at the age of 12 or 13, while he was in his second year with The Second Mile program in 1996 or 1997. He was invited to a Sandusky family picnic at which there were several other non-family members and Sandusky's adopted children. Victim 4 described that on that first outing, Sandusky had physical contact with him while swimming, which Victim 4 described as testing "how [Victim 4] would respond to even the smallest physical contact." Sandusky engaged Victim 4 in workouts or sports and then showered with him at the old East locker rooms across from Holuba Hall, the football practice building. Sandusky initiated physical contact with Victim 4 by starting a "soap battle"--throwing a handful of soap at the boy and from there, the fight turned into wrestling in the shower. Victim 4 remembers indecent contact occurring many times, both in the shower and in hotel rooms at Toftrees.

Victim 4 became a fixture in the Sandusky household, sleeping overnight and accompanying Sandusky to charity functions and Penn State football games. Victim 4 was listed, along with Sandusky's wife, as a member of Sandusky's family party for the 1998 Outback Bowl and the 1999 Alamo Bowl. He traveled to and from both bowl games with the football team and other Penn State staff, coaches and their families, sharing the same accommodations. Victim 4 would frequently stay overnight at Toftrees with Sandusky and the football team prior to home

games; Sandusky's wife was never present at Toftrees when Victim 4 stayed with Sandusky. ~~This was where the first indecent assaults of Victim 4 occurred.~~ Victim 4 would attend the pre-game banquet and sit with Sandusky at the coaches' table. Victim 4 also accompanied Sandusky to various charity golf outings and would share a hotel room with him on those occasions.

Victim 4 stated that Sandusky would wrestle with him and maneuver him into a position in which Sandusky's head was at Victim 4's genitals and Victim 4's head was at Sandusky's genitals. Sandusky would kiss Victim 4's inner thighs and genitals. Victim 4 described Sandusky rubbing his genitals on Victim 4's face and inserting his erect penis in Victim 4's mouth. There were occasions when this would result in Sandusky ejaculating. He testified that Sandusky also attempted to penetrate Victim 4's anus with both a finger and his penis. There was slight penetration and Victim 4 resisted these attempts. Sandusky never asked to do these things but would simply see what Victim 4 would permit him to do. Sandusky did threaten to send him home from the Alamo Bowl in Texas when Victim 4 resisted his advances. Usually the persuasion Sandusky employed was accompanied by gifts and opportunities to attend sporting and charity events. He gave Victim 4 dozens of gifts, some purchased and some obtained from various sporting goods vendors such as Nike and Airwalk. Victim 4 received clothes, a snowboard, Nike shoes, golf clubs, ice hockey equipment and lessons, passes for various sporting events, football jerseys, and registration for soccer camp. Sandusky even guaranteed Victim 4 he could be a walk-on player at Penn State. Victim 4 was in a video made about linebackers that featured Sandusky, and he appeared with him in a photo accompanying an article about Sandusky in Sports Illustrated.

The Penn State football program relocated to the Lasch Football Building in 1999 and that facility had a sauna. Victim 4 reported that after the move, most of the sexual conduct that did not occur in a hotel room occurred in the sauna, as the area is more secluded.

Victim 4 remembers Sandusky being emotionally upset after having a meeting with Joe Paterno in which Paterno told Sandusky he would not be the next head coach at Penn State and which preceded Sandusky's retirement. Sandusky told Victim 4 not to tell anyone about the meeting. That meeting occurred in May, 1999.

Eventually, Victim 4 began to intentionally distance himself from Sandusky, not taking his phone calls and at times even hiding in closets when Sandusky showed up at Victim 4's home. Victim 4 had a girlfriend, of whom Sandusky did not approve. Sandusky tried to use guilt and bribery to regain time with Victim 4. Victim 4 had begun to smoke cigarettes and had Sandusky buy them for him. Victim 4 also said that Sandusky once gave him \$50 to buy marijuana at a location known to Victim 4. Sandusky drove there at Victim 4's direction and Victim 4 smoked the marijuana in Sandusky's car on the ride home. This was when Victim 4 was trying to distance himself from Sandusky because he wanted no more sexual contact with him.

