

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

COMMONWEALTH : NO. CP-14-CR-2421-2011
: NO. CP-14-CR-2422-2011

VS :

GERALD A. SANDUSKY :

TRANSCRIPT OF PROCEEDINGS
(Commonwealth Opening Remarks)

BEFORE: John M. Cleland, Senior Judge

DATE: June 11, 2012

PLACE: Centre County Courthouse
Courtroom No. 1
102 South Allegheny Street
Bellefonte, PA 16823

APPEARANCES:

FOR THE COMMONWEALTH:
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Frank G. Fina, Esq.

FOR THE DEFENDANT:
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INDEX TO THE WITNESSES

DIRECT CROSS REDIRECT RECROSS

COMMONWEALTH:

[None]

DEFENDANT:

[None]

INDEX TO THE EXHIBITS

ADMITTED

COMMONWEALTH:

[None]

DEFENDANT:

[None]

1 P R O C E E D I N G S

2 MR. McGETTIGAN: May it please the
3 Court, Your Honor, counsel, partner counsel,
4 ladies and gentlemen of the jury. Good morning.
5 Thank you for your service as jurors.

6 I have now the opportunity to make to
7 you what is known as an opening statement. And
8 in an opening statement I get to provide for you
9 a preview, an outline, of the testimony that
10 you'll hear in the following days.

11 Now, let me tell you two things first.
12 If I forget to say so, number one, I refer to my
13 notes and I hope you don't mind. I'll try not to
14 do that.

15 Secondly, I'll not a loud spoken person
16 but if you can't hear me, I'll speak up a little
17 bit more. I may take a drink a water during the
18 course of my time speaking to you. But what I'm
19 going to try to do during the course of the
20 opening is to provide for you an outline from --
21 a guideline for the testimony that you'll hear
22 during the course of the following days.

23 As the Court has instructed you, the
24 words of the attorneys, whether statements or
25 questions, are not evidence. They're not

1 testimony from the witness stand and you will, of
2 course, base your verdict on the evidence you
3 hear from the witnesses on the witness stand. To
4 the extent that what I say to you proves to be an
5 accurate guide to the testimony that you will
6 hear from the witnesses, I hope you'll find it
7 useful.

8 At the conclusion of the case, I'll be
9 able to speak with you again directly in what's
10 called a closing argument. At that time --
11 sometimes I'm referred to as the Commonwealth --
12 I will underline, point out to you that which the
13 Commonwealth submits is significant in your
14 determination of the defendant's guilt beyond a
15 reasonable doubt of the crimes with which he is
16 charged.

17 I should introduce myself again. You
18 may not remember me. I'm Joe McGettigan, and
19 myself and my partner, Frank Fina, we're the
20 persons entrusted in the presentation of the
21 trial evidence in the case of *Commonwealth versus*
22 *Gerald Sandusky*. You knew that already.

23 Anyway, in short, what will happen now
24 in my opening is I will outline the testimony
25 that you'll hear. That outline will be filled in

1 with testimony from the witnesses and then at the
2 conclusion of the case, I'll underline that which
3 we submit is significant in your appreciation and
4 understanding of the case and determination of
5 the defendant's guilt.

6 Now, in an opening statement,
7 prosecutors often ask you to bring to the case
8 your common sense and the light of your everyday
9 experience. I do so in this case.

10 I'm going to ask something more of you
11 in this case because the testimony that you will
12 hear and the evidence you will hear is not about
13 everyday events or common place occurrences.
14 This is sadly about the systematic behavior that
15 the testimony will reflect was engaged in by a
16 serial predatory pedophile. You have to bring
17 something additional to this case. I am going to
18 ask you to do that.

19 Now, and as for my opening, I am going
20 to divide it into kind of three parts. In the
21 first part I will address the general nature of
22 the testimony you will hear. In the second part
23 I will talk about how the investigation began and
24 what the testimony will show. And in the third
25 part I will give you a little brief previews of

1 what you'll hear from each of these witnesses.

2 Now, one of the things that you're going
3 to have to use special attention to is the way in
4 which children react because you're going to be
5 hearing testimony from young men, primarily the
6 victims in this case, young men ranging in ages
7 from 28 down to -- I believe the youngest is 18
8 years old and there were experiences that they
9 had as a child and these were experiences that
10 took place not over days, not over weeks, not
11 even over months, but in some cases over years --
12 years of victimization. And they were years in
13 the past -- years in the past which reminds me of
14 what a famous author once said is that the past
15 is never dead. It's not even past. And for
16 these young boys then, and young men now, you'll
17 find out how true that is.

18 And remember that the testimony you'll
19 hear will come from young men with varying
20 experiences in their lives which I think you'll
21 find interesting. One is a father himself now.
22 Two others are recent high school graduates
23 within the recent time. One is a Penn State
24 graduate. One is a graduate of Biden College.
25 One had some problems with drugs and alcohol, and

1 yet another one serves his country in arms in a
2 war zone and serves today.

3 You will also find out that their
4 experiences in their later lives -- well, they're
5 as varied as their contact with the defendant,
6 that is of these eight young men -- 2, 3, 4 --
7 their experiences with the defendant, their
8 victimization took place over weeks, months, and
9 was in an escalating fashion, escalating to the
10 point of some of the crimes you heard described
11 by His Honor, involuntary deviate sexual
12 intercourse, oral sex. Others were less invasive
13 and less lengthy. And yet two of them were
14 instances of only one contact, stopped on those
15 occasions by, in one instance, a vigilant mother
16 and another instance by the extreme reaction of
17 the child himself at the first serious violation.
18 So you'll hear about that.

