



IN THE COURT OF COMMON PLEAS OF
CENTRE COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : CP-14-CR-2421-2011
: CP-14-CR-2422-2011
:
V. :
:
GERALD A. SANDUSKY, :
:
PETITIONER. : HONORABLE JUDGE
: JOHN FORADORA

FILED FOR RECORD
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JEROME S. IMHOF
PROthonARY
CENTRE COUNTY, PA

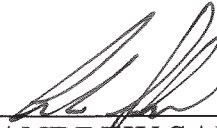
MOTION TO ADMIT ATTACHED TRANSCRIPT AS EXHIBIT H

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 Motion to Admit the Attached Transcript as Exhibit H and aver the following:

1. On March 11, 2017, Petitioner filed a motion seeking to re-open the record as it related to his grand jury leaks issue.
2. The PCRA court, on April 13, 2017, denied that motion, but indicated that Petitioner could submit pertinent official transcripts of testimony.
3. On May 11, 2017, counsel for the Petitioner introduced one such transcript and placed on the record that it had sought the transcript attached hereto but had not yet received it as of the date of the hearing.
4. That transcript was provided on or about June 9, 2017.
5. The transcript is Mr. McQueary's trial testimony in the case of *Commonwealth v. Graham Spanier*, 3615 CR 2013.
6. Pursuant to the Court's Order of April 13, 2017, Petitioner moves to have the attached transcript admitted into evidence as Exhibit H.

WHEREFORE, Mr. Sandusky requests that the aforementioned transcript, attached hereto, be admitted into evidence as Exhibit H.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Andrew Salemm', is positioned above a horizontal line.

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

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2 COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
3 VS. : DAUPHIN COUNTY, PENNSYLVANIA
4 GRAHAM BASIL SPANIER : NO. 3615 CR 2013
5
6

7 TRANSCRIPT OF PROCEEDINGS

8 JURY TRIAL

9 TESTIMONY OF MICHAEL McQUEARY

10 [Pages 1 - 36]
11

12 BEFORE: HONORABLE JOHN A. BOCCABELLA, S.J.

13 DATE: MARCH 21, 2017

14 PLACE: COURTROOM NO. 1
15 DAUPHIN COUNTY COURTHOUSE
16 HARRISBURG, PENNSYLVANIA
17

18 APPEARANCES:

19 LAURA A. DITKA, ESQUIRE
20 PATRICK SCHULTE, ESQUIRE
Office of the Attorney General

21 For - Commonwealth
22

23 SAMUEL SILVER, ESQUIRE
24 EMILY HANLON, ESQUIRE
Schnader, Harrison, Segal & Lewis

25 For - Defendant

INDEX TO WITNESSES

COMMONWEALTH	DIRECT	CROSS	REDIRECT	RE CROSS
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* * *

THE COURT: Good afternoon. Are you ready to go? You may call your next witness.

ATTORNEY DITKA: Thank you. Commonwealth calls Mike McQueary.

MICHAEL MCQUEARY,
called as a witness,
being first duly sworn or affirmed,
was examined and testified as follows:

DIRECT EXAMINATION

BY ATTORNEY DITKA:

Q. Mr. McQueary, could you tell us your full name and spell your last name for the benefit of the Court?

A. Michael Jacob McQueary, M-c-Q-u-e-a-r-y.

Q. And, sir, where do you reside? We don't need a street address, just what area?

A. State College, Pennsylvania.

Q. And did you grow up there for a portion of your life?

A. Yes.

Q. Did you play football there?

A. In State College?

Q. Yes.

A. Yes.

Q. Did you play for Penn State University?

1 A. Yes, I did.

2 Q. Did you become a graduate assistant?

3 A. Yes.

4 Q. And eventually an assistant coach?

5 A. Yes.

6 Q. When you were a graduate assistant in 2001, did
7 something occur that was unusual?

8 A. Yes.

9 Q. Could you tell the jury about that occurrence?

10 A. One night I made my way to the football building,
11 Lasch football building, and proceeded to one of the locker
12 rooms in the building. I had a pair of shoes that I needed
13 to -- that I bought earlier in the day and that I needed to
14 store in my locker. I opened the locker room door. I heard
15 showers running, heard slapping sounds, and entered another
16 doorway that was already propped up open. My locker, in an
17 aisle of lockers, was immediately to my right. Turned to my
18 locker, and obviously I knew someone was in the locker room
19 taking a shower. And the slapping sounds alerted me that
20 something more than just a shower was going on.

21 Q. Mr. McQueary, can I interrupt you for a minute?
22 What time of day or night was this?

23 A. Roughly, give or take, 8 or 8:30 at night.

24 Q. Okay. Was this in the middle of the week? Was
25 this a weekend?

1 A. It was a Friday.

2 Q. Okay. Was this a building that's open to the
3 public or is this football building something that you need to
4 key into or have a pass to get into?

