

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  
(Jury Trial)  
(Day 6)

BEFORE: John M. Cleland, Senior Judge

DATE: June 19, 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:  
Joseph Amendola, Esq.  
Karl Rominger, Esq.

NOTES BY: Patricia A. Grey, RPR  
Official Court Reporter  
Room 208, Centre County Courthouse  
102 South Allegheny Street  
Bellefonte, PA 16823  
814-355-6734 OR FAX 814-548-1158

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ADMITTED

COMMONWEALTH:

(None)

DEFENDANT:

(None)

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

2 THE COURT: Good morning. We'll be in  
3 session. You may be seated.

4 Would you bring the jury in?

5 (Whereupon, the jury was escorted into  
6 the courtroom.)

7 THE COURT: Good morning again, ladies  
8 and gentlemen.

9 We're ready to proceed.

10 MR. AMENDOLA: May we have Tanessa  
11 Inhoof, who's in the jury room please?

12 Whereupon,

13 TANESSA INHOOF

14 was called as a witness and having been duly  
15 sworn, was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MR. AMENDOLA:

18 Q. Good morning.

19 A. Morning, Joe.

20 Q. Will you state your full name please?

21 A. Tanessa Ann Inhoof.

22 Q. And where do you live, Tanessa?

23 A. Bellefonte.

24 Q. And do you know Jerry Sandusky?

25 A. Yes, I do.

1 Q. How long have you known Jerry?

2 A. About 17 years.

3 Q. And how did you first meet Mr. Sandusky?

4 A. Through The Second Mile.

5 Q. And can you tell us a little bit about  
6 your involvement in The Second Mile?

7 A. I went for about six years of my  
8 childhood. Enjoyed every minute of it.

9 Q. And during that time that you were  
10 involved in The Second Mile and even afterwards,  
11 did you have contact personally with  
12 Mr. Sandusky?

13 A. Yes, I have.

14 Q. Can you explain what contact you had?

15 A. I would go over for picnics with the  
16 football players, play football in the back yard,  
17 had about a couple -- probably a handful of times  
18 I spent the night, had dinner, learned to cook  
19 dinner, thanks to Dot.

20 Q. If you recall, about how many times did  
21 you spend overnight at Mr. Sandusky's residence?

22 A. Roughly five times.

23 Q. During the period of time that you have  
24 known Mr. Sandusky up until, obviously, all  
25 this -- all these things happened and he was

1       arrested, did you know people in the community  
2       who knew Mr. Sandusky?

3             A.    Yes, sir.

4             Q.    And did you ever hear those individuals  
5       talk about Mr. Sandusky's reputation for being  
6       honest, truthful, law abiding, peaceful, and  
7       nonviolent?

8             A.    Yes, sir.

9             Q.    What was that reputation?

10            A.    He was a very respected man in the  
11       community by helping the children at The Second  
12       Mile and for all the other activities that he's  
13       done for the kids.

14            Q.    Thank you.

15            MR. AMENDOLA:   That's all I have.

16            THE COURT:   Cross?

17            MR. McGETTIGAN:   No, Your Honor.   I have  
18       nothing.

19            THE COURT:   Thank you.   You may step  
20       down.

21            MR. AMENDOLA:   Josh Green would be the  
22       next witness.   He's in that back room.

23            Whereupon,

24                               JOSHUA GREEN

25       was called as a witness and having been duly

1 sworn, was examined and testified as follows:

2 DIRECT EXAMINATION

3 BY MR. AMENDOLA:

4 Q. Will you state your full name please?

5 A. Joshua C. Green.

6 Q. You're going to have to keep your voice  
7 up. Maybe talk into the mic a little bit.

8 A. Joshua Green.

9 Q. And where do you reside, Mr. Green?

10 A. Milesburg.

11 Q. How old are you now?

12 A. Thirty-three.

13 Q. Do you know Mr. Sandusky?

14 A. Yes.

15 Q. When did you first meet Mr. Sandusky?

16 A. I would have to say around '90, '91.

17 Q. And how did that occur?

18 A. I was enrolled in The Second Mile.

19 Q. And how many years were you involved in  
20 The Second Mile?

21 A. Three.

22 Q. And during the years that you were  
23 involved in The Second Mile, did you ever have  
24 occasion to do anything personally with  
25 Mr. Sandusky?

1           A. Yes, but I actually asked for it myself.

2           Q. Pardon me?

3           A. I asked for it myself. It was --

4           Q. Were there -- I think both of us. We  
5 all had a problem. What was that last comment?  
6 You asked for it yourself?

7           A. Yeah. A little story. My roommate and  
8 I had won cleaning our rooms five times in a row  
9 and I was actually introduced to Jerry at Second  
10 Mile, and I had jokingly said how about you take  
11 me to a football game and he agreed.

12          Q. And after that occurred, did you ever  
13 spend time at his house?

14          A. Yes.

15          Q. Did you ever spend time overnight at his  
16 house?

17          A. Yes.

18          Q. Can you tell us about how many times  
19 that occurred? Ball park?

20          A. Overnight or --

21          Q. Yes.

22          A. Overnight, three or four times.

23          Q. How about other times when you visited  
24 there but didn't stay overnight?

25          A. I would have to say roughly 15, 20



1 times.

2 Q. Now, from the time that you first met  
3 Mr. Sandusky through the time that these charges  
4 were filed, did you know other people in the  
5 community who knew Mr. Sandusky?

6 A. Yes, I knew two others.

7 Q. Did you ever hear those individuals whom  
8 you know who knew Mr. Sandusky talk about his  
9 reputation for being honest, peaceful, law  
10 abiding, peaceful, nonviolent?

11 A. Yes.

12 Q. And what was that reputation?

13 A. It was very good.

14 Q. Thank you.

15 MR. AMENDOLA: That's all I have.

16 MR. McGETTIGAN: Just briefly.

17 CROSS-EXAMINATION

18 BY MR. McGETTIGAN:

19 Q. Did you say the number of people that  
20 you know Mr. Sandusky is two?

21 A. Well, I misunderstood, I guess. I was  
22 thinking that went with me to Mr. Sandusky's  
23 house. But, no, in that aspect I know several.