19 Now, you'll hear these young men -- some
20 of them share another common characteristic of
21 the contact with this defendant. Six of them had
22 no father in their lives. Three never knew their
23 father. One will tell you, as he told me, I
24 think my father saw me once when I was six weeks
25 old. They shared that characteristic -- three of

1 them were in foster care, including the young man
2 who was a veteran who went into foster care after
3 his contact with this defendant and his behavior
4 became somewhat extreme and he aged out as they
5 call it of foster care until he joined the Army,
6 and you'll see him. He's a young man now a
7 veteran who serves his country, but you will know
8 him as he was then.

9 Because you'll be hearing the voices of
10 young men, but this is why I ask you to bring
11 something additional to this case, that is your
12 insight, your perception, and your understanding,
13 your understanding of the way children experience
14 things and feel things and they react to things.
15 When you do that, you'll be hearing voices of
16 these young men. You'll be looking at those
17 young men up there but you'll see them and
18 understand them as the children they were. They
19 were used and abused for sexual purposes of this
20 defendant.

21 And, you know, up until now, these young
22 men have been known as, in public -- some of you
23 read the papers. We all read the paper -- Victim
24 No. 1, Victim No. 2, Victim No. 3, and so on but
25 they are real people with real experiences and

1 experiences that you will hear about and you will
2 understand. And so I think that you should see
3 them now as you know they were violated.

4 So here they are.

5 That's Aaron, Victim No. 1, at the time
6 the violation began by this defendant.

7 That's Jason -- Jason at the time he was
8 violated. And I'll tell you something -- you may
9 leave Jason up there for a second. Jason is
10 different from the others in that he's in black
11 and white. That's because Jason is a young man
12 who aged out of foster care and went in the Army
13 and he had not one picture of himself. That was
14 from his yearbook.

15 Next please.

16 That's Brett. Do you know whose hand
17 that is on his shoulder? The defendant's. Brett
18 was 13 when over a two-year period the
19 victimization began. He lost contact with the
20 defendant. You will hear from Brett and you will
21 see Brett. Brett will be your witness today,
22 your first witness today, and you'll hear from
23 Brett how the defendant said, oh, you're going to
24 be a football player for Penn State. You can get
25 a scholarship and become a player -- a walk-on

1 player.

2 Next please.

3 Michal. The defendant is right behind
4 Michal in that picture. Michal was a young man
5 whose victimization was on one instance only
6 because he was one in the shower with the
7 defendant, and Michal tell about his reaction
8 when the defendant decided that showering with a
9 ten-year old boy was not sufficient but touching
10 was necessary, how Michal crawled against the
11 wall to avoid the defendant's touch, not to
12 entirely escape his indecent assault. That's
13 Michal.

14 Next please.

15 That's Zachary. Zachary is one of the
16 instances where -- like Michal, where his
17 victimization took place on one day only because
18 of the vigilance of the mother, and Zachary
19 you'll hear him tell about how he went to the gym
20 for the first time with the defendant to work out
21 when he was 11, I think -- when he was an 11-year
22 old. And when he came back, he was so unaware of
23 the nature of the contact the defendant had with
24 him, his mother said she wondered why my hair was
25 wet. I took a shower. And his mother was

1 alarmed and said this is not right. She
2 extracted more of the information about the
3 contact the defendant had with the victim, who
4 was so innocent he wasn't even sure what part of
5 a man's body should look like that and why he
6 should be touching him.

7 But she called the police and you will
8 hear from Zachary -- there are a lot of college
9 graduates but here's a young boy who bore him no
10 ill will because he wasn't even aware of what
11 happened. Had lengthy continued contact with the
12 defendant but never alone as Michal was never
13 alone with him again, but lengthy contact. Got
14 taken to football games, Penn State games, the
15 greatest because he bore no ill will and he bears
16 none today but today, as a young man, he knows
17 what happened was wrong.

18 You'll also hear surrounding that
19 incident from a detective from The Pennsylvania
20 State University Police, Ron Schreffler who when
21 it was reported to him as Zachary's mother did,
22 said talk to the defendant. Tell him to come
23 over here. Confront him and I'll listen. And
24 you'll hear the words of the defendant when
25 Zachary's mother said what did you do to my son?

1 Why did you do these things? You'll hear what
2 the defendant then said. Proof about the
3 charges.

4 May I have the next one please?

5 Dustin Struble. Dustin, 11, 12. He was
6 a young boy who was so enamored with activities
7 that he could engage in; that he thought this was
8 the greatest. I'll get to go someplace with
9 somebody who's important, somebody who was a big
10 deal. He did. He and Zach (sic) later went to
11 games for years afterwards. They got tickets
12 from the defendant but Zachary (sic) never
13 told -- excuse me. Dustin never told anyone of
14 the behavior that was engaged in by the defendant
15 because he would even sleep at his house and the
16 defendant would lie in bed behind him and put his
17 hand under his shirt and put his hand in his
18 pants and stroke him and touch him and caress
19 him. He rode in his car. He put his hand on his
20 knee and the continuing common place and
21 continuing occurrences with the hand on the
22 knee -- hand on the knee but he would be in bed
23 with little Dustin.