5 A. At this time of day you need a key.

6 Q. Okay. So I couldn't just walk up to the Lasch
7 building and have gone in and taken a shower if I was a
8 student there?

9 A. Just so I'm clear and fair, during business hours,
10 8 to 5, the doors -- most of the doors would have been open.
11 But certainly after hours and before people worked there in
12 the morning or overnight, you needed a key to access it.

13 Q. Right. So if I was -- if I was a co-ed at State
14 College at 9:30 on Friday night, I couldn't have walked in and
15 taken a shower.

16 A. No.

17 Q. All right. And this was a football building,
18 right?

19 A. Yes.

20 Q. So there wasn't a whole lot of foot traffic of
21 other people in and out of there on a regular basis just using
22 those facilities other than sports people, was there?

23 A. No. Absolutely not.

24 Q. Okay. I interrupted you. I wanted to ask you
25 another question. You've described something as slapping

1 sounds. You aren't talking about like clapping, like
2 applause?

3 A. No, no.

4 Q. You were talking about a different kind of sound?

5 A. Yes.

6 Q. Okay. Please continue.

7 A. So alerted, at my -- standing in front of my
8 locker, I looked over my right shoulder and in front of two
9 sinks was a mirror, and in that mirror you could see a
10 reflection into the shower at a 45 degree angle.

11 And that's when I saw an individual behind a minor
12 individual, naked in the shower.

13 Q. Okay. Were you able to determine who that
14 individual was?

15 A. Yes.

16 Q. Who was that individual?

17 A. Jerry Sandusky.

18 Q. Were you able to make -- you say a minor
19 individual. Are we talking about a 17- or 16-year-old, or
20 somebody who appeared younger?

21 A. Oh, younger.

22 Q. Okay. What would be the estimation of the age of
23 the boy you saw?

24 A. Roughly 10 to 12 years old.

25 Q. Okay. Were they clothed or unclothed?

1 A. Unclothed, naked.

2 Q. Did you see any movement?

3 A. Slow, very subtle movement, but hardly any.

4 Q. Okay. But slow, subtle movement that you saw,
5 what kind of movement was it? What was moving?

6 A. It was Jerry behind the boy, right up against him.

7 Q. Skin to skin?

8 A. Yes, absolutely.

9 Q. Stomach to back?

10 A. Yes.

11 Q. Okay. And you saw Jerry moving slowly?

12 A. Yes.

13 Q. Okay. What happened next?

14 A. Alerted and shocked, and I stepped to my slight
15 right, maybe six inches, just to make sure I'm seeing what I'm
16 seeing, and looked directly with my own eyes into the opening
17 of the shower without the reflection of the mirror, and saw
18 the same exact thing.

19 Q. What did you do?

20 A. I placed the shoes in the locker, slammed the
21 locker door shut.

22 Q. Why'd you slam it?

23 A. To try to make noise to let people know I was
24 there.

25 Q. At that time -- from the time you got into the

1 building and saw this incident to the time you closed your
2 locker, did you see anybody else in that building?

3 A. No, I did not see anyone else.

4 Q. Not anybody coming in?

5 A. No.

6 Q. On your way in?

7 A. No.

8 Q. Not anybody on that floor in that area?

9 A. No.

10 Q. Just you, Jerry Sandusky, and this boy?

11 A. Yes.

12 Q. What happened next?

13 A. I proceeded to the door, and it sounds like a long
14 way but it's only two or three feet, looked in the shower one
15 more time, and Jerry and the boy were now separated, facing
16 me, and looking directly at me, slightly inside the entrance
17 of the shower.

