

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  
(Defense 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:  
Joseph E. McGettigan, Esq.  
Frank G. Fina, Esq.

FOR THE DEFENDANT:  
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DIRECT CROSS REDIRECT RECROSS

COMMONWEALTH:

[None]

DEFENDANT:

[None]

INDEX TO THE EXHIBITS

ADMITTED

COMMONWEALTH:

[None]

DEFENDANT:

[None]

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

MR. AMENDOLA: Good morning, folks.

This is a daunting task. I'll be honest with you. I'm not sure how to approach it. The Commonwealth has overwhelming evidence against Mr. Sandusky. There's been a title wave of media coverage labeling these young men, now young men, as victims, a title wave of consensus among the public of how could someone be innocent with so many accusers? I'll be honest. I never had a case like this in my life, and I can assure you I never will again.

But I'm here to make an opening statement and to tell you -- to tell you what Mr. Sandusky feels why he's here in this courtroom. We can pack it in now and say, gee whiz, we don't have a chance.

You know, I have used phrases throughout the course of my representation that this is a task similar to climbing Mount Everest from the bottom of the hill. It's David and Goliath. It's the government with all its resources prosecuting one individual with limited resources. Boxes and boxes of materials to go through since this case was brought, trying to

1 figure out how we can present Mr. Sandusky's case  
2 to you so that you will understand that he's  
3 innocent.

4 In the opening statement presented by  
5 Mr. McGettigan, an outstanding prosecutor and an  
6 outstanding attorney, he referred to the pictures  
7 on the screen as pictures of victims. Ladies and  
8 gentlemen, let me say this -- and I've been  
9 saying this from November 5th of last year.  
10 There are no victims in this case. The only way  
11 and the only time there will be victims in this  
12 case will be if, after you hear all the evidence,  
13 you listen to all the arguments, you hear the  
14 judge's instructions, and you deliberate, you  
15 determine beyond a reasonable doubt that Jerry  
16 Sandusky is guilty of some or all of the offenses  
17 will there be victims. And if you don't get to  
18 that point, if you decide, after hearing all the  
19 evidence, that there's a reasonable doubt, then  
20 there will never be victims because victims only  
21 come about after you determine they're  
22 victims.

23 On November 5th of last year, a lot of  
24 people's world came to an end -- certainly Jerry  
25 Sandusky, his wife, his kids. As we know there

1 was a fallout of major, major proportions. The  
2 one constant -- the one constant is that Jerry  
3 Sandusky has always said he's innocent despite  
4 the daunting task of trying to establish that,  
5 despite the fact that there's been seven short  
6 months we're here today while the Commonwealth  
7 had over three years to investigate these  
8 allegations.

9 So how did it start? We submit to you  
10 the evidence will show that this investigation  
11 started in Clinton County with Children and Youth  
12 Services at a high school or an intermediate  
13 school in which Accuser No. 1 said that Jerry  
14 Sandusky had fondled him above his clothes.  
15 That's how this investigation started.

16 Jerry Sandusky fondled him above his  
17 clothing one time which led to a CYS  
18 investigation which Mr. McGettigan eluded to. By  
19 the way, the only reason that Jerry Sandusky was  
20 at that CYS hearing with me as counsel was  
21 because he wanted to defend against the  
22 allegation, because he said I'm innocent. I want  
23 to go to that hearing. And that was after, he'll  
24 tell you later probably, advice was given don't  
25 go because CYS routinely found or finds that

1 these things are illegitimate and you're wasting  
2 your time. But he wanted to go. He wanted to  
3 present evidence. He wanted to present his side  
4 of the story which is why he was there.

5 That one situation -- that one situation  
6 over the course of several months, the evidence  
7 will show, the testimony from the stand, grew  
8 from a fondling to all-out sex where it became  
9 clear that there was going to be a prosecution as  
10 opposed to a CYS-type investigation which may or  
11 may not have gone any further.

12 That led on June 16, 2009 to a grand  
13 jury investigation. And that grand jury  
14 investigation over the course of the next year  
15 plus, despite all the information that was  
16 gathered, couldn't come up -- couldn't find  
17 additional alleged victims. They got to a  
18 standstill. Got to a point where there was  
19 nowhere to go.