24 Now, interesting enough you'll see the
25 defendant's behavior was, as I said, serial --

1 predatory and serial but it was also overlapping
2 and continuing. So at some times -- Brett's
3 relationship with the defendant was three years
4 and during that time -- just before that the
5 defendant had been in contact and involved with
6 Dustin and his contact never escalated beyond
7 indecent assault, did not get to the oral sex and
8 IDSI, and Dustin actually felt as if he had been
9 abandoned and now the defendant had selected
10 someone else -- selected someone else to
11 cultivate, to mentor, when actually we know his
12 target was grooming. That is, he was making each
13 of these young men more and more accustomed to an
14 escalating level of touching -- touching.

15 Next please.

16 Sabastian. Sabastian is 18 now and you
17 will assess for yourself when you see him on the
18 witness stand how much he weighs. I can tell you
19 he's as tall as me and maybe a hundred twenty
20 pounds. Just graduated from high school.

21 Sabastian, four or five years ago, was even
22 smaller, smaller looking, and weaker. And he was
23 taken to the defendant's home where he performed
24 oral sex on the defendant and had it performed on
25 him, where the defendant would pick him up from

1 school and take him home. Sabastian, you'll hear
2 from him later in the case.

3 Next please.

4 Ryan. Ryan was a young fellow who ended
5 up in foster care as well, and he was a less
6 lengthy congallant (phonetic), if that's perhaps
7 a word, of the defendant's but it lasted long
8 enough for the defendant to take him to his home,
9 take him downstairs, a place where he would be
10 with children, and both perform and have oral sex
11 performed on him by Ryan until he asked him to
12 perform oral sex in his car. Ryan will tell you
13 that. And Ryan went to foster care and went
14 away.

15 You'll hear from each of these young men
16 about to whom they revealed this when they were
17 boys and now. You can understand why, the
18 natural reluctance of children to talk about
19 something. You'll hear who the first persons
20 they were to speak to. You'll understand.

21 Someone might say, well, how did the
22 Commonwealth select these victims? Well, we did
23 not select them. We discovered them. The
24 defendant's selected them.

25 He'll tell you a bit about why but I

1 think you'll understand how the nature of the
2 testimony that you'll hear and why you
3 understand, and I'm going to ask you something
4 now in advance of this testimony -- I'm going to
5 have to press these young men for the details of
6 their victimization, the things that happened.
7 I'll have to do that, and they'll have to look
8 back in years to a time that you can imagine
9 because of their youth and them being children
10 and growing past then, that they didn't want to
11 think about, they don't want to talk about, they
12 don't want to remember. But I am going to have
13 to press them for those details because you must
14 hear them. So I ask you now that you forgive me
15 that I press them for the details, as I have
16 asked them to forgive me for pressing for details
17 and the graphic events of these times. But I
18 must ask and they must answer looking back in
19 time.

20 You'll remember then as you hear some of
21 them, because you can imagine the age at which
22 they were abused, the years that it was in the
23 past, and the efforts which they had tried to
24 bury, there is no doubt, will cause them to have
25 difficulty in remembering with great specificity

1 dates and things like that, dates and details.
2 The most recent events were 2008. The most
3 remote was back in 1995, '96.

4 I must press them and they must answer
5 and you will forgive me for that and you will
6 also understand that recollections which may not
7 be perfect, as sometimes you'll see as perhaps in
8 your own lives, in my life, sometimes the honest
9 admission of a lack of memory about detail --
10 minor detail gives the clearest indication of the
11 absolute truth of the painful events they will
12 never forget. You will hear them testify to
13 these things on the witness stand.

14 Now, I believe His Honor in his remarks
15 to you discussed some organizations whose names
16 you'll hear in this case, The Second Mile, The
17 Pennsylvania State University, because they are
18 contacts for this case. Each of these victims
19 met the defendant through The Second Mile, either
20 at a camp or an event, an organization he
21 founded. And you'll think that this is the
22 perfect environment for the predatory pedophile
23 provided through an expansive pool of victims.
24 Seeking out those he was interested in and notice
25 how those boys who were most vulnerable.

1 But The Second Mile -- The Second Mile
2 is an organization which did much good, much good
3 for many people over many years. Some of these
4 men will say themselves that their memories of
5 their times at Second Mile are not dark. They
6 won't say the same for their time with the
7 defendant. But The Second Mile was an
8 organization whose vast members and students and
9 children wanted to do good things, and it is not
10 on trial here.

11 Similarly, you will hear that some of
12 these Second Mile events and some of the
13 instances and the most graphic and evil instances
14 of abuse took place when Second Mile activities
15 were on The Pennsylvania State University campus
16 in their facilities -- their athletic facilities
17 because you may or may not be aware -- you will
18 hear from the witness -- the defendant was a
19 long-time member of the athletic program at The
20 Pennsylvania State University, being one of our
21 nation's great educational institutions. The
22 Pennsylvania State University is not on trial.

23 Now, is it possible that earlier signs
24 of abuse were observed by or heard of by persons
25 involved in The Second Mile occurred? No. Were

1 The Pennsylvania State University heard? I don't
2 know. Is it possible that those signs could have
3 been responded to in a different benefaction?

4 Indeed.

5 You will find in the course of this law
6 enforcement officials could have behaved in a
7 different and better fashion than they did and
8 perhaps would have changed the course of actions
9 if they knew. None of those persons or none of
10 those entities are on trial here. This defendant
11 for what he did, his acts, is on trial here.