18 Q. Okay. Did you do or say anything?

19 A. No.

20 Q. Okay. What'd you do next?

21 A. Left the locker room and went straight upstairs to
22 my office.

23 Q. What'd you do when you got to your office?

24 A. I called my father.

25 Q. Why'd you call your father?

1 A. I didn't -- I didn't know what to do and it's your
2 father.

3 Q. You trusted him?

4 A. Absolutely.

5 Q. When you called your dad, did you have a
6 conversation?

7 A. A quick one, yes.

8 Q. And what did your dad tell you to do?

9 A. He said to come -- leave the building right away
10 and come home.

11 Q. Did you follow his instructions?

12 A. I did.

13 Q. Did you see Jerry Sandusky or that boy on your way
14 out of the building?

15 A. I did not.

16 Q. How far from -- this was the Lasch building?

17 A. Yes.

18 Q. How far was the Lasch building to your father's
19 house, not in miles, in minutes?

20 A. Six-minute ride maybe.

21 Q. Okay. And did you call anybody on your way to
22 your dad's house?

23 A. I may have called my girlfriend at the time, but
24 that's not clear to me. But I can't remember it clearly.

25 Q. Were you thinking clearly at that point?

1 A. No. I'm sure I was not.

2 Q. Okay. Were you shaken?

3 A. Yes, extremely.

4 Q. When you got to your dad's house, what happened
5 there?

6 A. I tried the best I could to tell my father what I
7 had just seen. He asked a couple questions so I tried to
8 relay what I had seen. He didn't -- we talked a bit about
9 what we should do, and we decided -- he decided that he
10 thought he should get another person for input and advice on
11 what we should do.

12 Q. And did he call somebody?

13 A. Yes.

14 Q. Who did he call?

15 A. Dr. Jon Dranov.

16 Q. Who is Jon Dranov to you and your dad?

17 A. It's a very long-time friend of my father's and
18 was also his boss.

19 Q. Okay. And Dr. Dranov's a medical doctor?

20 A. Yes, he is.

21 Q. Did he come to your father's house?

22 A. He did.

23 Q. Did you engage in a conversation with Dr. Dranov
24 about what you had seen?

25 A. Yes.

1 Q. Did you tell him in great detail what you had
2 seen?

3 A. I tried to, the best I could.

4 Q. Okay. And what happened after that?

5 A. After a long discussion and talking about what I'd
6 just witnessed, we decided that the best thing to do was to
7 tell coach -- my boss, Coach Paterno, right away.

8 Q. All right. So the jury knows, let's just go a
9 little bit through the pecking order. And I don't mean this
10 in any demeaning way, but at that time you were a graduate
11 assistant, right?

12 A. Yes.

13 Q. So other than the people that are just paid
14 hourly, are you, like, the lowest rung on the totem pole in
15 the coaching system?

16 A. I'm pretty sure I'm lower than the people who are
17 paid hourly too.

18 Q. So you're down at the bottom of that food chain?

19 A. In the football organization, yes.

20 Q. Okay. And Coach Paterno is the top of the food
21 chain?

22 A. Yes.

23 Q. Especially in Penn State football?

24 A. Yes, ma'am.

25 Q. So the decision was made that you would go to your

1 ultimate boss, Joe Paterno, and tell him what happened.

2 A. Yes.

3 Q. Did you go on Friday night?

4 A. No.

5 Q. How come?

6 A. It was late and, you know, I can't give you a good
7 reason other than we just decided that I should go first thing
8 in the morning.

9 Q. Okay. Did you go first thing in the morning?

10 A. Yes.

11 Q. And that was a Saturday?

12 A. It was.

13 Q. Did you just show up or did you call first?

14 A. No, I called him on the telephone first.

15 Q. And when you called him on the telephone, did you
16 give him any information about why you wanted to see him?

17 A. No.

18 Q. And did he tell you to come over?

19 A. Yes. It was -- yeah, a little bit of a funny
20 exchange, but not because the subject matter's funny, but he
21 thought I was trying to get a full-time position job. And I
22 said, "No, I need to come over for a much more important
23 reason."

24 And he said, "Okay. Come over."

25 Q. So he thought you were sort of harassing him on a

1 Saturday morning to get a job?

2 A. Yes.

3 Q. And you had to explain that you weren't?

4 A. Right.

5 Q. Now, was it normal for a graduate assistant to
6 just show up at Joe Paterno's house early on a Saturday
7 morning?

8 A. No. Never that -- never that I can think of,
9 especially in the middle of February.

10 Q. Okay. This isn't even football season?

11 A. No, it's not.

12 Q. It had ended.

13 A. Yes.

14 Q. And it wasn't a good football season?

15 A. 2001. No, it was not a good football season.

16 Q. All right. So you go over to Joe Paterno's house.
17 What happens next?

18 A. We sat at the kitchen table, Coach and I, and I
19 tried to do the best I could tellin' him what I had saw. And
20 it's a bit awkward talkin' to Coach Paterno about that. But I
21 relayed what I had seen.