20 They came up with one other case during  
21 that time which was an old case and that was the  
22 case Mr. McGettigan eluded to in his opening, and  
23 you'll hear about that throughout this case  
24 because one of the young men involved in that  
25 particular proceeding will testify as an alleged

1 victim in this case.

2 That investigation in 1998 was  
3 determined by our then prosecutor, Ray Gricar, to  
4 be insufficient to pursue criminal charges. It  
5 was investigated by the Penn State Police. It  
6 was investigated by Children and Youth Services.  
7 It was investigated by our prosecutor, who I  
8 believe you'll hear testimony about, was a  
9 professional prosecutor with no ties to Penn  
10 State, no loyalty to Penn State. Mr. Gricar  
11 would prosecute anybody if he felt a crime was  
12 committed, and he was particularly protective of  
13 kids. He protected kids. He protected abused  
14 women, and he went after people who committed  
15 those crimes fiercely. And it was Mr. Gricar who  
16 made the decision not to prosecute. The  
17 Commonwealth saw fit to bring that prosecution 13  
18 years later or 11 years later.

19 What you're going to hear from that  
20 young man when he testifies is that he got a  
21 shower with Jerry Sandusky. There was no sexual  
22 touching. There was no intimacy. They fooled  
23 around in the shower and they played. He got out  
24 and his mother found out they had gotten in the  
25 shower together and she contacted the police, and

1 there was an investigation and that investigation  
2 wound up not pursuing charges.

3 But to go backwards and to say that in  
4 the first instance in the case involving the  
5 young man, now young man, from Clinton County  
6 that his testimony which started off with  
7 fondling above clothes and then progressed -- and  
8 I'm sure you'll hear testimony that this is  
9 typical in abuse cases, that people start off by  
10 saying, oh, this only happened or didn't happen.  
11 But here's the irony. In most cases that you'll  
12 hear about, what you're going to hear from the  
13 witness stand, is that initially many of these  
14 young men said nothing happened. And over a  
15 period of time they then started relating that  
16 certain things might have happened or could have  
17 happened or did happen.

18 In fact we have never -- we never wanted  
19 to hold any of these young men to specific dates  
20 or times or instances. We simply wanted to get  
21 some ballpark idea of when these things may have  
22 happened so we can try to disprove them. In  
23 doing that, what we found out was it was  
24 impossible. Jerry Sandusky is facing a task of  
25 trying to prove between 1994 and 2008, with the



1 exception of a couple cases, that he didn't do  
2 these crimes, and I would dare say that what the  
3 evidence is going to show is that many of these  
4 young men can't even give us ballpark dates.

5           There's going to be testimony that Jerry  
6 Sandusky got showers with kids. Many of us say  
7 or think, you know, that's kind of strange. Many  
8 of us think that that in and of itself proves  
9 that he's guilty of horrendous crimes. But I  
10 submit to you that's not the case. I submit to  
11 you that you're going to hear testimony from  
12 other people, people who we respect in this  
13 community, I suspect, who are going to say it was  
14 routine for people to get showers. In fact, in  
15 Jerry's culture growing up in his generation  
16 where he grew up, he's going to tell you later it  
17 was routine for individuals to get showers  
18 together.

19           I suspect for those of you who might  
20 have been in athletics, it's routine after you  
21 have an event or a workout to get showers. And  
22 what Jerry would do, what you'll find out was  
23 going on was that during these workouts when he  
24 worked with these kids, that after they worked  
25 out, he got showers with them. That's not a

1 crime.

2 The only time that can become a crime is  
3 if there's some sort of intent on a person's part  
4 and it gains some sort of sexual gratification or  
5 a crime was committed such as the allegations  
6 involved in this case in most of the instances  
7 described by the Commonwealth.

8 You'll hear from other individuals that  
9 they were at the Lasch Building. They were at  
10 the shower facilities. It was routine for people  
11 to walk in and out and see Jerry and to see other  
12 people getting showers. Some of the individuals  
13 brought their own kids with them and got showers  
14 after they worked out.