12 But you'll hear about Second Mile again,
13 a good organization with many hard-working people
14 and The Pennsylvania State University being a
15 great educational institution. You'll hear them
16 throughout the testimony because they provide a
17 context -- a context for you so you can
18 understand -- you can understand how a person who
19 enjoyed this reputation, this responsibility,
20 this authority, how he could abuse so many for so
21 long a period of time. How he took his role with
22 The Second Mile, took his role as authority, as
23 responsibility, as a public profile in Second
24 Mile and The Pennsylvania State University and he
25 took those and in some respects almost over board

1 with all of these children because he was a big
2 football guy. I get to go to games. I get to
3 stand on the sidelines and be up in the stands
4 and take those things and use them and betray the
5 trust that those two institutions had given him.
6 You will hear that testimony.

7 Well, I ask you now to consider a few
8 things that you will understand from the
9 testimony -- the direct testimony of these
10 victims when they were children. That is the
11 emotions that direct their responses but you'll
12 have to weigh and judge their responses at the
13 time and now.

14 And I can say one of the first things
15 you should understand is humiliation.
16 Humiliation is the emotional response we have
17 when we believe someone has caused us to cause --
18 done something to us that embarrasses us, makes
19 us feel that.

20 The next one is shame. Shame is the
21 emotion that arises when we feel maybe we had
22 done something wrong -- as a little boy, you did
23 something wrong. Shame.

24 Next. Fear. Fear is the emotion that
25 arises when we think that that which has

1 humiliated us and shamed us will be exposed and
2 become known to others.

3 And those three things you will
4 understand when you hear the testimony how these
5 young men explained why they said nothing because
6 these three things combine to silence -- years of
7 silence. That, as young boys, must have been
8 painful -- to young men must have been painful
9 but to them less painful than exposure.

10 So when you hear them testify about the
11 things that were done and how they were touched,
12 touched like girls, as they say -- some of them
13 said touched like girls, hand on the knee and
14 caressed and kissed on the forehead and cheek and
15 lips, you will understand how those emotions
16 caused that response.

17 Now, I'm going to tell you a bit about
18 the testimony will reflect about how the
19 investigation began and how it progressed.

20 Because amazingly you will hear that
21 this defendant's behavior was observed or
22 investigated primarily, not once, not twice, not
23 three times, but -- I had forgotten about one
24 until this morning -- four different times until
25 official action took place.

1 Now, we'll start with the actual
2 beginning of this investigation that led us to
3 here today. That was in 2008 because in November
4 of 2008, a young boy went to his mother and said,
5 you know, is there an internet site for those
6 Megan's Law people? She wondered why.

7 Aaron's behavior had been difficult over
8 the past few years because Aaron in 2004 or five
9 met the defendant through Second Mile. Aaron was
10 a fatherless boy. He is the one that never saw
11 his father. He lived with his mother, his
12 younger brother, and his younger sister in public
13 housing in Lock Haven. He was sent to a Second
14 Mile event. And the defendant then called his
15 home and said, hey, would Aaron like to go to
16 some events with me? This was great. For Aaron,
17 it's an opportunity and use of resources he never
18 had. He got to do things. And for his mother
19 must have seemed like a God send to have someone
20 mentor, a big person like this mentor my son.

21 Then over the course of the next two or
22 three years, you'll hear from Aaron. Aaron will
23 be our second witness. You'll hear from Aaron
24 about what first seems interested in mentoring,
25 that affectionate behavior became more than that.

1 It became sexual abuse and then finally even
2 stalking as the defendant would follow Aaron. He
3 went to his school and took him out of school
4 which he was able to do because of who he was.
5 He took him out of study hall to talk to him
6 because Aaron kept silent for two or three years
7 over which he will tell you -- he will tell you
8 this defendant performed oral sex on him as a 13,
9 14-year old, 12-year old over the course of
10 years, dozens of times -- dozens of times and, in
11 addition, he coerced little Aaron to perform oral
12 sex on him, again, dozens of times.

13 And then when Aaron was silent all this
14 time, his mother thought this was good for him,
15 even though Aaron was starting to have physical
16 responses to these things. He became
17 temperamental. He started wetting the bed at 13,
18 and his mother, little did she know, told -- it
19 became clear when Aaron complained to her and
20 what she thought might be knee-jerk problems were
21 the cause of this defendant's treatment of Aaron.

22 Aaron got a little older, gained a sense
23 of self and spoke out, not at first. He said --
24 after his mother said why do you want to know
25 who's on Megan's list? She spoke to the school

1 authorities and you will hear how the school
2 authorities -- Aaron will tell you the school
3 authorities first discouraged him. They said
4 what a heart of gold that guy has. You want to
5 think this over because you make that kind of
6 complaint because he hadn't fully disclosed. He
7 just said he didn't want to be around him any
8 more. He was doing bad things.

9 But eventually Aaron's mother said you
10 need to talk to Children and Youth Services.
11 They went to Children and Youth Services, and
12 they told them what happened. That very day
13 Children and Youth Services in Clinton County
14 called the state police and the state police
15 interviewed Aaron, and that's how the
16 investigation began, because Aaron at that time
17 was 14, having been abused for three years.

18 You'll see him today or tomorrow. Aaron
19 now is almost as tall as I am. You'll guess his
20 weight. He may weigh a 125 pounds. He was -- he
21 wasn't that big at the time. He testified and
22 talked to the police and he testified, he will
23 tell you, before the grand jury and his response
24 talking to the grand jury and trying to
25 articulate what had happened to him, trying with

1 all his sources to articulate what happened. He
2 actually cried in front of the grand jury, not
3 once or twice, and afterwards how he almost
4 fainted, how he threw up, and the decision was
5 made then -- because someone said why wasn't an
6 arrest made then, a decision was made then an
7 investigation must continue because some in law
8 enforcement at that time, the state police, and
9 one of my trial partner thought it is unlikely
10 that a man in his fifties, who had a long sexual
11 abusive relationship with a child, had begun and
12 ended with one small boy.