24 Q. Okay. When did you learn you need to be  
25 here as a witness?

1 A. Probably about a week ago.

2 Q. Somebody called you?

3 A. Yes.

4 MR. McGETTIGAN: I have nothing further,  
5 Your Honor.

6 MR. AMENDOLA: Nothing further, Your  
7 Honor.

8 THE COURT: Thank you. You can step  
9 down.

10 MR. AMENDOLA: Megan Rash would be the  
11 next witness.

12 Whereupon,

13 MEGAN RASH

14 was called as a witness and having been duly  
15 sworn, was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MR. AMENDOLA:

18 Q. Will you state your full name please?

19 A. Megan Lynn Rash.

20 Q. And how do you spell your last name for  
21 the court reporter?

22 A. R-a-s-h.

23 Q. Where do you live, Ms. Rash?

24 A. Milesburg.

25 Q. Are you married currently?

1           A.   Currently separated.

2           Q.   Do you have any children?

3           A.   No, I'm expecting.

4           Q.   You look about 12.   How old are you?

5           A.   Twenty-five.

6           Q.   And can you to tell us a little bit  
7 about your background with The Second Mile?

8           A.   I was in Second Mile for about four  
9 years.   Started when I was in elementary school.  
10 It was an amazing summer every year that I went.

11          Q.   What have you done since you've  
12 graduated from high school?

13          A.   My senior year I enlisted in the Army.  
14 Following that, I spent one year in Iraq on  
15 deployment.

16          Q.   Okay.   I'm having trouble hearing you.  
17 You enlisted in the Army.   I heard that part.  
18 How long were you in the Army?

19          A.   I was in the Army for six years.   Last  
20 week marked one year that I have now been  
21 honorably discharged from the military.

22          Q.   And where did you serve when you were in  
23 the Army?

24          A.   I served in South Carolina, Virginia,  
25 Oklahoma, and a year in Iraq.

1 Q. What was your military specialty?

2 A. I was a 92 Alpha. It's an automated  
3 logistical supply specialist.

4 Q. Do you know an individual by the name of  
5 Brett Swisher Houtz?

6 A. Yes, I do.

7 Q. And how long have you known Brett  
8 Swisher Houtz?

9 A. About 18 years.

10 Q. And can you tell us how you knew him  
11 over 18 years?

12 A. We both grew up together in Snow Shoe,  
13 and he was my older brother's best friend for a  
14 long time.

15 Q. Do you know other people in the  
16 community where you grew up who know and knew  
17 Brett Swisher Houtz?

18 A. Yes. He was pretty well known around  
19 the community.

20 Q. And among those people whom you know who  
21 know and knew Brett Swisher Houtz during the  
22 period of time that you have known him, have you  
23 ever heard those individuals talk about his  
24 reputation for being untruthful and dishonest?

25 A. Yes.

1 Q. What is that reputation?

2 A. That he was a dishonest person and --

3 Q. I'm sorry?

4 A. He was a dishonest and embellished  
5 stories.

6 Q. Thank you.

7 MR. AMENDOLA: That's all I have.

8 MR. McGETTIGAN: Very briefly, Your  
9 Honor.

10 CROSS-EXAMINATION

11 BY MR. McGETTIGAN:

12 Q. Is Rash your married name or your maiden  
13 name?

14 A. My married name.

15 Q. Okay. Your maiden is Dixon?

16 A. No, my maiden name is Williams. My  
17 mother's last name is Dixon?

18 Q. Okay. And Ryan Dixon was your brother?

19 A. Yes.

20 Q. Okay. He's passed away?

21 A. Yes. He passed away in 2008.

22 Q. Motorcycle accident?

23 A. Yes.

24 Q. I'm sorry. At one time he and Brett  
25 were very close friends, were they not?

1 A. Yes.

2 Q. Okay. And sometimes got in trouble  
3 together?

4 A. Oh, very much so, yes.

5 Q. And also Brett kind of got the benefit  
6 of the doubt, seemed to get more stuff from  
7 people and things like that, including the  
8 defendant?

9 A. Most definitely.

10 Q. Yeah. So he would get taken places and  
11 given shirts and jerseys and snowboards and all  
12 that kind of stuff?

13 A. Yes.

14 Q. And Ryan didn't get really much of that  
15 stuff, did he?

16 A. No, my brother didn't.

17 Q. Where in Iraq? What location?

18 A. I served in Tallil, Iraq.

19 Q. In Tallil?

20 A. Um-hum.

21 Q. Which camp?

22 A. It was Tallil. Honestly I  
23 can't remember. I incurred a brain injury while  
24 I was overseas.

25 Q. Okay. Are you okay?

1 A. Yes.

2 Q. Thank you.

3 MR. McGETTIGAN: I have nothing further.

4 THE COURT: Thank you. You can step  
5 down -- redirect?

6 MR. AMENDOLA: No, Your Honor.

7 THE COURT: Thank you. You can step  
8 down.

9 MR. AMENDOLA: Our next witness is I  
10 think in the courtroom, Joyce Porter.

11 Whereupon,

12 JOYCE PORTER

13 was called as a witness and having been duly  
14 sworn, was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. AMENDOLA:

17 Q. Will you state your full name please?

18 A. Joyce Porter.

19 Q. And where do you reside?

20 A. State College.

21 Q. With whom do you reside there?

22 A. With whom?

23 Q. Yes.

24 A. Well, my husband and six, seven, eight  
25 kids.

1 Q. And how many kids do you and --

2 A. Fourteen.

3 Q. You and your husband have 14 kids?

4 A. Yes.

5 Q. And of those kids how many are foster or  
6 adopted kids?

7 A. We have nine we gave birth to and five  
8 we have adopted.

9 Q. And do you know Mr. Sandusky?

10 A. Yes, I know him well.

11 Q. How long have you known Mr. Sandusky?

12 A. Around 40 years.

13 Q. In what way, what capacity, how have you  
14 known him?

15 A. My friend, Joan Kulka, introduced me to  
16 his wife and then we all got to know each other.  
17 Some of my big kids are the same ages as his  
18 kids.