15 So one of keys to this case and one of  
16 the keys to your perception in terms of how you  
17 feel about this case is to keep an open mind, is  
18 to wait until all the evidence is in. Because  
19 what you're going to hear initially, it's going  
20 to be graphic, and it's going to be very, very  
21 easy to simply say I have heard enough. I don't  
22 want to hear anything else. This is awful. And  
23 the explanations you're going to hear and the  
24 testimony you are going to get is going to be  
25 awful, but that doesn't make it true. That's the

1 bottom line.

2 How do we get to the end of this case  
3 and how do we try to establish that Jerry  
4 Sandusky is not guilty; that there's a real  
5 reasonable doubt here? And that's by not only  
6 presenting evidence but by asking questions of  
7 the witnesses the Commonwealth is going to call.

8 For example, Michael McQueary. We don't  
9 think Michael McQueary lied. Maybe that  
10 surprises you. We don't think that he lied.  
11 What we think is that he saw something and he  
12 made assumptions. You know, it's common for  
13 people to see an event and assume to put the  
14 pieces in the order in which they feel and  
15 knowledge they know.

16 What you're going to hear -- what you  
17 are going to hear from the stand, I submit to  
18 you, from Michael McQueary is that when he went  
19 into the shower and saw Jerry Sandusky with a  
20 young-looking person -- I believe he ranged in  
21 age, I believe he said 13, it's also clear it was  
22 a matter of seconds -- that he assumed it was a  
23 sexual act occurring. He didn't see a sexual  
24 act. He didn't see penetration. He assumed it.

25 In fact, I suspect you're going to hear

1 from Dr. Jonathan Dranov. What Dr. Dranov is  
2 going to tell you is that the night this event  
3 occurred Michael McQueary's dad, John, called him  
4 and asked him to come over to the house because  
5 Mike was upset. Dr. Dranov was there when  
6 Michael explained what he saw, and Dr. Dranov  
7 will tell you, tell all of us, he asked Michael  
8 three times did you see sex occurring? Did you  
9 see sex occurring? Did you see sex occurring?  
10 No. And Dr. Dranov will tell you each time he  
11 said that.

12 He assumed it was sex. Dr. Dranov will  
13 say he said to Mike, well, you're assuming.  
14 You're assuming that's what you saw. Michael  
15 responded, yes.

16 In the presentment that gained so much  
17 outrage when Jerry Sandusky was arrested on  
18 November 5th of last year, the case involving  
19 No. 2, who I suspect is not going to be a witness  
20 according to the Commonwealth because he hasn't  
21 actually been identified. But in that  
22 presentment that caused a furor, that brought  
23 down so many different aspects of our community,  
24 the Commonwealth alleged Michael McQueary looked  
25 in the shower and said he saw anal sex. Michael

1 McQueary is going to tell you he never said that.  
2 He never said that.

3 Jerry Sandusky didn't pick the time or  
4 place to be arrested. The government did. When  
5 Jerry Sandusky was notified, after waiting for  
6 basically a couple of years about what was going  
7 to happen and knew the investigation was  
8 occurring, when he was called, because he was in  
9 Ohio visiting his son, his daughter-in-law, and  
10 his grandson, and they said we're going to file  
11 charges tomorrow, he got in his car and drove  
12 back overnight to face the charges.

13 But getting back to Michael McQueary and  
14 what he saw or what he thought he saw, his dad  
15 will testify as a Commonwealth witness and his  
16 dad will say much the same thing as Dr. Dranov  
17 said; that Mike said he believed it was a sexual  
18 act but he didn't see actual intercourse and that  
19 he was very upset by it.

20 What he'll also tell you is that based  
21 upon what Michael told him -- based upon what  
22 Michael told him -- and this is where I submit  
23 the evidence you'll hear is going to be  
24 compelling -- they didn't call the police. In  
25 fact Michael didn't call the police. Michael had

1 a cell phone.

2 The Lasch Building, for those of you who  
3 know where this facility is, is about 30 seconds  
4 from the Penn State Police Department. Michael  
5 didn't call the police the evidence will show.  
6 John McQueary, his dad, didn't call the police.  
7 Dr. Dranov, a doctor, a medical doctor, didn't  
8 call the police.

