

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

COMMONWEALTH OF PENNSYLVANIA	:	No. CP-14-CR-2421-2011
	:	No. CP-14-CR-2422-2011
vs.	:	
	:	
GERALD A. SANDUSKY	:	

**MOTION OF GRAND JURY PRESENTMENT VICTIM 3 AND 7,
TO PRESERVE THE CONFIDENTIALITY OF
THE IDENTITIES OF ALLEGED SEXUAL ABUSE VICTIMS**

Presentment Victims 3 and 7 move the Court for issuance of an Order that protects the identities of the alleged victims of sexual abuse identified in Grand Jury Presentment. In support thereof, Movants state as follows:

1. The Commonwealth of Pennsylvania arrested Gerald A. Sandusky and charged him with multiple felonies based upon the Thirty-Third Statewide Investigating Grand Jury's findings that he sexually abused boys who were receiving services from The Second Mile, a charity he set up to "help" troubled children. The case attracted extraordinary local and nationwide media and public interest since news of the Grand Jury's Presentment was publicized in early November 2011. That coverage is expected to increase in intensity as the trial date approaches and continue throughout the trial proceedings, particularly as the alleged victims testify.

2. The public disclosure of the identities of the alleged Sandusky sexual abuse victims would cause them tremendous additional fear, anxiety and mental anguish. Disclosure of their identities could subject them to ridicule and harassment in their communities, subject them to the intense scrutiny of the national and local media, and could potentially expose them to physical harm.

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PROthonotary
CENTRE COUNTY, PA

3. Public disclosure of their identities increases the well-recognized risk that child sexual abuse victims will not report these crimes. The failure to report child sexual abuse, in turn, increases the risk that perpetrators will continue their abuse. Thus, whenever a victim comes forward, it can prevent the creation of future victims through public identification of a perpetrator. Kenneth V. Lanning, Child Molesters: A Behavioral Analysis, 37 (4th ed. 2001) available at http://www.cybertipline.com/en_US/publications/NC70.pdf ("Although a variety of individuals sexually abuse children, preferential-type sex offenders, and especially pedophiles, are the primary acquaintance sexual exploiters of children. A preferential-acquaintance child molester might molest 10, 50, hundreds, or even thousands of children in a lifetime, depending on the offender and how broadly or narrowly child molestation is defined. Although pedophiles vary greatly, their sexual behavior is repetitive and highly predictable.").

4. According to Centre County Women's Resource Center sexual abuse counselor-advocate Jean Riddle Collins, "[c]onfidentiality is a critical component of safety for victims of sexual abuse, especially those who are beginning to disclose for the first time. It is extremely difficult for survivors to come forward, and when they do, they risk their psychological, physical and emotional safety." (See Affidavit of Jean Riddle Collins at ¶ 2, attached as Exhibit 1.) Ms. Collins further states: "I am convinced that the public nature of the court proceedings in this case and the unprecedented media attention on these victims may jeopardize the safety of the victims. Requiring a victim of childhood sexual abuse or their family to be identified without their consent, or

disclosing publicly their status as a victim, can seriously jeopardize their safety and severely hinder their ability to seek and obtain the help and support they need.” (Id.)

5. Rule 110 of the Pennsylvania Rules of Criminal Procedure provides the court with broad authority to issue a “special order . . . [i]n a widely-publicized or sensational case.” Indeed, on November 22, 2011, Common Pleas Judge Kathy Morrow issued a Temporary Order prohibiting the public disclosure of the identity of one of the alleged sexual abuse victims.

6. The Court and the parties have continued to protect the identities of the alleged victims through discovery and pre-trial proceedings.

7. In far less sensational cases, Pennsylvania judges and courts in other jurisdictions have protected the identity of child sexual abuse victims, who testify in court as adults. See, e.g., Doe 130 v. Archdiocese of Portland in Oregon, No. CV. 07-1732-PK, 2008 WL 656021, at *4 (D. Or. March 6, 2008) (“[I]f required to make his name known publicly, John would face a very real risk of harassment, ridicule, and personal embarrassment. The experience of sexual abuse can be deeply psychologically traumatic, and public knowledge of such abuse can trigger new trauma even years after the fact. John faces a real risk of harm to which he, as a survivor of clergy sexual abuse, is peculiarly vulnerable, and his fears regarding that risk are entirely reasonable.”); Doe v. Brown, No. FBTCV095024074S, 2009 WL 5322462 (Conn. Super. Ct. Dec. 11, 2009) (permitting pseudonym for adult plaintiff in suit concerning abuse that took place while a minor); Doe v. Diocese Corp., 647 A.2d 1067, 1072 (Conn. Super. Ct. 1994) (“[P]laintiff seemed to express real concern and fear of shame and humiliation if he received public exposure. This not only related to his job