22 Q. Why was that awkward to you?

23 A. Well, it's Coach. I mean, it's -- you know, he
24 was like a grandpa and he's revered. I mean, he's -- you just
25 don't talk about that with Coach Paterno. You just --

1 Q. When you say "talk about that," are you talking
2 about, like, sexual things?

3 A. Anything like that.

4 Q. Okay.

5 A. Much less this kind of thing.

6 Q. All right. Do you believe you adequately relaid
7 it to him?

8 A. Absolutely.

9 Q. Now, did you ever use the word sodomy?

10 A. I don't believe I used that word with Coach
11 Paterno.

12 Q. Do you explain to him that Jerry Sandusky was
13 naked in the shower?

14 A. Yes, absolutely.

15 Q. Did you explain to him that there was skin-on-skin
16 contact with the boy?

17 A. I believe so, yes, ma'am.

18 Q. And did you explain to him you heard these
19 slapping sounds?

20 A. Yes.

21 Q. Okay. What was -- I'm not asking you what he
22 said. What was his reaction? What was his demeanor?

23 A. Saddened. He kind of slumped back in his chair
24 and put his hand up on his face, and his eyes just kind of
25 went sad.

1 Q. Okay.

2 A. Certainly knew it was serious, important, and he
3 was devastated, sad.

4 Q. Okay. Did you get any marching orders at that
5 point?

6 A. All he said was, after our conversation, is that
7 we need to -- I need to think about it and tell somebody, and
8 I'll let you know what's going on.

9 Q. Did you leave at that time?

10 A. I did.

11 Q. When was the next time you heard from somebody
12 from Pennsylvania State University about what you observed in
13 that shower?

14 A. I think roughly a week to ten days.

15 Q. Nobody contacted you from that Saturday for a week
16 to ten days.

17 A. No. I think Coach Paterno may have stopped into
18 my office very quickly and said I think, you know,
19 Mr. Curley's going to give you a call. But nothing official
20 in any capacity for roughly ten days.

21 Q. Okay. And at that ten-day mark, what happened?

22 A. Mr. Curley called me and said, "Mike, we need you
23 to come over to the Bryce Jordan Center. We need to talk to
24 you about a report that you gave Coach Paterno."

25 Q. Did he tell you who "we" was?

1 A. I don't think at that time he did, no.

2 Q. Did you go to the Bryce Jordan Center?

3 A. Yes.

4 Q. When you went to the Bryce Jordan Center, who was
5 there?

6 A. It was Mr. Curley and Mr. Schultz.

7 Q. And so we're clear, is the Bryce Jordan Center
8 another athletic facility?

9 A. Yes, it is.

10 Q. Okay. So it wasn't something on Old Main, an
11 administrative office. You went to another athletic facility?

12 A. That's right.

13 Q. And when you went, were you in an office? Were
14 you in a conference room? Where were you?

15 A. It was a small conference room.

16 Q. And it was you and Mr. Schultz and Mr. Curley?

17 A. Yes.

18 Q. No one else there?

19 A. No one else was there.

20 Q. Okay. Did they talk to you?

21 A. They did, yes.

22 Q. What did they say?

23 A. They asked me to tell them what I had reported to
24 Coach Paterno and what I had seen.

25 Q. And what -- in as much detail as you can remember,

1 Mike, what did you tell them?

2 A. I told them that I saw Jerry molesting a boy, that
3 what he was doing in a shower with a minor on the Friday night
4 was sexual, it was over the line. I described briefly the
5 positioning and the episode that I witnessed.

6 Q. Did you ever tell them that what you saw was
7 horseplay?

8 A. Never once have I ever said that to anybody
9 regarding this incident.

10 Q. Did you ever say horsin' around?

11 A. No.

12 Q. Did you ever describe how -- slapping or sliding
13 on the water on the floor?

14 A. Absolutely not.

15 Q. You made it clear that what you saw was a sexual
16 incident in that shower?

17 A. Without a doubt.

18 Q. How long was this meeting?

19 A. 15 minutes? Again, I don't want to be caught with
20 someone saying it's 14 minutes. So 15 minutes give or take;
21 it was roughly 15 minutes.

22 Q. Okay. And how did it end? What did they say?

23 A. They said that they would very much look into it
24 and investigate it, that they did take it seriously, and they
25 would get back to me.

1 Q. We are using the term "they" but we probably
2 shouldn't.

3 Who did most of the talking in this meeting other
4 than yourself?

5 A. I believe Mr. Curley did most of it.

6 Q. Okay. And Mr. Curley at that time, do you know
7 what his position was?

8 A. Yes.

9 Q. And he was what?

10 A. Athletic director for intercollegiate sports at
11 Penn State.

12 Q. So when we go back to our food chain, you're down
13 here; Joe Paterno is up here. And is Tim Curley actually Joe
14 Paterno's boss, at least in theory?

15 A. Absolutely.

16 Q. Okay. And what -- who was Gary Schultz?

17 A. Gary Schultz was one of the vice presidents at the
18 university.

19 Q. Okay. And did you know if he had any specific
20 duties or was in charge of any specific departments?

21 A. I did. I know he oversaw intercollegiate
22 athletics, I knew he oversaw the police department. I believe
23 it was a very big job, and at that time I didn't know what all
24 it entailed, but have come to learn that it's obviously much
25 more detailed and had various departments on campus that

1 reported to him.