9 The advice from John McQueary, the  
10 advice of Dr. Dranov, go bring it to Joe  
11 Paterno's attention. It's not the kind of advice  
12 I would have given if someone said I just saw  
13 Jerry Sandusky having anal sex with a ten-year  
14 old boy in the shower.

15 I suspect you'll hear testimony that  
16 after Mike McQueary went to Joe Paterno, Joe  
17 Paterno turned it over to Tim Curley. Tim Curley  
18 discussed it with Gary Schultz. Tim Curley was  
19 the athletic director at Penn State, and Gary  
20 Schultz was the vice president of financial  
21 services. They discussed it. They discussed it  
22 with Jerry Sandusky.

23 And the bottom line was, the evidence  
24 will show, they told Jerry Sandusky, look,  
25 somebody saw something inappropriate in the

1 shower and we don't think you ought to bring kids  
2 in there any more to get showers there. Again,  
3 not exactly the type of testimony or the type of  
4 statement that you would expect somebody to give  
5 if they were told I saw Jerry Sandusky having  
6 anal sex with a kid.

7 We have heard stories about coverups.  
8 We have heard all kinds of stories. It doesn't  
9 add up, folks. The evidence is going to show  
10 that.

11 We now have, in addition to Mike  
12 McQueary in this particular part of the case, we  
13 have John McQueary, we have Dr. Dranov, we have  
14 Tim Curley, we have Gary Schultz, all firm,  
15 wonderfully respected members of our community,  
16 not one, the evidence will show, not one said  
17 call the police.

18 You are here because we know you can be  
19 fair. You're here because you have common sense.  
20 You bring your common sense to the courtroom.  
21 When you hear this testimony, think about the  
22 logical sense just doesn't make any sense. Four  
23 grown men, all are respected, not including Coach  
24 Paterno. Leave him out of the mix. Not one, the  
25 evidence will show, not one said call the police.

1           In fact, what you are going to hear from  
2 Mike McQueary is that even after nothing  
3 happened, he never called the police. Even after  
4 months went by and he saw Jerry Sandusky in the  
5 facilities, nobody called the police. How  
6 illogical, going back to that presentment, if  
7 that's what Mike McQueary said, he saw Jerry  
8 Sandusky engaged in anal sex with a ten-year old  
9 boy.

10           Why do people lie? Because, obviously,  
11 we're saying we don't believe necessarily Mike  
12 McQueary lied. Maybe he got pushed into a corner  
13 at some point and maybe thought he had to kind of  
14 stick with what he was saying, although you'll  
15 hear several different versions even from Mike  
16 when he testifies about what he saw and what he  
17 thinks he saw.

18           The accusers. You saw those eight  
19 photos. Cute kids. Why would they lie?

20           Folks, I don't know if any of you have  
21 been involved in family disputes involving money  
22 and how people, when it comes to money do a lot  
23 of things they wouldn't ordinarily do. What's  
24 the old saying? Money is the root of all evil.

25           You know, the evidence is going to show



1 I believe that six of these eight young men that  
2 are going to testify have civil lawyers -- have  
3 civil lawyers.

4 Now, the Commonwealth, the government,  
5 they represent victims and alleged victims. I  
6 dare say if I took a poll with statistics, it is  
7 rare, rare, absolutely totally unusual for an  
8 alleged victim to have an attorney aside from the  
9 Commonwealth representing an alleged victim. And  
10 yet I believe at least six, if not possibly more,  
11 of these eight individuals will tell you --  
12 they'll tell you, and if they don't tell you,  
13 their lawyers will tell you, that they are  
14 represented, have been represented, and, in fact,  
15 we believe the evidence will show one of them --  
16 at least one of them had a lawyer before he ever  
17 even talked to the attorney general's people in  
18 this case.

19 The question could be asked why? You  
20 have to decide that.

21 What we believe, money is a very big  
22 factor in this case. We believe the evidence  
23 will show that these young men have a financial  
24 interest in this case in pursuing this case.

25 Now, one of the issues that we have to

1 confront in the evidence, is that all of these  
2 kids, all of these kids came to The Second Mile  
3 program by recommendation, by referrals from the  
4 counselors at school, from CYS agencies, from  
5 other agencies because they had issues.