VICTIM 5

Victim 5, now age 22, met Sandusky through The Second Mile in 1995 or 1996, when he was a 7 or 8 year old boy, in second or third grade. Sometime after their initial meeting at a Second Mile camp at Penn State, Sandusky called to invite the boy to a Penn State football game. Victim 5 was thrilled to attend. Sandusky picked him up at home and then Sandusky drove to pick up Victim 6. There were a couple of other kids in the car. The boys were left at Holuba Hall by Sandusky. They attended the Sandusky family tailgate and the football game. This

became a pattern for Victim 5, who attended perhaps as many as 15 football games as Sandusky's guest. Victim 5 also traveled with Sandusky to watch other college football games. Victim 5 remembers that Sandusky would often put his hand on Victim 5's left leg when they were driving in Sandusky's car, any time Victim 5 was in the front seat.

Victim 5 was taken to the Penn State football locker rooms one time by Sandusky. Sandusky put his hand on Victim 5's leg during the ride to the locker room. To the best of his recollection, this occurred when he was 8 to 10 years old, sometime during 1996-1998. The locker room was the East Area Locker rooms, next to Holuba Hall. No one was present in the locker rooms. Victim 5 was sweaty from a brief period of exercise and then Sandusky took him in the sauna and "pushed" Victim 5 "around a little bit". Looking back on it as an adult, Victim 5 says it was inappropriate. Sandusky would press his chest and body up against Victim 5's back and then push him away. All the contact was initiated by Sandusky. Then Sandusky said they needed to shower. Victim 5 was uncomfortable because he had never been naked in front of anyone who wasn't a family member. So he turned his back to Sandusky and chose a shower that was a distance away from where Sandusky was showering. Victim 5 looked back over his shoulder and saw that Sandusky was looking at him and that Sandusky had an erection. Victim 5 did not understand the significance of this at the time but still averted his gaze because he was uncomfortable. The next thing he knew, Sandusky's body touched Victim 5 from behind and Sandusky was rubbing Victim 5's arms and shoulders. Victim 5 crept forward and so did Sandusky. Victim 5 then took another step, this time to the right, and Sandusky pinned Victim 5 up against a wall in the corner. Sandusky then took Victim 5's hand and placed it on his erect penis. Victim 5 was extremely uncomfortable and pulled his hand away and slid by Sandusky.

Victim 5 walked out of the shower and dried himself off and got dressed. Sandusky never touched him again. Victim 5 thinks that he did not get invited to any football games after that.

VICTIM 6

Victim 6, who is now 24 years old, was acquainted with Victim 5 and another young boy in The Second Mile program, B.K.; their interaction with Sandusky overlapped. Victim 6 was referred to the Second Mile program by a school counselor. He met Sandusky at a Second mile picnic at Spring Creek Park when he was seven or eight years old, in 1994 or 1995. After Sandusky interacted with Victim 6 after a skit at the picnic, Sandusky telephoned to invite Victim 6 to tailgate and attend a football game with some other boys. He was picked up by Sandusky. Victim 5, B.K., and other boys were present. They went to Holuba Hall, a football practice building on the Penn State campus, and were left there by Sandusky. They threw footballs around until it was time for them to walk to the tailgate hosted by Sandusky's family and then attended the football game. Victim 6 recalls this pattern repeating many times.

