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

COMMONWEALTH OF

CP-14-CR-2421-2011

CP-14-CR-2422-2011

v.

GERALD A. SANDUSKY,

PETITIONER.

HONORABLE SENIOR JUDGE
JOHN M. CLELAND

TYPE OF PLEADING:

AMENDED WITNESS CERTIFICATION
OF ALLAN MYERS

FILED ON BEHALF OF:

PETITIONER, GERALD A. SANDUSKY

COUNSEL FOR PETITIONER:

ALEXANDER H. LINDSAY, ESQUIRE
Pa. Supreme Court Id. No. 15088

J. ANDREW SALEMME, ESQUIRE
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2016 OCT 31 AM 11:25

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CENTRE COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA	:	CP-14-CR-2421-2011	2016 OCT 31 AM 11:29 CLERK OF COURT JENNIFER L. HARRIS
	:	CP-14-CR-2422-2011	
	:		
v.	:		
	:		
GERALD A. SANDUSKY,	:		
	:	HONORABLE SENIOR JUDGE	
PETITIONER.	:	JOHN M. CLELAND	

AMENDED WITNESS CERTIFICATION of ALLAN MYERS

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 this Amended Witness Certification pursuant to the Court's Order of October 17, 2016.

Allan Myers was born on April 28, 1987. His address is 6106 Renovo Rd, Mill Hall PA 17751. To the best of counsels' knowledge, it is believed that Mr. Myers, if he testifies consistent with his September 20, 2011 interview with Trooper James Ellis and Corporal Joseph Leiter, would set forth:

- Mr. Myers became involved with the Second Mile in the third grade when he was nine or ten, which would have been in 1997-1998.
- Mr. Myers learned of allegations against Mr. Sandusky while stationed in California with the United States Marine Corps.
- Mr. Sandusky had contacted him and advised him that if he was ever questioned that he was to truthfully answer any and all questions.
- Mr. Myers stated that he did not believe the allegations and that the initial accuser was only out to get money.
- Mr. Myers, at that time, remained in contact with Mr. Sandusky and would speak with him by phone one or two times a week.
- Mr. Myers first met Mr. Sandusky when he was 11 or 12, through the Second Mile.
- He attended Second Mile programs for approximately five years.
- Mr. Sandusky would take him to Penn State football games with other Second Mile kids.
- He recalled the names of Frankie (Frankie Probst) and Brett (Brett Houtz)

- Occasionally, Mr. Myers would stay overnight at the Sandusky's.
- He would stay in an upstairs bedroom.
- After High School, he lived with the Sandusky's for a brief period while attending PSU, and stayed in the same room.
- Mr. Myers acknowledged showering with Mr. Sandusky at Holuba Hall and the Lasch Building after working out and playing "Polish Soccer."
- Mr. Myers stated that nothing inappropriate occurred while showering with Mr. Sandusky.
- Mr. Myers submitted that Mr. Sandusky stood with Mr. Myers mother on Mr. Myers' high school football senior night.
- Mr. Myers also said that Mr. Sandusky would place his hand on his left knee when riding in a vehicle, but that this did not make Mr. Myers uncomfortable.

To the best of counsels' knowledge, if Mr. Myers testifies consistent with his original interview with Mr. Amendola's investigator he would testify as follows.

- Mr. Myers was interviewed by Curtis Everhart, an investigator for Mr. Amendola.
- Mr. Myers told Mr. Everhart in response to whether Jerry ever touched him in any way that Mr. Sandusky would put his right hand on his left knee.
- Mr. Myers told Mr. Everhart that Mr. Sandusky stood with his mother on Senior Night for football and was announced as his father.
- Mr. Myers informed Mr. Everhart that he invited both Mr. and Mrs. Sandusky to his wedding.
- Mr. Myers indicated to Mr. Everhart that he stopped going to the Second Mile in sixth grade, but continued to be involved with Mr. Sandusky later in his life, including living with him as an adult for a period.
- Mr. Myers stated to Mr. Everhart that he was the individual involved in the McQueary shower episode, and that he was not sexually abused.
- Mr. Myers informed Mr. Everhart that he had been interviewed previously by State Police and felt very uncomfortable and that the police were angry and upset when he made no allegations against Mr. Sandusky.
- Mr. Myers denied being abused by Mr. Sandusky.