6 Jerry's program, Second Mile, which he  
7 started in 1977, was founded by Jerry. You'll  
8 hear this evidence, not as a victim, not as a way  
9 to abuse kids as it's suggested by the  
10 Commonwealth and will be suggested again. It was  
11 a way to help kids.

12 What you're going to hear is that Jerry  
13 Sandusky grew up in Washington, PA. That's a  
14 little town in the southwest part of the state  
15 southwest of Pittsburgh. He grew up in  
16 Washington, PA. He grow up an only child. His  
17 parents loved kids but they only had Jerry. And  
18 growing up his mom and dad loved kids so much,  
19 they agreed to take over a recreation center.

20 As a young boy growing up, his parents  
21 ran that place seven days a week. That's where  
22 Jerry grew up, amongst all the kids in the area,  
23 many of whom had difficult childhoods, many of  
24 them had issues, and his parents treated them  
25 like their kids. They played together. They got

1 showers together. They went to school together.  
2 And Jerry got this deep-seeded love for helping  
3 kids and he said when I grow up -- you'll hear  
4 this on the stand -- when I grow up, I want to  
5 help kids who are at risk.

6 After going to Penn State -- and he'll  
7 tell you about his Penn State life. After  
8 playing football at Penn State, he left for a  
9 couple years. Did some coaching, and Coach  
10 Paterno brought him back and, of course, you know  
11 the rest is history in terms of his football  
12 coaching career at Penn State.

13 In 1977 Jerry decided let me try to  
14 start a foster home for kids in the area who  
15 really, really are in trouble and we can try and  
16 help them.

17 He and his wife, Dottie, and they had  
18 gotten married I think about a year after Jerry  
19 left Penn State, I think, about -- in '67. Both  
20 loved children. The evidence will show that  
21 Dottie couldn't have kids. When they found that  
22 out, they were devastated. So what you'll hear  
23 is that Jerry and Dottie started adopting kids --  
24 six kids, five boys and a girl. Those kids were  
25 raised in various stages of their youth by Jerry

1 and Dottie.

2           What you'll hear from some of those  
3 kids, who were around with some of the kids that  
4 take the stand later in this trial maybe, were  
5 that kids were always in the house. Jerry and  
6 Dottie opened their doors to everybody.

7 Sometimes they said they couldn't keep track of  
8 the kids in the house but they loved kids.

9           In starting The Second Mile, what Jerry  
10 quickly realized was the support he had from  
11 other members of the community. They could do so  
12 much more than just have a foster home for a few  
13 kids and over the years, they developed The  
14 Second Mile.

15           You'll hear from some of those Second  
16 Mile kids, not the ones on the stand, but other  
17 Second Mile kids that Jerry did the same things  
18 with them that he did with these kids, got them  
19 presents, got people to contribute things, took  
20 them to football games, took them to baseball  
21 games, had them stay at the house. He felt they  
22 were all extended members of his family.

23           You'll hear testimony that never even  
24 suggested anything that was sexually  
25 inappropriate. Eight kids, ten total because two

1 aren't identified. Daunting. Daunting. You're  
2 actually facing ten separate cases -- ten  
3 separate cases. And we know the old story about  
4 why would so many people make up stories? You'll  
5 have to listen to that and listen to the evidence  
6 and you'll have to answer that yourselves one way  
7 or the other.

8 But what we're asking you to do is to be  
9 fair. I know you will. I know you'll listen to  
10 the judge's instructions and listen to all the  
11 evidence before you form anything.

12 Another aspect of this case is that  
13 you'll hear testimony from at least two of the  
14 kids and actually probably three after all this  
15 abuse occurred, all these horrific things  
16 happened, they maintained relationships with  
17 Jerry and Dottie Sandusky.

18 In fact one, Accuser No. 6, his first  
19 name is Zach, will tell you I went to dinner with  
20 them this past summer with another young guy. We  
21 had dinner. I would go over to their house and  
22 still go to football games. In fact, Zach will  
23 tell you, I suspect, I came home from school --  
24 and he's out of the area right now -- and I would  
25 go over to Jerry and Dottie's. I would borrow

1 their car for the weekend. This is long after  
2 this alleged abuse occurred.