Victim 6 recalls being taken into the locker room next to Holuba Hall at Penn State by Sandusky when he was 11 years old, in 1998. Sandusky picked him up at his home, telling him he was going to be working out. As they were driving to the University, Sandusky put his right hand upon Victim 6's left thigh several times. When they arrived, Sandusky showed Victim 6 the locker rooms and gave him shorts to put on, even though he was already dressed in shorts. They then lifted weights for about 15 or 20 minutes. They played "Polish bowling" or "Polish soccer", a game Sandusky had invented, using a ball made out of tape and rolling it into cups. Then Sandusky began wrestling with Victim 6, who was much smaller than Sandusky. Then Sandusky said they needed to shower, even though Victim 6 was not sweaty. Victim 6 felt awkward and tried to go to a shower some distance away from Sandusky but Sandusky called him over, saying

he had already warmed up a shower for the boy. While in the shower, Sandusky approached the boy, grabbed him around the waist and said, "I'm going to squeeze your guts out." Sandusky lathered up the boy, soaping his back because, he said, the boy would not be able to reach it. Sandusky bear-hugged the boy from behind, holding the boy's back against his chest. Then he picked him up and put him under the showerhead to rinse soap out of his hair. Victim 6 testified that the entire shower episode felt very awkward. No one else was around when this occurred. Looking back on it as an adult, Victim 6 says Sandusky's behavior towards him as an 11 year old boy was very inappropriate.

When Victim 6 was dropped off at home, his hair was wet and his mother immediately questioned him about this and was upset to learn the boy had showered with Sandusky. She reported the incident to University Police who investigated. After a lengthy investigation by University Police Detective Ronald Schreffler, the investigation was closed after then-Centre County District Attorney Ray Gricar decided there would be no criminal charges. Schreffler testified that he was told to close the investigation by the director of the campus police, Thomas Harmon. That investigation included a second child, B.K., also 11, who was subjected to nearly identical treatment in the shower as Victim 6, according to Detective Schreffler.

Detective Schreffler testified that he and State College Police Department Detective Ralph Ralston, with the consent of the mother of Victim 6, eavesdropped on two conversations the mother of Victim 6 had with Sandusky on May 13, 1998, and May 19, 1998. The mother of Victim 6 confronted Sandusky about showering with her son, the effect it had on her son, whether Sandusky had sexual feelings when he hugged her naked son in the shower and where Victim 6's buttocks were when Sandusky hugged him. Sandusky said he had showered with other boys and Victim 6's mother tried to make Sandusky promise never to shower with a boy

again but he would not. She asked him if his "private parts" touched Victim 6 when he bear-hugged him. Sandusky replied, "I don't think so...maybe." At the conclusion of the second conversation, after Sandusky was told he could not see Victim 6 anymore, Sandusky said, "I understand. I was wrong. I wish I could get forgiveness. I know I won't get it from you. I wish I were dead." Detective Ralston and the mother of Victim 6 confirm these conversations.

Jerry Lauro, an investigator with the Pennsylvania Department of Public Welfare, testified that during the 1998 investigation, Sandusky was interviewed on June 1, 1998, by Lauro and Detective Schreffler. Sandusky admitted showering naked with Victim 6, admitted to hugging Victim 6 while in the shower and admitted that it was wrong. Detective Schreffler advised Sandusky not to shower with any child again and Sandusky said that he would not.

The Grand Jury was unable to subpoena B.K. because he is in the military and is stationed outside the United States.

VICTIM 7

Victim 7, now 26 years old, met Sandusky through the Second Mile program, to which he was referred by a school counselor at about the age of 10, in 1994. When Victim 7 had been in the program for a couple of years, Sandusky contacted Victim 7's mother and invited Victim 7 to a Penn State football game. He would also attend Sandusky's son's State College High School football games with Sandusky. Victim 7 enjoyed going on the field at Penn State games, interacting with players and eating in the dining hall with the athletes. Victim 7 would stay overnight at Sandusky's home on Friday nights before the home games and then go to the games with him. Sometimes they would go out for breakfast and would attend coaches meetings. Victim 6 was also a part of this group of boys. He knew B.K. and several other boys that were in Sandusky's circle.