2 Q. And at the time that you spoke, though, you were
3 cognizant that he was in charge of the police department.

4 A. Absolutely.

5 Q. Okay. So you were now talking to Joe Paterno's
6 boss and the head of the police?

7 A. Yes. In my mind, yes, ma'am.

8 Q. And you told them everything that you've told us
9 today.

10 A. I -- I relaid the message that I certainly saw
11 Jerry in what I thought was molesting a minor boy, yes, ma'am.

12 Q. And what happened after that?

13 A. After that meeting? After I left?

14 Q. Um-hmm.

15 A. I want to say, again -- I don't want to be caught
16 on a sixth day or seventh day. Roughly a week to ten days
17 later, coach -- or not coach -- Mr. Curley called me on the
18 phone and reported that they had looked into the incident, and
19 that they had decided to do a few things.

20 Q. And what were the few things that they had decided
21 to do?

22 A. They said that they had decided to take away
23 Jerry's keys, and they said that they told Jerry not to bring
24 children at all around any facilities. And the keys I'm not
25 sure on. Let me back up a little bit. They definitely

1 contacted The Second Mile, which is the charity organization
2 that Jerry founded and was more or less in charge of.

3 Q. When you say they definitely contacted The Second
4 Mile, do you have first-hand knowledge of that or what
5 Mr. Curley told you?

6 A. That's what they told me. That's what they said
7 they did.

8 Q. Okay.

9 A. They definitely said that we told Jerry not to
10 bring children around anymore. And I can't remember. They
11 may have said if they took his keys, but I can't remember if
12 that -- you know, that's fuzzy in my head.

13 Q. Did you have the impression that he was going to
14 have this sort of all access pass that he had before, that he
15 could be there after hours when no one was there?

16 A. No. I had thought after that phone call that they
17 had definitely put restrictions on him for sure.

18 Q. Did you still see Jerry Sandusky in the football
19 building in those locker rooms and the workout facilities
20 after that phone call?

21 A. I did.

22 Q. Okay. And did that disturb you?

23 A. Yes.

24 Q. What kind of reaction did you have?

25 A. Not a good one. At times, through the course of

1 the years, I would -- I don't know if complain about it, but
2 certainly mention it to coworkers. Why is he allowed here?
3 Later on down the road, a couple months, I know my father
4 brought it up again with Mr. Schultz. But certainly -- and to
5 be fair, I don't want to mislead anyone, I did not see Jerry
6 with children at all, I don't believe, ever again. But
7 certainly I saw Jerry for a number of years going forward.

8 Q. And did you ever hear anything else about it?

9 A. Up until when? I mean, certainly I've heard a lot
10 about it.

11 Q. After this phone call -- well, right. But after
12 this phone call when's the next time you had any kind of
13 contact with anyone about what happened in that shower in
14 2001?

15 A. Like I said, I believe a couple months later my
16 father brought it up to Mr. Schultz and we had a brief
17 conversation about that exchange.

18 Q. Your father had a relationship with Mr. Schultz?
19 He knew him?

20 A. Yes. I think it was.

21 Q. Either in a professional sense or a business
22 sense?

23 A. I believe, -- and I don't know the details of it.
24 I believe it was a business more than anything, a business
25 relationship.

1 Q. Okay. He didn't just call him out of the blue
2 because of what you told him?

3 A. Oh, no, no, no.

4 Q. So he had some preexisting relationship.

5 A. Yes.

6 Q. After that did you hear anything?

7 A. I don't believe so, for a number of years.

8 Q. Almost a decade if not longer?

9 A. Yes, that's correct.

10 Q. And when was the next time you heard something?

11 A. From just anything at all or from --

12 Q. From anybody.

13 A. Penn State or --

14 Q. Not from Penn State. From anybody in an official
15 capacity.

16 A. In an official capacity? In 2010, during the
17 course of a practice week, on a Tuesday or Wednesday night,
18 the Attorney General's -- first, I got a call from my wife.
19 And she was at our townhouse. And the attorney generals
20 were -- investigators were there, the state police officer was
21 there. And she put me on the phone with them.

22 Q. Okay. And did you make arrangements to meet with
23 them?

24 A. I did.

25 Q. And you eventually met with them in person?

1 A. Yes.

2 Q. And did you tell them your story?

3 A. I did.

4 Q. Did you tell them the same thing you told us here
5 today?

6 A. Yes.

7 Q. And did that eventually lead to an investigation
8 or part of an investigation into Jerry Sandusky?

9 A. As far as I know, yes.

10 Q. Okay. Did you come to learn that Jerry Sandusky
11 was going to be arrested?

12 A. Yes.

13 Q. And when Jerry Sandusky was arrested, was that
14 before a football game or near a football game that you were
15 coaching?