3 You'll have to answer does that make  
4 sense? You'll have to answer that question.  
5 Does that make sense? If someone committed these  
6 horrific acts, why would they continue what was a  
7 familiar type relationship with the perpetrator  
8 of these horrific acts?

9 In the case of No. 4, Brett, you'll hear  
10 testimony. You'll hear testimony he came over to  
11 Jerry and Dottie's a couple summers ago long  
12 after this alleged abuse occurred, this horrific  
13 stuff. You'll hear later today, if not this  
14 morning, this afternoon, he came over to Jerry  
15 and Dottie's residence. And by the way they live  
16 in a modest residence. Jerry and Dottie weren't  
17 very wealthy when he coached. He'll tell you  
18 they didn't make a lot of money.

19 But Brett, Accuser No. 4, had brought  
20 his girlfriend and newborn baby over to see Jerry  
21 and Dottie. And one of the people who will  
22 testify will say, on that stand, it looked like  
23 he was bringing his family to meet his father  
24 which is what Jerry was to many of these kids,  
25 the father figure. That he wanted to introduce

1 him to his family. And she says -- she'll tell  
2 you I thought this relationship was mutual.

3 In another case, No. 9, Satastian,  
4 you're going to hear testimony in September of  
5 last year Jerry Sandusky and Satastian asked him,  
6 drove to his hometown which is out of this area.  
7 It's about 30 miles away. Satastian wanted to go  
8 to the football game -- the Penn State game with  
9 a friend. Jerry drove down. Picked him up.  
10 Drove him to the game. The friend had to leave.  
11 Jerry left at half time to drive him back and  
12 Satastian was back at Jerry's house that night  
13 socializing.

14 In fact the Commonwealth intercepted a  
15 couple phone calls, I suspect you'll hear about,  
16 prior to charges being filed. I think in  
17 Sebastian's case it was -- the inference being  
18 that Jerry was trying to contact him to keep him  
19 quiet. His charges hadn't been filed against him  
20 in the case involving Satastian.

21 What you're going to find out is Jerry  
22 was so naïve he was calling Satastian asking if  
23 he would be a character witness for him because  
24 these charges had been pending. Asking Satastian  
25 to be a character witness. That's how naive

1 Jerry Sandusky was. Not to get him to back off  
2 and not say or do anything but ask him to be a  
3 character witness.

4           You'll find out there will probably be a  
5 couple witnesses called by the Commonwealth who  
6 going back to that CYS incident, this would have  
7 been 2009 because the incident allegedly occurred  
8 in November, brought to the attention of school  
9 officials and CYS in December of 2008 -- what  
10 you'll find out is that some of the people we  
11 suspect the Commonwealth will call, Jerry had  
12 asked to talk on his behalf to the CYS people, to  
13 explain about his good character, about how he  
14 was doing.

15           There's been a lot made, folks, about  
16 Second Mile, about what its purpose is. Jerry is  
17 hands on. Jerry, in my opinion, loves kids so  
18 much that he does things that none of us would  
19 ever dream of doing.

20           For example, you heard the Commonwealth  
21 refer to these contracts that he made with them.  
22 Jerry wanted these kids to succeed. The evidence  
23 will show these kids had problems. In fact, the  
24 kids who had the most problems were the ones that  
25 Jerry paid the most attention to.



1           Over the years Jerry Sandusky dealt with  
2 hundreds of thousands of kids, and out of these  
3 hundreds and thousands of kids, there's eight  
4 accusers, two other cases but no accusers. But  
5 ten accusers out of literally thousands of kids,  
6 to put the eight or the ten into perspective.

7           What Jerry would do out of his love, out  
8 of his will to see these kids succeed is that he  
9 would press them. After all, this dad model is a  
10 coach. Not only a coach, he's one of the best  
11 defensive coaches in collegiate history, was to  
12 make people be the best they can and he was  
13 dealing with kids from broken homes, who didn't  
14 have fathers, who had other issues at school, and  
15 he wanted them to succeed.

16           So he used the old method of reward. If  
17 you do the things you're supposed to do, I'm  
18 going to reward you. How many times the evidence  
19 will show and people give your kids a dollar or  
20 \$5 for every time they get an A on their report  
21 cards?