Victim 7 testified that Sandusky made him uncomfortable when he was a young boy. He described Sandusky putting his hand on Victim 7's left thigh when they were driving in the car or when they would pull into his garage. Victim 7 eventually reacted to this by sitting as far away from Sandusky as he could in the front seat.

He also described more than one occasion on which Sandusky put his hands down the waistband of Victim 7's pants. Sandusky never touched any private parts of Victim 7. Victim 7 would always slide away because he was very uncomfortable with Sandusky's behavior. Victim 7 described Sandusky cuddling him when he stayed at his home, lying behind him with his arm around the boy. Sandusky also bear-hugged Victim 7 and cracked his back. He also took Victim 7 to Holuba Hall to work out and then to the East Area Locker rooms to shower. Victim 7 was very uncomfortable with this shared showering. Sandusky would tell Victim 7 to shower next to him even though there were multiple other showerheads in the locker room. Victim 7 testified that he has a "blurry memory" of some contact with Sandusky in the shower but is unable to recall it clearly. Victim 7 had not had contact with Sandusky for nearly two years but was contacted by Sandusky and separately by Sandusky's wife and another Sandusky friend in the weeks prior to Victim 7's appearance before the Grand Jury. The callers left messages saying the matter was very important. Victim 7 did not return these phone calls.

VICTIM 8

In the fall of 2000, a janitor named James "Jim" Calhoun ("Jim") observed Sandusky in the showers of the Lasch Building with a young boy pinned up against the wall, performing oral sex on the boy. He immediately made known to other janitorial staff what he had just witnessed.

Fellow Office of Physical Plant employee Ronald Petrosky was also working that evening and recalls that it was football season of 2000 and it was a Thursday or Friday evening,

because the football team was away for its game. Petrosky, whose job it was to clean the showers, first heard water running in the assistant coaches' shower room. He then saw that two people were in the assistant coaches' shower room. He could only see two pairs of feet; the upper bodies were blocked. Petrosky waited for the two persons to exit the shower so he could clean it. He later saw Jerry Sandusky exit the locker room with a boy, who he described as being between the ages of 11 and 13. They were carrying gym bags and their hair was wet. Petrosky said good evening and was acknowledged by Sandusky and the boy. He noted that the hallway in the Lasch building at that point is long and that Sandusky took the boy's hand and the two of them walked out hand in hand. Petrosky began to clean the shower that Sandusky and the boy had vacated. As he worked, Jim approached him. Petrosky described Jim as being upset and crying. Jim reported that he had seen Sandusky, whose name was not known to him, holding the boy up against the wall and licking on him. Jim said he had "fought in the [Korean] war....seen people with their guts blowed out, arms dismembered...I just witnessed something in there I'll never forget." And he described Sandusky performing oral sex on the boy. Petrosky testified that Jim was shaking and he and his fellow employees feared Jim might have a heart attack. Petrosky testified that all the employees working that night except Witherite were relatively new employees. In discussions held later that shift, the employees expressed concern that if they reported what Jim had seen, they might lose their jobs. Jim's fellow employees had him tell Jay Witherite what he had seen.

Jay Witherite was Jim's immediate supervisor. Witherite testified that Jim was "very emotionally upset", "very distraught", to the point that Witherite "was afraid the man was going to have a heart attack or something the way he was acting." Jim reported to Witherite that he had observed Sandusky performing oral sex on the boy in the showers. Witherite tried to calm Jim,

who was cursing and remained upset throughout the shift. Witherite told him to whom he should report the incident, if he chose to report it.

Witherite testified that later that same evening, Jim found him and told him that the man he had seen in the shower with the young boy was sitting in the Lasch building parking lot, in a car. Witherite confirmed visually that it was Sandusky who was sitting in his car in the parking lot. Witherite says that this was between 10:00 p.m. and 12:30 a.m. Petrosky also saw Sandusky drive very slowly through the parking lot about 2 to 3 hours after the incident was reported to him by Jim, at approximately 11:30 p.m. to 12:00 a.m. Petrosky recognized Sandusky in his vehicle. Petrosky testified that Sandusky drove by another time, about two hours later, again driving by very slowly but not stopping. The second drive-by was between 2:00 and 3:00 a.m. Petrosky testified that Sandusky did not enter the building either time. The area is well lit and the coaches' cars were known to Petrosky.