16 A. When he was actually arrested?

17 Q. When all the news broke about his arrest.

18 A. It was an off week. I believe it was a Friday
19 after the Illinois game in 2011. It was -- we had a bye week
20 the next week.

21 Q. Okay.

22 A. That's when I first learned about it or heard
23 about it, I think.

24 Q. Okay. And when you first heard about it, did --
25 what did you do, if anything?

1 A. I'm not even sure I can tell you. I was on my way
2 to Boston for recruiting and I was in going from the F
3 terminal over to the B terminals over in Philadelphia Airport.
4 And there was one of those little trams. The AGs called and
5 said we're going to arrest folks and we are going to leak it
6 out -- let me back up a little bit.

7 We had heard rumors and I had heard that -- the
8 week before that arrests were imminent and that it was going
9 to be more than Jerry Sandusky. And I ran over to Fran
10 Ganter's office. I remember clearly.

11 Q. Who was Fran Ganter?

12 A. He was assistant AD for football roughly. I don't
13 know if that's his exact title but that's what it was.

14 And I said, you gotta call Timmy's. Those guys
15 are in trouble.

16 Q. Tim Curley?

17 A. Yeah. And, you know, he kind of passed it off or
18 shrugged me off. I'm not even sure they believed me. And
19 that's all that happened with that.

20 So a week later, I'm in that airport and I get a
21 call, and then the media starts gettin' ahold of everything,
22 and it's all kind of downhill after that.

23 Q. Did you see your face on a TV?

24 A. That Sunday morning coming back from Boston, back
25 through the airport, my face was all over the TVs in the

1 airport.

2 Q. And when you got back, were you able to coach the
3 next game?

4 ATTORNEY SILVER: Your Honor, I object to the
5 relevancy at this point.

6 ATTORNEY DITKA: I think it'll become relevant
7 in just a couple questions, Your Honor.

8 THE COURT: I'll allow it. Overrule.

9 ATTORNEY SILVER: Thank you.

10 THE WITNESS: Can you repeat the question? I
11 just want to make sure.

12 BY ATTORNEY DITKA:

13 Q. Were you able to continue coaching your next game
14 after that recruiting trip?

15 A. I was not.

16 Q. And did Penn State take your keys?

17 A. They did.

18 Q. And you weren't allowed back in the building?

19 A. I was not allowed back in the building.

20 Q. Not in the Lasch building?

21 A. No.

22 Q. Bryce Jordan Center?

23 A. No.

24 Q. Sort of the east wing football building where sort
25 of the not so important coaches and staff are, right?

1 A. Right.

2 Q. But Jerry Sandusky was?

3 A. I don't know if he was allowed at that particular
4 day; certainly for a number of years he was allowed there.

5 Q. Okay. After you made your report?

6 A. Yes, ma'am.

7 ATTORNEY DITKA: That's all I have.

8 THE COURT: Cross?

9 ATTORNEY SILVER: Thank you, Your Honor.

10 CROSS EXAMINATION

11 BY ATTORNEY SILVER:

12 Q. Good afternoon, Mr. McQueary. How are you?

13 A. Good, sir. How are you?

14 Q. Good, thank you.

15 I want to start at the very end.

16 A. Okay.

17 Q. Now, this was 2011 when news broke, correct, bye
18 week and all that?

19 A. Yes, sir.

20 Q. And you said that they wouldn't allow you back in
21 the building, took your keys and such; correct?

22 A. Yes, sir.

23 Q. You don't contend in any way that Graham Spanier
24 had anything to do with that; correct?

25 A. No one's ever -- Dr. Spanier never talked to me

1 about that. I don't know if he has any involvement.

2 Q. And in all these years nobody's ever suggested to
3 you that he did; correct?

4 A. No. No one suggested that he did.

5 Q. And in the years before that -- so that's 2011.
6 Between 2001 when you reported what you had saw to 2011, I'm
7 correct that nobody ever told you, "Keep your mouth shut,"
8 correct?

9 A. That's correct.

10 Q. Certainly you never had a conversation with Graham
11 Spanier about the matter; correct?

12 A. I've never had a conversation with Dr. Spanier
13 about it.

14 Q. And nobody in that entire decade, nobody from the
15 university put any pressure on you to keep the matter quiet;
16 correct?

17 A. No.

18 Q. Simple question about memory. Am I correct that
19 at some point in time early on when you first were asked to
20 report what had happened, not to your father, Dr. Dranov, but
21 years later, you had a little bit of mixup on when it
22 occurred?