In short, to the best of counsels' knowledge, it is believed that Mr. Myers will testify that during that interview he acknowledged being closely associated with Mr. Sandusky. To the best of counsels' knowledge, it is believed that Mr. Myers will submit that during that interview he maintained that he was alleged Victim #2, the McQueary shower teenager. Further, to the best of counsels' knowledge, it is believed that Mr. Myers would testify that he denied any misconduct on

the part of Mr. Sandusky during that interview.

To the best of counsels' knowledge, it is believed that he will relate that he traveled over twelve hours to attend Mr. Sandusky's mother's funeral, that he lived with the Sandusky family as an adult for a period, and that he asked them to attend his wedding. To the best of counsels' knowledge, Mr. Myers would testify that he continued to e-mail and/or talk with Mr. Sandusky until fall of 2011, and that they would talk at least once every two weeks. To the best of counsels' knowledge, Mr. Myers would testify that he traveled with Mr. Sandusky on occasion out of state and was not abused.

It is believed that Mr. Myers would acknowledge that Mr. Sandusky urged him to talk with state police if he was approached. Mr. Myers would testify that in his first interview with State Police he denied ever being abused by Mr. Sandusky. To the best of counsels' knowledge, it is believed that Mr. Myers will admit that he subsequently retained Attorney Andrew Shubin, and that Mr. Shubin advised him not to speak with investigators without Mr. Shubin's presence. To the best of counsels' knowledge, Mr. Myers will provide testimony concerning whether Mr. Shubin secreted him away from investigators and how he came to be represented by Mr. Shubin.

To the best of counsels' knowledge, Mr. Myers would testify concerning whether Mr. Shubin discussed with him any other accusers he represented and whether Mr. Shubin directed him to see a therapist and who it was if he did so direct. To the best of counsels' knowledge, Mr. Myers would testify that he first indicated Mr. Sandusky abused him to police while in the presence of Mr. Shubin and a second attorney representing him, but did not specify any details.

To the best of counsel's knowledge, if Mr. Myers were to testify consistent with his original statement to Postal Inspector Corricelli, he would state:

- During his second year at the Second Mile, he met Mr. Sandusky.
- Mr. Sandusky would take him to Penn State football games.

- Most times there would be other kids at these games.
- Mr. Myers would workout with Mr. Sandusky.
- In 2009, Mr. Sandusky contacted Mr. Myers about being investigated for actions he did not do and asked for Mr. Myers help. Mr. Myers agreed.
- Mr. Sandusky asked Mr. Myers to write a letter of support for him in March of 2011.
- He received a letter from Mr. Sandusky that he believed sounded good and forwarded it to the Centre Daily Times as his own.
- He telephoned Mr. Sandusky after sending the letter and Mr. Sandusky thanked him.
- After leaving the Marines in May of 2011, Mr. Myers returned to the area and would go to eat with the Sandusky's and Zach Konstas, though he did not know Zach's last name.
- Mr. Myers continued to talk by telephone with Mr. Sandusky until September 2011.
- Mr. Sandusky told Mr. Myers that he should speak with police if they approached him.
- Mr. Myers admitted to getting gifts from Mr. Sandusky, including autographs, footballs, golf clubs, and helped him obtain a vehicle.
- Mr. Sandusky wrote him frequent letters while he was at basic training.

To the best of counsels' knowledge, if Mr. Myers were to testify consistent with his second interview with Postal Inspector Corricelli, he would set forth:

- He first met Mr. Sandusky through the Second Mile.
- Mr. Sandusky, while he was still a coach, would take him to Penn State football games, generally with eight to ten other Second Mile kids. The kids would play football or basketball at Holuba Hall until it was time to walk to Beaver Stadium.
- Later, after Mr. Sandusky retired, he sat with him on occasion at games, but ordinarily Mr. Sandusky would sit with his wife.
- After games, the boys would go to the Sandusky home and Mrs. Sandusky would feed them hamburgers or they might go to McDonalds or Subway
- On occasion, Mr. Myers would go with Mr. Sandusky to Albright College to watch them play football because Mr. Sandusky's son was coaching.
- He recalled sleeping over at the Sandusky home and that on a couple occasions, Frankie Probst and Dave Hilton were present.
- Mr. Myers lived with the Sandusky's while attending Penn State for a period, and said that he stayed in the basement.
- Mr. Myers for the first time alleged that Mr. Sandusky abused him.