13 That's how the investigation began.
14 First a state trooper was assigned and then
15 another and then the deputy attorney general was
16 assigned and the matter was submitted to the
17 grand jury. At the grand jury Aaron spoke. He
18 had nothing else to say. He didn't know any of
19 the other children connected to the defendant.
20 So things were slow for a bit and then a couple
21 things happened.

22 One was there was a tip received that
23 Michael McQueary who by this time was an
24 assistant football coach at The Pennsylvania
25 State University. He might have some information

1 with regard to this and he was contacted. He
2 revealed what he had seen, and he will tell you
3 what he saw this defendant do in a locker room
4 shower at The Pennsylvania State University, how
5 he saw this defendant, a man who he had known for
6 eight or ten years, who he had been his coach,
7 how he saw that defendant in a shower pressed up
8 against the wall, with this hands on the wall,
9 with a small boy beneath him with his hands on
10 the wall, both naked, this defendant in
11 skin-to-skin contact, his front to this little
12 boy's back moving back and forth in the evening
13 hours alone in a shower locker room at The
14 Pennsylvania State University.

15 That's what Michael McQueary will tell
16 you he saw. That's what he told state troopers
17 and agents of the Attorney General's Office.

18 Then we had another clue. Well, let's
19 look at the university campus to see if anybody
20 else knows anything. Then you will hear they
21 examined the state police records -- excuse me.
22 The Pennsylvania State University Police records
23 and they went back as far as 1998. In 1998
24 that's when they saw the report that Zachary's
25 mother had made. 1998. That record still

1 exists, even though no formal action had been
2 taken, went through The Pennsylvania State
3 University Police, the local police, even to the
4 District Attorney of Centre County but no charges
5 were filed. They were discussed but they were
6 not filed.

7 We found those records and from those
8 records, they began looking at the defendant's
9 surrounding career and photographs and documents
10 and books and papers, and they also had
11 interviewed staff on campus. A lot of these
12 events took place in the nighttime hours. Talk
13 to people who might be here over the nighttime.

14 They talked to the maintenance staff in
15 one of the buildings and some of them came
16 forward with a story they had long concealed
17 because by now it was 2008, 2009, '10. They
18 remembered vividly an event that occurred back in
19 the year 2000 when they were cleaning the lockers
20 and one of the janitorial staff saw this
21 defendant holding a boy against the wall
22 performing oral sex on the little boy.

23 He told his coworkers and they didn't
24 know what to do. They saw the defendant, Jerry
25 Sandusky, all the time with little boys. They

1 were fearful of making a mistake, of losing their
2 jobs. So they told no one. But you'll hear from
3 a few of them what their coworker -- their
4 coworker first observed this directly.
5 Unfortunately he's lost to us. He suffers from
6 Alzheimers, dementia. He made an immediate
7 outcry when he saw this. He was shaking. He
8 said I can't believe what I saw that dirty man do
9 in there. Holding that boy sucking on his penis.
10 The janitors heard that and he told them and they
11 talked amongst themselves. They did nothing.

12 So now you have a sequence of events
13 that began in 1998, what Zachary tells us in
14 2000. In 2001 was Michael McQueary and then even
15 before Aaron came forward a few years before
16 that, you'll hear another person. You'll hear
17 Joseph Miller a wrestling coach where Aaron went
18 to school who knew Aaron and he tried to help
19 Aaron. Aaron felt that as a kid.

20 He walked into the gymnasium to turn off
21 the lights and saw some glimmer of light in a
22 smaller room, not out in the main wrestling room,
23 but in a smaller room where there's a rock
24 climbing wall. He said he's going to go back
25 there and close that door too. He walked back

1 there. What did he see? He saw Aaron, about
2 this big, on the floor face-to-face side-by-side
3 wrapped in the embrace of the defendant who
4 popped up and Coach Miller will tell you, oh, I'm
5 just showing him some wrestling moves. Coach
6 Miller will say it didn't look like anything I
7 ever seen. It was Jerry Sandusky. He thought
8 that was weird.

9 So those four times -- those four
10 different events, Zach and his mother and
11 Detective Schreffler, janitors, Michael McQueary,
12 Coach Miller, all occurred before Aaron came
13 forward. Aaron did come forward and that's how
14 the investigation began.

15 Then as I said, photographs were found
16 that reflected the defendant and a variety of
17 children all different times at all different
18 places. And they began to be identified,
19 located, and interviewed or not interviewed
20 because still the investigation was slow because
21 doors were closed. Just like the doors of
22 people's minds, they don't want to talk about
23 anything. They were closed. But eventually some
24 came forward after we found them and the one
25 you'll hear from today, Brett, he will tell you

1 the police found me. I didn't talk to anyone.

2 Each of them will tell you -- I'll ask
3 them and make a point of asking who's the first
4 person you told about this? In many instances
5 you will hear even when they spoke to the police
6 the first time, they wouldn't fully disclose.
7 They didn't want to be there. They don't want to
8 be here but eventually some of them appeared
9 before the grand jury and they'll all, they're
10 bound now and obligated by an oath to tell you
11 the truth from that witness stand.

12 So you'll hear from them as I pointed
13 them out today, Aaron and Brett and Dustin and
14 Zach and Michal and Sabastian, and Jason. You'll
15 hear from each one of them over the course of
16 this trial.