Jim was a temporary employee at the Lasch Building, working there for approximately 8 months. No report was ever made by Jim Calhoun. Jim presently suffers from dementia, resides in a nursing home and is incompetent to testify. Victim 8's identity is unknown.

EXHIBIT 2



Redacted

Central Region

Southcentral Region

Southeast Region

12th Annual Lehigh Valley
Celebrity Banquet
19th Annual Golf Classic,
Downingtown
Southeast Celebration of
Excellence
Send a Kid to Camp Bowling
Tournament

Western Region

Northeast Region

Special Events Calendar

Special Events

Southeast Region

The Second Mile's Southeast Office, located in King of Prussia, is the base from which volunteers in that area support the statewide work of The Second Mile and serve children and families in the seven-county region: Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, and Philadelphia Counties. The Regional Board and staff oversee those efforts, and two highly effective and committed groups of volunteers in the Lehigh Valley and Chester County make up the two Chapter Boards currently chartered in that region.

The Regional Board and both Chapters also connect The Second Mile to potential corporate and foundation sponsors and raise friends and funds through regional roundtables and special events. Our area special events include the **Lehigh Valley Chapter Celebrity Banquet and Silent Auction**. Invited celebrities, corporate sponsors, and individual donors enjoy an evening of entertaining celebrity speakers and lighthearted food and fun and have the opportunity to hear from youth benefiting from Second Mile programs. Widespread corporate and individual support has been key to the success of **The Chester County Second Mile Golf Classic**, a wonderful outing that makes our area programs for youth possible. Another great event, The Second Mile's **Southeast Celebration of Excellence Banquet**, features a celebrity keynote speaker and a night of entertainment, honoring the work of the Southeast region's Chapter, Board, volunteers and staff in the past year.

If you haven't yet experienced the fun of these events, we would love to have you join us as a guest or sponsor as an additional way to support Second Mile children. Or consider joining the Region's extensive network of dedicated volunteers by contacting our Southeast Region Office (610) 491-9440 or southeast@thesecondmile.org. Volunteers are the lifeblood of The Second Mile; the Region's Board, Chapters and staff would welcome your expanded involvement on behalf of children who need our help ■

[Welcome](#) | [About Us](#) | [Programs & Services](#) | [Ways to Give](#) | [Special Events](#)
[News](#) | [Get Involved](#) | [Chapters & Affiliates](#) | [Our Team](#) | [Search](#) | [Forms](#)

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Case ID: 111102384

Control No: 11113411

EXHIBIT 3



Redacted



Welcome

The Second Mile is a nonprofit organization serving the youth of Pennsylvania. At The Second Mile, we are committed to helping young people achieve their potential as individuals and as community members and providing education and support for their parents and youth service professionals.

Redacted

A Statement from The Second Mile - 11.21.2011

We at the Second Mile are sorrowful and horrified about what was suffered by the victims. First and foremost, our thoughts are with the young people hurt by these terrible events, and with their families.

We are working with all our donors and supporters to determine the projected future support level. Because the focus of our organization is on the children, The Second Mile is currently exploring three options: (1) restructuring the organization and keeping its programs going, even if it means doing so at a reduced level of service and funding, (2) maintaining the programs by transferring them to other organizations or (3) not continuing. Our primary goal is to sustain the programs for the sake of the kids.

We are deeply troubled by the factual allegations in this case. Right now, we are doing everything in our power to investigate and understand what happened. As we strive to come to grips with these events, we are giving law enforcement authorities our full cooperation. Indeed, cooperating fully with investigators stands as one of our paramount duties in the coming days.