19 Q. Over the past several decades on an  
20 average basis, how often would you see  
21 Mr. Sandusky?

22 A. Some -- a few times a year. He was  
23 always busy as a football coach but sometimes  
24 Dottie and Joan and some other friends and I  
25 would get together and go out to lunch or eat



1 lunch at each other's homes and once in a while  
2 we would do something with our husbands, once in  
3 a while.

4 Q. Do you know other people in the  
5 community who know Mr. Sandusky?

6 A. Yes, many.

7 Q. Among the people who you know who know  
8 Mr. Sandusky, have you ever heard them speak  
9 about his reputation for being truthful, honest,  
10 peaceful, law abiding, and nonviolent?

11 A. All the people I know who know Jerry  
12 thinks -- think he's a wonderful man.

13 Q. Thank you.

14 MR. AMENDOLA: That's all I have.

15 MR. McGETTIGAN: May I. Just one or  
16 two.

17 CROSS-EXAMINATION

18 BY MR. McGETTIGAN:

19 Q. Good morning, ma'am. How are you?

20 A. Hi. Good.

21 Q. Okay. When you said six, seven or  
22 eight, you meant because you are never sure who's  
23 coming back that day or --

24 A. -- well we have got some in college.

25 Q. Right.

1           A.   Some that moved to North Carolina and  
2 then moved back. You never know.

3           Q.   I know. I think you told the jury that  
4 during the course of the time you've known the  
5 defendant, you see him a couple times of the year  
6 actually?

7           A.   Yes.

8           Q.   You're a busy lady?

9           A.   Yes.

10          Q.   And he would be busy as well?

11          A.   Yes.

12          Q.   But you would see him from time to time?

13          A.   Well, he and Dottie were very kind and  
14 wonderful because I have a son with Down  
15 Syndrome.

16          Q.   Um-hum.

17          A.   Dottie and Jerry would take him out for  
18 dinner. They would celebrate his birthday. When  
19 Matt was little, he was a very ornery little boy  
20 and he would run away and he didn't listen.

21          Q.   Matt being?

22          A.   Matt is the one with Down Syndrome.  
23 Dottie and Jerry would still spend time with him.  
24 You say to Matt, who's the best. He goes *Jerry*.

25          Q.   How's Matt doing now?

1           A. He just won the Dan Piper for the best  
2     representative of a Down Syndrome person in the  
3     United States.

4           Q. Congratulations, ma'am.

5           MR. McGETTIGAN: I have nothing further.

6           THE COURT: Redirect?

7           MR. AMENDOLA: Thank you, Your Honor.  
8     Nothing further.

9           THE COURT: Thank you. You may step  
10    down.

11          THE WITNESS: Thank you.

12          MR. AMENDOLA: At this time, Your Honor,  
13    I would propose to call Trooper Scott Rossman, if  
14    he's available. I don't know if he's available?

15          MR. McGETTIGAN: I think it will just  
16    take minute because we didn't know when you would  
17    want him. He's upstairs, downstairs.

18          It may just take a minute, Your Honor.

19          THE COURT: Sure. Is somebody going to  
20    get him?

21          MR. McGETTIGAN: I think they texted to  
22    him already.

23          THE COURT: Okay.

24          MR. AMENDOLA: Your Honor, while we're  
25    waiting, I have just been informed that another

1 character witness is here. We can call him.

2 THE COURT: Okay.

3 MR. AMENDOLA: Phil Mohr.

4 Whereupon,

5 PHILIP MOHR

6 was called as a witness and having been duly  
7 sworn, was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. AMENDOLA:

10 Q. Would you please state your full name?

11 A. Philip Warren Mohr.

12 Q. And how do you spell your last name?

13 A. M-o-h-r.

14 Q. Where do you reside?

15 A. State College.

16 Q. Are you currently employed?

17 A. No. I'm retired.

18 Q. And what was your occupation prior to  
19 retirement?

20 A. I was an affiliate professor of  
21 microbiology.

22 Q. At what school?

23 A. At Penn State University.

24 Q. And are you married?

25 A. Yes.

1 Q. Do you have any children?

2 A. Two.

3 Q. How old are they?

4 A. Oh, sure. Thirty-four and 30.

5 Q. I guess that's a tough question to ask  
6 the father, right? Mr. Mohr, do you know  
7 Mr. Sandusky?

8 A. Yes, I do.

9 Q. And how long have you known  
10 Mr. Sandusky?

11 A. Probably about 35 years.

12 Q. And can you tell us how you have known  
13 him over 35 years? Was it social, professional,  
14 combination?

15 A. Largely social. We were neighbors when  
16 we moved -- when my wife and I moved to State  
17 College. We lived a few doors down the street.

18 We go to the same church. We've  
19 picniced together. We've spent Christmas parties  
20 together. I play the piano and organ and I  
21 played for both Jerry's mother and father's  
22 funeral.

23 Q. Now, over that 35-year period Mr. Mohr,  
24 did you know other people who also knew  
25 Mr. Sandusky?

1           A.   Many.

2           Q.   And among those people whom you knew who  
3   knew Mr. Sandusky during that period of time,  
4   have you ever heard those people talk about  
5   Mr. Sandusky's reputation for being honest,  
6   truthful, law abiding, peaceful, and nonviolent?