17 You'll hear from Michael McQueary and
18 what he saw. And you will see the room where
19 this took place, the shower at The Pennsylvania
20 State University. You'll see the sauna where the
21 defendant would perform oral sex a dozen of times
22 on Brett and he coerced Brett to perform oral sex
23 on him dozen of times. You'll see that shower,
24 that sauna. You'll hear from each of them about
25 what happened to them when they were children.

1 Excuse me for one second.

2 The first witness you'll hear from is
3 Brett. I mentioned his name earlier. Brett is
4 also the oldest of the young men up here. You'll
5 hear him say back in the nineties, you know, he
6 went to a Second Mile event with the defendant
7 and the defendant would want to do things with
8 him. He had no -- Brett was one of those kids
9 that didn't have a father. Perhaps he didn't
10 even live with his mother because his mother
11 remarried and he didn't get along with his
12 stepfather and now his mother. He lived with his
13 grandmother. Actually will say his mother takes
14 care of his great grandma now.

15 But this was a chance for him to get out
16 of the house -- he's 13 years old -- to do
17 something. And you will hear him and you will
18 see both photographs, documents, exhibits,
19 physical items, the nature of the relationship
20 that the defendant began, coerced, bred, and
21 cultivated with Brett because with Brett he was a
22 big man, the defendant. Brett became the biggest
23 football fan of all time, college football, Penn
24 State football.

25 You'll see him testify at five foot,

1 nine and he's a hundred pounds, dressed in LaVar
2 Arrington, the great football player's uniform,
3 dreaming that he could be like that because the
4 defendant can do it for him. You'll see the
5 multitude of gifts the defendant give him as part
6 of the cultivation and grooming process,
7 skateboards, snowboards, football pads, hockey
8 pads, helmets, things likes this. The defendant
9 got him into *Sports Illustrated*. There's a
10 picture of Brett in *Sports Illustrated* with the
11 defendant. He took a video -- a linebacker
12 video. There is not a person on this jury who
13 could not pick Brett out. He was a linebacker in
14 this video.

15 This is the way the defendant managed
16 and controlled. He gave him all these things.
17 He took him to all these games. He took him to
18 away games and you'll see the list of the bus --
19 the bus trip from the campus to the airport, the
20 plane list and the list of hotel rooms for the
21 Alamo Bowl and the Outback Bowl and the list, it
22 will be a long list, but fairly close to the top
23 you'll see Jerry Sandusky, Dottie Sandusky, and
24 Brett right next them.

25 Brett will tell you about how one time

1 at one of these bowl games when the defendant was
2 alone in a room and Brett was about to take a
3 shower, the defendant came in. And the
4 defendant's wife was not in the room at the time,
5 and the defendant at that point began to coerce
6 Brett into performing oral sex there in the
7 bathroom. At that time they were interrupted by
8 the defendant's wife walking into the hotel room
9 but not the bathroom. Brett will tell you about
10 the expression that the defendant knew because
11 Brett wanted to take a shower. He didn't want to
12 be involved in this. He said do you want to go
13 back to Snow Shoe -- the little town of Snow
14 Shoe? Well, we're here. This is your
15 opportunity. This is your option or you can go
16 back and be just a little boy in a little town or
17 you can be here at these games with me.

18 That's the testimony you'll hear from
19 Brett and you will see the objects he was given.
20 You'll also see other items of physical evidence.
21 You will see a contract that Brett signed.
22 Actually his mother signed as well but the
23 defendant drew up under the auspices of The
24 Second Mile. It's up there but like no contract
25 they ever read because it required contact --

1 physical contact on a weekly, almost daily basis
2 between Brett and this defendant. He gave him
3 money for spending time with the defendant. And
4 other things were thrown in, like if you get good
5 grades, you do this, you do that. But mostly it
6 was just, as you will see back in the document,
7 to force contact because in some people's minds
8 -- I cannot speak for another person's mind, but
9 perhaps in some people's mind this is not just
10 abuse, this is a relationship, be it sexual with
11 a little boy.

12 And that's what we will see with Aaron
13 as well. When you see the defendant arguing,
14 saying he must spend more time with me. You have
15 time for Big Brothers and Big Sisters. Why not
16 me? I got you out of school. Why don't you have
17 time for me? The defendant actually will utter
18 -- you will hear someone say this. I feel used.
19 You used me. As you know and you will find out
20 through the testimony, it's exactly the
21 reverse -- exactly the reverse.

22 You'll hear from Brett, again, about
23 this extended relationship, with the sexual
24 component and Aaron and Sabastian towards the
25 years when we'll proceed to 2008 and things began

1 to unravel for this defendant and their
2 relationships were again lengthier and more
3 evasive, more penetrating. You'll hear about
4 efforts of digital penetration was involved and
5 anal penetration as well which were resisted.

6 As well as those you'll hear from the
7 two instances of one time alone, Michal and Zach,
8 and you'll hear from Ryan who had oral sex
9 performed and coerced to be performed by him on
10 the defendant but over a lengthy period of time.

11 You'll hear from Dustin -- Dustin who
12 really thought he had been dropped -- in a way he
13 had -- because the defendant moved on. You'll
14 hear from Jason who also didn't want to be
15 abandoned. He thought he found a father figure
16 and he thought in some ways this was not a
17 terrible price to pay because the defendant would
18 he would spoon with him, put his hand down his
19 pants, touch his genitals. Basically he would
20 end up, because of his behavior, in foster care
21 and aging out, going into the Army, but turning
22 into a nice young man.