23 A. Yes, sir.

24 Q. Am I also correct you had thought initially that
25 it was a year different than the year when it actually

1 occurred?

2 A. Not totally correct, sir. I want to be fair.

3 Q. Oh, please.

4 A. Okay. I always said in every single statement,
5 written statement, everything, that I either thought it was
6 year 2002 or 2001.

7 Q. Okay.

8 A. I definitely had the actual date wrong. I thought
9 it was a Friday before spring break, and it was roughly a
10 month earlier. And I tried very, very hard with people that I
11 was reporting to to come up with the absolute right date.

12 Q. Appreciate that.

13 A. Yes, sir.

14 Q. And spring break would have been March, right?

15 A. Yes. It's always been March, as far as I can
16 remember, at Penn State.

17 Q. All right. I want to make clear the people that
18 you told about this beginning in 2001 and running up until
19 2011. You told your father the night of what you saw;
20 correct?

21 A. Yes, sir.

22 Q. And you told Dr. Dranov; correct?

23 A. Yes, sir.

24 Q. And Dr. Dranov didn't work for Penn State
25 University; correct?

1 A. No, he did not work for Penn State.

2 Q. You talked to Coach Paterno the next day; correct?

3 A. Yes, sir.

4 Q. At some point in time I think you said today you
5 can't remember if you told your then girlfriend that night,
6 but at some point in time relatively near you did tell her;
7 correct?

8 A. Absolutely.

9 Q. And that was Kristin Long?

10 A. Yeah. At that time her maiden name was Barnes.

11 Q. Okay.

12 A. Now Long.

13 Q. Okay.

14 A. Yes, yes, sir.

15 Q. You mentioned Long earlier. Wanted to make sure
16 it's the same person.

17 A. No problem at all.

18 Q. Between that time, 2001 and '11, did you tell
19 other people as well what you had seen?

20 A. Certainly people had seen reactions out of me when
21 it came to Jerry. Certainly I mentioned it briefly to fellow
22 coworkers, never in any sort of detail, but certainly that I
23 had seen somethin', that it was terrible, regarding Jerry
24 Sandusky.

25 Q. All right. And in fact you said today that you

1 talked to Mr. Curley and Mr. Schultz and they told you certain
2 measures that they were going to take; correct?

3 A. Yes.

4 Q. And you said today initially they told you they
5 were going to take Jerry Sandusky's keys away, and then you
6 said they might not have told you that. What made you say
7 initially that they told you that?

8 A. I'm just making clear because I know attorneys
9 like to come back on your words.

10 Q. Not me.

11 A. Not yet. We might get along.

12 Q. I think we would.

13 A. That part, that one measure, is fuzzy in my head.
14 I can't remember if they told me that or if I'm just thinking
15 that. And I want to be clear on that.

16 Q. And I appreciate that.

17 A. Yep.

18 Q. And what I want to get to is whether they had told
19 you they were taking away the keys or not, you understood --
20 what -- you had a reaction when you then saw him more than
21 once in the football facilities after this incident. Correct?

22 A. Your question is did I have a reaction?

23 Q. Yeah. It bothered you?

24 A. Oh, yes, yes. It certainly -- and people who were
25 there with me when I saw him noticed that reaction.

1 Q. And that's exactly where I was going with that.
2 And you explained to them why you had a reaction?

3 A. Not in depthly. Certainly something very negative
4 regarding Jerry. But I didn't feel like I wanted to tell the
5 exact details of the incident.

6 Q. Okay. One exact detail I want to make sure I'm
7 clear on, are you sure that you told Tim Curley and Gary
8 Schultz on -- when you talked with them shortly after you saw
9 the incident, did you use the words that you used today, that
10 you saw Jerry molesting a boy?

11 A. That's the message that I certainly conveyed, that
12 it was sexual in nature. It was a young boy; it was Jerry;
13 they were naked. It was way over the line and very sexual.

14 Q. All right. I don't want to press you. This isn't
15 a gotcha game or anything.

16 A. No. It's fine.

17 Q. But I do want to make sure, and I want to make
18 sure the jury knows. Are you saying you used those exact
19 words? Because Tim Curley and Gary Schultz are going to take
20 the stand in this case.

21 A. Yes.

22 Q. Are you saying you told them, "I saw Jerry
23 molesting a boy?"

24 A. I can't tell you if I used those exact words in
25 that sequence.

1 Q. Okay. Are you able to tell us the -- now, 2017,
2 so 16 years later, the exact words that you used to them?

3 A. Oh, no. It's 16 years. I can tell you I never,
4 ever have used the word "horseplay" in my life.

5 Q. Now, Tim Curley and Gary Schultz told you about
6 the steps that they were going to take in response to what you
7 had raised; correct?