7           A.   Only in the most positive way.

8           Q.   What is that reputation?

9           A.   Wonderful.  It's great.

10          Q.   Thank you.

11               MR. AMENDOLA:  That's all I have.

12               MR. McGETTIGAN:  Just one question.

13                       CROSS-EXAMINATION

14   BY MR. McGETTIGAN:

15           Q.   Good morning, sir.  How are you?

16           A.   Good morning.

17           Q.   You said you went to the defendant's  
18   church?

19           A.   Yes.

20           Q.   Did you ever see him attend church with  
21   young boys?

22           A.   Yes.

23           Q.   Okay.  Did you know any of those boys?

24           A.   I was probably introduced to them but  
25   there were many over the years.

1 Q. Thank you very much.

2 MR. McGETTIGAN: Nothing further, Your  
3 Honor.

4 MR. AMENDOLA: Thank you, Mr. Mohr.

5 Your Honor, may he be reseated since  
6 he's a character witness?

7 THE COURT: Yes, you can just go out  
8 right there and across.

9 MR. AMENDOLA: Mr. Willenbrock I  
10 understand is here.

11 Whereupon,

12 JACK WILLENBROCK

13 was called as a witness and having been duly  
14 sworn, was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. AMENDOLA:

17 Q. Will you please state your full name?

18 A. Jack Willenbrock.

19 Q. And how do you spell your last name?

20 A. W-i-l-l-e-n-b-r-o-c-k.

21 Q. And where do you reside,

22 Mr. Willenbrock?

23 A. In the Lemont area of State College.

24 Q. And are you married?

25 A. Yes.

1 Q. Do you have any children?

2 A. Three children, nine grandchildren.

3 Q. Are you currently employed?

4 A. Retired from Penn State University as a  
5 professor of civil engineering.

6 Q. How long were you a professor of civil  
7 engineering at Penn State?

8 A. Twenty-seven years.

9 Q. Do you know Mr. Sandusky?

10 A. Yes.

11 Q. How long have you known Mr. Sandusky?

12 A. My wife Marcia and I moved to State  
13 College in 1968. We lived on Yardal Road. The  
14 Sanduskys also lived on Yardal Road and our kids  
15 grew up together and we have known the family  
16 through church, through other activities over  
17 those years.

18 Q. Now, you mentioned your kids grew up  
19 with his kids?

20 A. Yes, sir.

21 Q. Were there occasions when your kids were  
22 over at the Sandusky residence?

23 A. All the time. There was a period of  
24 time in that area where the kids were out in the  
25 summer all the time. They were at our house.



1 They were at his house. Dottie would ring a  
2 bell. Marcia would ring a bell about 9:00  
3 o'clock, and they would all come home.

4 Q. During the course of your kids growing  
5 up with Mr. Sandusky's kids, did you ever have  
6 occasion to see Mr. Sandusky interact with the  
7 kids?

8 A. All the time. Would --

9 Q. What kind --

10 A. -- you like some examples?

11 Q. Yes.

12 A. First Jerry's father played --

13 MR. McGETTIGAN: Objection.

14 THE WITNESS: -- Santa Clause on  
15 Christmas Eve.

16 THE COURT: I'm not sure this is within  
17 the scope of reputation testimony.

18 MR. AMENDOLA: I'll withdraw the  
19 question, Your Honor.

20 BY MR. AMENDOLA:

21 Q. You mentioned that you also go to church  
22 with Mr. Sandusky?

23 A. St. Paul's United Methodist Church in  
24 State College.

25 Q. And over the course of time that you

1 have known Mr. Sandusky, have you known other  
2 individuals who know Mr. Sandusky?

3 A. Quite a few.

4 Q. Among those individuals whom you know  
5 who know Mr. Sandusky during that 35-year period  
6 or so, have you ever heard them talk about  
7 Mr. Sandusky's reputation for being truthful,  
8 honest, peaceful, law abiding, and nonviolent?

9 A. All the time.

10 Q. What is that reputation?

11 A. Excellent. Among our children, among  
12 our grandchildren Jerry Sandusky is a father  
13 figure, and he's also respected for what he did  
14 professionally.

15 Q. Thank you.

16 MR. AMENDOLA: That's all I have.

17 MR. McGETTIGAN: Very briefly, Your  
18 Honor.

19 CROSS-EXAMINATION

20 BY MR. McGETTIGAN:

21 Q. Good morning, professor. How are you?

22 A. Good morning.

23 Q. At some point in the past year or so,  
24 perhaps even before that, you learned about  
25 allegations initially and then charges against

1 the defendant; would that be correct?

2 A. Yes, sir.

3 Q. Okay. And during -- would it be  
4 accurate to say that during the course of the  
5 time after you learned these allegations you had  
6 contact with -- communication with people in the  
7 community who knew the defendant?

8 A. Yes, sir.

9 Q. Okay. I know your testimony here has to  
10 do with your recollections of the reputation he  
11 enjoyed over the course of the years you have  
12 known him; would that be correct?

13 A. Yes, sir.

14 Q. But since those allegations arose and  
15 those charges arose, were there any in the  
16 community with whom you know who knew the  
17 defendant whose opinion of his reputation became  
18 different?

19 A. Sir, my wife and I are Christian.

20 Q. I understand.

21 A. And we felt at the beginning when these  
22 allegations started that we were not the ones  
23 that were going to judge what Jerry did and when  
24 people started talking about it, we decided that  
25 we didn't want to hear it.

1           Q.   Okay.  And that's why I'm just going to  
2 narrow my question very briefly.

3           A.   Yes, sir.

4           Q.   In the community of persons that you  
5 knew, there were some who because of these  
6 allegations or maybe other reasons, among whom  
7 the defendant's reputation was not as good as  
8 others; would that be correct, sir?

9           A.   They knew my stance and they didn't  
10 verbalize it in my presence.

11          Q.   You're aware of their existence,  
12 however?

13          A.   No, I'm not because they didn't  
14 verbalize it but they knew what I stood for and  
15 what my wife Marcia stood for.  We never  
16 approached the issue of the Sandusky situation.

17          Q.   Thank you very much, sir.

18               THE COURT:  Redirect?

19               MR. AMENDOLA:  No, Your Honor.

20               THE COURT:  Thank you, sir.  You can  
21 step down.

22               Whereupon,

23                               SCOTT ROSSMAN

24 was called as a witness and having been duly  
25 sworn, was examined and testified as follows:

## 1 DIRECT EXAMINATION

2 BY MR. AMENDOLA:

3 Q. Will you please state your full name?

4 A. I'm Corporal Scott S. C. Rossman.

5 Q. And by whom are you employed?

6 A. I'm employed by the Pennsylvania State  
7 Police.8 Q. How long have you been so employed,  
9 Corporal Rossman?

10 A. Thirteen years.

11 Q. And can you explain to the jury what  
12 your involvement has been in the Jerry Sandusky  
13 investigation?14 A. I was one of the lead investigators for  
15 the investigation.16 Q. And when did you first become involved  
17 in this investigation involving Mr. Sandusky?18 A. It would have been in May or June of  
19 2009.20 Q. And during the course of your  
21 investigation, can you tell us how many of the  
22 individuals who subsequently became accusers did  
23 you interview?