23 But at the time the father who he never
24 seen, this man instead, seemed a small price to
25 pay, minutes of this disturbing, and he'll tell

1 you the weird and creepy contact. For somebody
2 to put an arm around him and take him places,
3 that's a serial pedophile. That's the testimony
4 you'll hear and that's the victim you'll see.

5 You'll also see photographs, a variety
6 of these young men, not a great deal after Brett.
7 Brett was the most photographed and the earliest.
8 Here's a picture. You'll see pictures of him in
9 the uniform of LaVar Arrington and here and video
10 and *Sports Illustrated*. Less so with others.

11 Aaron was photographed a lot. The
12 defendant would go to his wrestling meets and his
13 track meets and follow him around. Aaron's
14 grandfather will tell about the time that he
15 really started to try and to break loose
16 desperately. He said I'm not going to give you
17 my schedule. I'll not telling you. He would
18 hide. The defendant would follow his school bus
19 home and try to make him get in the car and Aaron
20 will tell about that as well.

21 You'll also hear and see the lists --
22 interesting lists. Here's some of the camper
23 lists at The Second Mile. Not all of them are
24 retrievable but the ones we had retrieved will be
25 of interest to you because you will see lists of

1 children's names on there. They're recovered
2 from the defendant's effects years afterwards by
3 Agent Sassano who conducted a search warrant and
4 they found some of the defendant's goods still in
5 an old locked area on the campus and you'll see
6 these Second Mile lists.

7 What do you see? You'll see interesting
8 things. You will see names, including the names
9 of some of our victims, with little asterisks,
10 little stars next to them. You will think that
11 was interesting. And then you'll see little
12 notations with other children's name, blonde,
13 glasses, no parents. What do you think that
14 means? Blonde, no parents, an asterisk. Some of
15 them are double starred.

16 The defendant's list and an couple of
17 them have asterisks and Aaron's shoe size because
18 he was going to give him gifts because they were
19 overlapping. As I said, some of these victims
20 overlapped. They didn't know each. They might
21 have met each other because some on them were on
22 weekdays. Some were on weekends.

23 You may ask during the course of my
24 speaking here, where did this occur? Well,
25 around 2001, sometime after Mr. McQueary came

1 forth, the defendant was he denied the ability to
2 bring children onto The Pennsylvania State
3 University campus any more. Up till then
4 showers, lockers, the coaches' shower, former
5 coaches, that was the place. Afterwards his
6 home, downstairs where the children slept.
7 Upstairs sometimes. Dottie was upstairs
8 sometimes. That's where they took place, in his
9 home and the boys will tell you about what
10 happened in that home, things I related here.

11 Now, you're going to hear from all those
12 victims. You'll hear about the two victims that
13 Mr. McQueary observed and the janitor observed.
14 You will hear from Agent Sassano about his
15 activities. You'll hear from Mark McCann, who
16 was a long-time employee of Second Mile, and he
17 will take a look at the contract that the
18 defendant signed with Brett and say no contract
19 we ever generated like this. Why? Because it
20 allows for unsupervised contact and it pays
21 somebody to be in contact. Second Mile does not
22 pay kids to spend time with somebody. He'll say
23 he never saw anything like this. The defendant
24 had that contract and gave it to Brett.

25 You will hear from Donald Fisher,

1 Aaron's grandfather, who saw the dispute, the
2 kind of dispute you have between 16-year old
3 kids, a boy and a girl. Why won't you spend more
4 time with me? You have used me. You have used
5 me and now you have time for Big Brothers and Big
6 Sisters but not me. Donald Fisher will say I
7 told Mr. Sandusky, hey, he's a growing kid. The
8 defendant wouldn't let it go. You'll hear about
9 the phone records that reflect dozens, dozens,
10 hundreds of phone calls the defendant made to
11 Aaron's home, Aaron's mother. Why won't Aaron
12 spend time with me?

13 You'll hear from Jessica Dershem who's
14 the in-take worker at Clinton County Children and
15 Youth Services. This will be interesting. I'll
16 get back to her.

17 You will hear from Ronald Schreffler,
18 the detective, who was in another room and
19 overheard when Zachary's mother confronted the
20 defendant, and I'll speak to him about a little
21 bit later. I'm almost done.

22 You'll hear from John McQueary, Mike
23 McQueary's father, because Mike called him as
24 soon as he saw this and say, gee, dad, I can't
25 believe this.

1 You'll hear from Ron Petrosky and Jake
2 Witherite. They are two of the janitors and
3 you'll hear from a couple ladies who work at the
4 -- one of the hotels nearby. Because after the
5 defendant no longer was able to bring children to
6 Pennsylvania State University campus and work out
7 or take them to showers, he got someone to give
8 him permission to use the workout facilities and
9 the pool at the hotel. So he would -- you'll
10 hear the lady that issued it and say she wish she
11 hadn't issued a pass to get into the workout room
12 and the pool. And you'll hear from another lady
13 who said she knew who Jerry Sandusky was because
14 she worked there. She was there with her
15 grandchildren and she said there's the great
16 Jerry Sandusky with children. That's what you
17 are going to hear.

18 But you'll hear from Jessica Dershem and
19 Ron Schreffler and I believe that's the second
20 time -- I'm nearing the end of my remarks. I've
21 been speaking for a long time -- because they are
22 among a few more people.

23 Because as His Honor instructed you, the
24 defendant is entitled to the presumption of
25 innocence and the Commonwealth has the burden of

1 proof going forward and we maintain that burden
2 throughout and we accept that burden and we'll
3 meet our burden.