As The Second Mile moves into its next phase, we will focus on helping the successful programs provided over many years continue. The overwhelming support we have received recently increases our motivation to achieve this goal. To this end, we are working with our supporters and partners to let them have a voice in how we move forward. As we do so, the victims and their families will remain foremost in our thoughts and prayers. Ultimately, it is the children who matter.

A Statement from The Second Mile Board of Directors - 11.14.2011

Yesterday, the Board of Directors of the Second Mile (TSM) accepted the resignation of Dr. Jack Raykovitz, the CEO of The Second Mile for the past 28 years. Both Dr. Raykovitz and the Board believe this is in the best interests of the organization. David Woodlee, the current

Vice Chairman of the Board of Directors, will now be responsible for day-to-day operations of The Second Mile.

Although the allegations against Jerry Sandusky and the alleged incidents occurred outside Second Mile programs and events, this does not change the fact that the alleged sexual abuse involved Second Mile program children, nor does it lessen the terrible impact of sexual abuse on its victims.

The Second Mile's mission is to help young people – particularly those in need – to achieve their potential. The safety and well-being of the children participating in our programs is central to fulfilling that mission. To that end, we made the following decisions:

- We will conduct an internal investigation to assess our internal policies, procedures and processes; and make recommendations regarding the organization's future operations. We hope to have those findings by the end of December.
- We have engaged as our General Counsel the firm of Archer & Greiner, including partner Lynne Abraham. Archer & Greiner succeeds Wendell Courtney, who resigned from that position last week.

In addition, we will of course continue to cooperate fully with the ongoing investigation by the Attorney General's office.

Over the past week the families of many participants have urged us to maintain TSM's programs, saying they continue to believe deeply in TSM's mission and the value it provides young people in our community. We remain committed to Second Mile children, teens and families.

Our continued prayers, thoughts and concerns go out to all those affected. Just as the Second Mile is making reports of any information we receive, we continue to encourage anyone with information regarding this investigation to contact investigators from the Office of Attorney General at 814-863-1053 or Pennsylvania State Police at 814-470-2238.

Statement of Resignation from President/CEO of The Second Mile - 11.14.2011

I have submitted, and the Board has accepted, my resignation as President/CEO of The Second Mile. Providing any statement beyond that sentence takes the focus from where it should be - on the children, young adults and families who have been impacted. Their pain and their healing is the greatest priority, and my thoughts and prayers have been and will continue to be with them. I continue to urge anyone with information regarding this investigation to contact investigators from the Office of Attorney General at 814-863-1053 or Pennsylvania State Police at 814-470-2238.

A mother wrote to The Second Mile this week, 'I am saddened by the prospect of people losing faith in this amazing organization . . . What you have built in my child is a confidence, a sense of belonging, respect, joy in helping others, and most importantly, his self esteem . . . ' I hope that my resignation brings with it the beginning of that restoration of faith in the community of volunteers and staff that, along with the children and families we serve, are The Second Mile.

A Statement from The Second Mile 11.6.2011

The newly released details and the breadth of the allegations from the Attorney General's

office bring shock, sadness and concern from The Second Mile organization. Our prayers, care and compassion go out to all impacted.

The most recent reports we've read this past weekend state that Mr. Sandusky met the alleged victims through The Second Mile. To our knowledge, all the alleged incidents occurred outside of our programs and events. However, we are encouraging anyone with information regarding this investigation to contact investigators from the Office of Attorney General at 814-863-1053 or Pennsylvania State Police at 814-470-2238.

As The Second Mile's CEO Jack Raykovitz testified to the Grand Jury, he was informed in 2002 by Pennsylvania State University Athletic Director Tim Curley that an individual had reported to Mr. Curley that he was uncomfortable about seeing Jerry Sandusky in the locker room shower with a youth. Mr. Curley also shared that the information had been internally reviewed and that there was no finding of wrongdoing. At no time was The Second Mile made aware of the very serious allegations contained in the Grand Jury report.