24 A. Could you clarify the question?

25 Q. Yes. I'll ask it another way. During

1 the course of your investigations, did you  
2 investigate individuals who later became  
3 accusers, complaining witnesses in the  
4 Commonwealth's case?

5 A. Yes, I did.

6 Q. Can you tell us, if you recall, who you  
7 interviewed among those accusers?

8 A. Aaron Fisher, Michal Kajak, Dustin  
9 Struble, and I believe there's three more.

10 Q. Well, okay. Did you also -- did you  
11 also interview -- I'm looking at my list here.  
12 Excuse me just a minute.

13 Did you interview Mike McQueary?

14 A. Yes, I did. He's not a victim.

15 Q. Did you interview Jason Simcisko?

16 A. Yes, I did.

17 Q. Did you interview Brett Swisher Houtz?

18 A. Yes, I did.

19 Q. And I think you mentioned you  
20 interviewed Michal Kajak?

21 A. Yes, sir.

22 Q. Did you interview Dustin Struble?

23 A. I have already answered that question,  
24 sir.

25 Q. I'm sorry. Now, in the course of

1 interviewing those individuals, I take it that  
2 occurred over a period of time?

3 A. Yes, sir.

4 Q. And would it be fair to say that a  
5 number of those individuals were interviewed  
6 after a newspaper article appeared in the  
7 *Harrisburg Patriot News* on March 31, 2011?

8 A. I can't answer that. I'm not aware of  
9 that article.

10 Q. If there were reports that you had  
11 written indicating that your first interviews  
12 occurred after that date, after that article  
13 appeared, I take it you wouldn't dispute that?

14 A. No, I would not.

15 Q. When you interviewed these individuals  
16 that you have told us about, do you recall  
17 whether or not you ever suggested to them or told  
18 them that there were other accusers, other young  
19 men who had alleged that Jerry Sandusky had  
20 abused them?

21 A. Not that I can recall. If you look at  
22 the time frame of which they were interviewed,  
23 you are talking about a substantial amount of  
24 time. So, I can't give you a definite answer  
25 of -- not that I recall.

1           Q. Well, let me ask it another way. Would  
2 you agree that if -- I'll ask a different  
3 question first. In many of these interviews  
4 would it be fair to say that the individual you  
5 interviewed, the potential future accuser,  
6 indicated that nothing or something minimal  
7 occurred between him and Jerry Sandusky and then  
8 later added more to it?

9           MR. McGETTIGAN: Your Honor, I would  
10 object. This is direct examination. I'm not  
11 sure that's a proper question.

12          THE COURT: Well, it's not artfully  
13 phrased but go ahead and maybe rephrase it. I  
14 think it's -- I understand what you are getting  
15 at. It's a proper subject.

16          MR. AMENDOLA: Yes.

17 BY MR. AMENDOLA:

18          Q. Did you ever in the course of  
19 interviewing these accusers who later led to  
20 charges; did, in your initial interview, any of  
21 them say to you that anything happened or  
22 something minimal happened and then later add  
23 things to it?

24          A. Yes.

25          Q. During the course of that transition



1 from nothing happened or maybe some things  
2 happened minimally but then they became more  
3 serious, did you ever suggest to them that you  
4 think more serious things occurred but that  
5 they're just not telling you and there are other  
6 people out there who are saying the same things,  
7 that more serious things occurred?

8 A. There were several parts to that  
9 question that you just asked me.

10 Did I ever think that more occurred than  
11 what they told me? Absolutely.

12 Q. Did you ever convey that to them when  
13 they weren't telling you what you might have  
14 thought occurred more seriously?

15 A. Yes.

16 Q. Did it occur to you when you were doing  
17 that that you might be tainting the  
18 investigation?

19 A. No.

20 Q. That you might be suggesting to these  
21 accusers or potential accusers that more things  
22 happened that didn't?

23 A. No.

24 Q. Do you recall specifically your  
25 interviews with Brett Swisher Houtz? Do you

1 recall those interviews?

2 A. I would have to refer to my report.

3 Q. If I told you there was a lengthy  
4 interview on April 21, 2011 in which you were  
5 present with Corporal Leiter, would that help you  
6 recall that that was one of your interviews?

7 A. I remember interviewing him. If that's  
8 indeed the correct date, then, yes.

9 Q. And would you agree that that interview  
10 was rather lengthy?

11 A. Yes.

12 Q. And who else was present during that  
13 interview?

14 A. Mr. Swisher's attorney, Mr. Andreozzi, I  
15 apologize if I pronounced that incorrectly.

16 Q. Now, in your experience as state  
17 trooper, Corporal Rossman, is it typical for a  
18 witness's attorney to be present during  
19 interviews of that nature?

20 A. It has occurred before.

21 Q. But would you agree that that's unusual?

22 A. I would say that it doesn't occur a lot.  
23 I don't know if it's unusual.

24 Q. So this was an exceptional situation  
25 where Mr. Andreozzi was present?

1 MR. McGETTIGAN: Your Honor, objection  
2 once again. It's just leading, questions on the  
3 direct of the witness.

4 MR. AMENDOLA: Well, Your Honor, he's a  
5 Commonwealth witness. That's part of the  
6 problem.

7 THE COURT: Overruled. Go ahead.

8 BY MR. AMENDOLA:

9 Q. Would you agree it was an exceptional  
10 situation for Mr. Andreozzi, Mr. Swisher's  
11 attorney, to be present?

12 A. I can't say what Mr. Andreozzi was  
13 thinking at the time. There was a request made  
14 for Mr. Andreozzi to be present and we couldn't  
15 deny that request.