situation, which might be dismissed as only an economic concern, but also to his desire that friends, acquaintances and even family not know all the details of the experiences he alleges"); Doe v. Potter, 225 S.W.3d 395, 402 (Ky. App. Ct. 2006) (upholding anonymity of class of child abuse victims, some of whom had reached majority by time of suit, due to fear that victims could be "irreparably harmed" by disclosure of names); Doe v. Evans, 202 F.R.D. 173, 175-176 (E.D. Pa. 2001), (recognizing that "the public has an interest in protecting the identities of sexual assault victims so that other victims will feel more comfortable suing to vindicate their rights, especially where law enforcement officers are involved"); Doe v. Provident Life & Accident Ins. Co., 176 F.R.D. 464, 466 (E.D. Pa. 1997) (hereinafter "Provident Life") (finding that regarding dispute over claimed psychiatric disorders in insurance context "the public may have a strong interest in protecting the privacy of plaintiffs in controversial cases so that these plaintiffs are not discouraged from asserting their claims."); Doe No. 2 v. Kolko, 242 F.R.D. 193, 195-198 (E.D.N.Y. 2006) (citing Doe v. Evans, permitting pseudonym in child abuse case against rabbi, stating legitimate reasons for necessity of pseudonym such as fear of "retaliation and ostracism" from Jewish Community, "private nature" and "potential misuse" of the information); Doe v. Hartford Life and Acc. Ins. Co., 237 F.R.D. 545 (D.N.J. 2006) (adopting Provident Life factors).

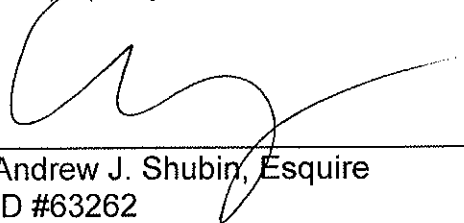
8. Although the testimony of the alleged Sandusky sexual abuse victims is of critical importance and the legitimate subject of media and public interest, personal information identifying Sandusky's alleged sexual abuse victims is not.

9. Presentment Victims 3 and 7 respectfully request the entry of an Order in the form attached protecting the identities of the alleged Sandusky sexual abuse victims from public disclosure.

10. Neither the prosecution nor the defense in Mr. Sandusky's criminal cases will be prejudiced by the relief requested herein, as the relief requested does not inhibit the prosecution or defense of these matters and does not prevent the making of a complete judicial record. The defendant's counsel has indicated that he does not oppose this motion and the undersigned has not heard back from the Commonwealth as to their position on this motion.


WHEREFORE, Presentment Victims 3 and 7 respectfully request entry of an Order in the form attached protecting the identities of the alleged Sandusky sexual abuse victims from public disclosure.

Respectfully Submitted,



Andrew J. Shubin, Esquire
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Dated: May 29, 2012



Justine F. Andronici, Esquire
ID #304841

Attorneys for Presentment Victims 3 and 7

AFFIDAVIT

I am a sexual abuse and domestic violence counselor who has worked in crisis counseling for more than 20 years in the Centre County community. For the past 15 years, I have worked at the Centre County Women's Resource Center, where I have specialized in the coordination of sexual assault/abuse services. Throughout my career, I have worked with hundreds of male and female adult survivors of childhood sexual assault and abuse. I am certified by the Pennsylvania Coalition against Rape and the Pennsylvania Coalition Against Domestic Violence as a counselor advocate and have undergone extensive continuing education on the issue of best practices in working with victims of sexual abuse.

Confidentiality is a critical component of safety for victims of sexual abuse, especially those who are beginning to disclose for the first time. It is extremely difficult for survivors to come forward, and when they do, they risk their psychological, physical and emotional safety. I am convinced that the public nature of the court proceedings in this case and the unprecedented media attention on these victims may jeopardize the safety of the victims. Requiring a victim of childhood sexual abuse or their family to be identified without their consent, or disclosing publicly their status as a victim, can seriously jeopardize their safety and severely hinder their ability to seek and obtain the help and support they need.

DATE: 11/21/11

Jean Riddle Collins
Jean Riddle Collins
Counselor Advocate and
Director of Transitional Housing
Centre County Women's Resource Center

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ACTION AT LAW - CRIMINAL

COMMONWEALTH OF PENNSYLVANIA

v.

GERALD A. SANDUSKY

Defendant

No. CP-14-CR-2421-2011

No. CP-14-CR-2422-2011

CERTIFICATE OF SERVICE

I, Andrew J. Shubin, Esquire and Justine F. Andronici, Esquire, do hereby certify that a copy of the foregoing Motion of Grand Jury Presentment Victim 3 and 7, to Preserve the Confidentiality of the Identities of Alleged Sexual Abuse Victims was served as follows:

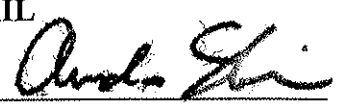
Attorney Joseph Amendola
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VIA FACSIMILE AND FIRST CLASS MAIL

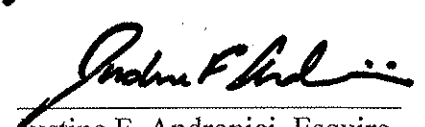
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