4 The defendant doesn't have to testify.
5 All he's got to do is show up, and if he doesn't
6 testify, you can't hold it against him but you
7 will hear his words. You will hear his words
8 because you will hear the words that he said to
9 Joe Miller, oh, just showing a wrestling move
10 here.

11 You will hear the words that he said to
12 Donald Fisher or in front of Donald Fisher, why
13 won't he spend more time with me? He has time
14 for everything else but not for me. You'll hear
15 those words, the defendant's words.

16 You'll hear his words in front of Ron
17 Schreffler, as I said, because Ron Schreffler
18 first overheard him and then later confronted him
19 and he confronted him in 1998 and you will hear
20 from Ron Schreffler tell you, I said you think
21 there's something wrong with showering a little
22 boy for the first time? He said, yeah. He
23 admitted showering with boys in the past. He
24 promised -- he promised he wouldn't do it again
25 and often broke a promise. In 1998 I'm not going

1 to do this. I realize how inappropriate it is.
2 I don't think I did anything wrong. I don't
3 think I did anything wrong. I would say nothing
4 bad happened.

5 So you will hear from him, the
6 defendant's words.

7 And Jessica Dershem who interviewed
8 Aaron and then afterwards interviewed this
9 defendant and not alone. She didn't speak to him
10 alone. She interviewed them, as now, in that
11 order. You will hear Jessica Dershem who took
12 very, very good notes and she'll say the
13 defendant during the course of two or three,
14 maybe more, pages of notes talked about how,
15 well, I had a three-year relationship with Aaron.
16 I feel used now and, sure, I used to sleep with
17 him. I often scratched his back and during the
18 course of that, he would lay on top of me for
19 three to five times. I kissed him I think on the
20 cheek, on the forehead. I'm not sure if I kissed
21 him on the lips, and I really can't remember
22 whether my hand went down his pants or not.

23 These are the defendant's words to
24 Jessica Dershem. Oh, I took him out of town,
25 too. Yeah, sure, I took him to a hotel. He

1 stayed at my house -- only seven or eight times.
2 Aaron will tell you he stayed there dozen of
3 times -- dozens of times.

4 So you'll hear the defendant's words and
5 you will hear his voice as well. Because the
6 defendant, if you may or may not be aware, during
7 the course of the time preceding this trial
8 decided that he would give an interview or two
9 and they were televised and recorded. And you
10 are going to hear portions of that in which the
11 defendant said, I would say I did nothing wrong.
12 I guess I shouldn't have showered with those
13 kids. When asked was he sexually attracted to
14 young boys, you'll hear the pause that ensues and
15 then his response, and then you'll hear another
16 response. That was from a televised interview.
17 You just hear his voice. His lawyer and
18 Mr. Costas, the sports guy or person, they were
19 in person. The defendant is on the telephone and
20 you'll hear his voice. It's his voice.

21 And you will finally hear when he did an
22 interview with the *New York Times*. Didn't seem
23 like a good idea. He was reminded of the
24 comments he made by Bob Costas. He was
25 confronted with his question, you know, whether

1 he was attracted to young boys. His response
2 was -- well, you know. I didn't want to say I
3 was attracted to young boys. To tell you the
4 truth, I'm attracted to children, all kinds of
5 children, and you'll hear him prompted from
6 across the room but not in a sexual way. Yes,
7 not in a sexual way after being prompted.

8 So you will hear the defendant's words
9 and you will hear his voice and you will judge
10 the credibility of those words and that voice.
11 You'll understand -- and I'm very near to
12 concluding now. I'm sorry for speaking so long.
13 You will understand that what was going in those
14 interviews is something that you see in instances
15 like this when a person is confronted with, you
16 know, something as overwhelming as he was on
17 these TV shows, that is, I think, admit what you
18 must, deny what you can, call him a liar, make
19 counter charges, and allege a conspiracy because
20 that's what someone does when they're confronted
21 with the overwhelming nature of the deviate acts
22 they committed and just spoke about.

23 Well, one last thing. What was your
24 memory about that sexual offenses? Almost
25 uniquely are crimes in which the victims, and

1 women know this better than anybody, in which the
2 victim become the accused. That's the way in the
3 nature of the events. But I have used my
4 allotted time and perhaps more of your time. I
5 will speak to you again at the conclusion of the
6 case.

7 I thank you very much for listening to
8 me. I appreciate it. If you pay as close
9 attention to the witnesses that you'll hear
10 during the course of this case as you have to me,
11 the Commonwealth will be much in your debt.

12 Again at the conclusion of the case, I
13 will stand up before you and speak to you
14 directly as I have now. I hope for not as long.
15 At that time I will ask you has the Commonwealth
16 done, during the course of this case and the
17 testimony, what we said we will do that and that
18 is to demonstrate beyond a reasonable doubt the
19 defendant's guilt of the crimes with which he's
20 charged? I submit I'll ask you that question. I
21 hope you know what the answer will be. I will
22 ask you to convict the defendant. But I ask you
23 now during the course of this case to listen
24 intently and to consider and do justice for,
25 well, nine people who overwhelmingly deserve --

1 eight young victims you'll hear from and that
2 man.

3 Thank you for listening.

4 E N D O F P R O C E E D I N G S

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C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me upon the hearing of the within matter, and that this copy is a correct transcript of the same.

Date _____ Patricia A. Grey, RPR
Official Reporter

A P P R O V A L O F C O U R T

The foregoing record of the proceedings had upon the hearing in the within case, upon review and approval of counsel, is hereby approved and directed to be filed.

Date _____ John M. Cleland, Senior Judge
Specially Presiding