16 Q. Do you recall -- let me ask it a  
17 different way. Prior to -- prior to you or to  
18 your knowledge any other trooper involved in this  
19 investigation talking with Mr. Swisher Houtz, did  
20 he obtain private counsel, Mr. Andreozzi? Did he  
21 have private counsel before he spoke with you?

22 A. The private counsel came along with him.

23 Q. That was Mr. Andreozzi?

24 A. Yes.

25 Q. Was April 21, 2011 the first time you

1 spoke with Mr. Swisher Houtz?

2 A. The first time that I had spoke with  
3 him, yes.

4 Q. To your knowledge had he spoken with  
5 anyone else?

6 A. I believe at one point Mr. -- excuse  
7 me -- Corporal Leiter had went to his residence.

8 Q. Do you recall that there was a break in  
9 the interview where Mr. Swisher Houtz went out I  
10 think to have a cigarette or get a soda or said  
11 he was hungry?

12 A. Yes.

13 Q. Did you stay in the interview room with  
14 his attorney or did Corporal Leiter stay in the  
15 interview room with his attorney?

16 A. I'm not sure. We might have both left.  
17 One of us might have came back. I'm not sure.

18 Q. Well, assuming for the moment that there  
19 was one of you in there, you're not sure whether  
20 it was you or Corporal Leiter?

21 A. I'm not going to assume that because I  
22 can't recall if it was myself or either of us.

23 Q. To your recollection was there a  
24 recording made of that interview?

25 A. I believe there was.

1           Q.   And if you listened to the recording,  
2           would you be able to tell whose voice was whose  
3           at the interview?

4           A.   Probably.

5           Q.   Thank you.

6           MR. AMENDOLA:   That's all I have, Your  
7           Honor.

8           MR. McGETTIGAN:   May I, Your Honor?

9           Thank you.

10                           CROSS-EXAMINATION

11           BY MR. McGETTIGAN:

12           Q.   Corporal, how many young men did you  
13           interview all together approximately in the  
14           course of this investigation?

15           A.   I would say 40 to 50 individuals.

16           Q.   Okay.   And some or most of them more  
17           than once?

18           A.   Most of them usually only once.

19           Q.   And did you at any time ever tell anyone  
20           what to say?

21           A.   No, at no point.

22           Q.   Did you ever -- I mean, did you  
23           manufacture events for them to relate to you?

24           A.   Absolutely not.

25           Q.   Encourage them to say any particular

1        thing involving the defendant or anyone else?

2            A.    No.    We were just trying to seek the  
3        truth out of the individual.

4            Q.    Okay.   I understand that sometimes this  
5        person you spoke with, the individual, were  
6        reluctant to speak to you about what had happened  
7        to them?

8            A.    Yes.    It's a very uncomfortable subject  
9        for any victim to come in and relate that  
10       something horrific has happened to them.

11          Q.    Did some of them show such reluctance  
12        you thought they merited a second interview?

13          A.    Yes.

14          Q.    And were some more forthcoming after  
15        they felt more comfortable talking to you?

16          A.    Yes.

17          Q.    Okay.   You were asking these young men  
18        about sexual abuse early in their childhood?

19          A.    Yes.

20          Q.    Did some of them cry when you talked to  
21        them?

22          A.    Yes.

23          Q.    Did some of them just say I'm not going  
24        to talk to you at all about any of this stuff?

25          A.    Yes, some became very defensive.

1           Q.   And just said I don't want to talk about  
2   it?

3           A.   Yes.

4           Q.   Essentially was your interview process  
5   going in and say I would like to ask you a few  
6   things about your involvement in The Second Mile.  
7   Is that pretty much the way you began, The Second  
8   Mile and/or Mr. Sandusky?

9           A.   Association, yes.

10          Q.   And as soon as you said Second Mile with  
11   Jerry Sandusky, some of them just shut up?

12          A.   Yes.

13          Q.   Thank you very much.

14               MR. McGETTIGAN:  I have nothing further,  
15   Your Honor.

16               MR. AMENDOLA:  Your Honor, just one more  
17   question.

18                       REDIRECT EXAMINATION

19   BY MR. AMENDOLA:

20          Q.   Corporal Rossman, did you ever interview  
21   an individual by the name David Hilton?

22          A.   I would have to refer to the report.

23          Q.   So off the top of your head, you don't  
24   recall?

25          A.   I don't believe I did that interview.

1       The name is familiar. I can't say 100 percent  
2       sure without looking at the report. But I don't  
3       believe that I did that one.

4               Q.    Thank you.

5               MR. AMENDOLA: Your Honor, that's all I  
6       have at this time. But may I ask that the  
7       witness remain the -- remain available because we  
8       may need to recall him after we have a couple  
9       more witnesses.

10              THE COURT: Very well. You'll keep him  
11      available?

12              MR. McGETTIGAN: Certainly, Your Honor.

13              THE COURT: Thank you.

14              MR. McGETTIGAN: Thank you.

15              THE WITNESS: Thank you.

16              MR. AMENDOLA: Your Honor, we have a  
17      couple more character witnesses maybe we can  
18      intersperse.

19              And then our next would be Corporal  
20      Leiter after we call a couple of character  
21      witnesses.

22              MR. McGETTIGAN: Your Honor, may we  
23      summon Corporal Leiter to the courtroom while the  
24      character witnesses are testifying?

25              THE COURT: Yes.



1 MR. McGETTIGAN: Thank you, Your Honor.

2 MR. AMENDOLA: John Wetzler. Lance  
3 Mehl. They may be upstairs, Judge. Is Corporal  
4 Leiter here? If Corporal Leiter, we can proceed  
5 with Corporal Leiter.