To the best of counsels' knowledge, if Mr. Myers testifies consistent with his final interview

with Inspector Corricelli and Agent Sassano, would submit:

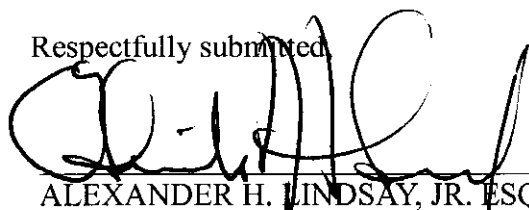
- Mr. Myers travelled with Mr. Sandusky to the University of Virginia in 2000 or 2001, for Mr. Sandusky's interview for the head coaching position.
- There was no sexual contact during the trip.
- Mr. Myers also went with Mr. Sandusky to Orlando, Florida and was not abused
- Mr. Myers related a third trip with Mr. and Mrs. Sandusky to Los Angeles, and that there was no sexual abuse.
- Mr. Myers recalled a trip with Mr. and Mrs. Sandusky to San Francisco for Mr. Sandusk to speak for the American Football Coaches Association. No sexual abuse occurred.
- Mr. Myers attended two or three Cleveland Brown games with Mr. Sandusky, as well as a Ravens and Eagles games. Mr. Myers brother or Frankie Probst would sometimes go with him.
- Mr. Myers claimed that when he was ten or eleven, on a trip to Erie, Mr. Sandusky put his hand inside Mr. Myers pants and touched his penis.
- Mr. Sandusky did not put Mr. Myers hand on Mr. Sandusky's penis or kiss him.
- Mr. Sandusky did not engage in sexual contact with Mr. Myers at Mr. Sandusky's home and Mr. Sandusky never put his mouth on Mr. Myers' penis.
- Mr. Myers said there was sexual contact with Mr. Sandusky at the Lasch Building around ten times.
- Mr. Myers said he was the person involved in the McQueary incident.
- Mr. Myers would not talk about specifics regarding the sexual abuse.
- Mr. Sandusky never showed him pornography or talked to him about sex.
- Mr. Myers did send a letter in support of Mr. Sandusky to the Centre Daily Times, but did not write it himself.
- Mr. Myers admitted he had given an interview to Mr. Amendola's investigator claiming to be the person in the 2001 incident and that nothing happened.

To the best of counsels' knowledge, Mr. Myers would submit that he was never interviewed by Mr. McGettigan or any other prosecutor and that his interaction was with State Police, Agent Anthony Sassano, and Inspector Michael Corricelli. To the best of counsels' knowledge, Mr. Myers would testify regarding whether he was ever assured by Mr. Shubin that he would not have to testify at Mr. Sandusky's trial.

To the best of counsels' knowledge, Mr. Myers would testify regarding a civil settlement

he reached with Penn State University based on his claim to being Victim #2. To the best of counsels' knowledge, it is believed that Mr. Myers will further testify that he was interviewed by Investigator Ken Cummings. To the best of counsels' knowledge, it is believed that he would discuss whether he told Mr. Cummings that the statements he made to Curtis Everhart that Mr. Sandusky did not abuse him were truthful.

Respectfully submitted,



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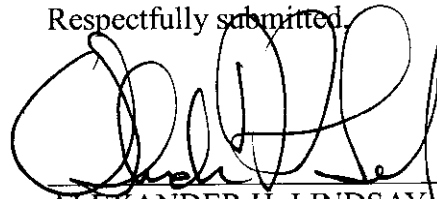
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 20th day of October, 2016 he caused an exact copy of the foregoing document to be served in the manner specified, upon the following:

Via First Class Mail

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

Respectfully submitted,



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