8 A. Yes.

9 Q. And those amounted to, they were going to tell
10 Jerry Sandusky not to bring children into the facilities;
11 correct?

12 A. Correct.

13 Q. And they were going to report to The Second Mile;
14 correct?

15 A. Yes. I think -- and again, it's a small word. I
16 think they had said they already reported to The Second Mile.

17 Q. All right. And did you object to that in any way?

18 A. Did I object?

19 Q. Yeah.

20 A. No.

21 Q. All right. Did you tell anybody you didn't think
22 that was adequate in any way?

23 A. I did not.

24 Q. Okay. Did you ever talk to Tim Curley or Gary
25 Schultz and ask them whether they had had a discussion with

1 Graham Spanier about any of this?

2 A. I never did, no.

3 Q. Okay. So you do not know whether or what they
4 told Graham Spanier they had heard from you; correct?

5 A. I want to -- I want to make sure I'm being totally
6 fair with everyone involved. I now know or have seen that
7 Mr. Spanier was in the loop. At that time or before 2011 I
8 had no reason to believe that Dr. Spanier was knowledgeable
9 about it.

10 Q. And when you say you now know or have seen that he
11 was in the loop, is that because you've seen an email message?

12 A. Documents, reports, and things of that nature,
13 yes, sir.

14 Q. So things that have been brought to you in the
15 course of the litigation?

16 A. Just the last five years, it's, you know --

17 Q. In the course of the litigation over this and
18 related matters?

19 A. Yes, sir.

20 Q. All right. You did not know at the time -- well,
21 and you do not know what, if anything, Gary Schultz or Tim
22 Curley told Graham Spanier that they had heard from you;
23 correct?

24 A. No. I do not know, again, other than I've seen
25 email message threads. I don't know verbally what was

1 exchanged, et cetera.

2 Q. I think I'm going to surprise you, Mr. McQueary,
3 but that's all I have for you. Thank you very much.

4 A. I knew we'd get along.

5 Q. See that. It's a pleasure.

6 A. Thank you.

7 REDIRECT EXAMINATION

8 BY ATTORNEY DITKA:

9 Q. Since we talked about the dates, did you come to
10 learn that this was February 9th, 2001, the day you saw this
11 in the shower?

12 A. I'm sorry. Repeat the question again.

13 Q. Since we talked about the dates --

14 A. Yes.

15 Q. -- Mr. Silver --

16 A. Yes, yes.

17 Q. -- did you finally -- were you able to narrow it
18 down to February the 9th, 2001, that Friday?

19 A. Yes. Like I said, for about a year, maybe even a
20 little shorter, I did everything I could to come up with the
21 absolute actual date, even to the point where at one point I
22 said, listen, I think it's 2001. And investigators said we
23 have information -- we have someone else who thinks it's 2002,
24 yada, yada, yada. So I tried very hard to come up with the
25 right date. And eventually I did.

1 Q. And just one last one. Mr. Silver asked you if
2 you had ever expressed any displeasure or expressed to
3 Mr. Schultz and Mr. Curley that you wanted a different course
4 of action. These people were very high above you in the
5 university power structure. Am I correct?

6 A. Absolutely, yes.

7 Q. Would it be your place to tell them what to do?

8 A. Never, no. That's a fault of mine. You know, I
9 take responsibility for that and I should have said somethin'.
10 But, no, I did not, and because you're a GA and they're
11 decision makers, and I know about the meeting that they had
12 with my father and kind of what was said there. So, no, I did
13 not.

14 ATTORNEY DITKA: Thank you.

15 THE WITNESS: You're welcome.

16 ATTORNEY DITKA: That's all I have.

17 ATTORNEY SILVER: Nothing, Your Honor. Thank
18 you.

19 THE COURT: You may step down.

20 THE WITNESS: Thank you.

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22

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* * *

C E R T I F I C A T I O N

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the hearing of the above cause, and that this transcript of proceedings meets the format specifications established by the Supreme Court of Pennsylvania in Rule 4010.

C.L. Hansberry, RDR, CRR, CRC
Official Court Reporter

IN THE COURT OF COMMON PLEAS OF
CENTRE COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	CP-14-CR-2421-2011
	:	CP-14-CR-2422-2011
	:	
v.	:	
	:	
GERALD A. SANDUSKY,	:	
	:	HONORABLE JUDGE
PETITIONER.	:	JOHN H. FORADORA, P.J.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 19th day of June, 2017 he caused an exact copy of the foregoing document to be served in the manner specified, upon the following:

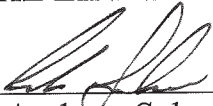
Via U.S. Mail:

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Respectfully submitted,

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