6 Whereupon,

7 JOSEPH LEITER

8 was called as a witness and having been duly  
9 sworn, was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. AMENDOLA:

12 Q. Corporal Leiter, will you state your  
13 full name please?

14 A. Joseph A. Leiter, L-e-i-t-e-r.

15 Q. And I understand you are retired now.  
16 Congratulations.

17 A. That's correct. Thank you.

18 Q. How long were you a state trooper?

19 A. For 26 years and nine months.

20 Q. And don't have the days down. Were you  
21 involved in the Jerry Sandusky investigation?

22 A. Yes.

23 Q. Can you tell us about when you became  
24 involved? Was it at inception? Did you become  
25 involved later?

1           A. Well, I became involved with the  
2 beginning whenever the state police at Rockview  
3 received it as the crime unit supervisor. But I  
4 didn't become more actively involved until later  
5 on, probably January of 2011.

6           Q. And during the course of your  
7 involvement in this investigation, did you have  
8 occasion to interview a number of potential  
9 witnesses?

10          A. Yes.

11          Q. And if you recall, can you tell us who  
12 among the people who ultimately became accusers,  
13 alleged victims, did you interview, if you can  
14 recall? For example, let me maybe make it simple  
15 for you.

16               MR. AMENDOLA: Rather than ask him to  
17 give a list that he may not remember, Your Honor,  
18 if I may.

19 BY MR. AMENDOLA:

20          Q. Did you ever interview Aaron Fisher?

21          A. Yes.

22          Q. Did you ever interview Mike McQueary in  
23 regard to the allegations involved in Accuser No.  
24 2 or alleged Victim No. 2?

25          A. Yes.

1           Q. Did you ever interview Michael -- excuse  
2 me -- Brett Swisher Houtz?

3           A. Yes.

4           Q. Did you ever interview Michal Kajak?

5           A. Yes.

6           Q. Did you ever interview Zach Konstas?

7           A. Yes.

8           Q. Did you ever interview Dustin Struble?

9           A. Yes.

10          Q. Did you ever interview Sabastian Paden?

11          A. Yes.

12          Q. Now, can you tell us if you recall, and  
13 you may not, but if you can, can you tell us how  
14 many times you interviewed each of those  
15 individuals?

16          A. I don't believe I interviewed any of  
17 them more than three times.

18          Q. More than three times?

19          A. Correct.

20          Q. Would it be fair to say that at least in  
21 some of the cases involving people you  
22 interviewed, if you were the first interviewer on  
23 the scene, that their recitations of what their  
24 involvement was with Mr. Sandusky shifted? In  
25 other words, initially they said nothing or very

1 little happened and then it kind of expanded into  
2 something did happen?

3 A. In some of them, yes.

4 Q. Were there at any time situations in  
5 which you interviewed potential accusers, these  
6 people that we just talked about specifically,  
7 and explained to them that there were other  
8 accusers, other people who had said that Jerry  
9 Sandusky had abused them?

10 A. At some point in our interviews with  
11 some of them, we did tell them that.

12 Q. Now, was that an effort on your part  
13 trying to get them to give you more information  
14 that you felt they had?

15 A. No.

16 Q. What was your purpose in explaining that  
17 to them?

18 A. Each of these accusers was very, very  
19 seriously injured and very concerned and we had  
20 told them, especially prior to going to grand  
21 jury, that they wouldn't be alone; that there  
22 were others.

23 Q. Were you concerned at all though in  
24 telling these individuals as you interviewed them  
25 that there were other individuals who said

1 certain acts occurred, for example, oral sex  
2 occurred with other people?

3 A. We never told them anything like that.  
4 The only thing we ever told them was that there  
5 were others. We never told them what anyone else  
6 had ever told us.

7 Q. You're certain about that?

8 A. Yes.

9 Q. Do you recall interviewing Brett Swisher  
10 Houtz?

11 A. Yes.

12 Q. Do you recall how many times you have  
13 interviewed him?

14 A. I believe once or twice.

15 Q. Do you recall a specific interview that  
16 occurred on April 21, 2011 in which Brett Swisher  
17 Houtz was present, Corporal Rossman was present,  
18 and Ben Andreozzi, Brett Swisher Houtz's  
19 attorney, was present?

20 A. I can't tell you the date but I remember  
21 when we were --

22 Q. I'm sorry. What?

23 A. I don't remember the date but I can tell  
24 you we were --

25 Q. I understand that. You remember that

1 interview?

2 A. I remember an interview, yes.

3 Q. Now, prior to that interview, had you  
4 attempted to speak with Brett Swisher Houtz?

5 A. Prior to any of the interviews, yes.

6 Q. Can you tell us the circumstances, if  
7 you recall, behind that first contact with him?

8 A. We were trying to locate Brett. We had  
9 a difficult time locating him and whenever we  
10 did -- in fact, with most of the individuals, we  
11 would go to their residence and there wouldn't be  
12 anyone home because we went during daytime hours.

13 So when we located a residence or at  
14 least an address of Brett Swisher Houtz, I had  
15 gone to his residence with the intention of just  
16 leaving a card not expecting to find him there.  
17 When I knocked on the door, he answered, and I  
18 explained to him who I was and why I was there  
19 and he had at that time told me that wasn't going  
20 to talk to me.

21 Q. He didn't speak with you?

22 A. No.

23 Q. Did he mention to you at that time that  
24 he already had an attorney?

25 A. Yes.

1           Q.   And that he wanted his attorney present  
2           during any interviews?

3           A.   No, he didn't say that he wanted him  
4           present during the interviews that I recall. I  
5           believe he told me he wanted to talk with his  
6           attorney before he would talk with us.

7           Q.   Did you ever -- did you ever give an  
8           interview to a Bill Moushey?

9           A.   No.

10          Q.   And you are familiar with the book *Game*  
11          *Over*?

12          A.   Yes.

13          Q.   In that book on page 73 at the bottom,  
14          the bottom 3 lines, what Mr. Moushey attributes  
15          is that Leiter kept private the stories from  
16          others involved in The Second Mile when he  
17          conducted his interviews making sure not to taint  
18          the case by tipping anyone off. That statement  
19          was ever attributed to you?

20          A.   No.

21          Q.   But you are telling us today that you  
22          did share with a number of these young men that  
23          there were other young men out there?