Subsequently, in November 2008, Mr. Sandusky informed The Second Mile that he had learned he was being investigated as a result of allegations made against him by an adolescent male in Clinton County, PA. Although he maintained there was no truth to the claims, we are an organization committed first and foremost to the safety and well-being of the children we serve. Consistent with that commitment and with The Second Mile policy, we immediately made the decision to separate him from all of our program activities involving children. Thus, from 2008 to present, Mr. Sandusky has had no involvement with Second Mile programs involving children.

The Second Mile was first contacted by the Attorney General's office in early 2011. Since then, we have done everything in our power to cooperate with law-enforcement officials and will continue to do so.

Our highest priority always has been and will continue to be the safety and well-being of the children participating in our programs. We encourage program participants to report any allegations of abuse and/or inappropriate sexual activity wherever it has occurred, and we take any such reports directly to Child Protective Services. We have many policies and procedures designed to protect our participants, including employee and volunteer background checks, training and supervision of our activities.

The Second Mile has helped thousands of Pennsylvania's children to lead better lives, and we remain committed to that mission. Our success is a result of the trust placed in us by the families and professionals with whom we partner, and we will take any steps needed to maintain their confidence in us.

About Our Programs and Services

Second Mile Reverse Drawing Scheduled for November 11, 2011 Postponed

We thank all of you who have purchased tickets for The Second Mile's Reverse Drawing. The Second Mile has helped thousands of Pennsylvania's children to lead better lives, and we thank you for your support of that mission.

That mission was in evidence as Second Mile Friend and Friend Fitness events took place at a number of locations across the Commonwealth this past weekend. We very much appreciate the continued trust placed in us by the families of all of our program participants.

We remain committed to providing our programs and services to children as scheduled.

While we are providing our children's programming as scheduled, The Second Mile has decided, out of respect and compassion for all impacted by the allegations from the Attorney General's office, to postpone The Second Mile's Reverse Drawing, which was to be held November 11, 2011. In past years, this has been a fun-filled and exciting evening, and we cannot imagine holding this event in the wake of the recent allegations, which have brought shock, sadness and concern to all associated with The Second Mile organization.

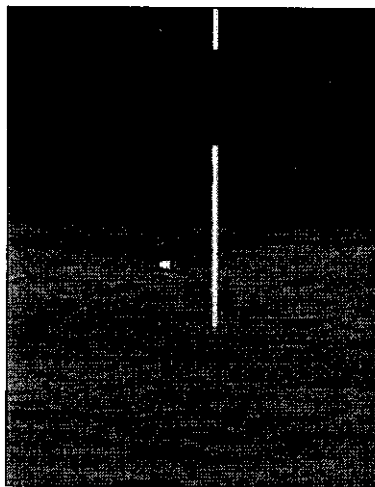
We thank you again for your support, and we look forward to seeing you at the re-scheduled event. We will be in contact with you about your Reverse Drawing support and our continuing to serve children together.

Donate Now

The Second Mile's programs and services are funded solely through private sector contributions. Support through individuals, corporations, foundations, and special events makes everything we do possible. Please consider donating now so that we can continue to offer great opportunities to the young people of Pennsylvania.

Join our Newsletter

Request Information



There are some great special events coming up! We'd love to have you join us.