22           Well, Jerry extended that concept and  
23 actually had written agreements because he felt  
24 if the young person had an agreement agreeing to  
25 do this, it was witnessed by other people, that

1 that's going to make them feel an obligation to  
2 do a better job and to succeed. That's what  
3 Jerry will tell you was in his mind. He wanted  
4 them to succeed.

5 But at the end of this -- at the end of  
6 this, you're going to have to decide whether  
7 based upon the evidence as it comes to this  
8 courtroom whether Jerry is guilty or not guilty.

9 There's another aspect to this case and  
10 I think it will become apparent throughout the  
11 trial. Even the accusers were questioned  
12 multiple times. We believe when they were  
13 questioned and initially said nothing happened,  
14 the government went back until they got an answer  
15 they wanted to hear.

16 In fact I suspect you'll hear from a  
17 couple of people who will tell you that it got to  
18 the point where they felt it was harassment on  
19 the part of the government and the agents who  
20 were questioning them, questioning their complete  
21 denial that Jerry Sandusky did anything with  
22 them.

23 We have all had occasions where if you  
24 keep telling somebody something, after a while  
25 it's simpler and easier to say, yeah, that's what

1 happened. There will be some people who will  
2 tell you that despite the questioning and ongoing  
3 questioning, they said it didn't happen and they  
4 still had remained in that state of mind.

5           There's two sides of the story, folks,  
6 although as the judge told you we don't have to  
7 present any evidence, not a single piece of  
8 evidence. We can sit at that table, listen to  
9 the Commonwealth present testimony, and at the  
10 end of it say, we want you to find Jerry Sandusky  
11 not guilty.

12           But what I suggest to you is it's  
13 vitally important to listen to every thought and  
14 listen to all the evidence as the judge has told  
15 you to do and we know you will do so. At the  
16 conclusion of that evidence, we suspect that  
17 you'll find him not guilty.

18           We want to thank you for sharing a lot  
19 of time with us because there is unusual for a  
20 case in Centre County to last as long as this  
21 case is going to last, but we thank you in  
22 advance for the hardship we know you're going  
23 through to be here. We know that you'll listen  
24 to the Court's instructions. We know you'll  
25 listen to the evidence, all the evidence before

1 you start thinking about the resolutions,  
2 especially in a case like this where the evidence  
3 is going to be so graphic.

4 We thank you, ask you to listen to  
5 everything that's been told and as the judge  
6 pointed out earlier to you and showed you that  
7 thick binder of all the testimony versus what you  
8 might read in the paper.

9 Jerry Sandusky didn't pick the time or  
10 place to be arrested. Jerry Sandusky could have  
11 been arrested -- could have been arrested in  
12 November 2008 by the government. Could have been  
13 arrested in 2009. He could have been arrested in  
14 2010. He didn't choose. He didn't choose to  
15 wait until November 5, 2011 for the charges to be  
16 filed. In fact a week later, not a week later, a  
17 month later, December 7, additional charges were  
18 filed after the initial charges were filed.

19 So in your assessing the evidence of  
20 this case, just keep in mind Accuser No. 1 could  
21 have resulted in charges as far back as late  
22 2008. The government waited.

23 And I suspect after you hear the  
24 evidence, you'll know why. I suspect that after  
25 you hear that after a year, a year and a half of

1 the grand jury investigation, they had virtually  
2 one, the first one. Six from 1998, which our  
3 district attorney then said there's not enough  
4 evidence to pursue a prosecution. They had a  
5 call from a third accuser.

6 It wasn't until an article appeared in  
7 the *Harrisburg Patriot News* on March 31, 2010  
8 that the information started breaking and that  
9 information apparently was obtained from the  
10 grand jury somehow which is supposed to be  
11 secret. But you'll have to decide how that  
12 evolved and get it for you. You'll have to  
13 decide how all that evidence evolved and all  
14 those facts evolved and how they culminated on  
15 November 5th of 2011 and the charges that brought  
16 all of us here today.

17 Again, thank you, folks, for listening.  
18 I know it's been a long morning. I know you'll  
19 do a great job for both sides.

20 E N D O F P R O C E E D I N G S  
21  
22  
23  
24  
25

## 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