Please browse our calendars on the "News" page for updates about what is happening at The Second Mile. ■

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Control No.: 11113411
11/21/2011

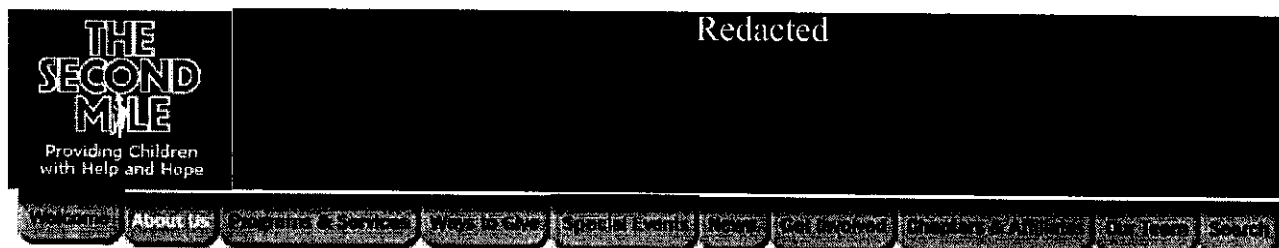
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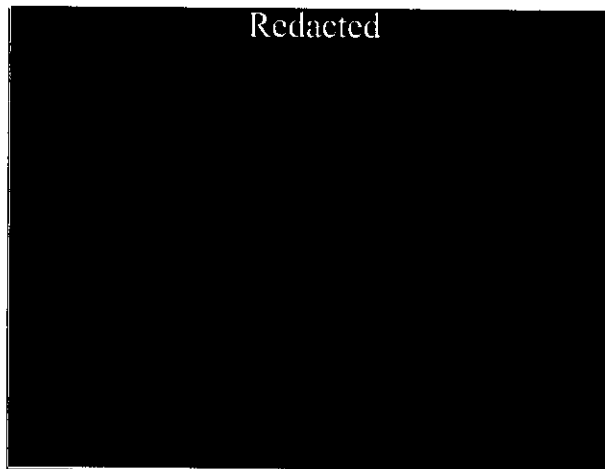
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EXHIBIT 4


[Mission](#)
[Guiding Principles](#)
[Annual Report](#)
[What Sets Us Apart](#)
[History](#)
[Employment Opportunities](#)
[Contact Us](#)

About Us



Many children face adversity even before they understand how to dream. The Second Mile, founded in 1977 in State College, Pennsylvania, is a statewide non-profit organization for children who need additional support and who would benefit from positive human contact. The Second Mile plans, organizes, and offers activities and programs for children - and adults who work with them - to promote self-confidence as well as physical, academic, and personal success. ■

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

COMMONWEALTH OF PENNSYLVANIA	:	CP-14-CR-2421-2011
	:	CP-14-CR-2422-2011
	:	
v.	:	
	:	
GERALD A. SANDUSKY,	:	
	:	HONORABLE SENIOR JUDGE
PETITIONER.	:	JOHN M. CLELAND

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 27th day of April, 2016 he caused an exact copy of the foregoing document to be served in the manner specified, upon the following:

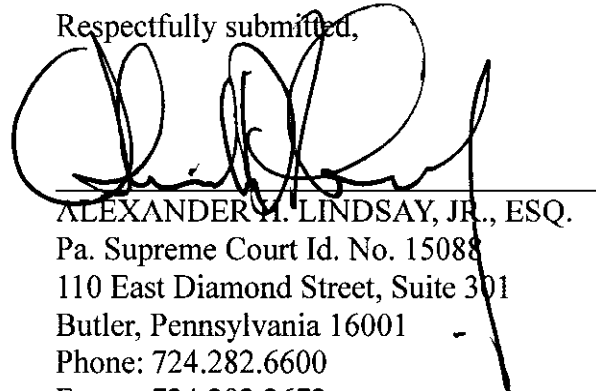
First Class Mail

Honorable John M. Cleland, Sr. Judge c/o Office of the Court Administrator and
Office of the Clerk of Courts of Centre County
Centre County Courthouse
102 South Allegheny Street
Bellefonte, PA 16823

First Class United States Mail

Assistant Attorney General Jennifer Peterson
Office of the Attorney General – Criminal Prosecutions Section
16th Floor Strawberry Square
Harrisburg, PA 17120

Respectfully submitted,



ALEXANDER H. LINDSAY, JR., ESQ.

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