24          A.   We did at certain points of our  
25          investigation, yes.

1           Q.    Would it be fair to say that you did  
2           that even before all of the young men were  
3           involved?  For example Mr. Houtz -- Mr. Swisher  
4           Houtz's case, did you tell him, for example, that  
5           there were other -- nine other young men who had  
6           said Jerry Sandusky did sexual acts with?

7           A.    We never gave a specific number of  
8           people.

9           Q.    Never gave any numbers?

10          A.    Not that I recall.

11          Q.    Do you recall a conversation with  
12          Mr. Swisher Houtz's attorney indicating that in  
13          the middle of the interview during a break that  
14          when Mr. Swisher Houtz came back you were going  
15          to tell him there were other people involved so  
16          that he could hopefully then start saying that  
17          things happened to him?

18          A.    I don't remember that.

19          Q.    Thank you.

20               MR. AMENDOLA:  That's all I have.

21               MR. McGETTIGAN:  If I may, Your Honor.

22                       CROSS-EXAMINATION

23           BY MR. McGETTIGAN:

24           Q.    You were asked about a list of young men  
25           that you interviewed, Dustin, Brett, et cetera.



1 I have the report here. I can read you a list of  
2 40, 50, 60 names of other young men you  
3 interviewed?

4 A. Correct.

5 Q. Okay. And in the early parts of this  
6 investigation, it was Trooper Rossman and  
7 yourself involved, you as the crime supervisor?

8 A. That's correct.

9 Q. So you got involved in this because you  
10 needed interview help. You went out to see if  
11 these young men would speak with you?

12 A. That's correct.

13 Q. Is it true that sometimes when you went  
14 out with young men, they would close the door and  
15 say I don't want to talk. I have nothing to say?

16 MR. AMENDOLA: Your Honor, I object.

17 THE COURT: Leading.

18 MR. McGETTIGAN: It's cross-examination,  
19 Your Honor.

20 THE COURT: Yeah, right. He's your  
21 witness. No.

22 MR. McGETTIGAN: I understand.

23 THE COURT: No.

24 MR. McGETTIGAN: I understand, Your  
25 Honor.

1 BY MR. McGETTIGAN:

2 Q. Did you ever tell anyone what to say?

3 A. No.

4 Q. Did you ever suggest to any one of these  
5 young men, the names that counsel read out or any  
6 of the young men you interviewed, any particular  
7 thing that may or may not have happened to them?

8 A. No.

9 Q. The suggestion by counsel is that you  
10 tainted one witness with another by saying what  
11 the first one said. Did you ever do that?

12 A. No.

13 Q. Did you ever tell anyone they had to say  
14 anything?

15 A. No.

16 Q. Did you ever tell anyone they absolutely  
17 had to talk with you?

18 A. No.

19 Q. Did you go to the grand jury where Aaron  
20 Fisher testified for the first time?

21 A. I was there. I don't know -- I don't  
22 recall if I was present in the grand jury room.

23 Q. Did you see Aaron that day?

24 A. Yes.

25 Q. Could you describe for the ladies and

1 gentlemen of the jury Aaron Fisher's condition  
2 when you saw him before and after his grand jury  
3 testimony?

4 A. Well, let me back up. I wasn't with  
5 him. I did not go to Aaron Fisher's grand jury.  
6 I was not there.

7 Q. You did interview Aaron Fisher at some  
8 point?

9 A. At the end, yes, at the tail end of the  
10 investigation.

11 Q. Okay. And when you first spoke to --  
12 tried to speak with Brett Swisher Houtz, he  
13 didn't want to speak with you the first time you  
14 met him?

15 A. No. In fact, whenever he answered the  
16 door and he was very, very reluctant. I remember  
17 he curled up in the fetal position on the end of  
18 his couch.

19 Q. Was that after there had already been  
20 some public release of information about the  
21 investigation?

22 A. Yes.

23 Q. Did he tell you he had a lawyer because  
24 he didn't -- the press was already hounding him?

25 A. Yes.

1 MR. ROMINGER: Objection. Leading.

2 THE COURT: Only one of you can make the  
3 objection but the objection is proper and it's  
4 sustained and the answer is stricken.

5 MR. McGETTIGAN: Thank you, Your Honor.

6 MR. AMENDOLA: If I may, Your Honor, may  
7 I approach?

8 Are you done? I'm sorry. I thought  
9 Mr. McGettigan was done.

10 MR. McGETTIGAN: One or two more,  
11 Mr. Amendola.

12 BY MR. McGETTIGAN:

13 Q. Did you ever ask anyone to tell you that  
14 any particular sex act occurred by anybody, from  
15 anybody to anybody?

16 A. No.

17 Q. Did you know the defendant, Jerry  
18 Sandusky, at the beginning of this investigation?

19 A. I knew him only because he's a prominent  
20 figure in the area.

21 Q. Had you ever met him personally?

22 A. No.

23 Q. Okay. Did you care who anybody named as  
24 their victimizer or just that they were  
25 victimized and you wanted to find out what had

1       happened?

2           A.    Yes.

3           MR. AMENDOLA:  Objection.

4           MR. McGETTIGAN:  Thank you.  I have  
5 nothing further.  I withdraw the question.  I'm  
6 sorry, Your Honor.

7           MR. AMENDOLA:  Objection.

8           THE COURT:  Approach now or --

9           MR. AMENDOLA:  Yes.

10          (Whereupon, the following discussion was  
11 held at sidebar:)

12          MR. FINA:  Your Honor, I'm sorry.  I'm  
13 just a little -- the defense called these  
14 individuals as their witness.  I'm not sure why  
15 we don't have -- and they led extensively through  
16 the direct examination -- why the Commonwealth  
17 cannot lead on cross.  The fact that it's a  
18 police officer doesn't under the rules make, I'm  
19 sorry to be --

20          THE COURT:  Every cross-examination you  
21 have done in direct examination the leading  
22 questions have been -- that's all I can do is not  
23 jump up out of my chair and say objection.  Okay.

24          I don't know how you could possibly say  
25 that this witness is not your witness.

1 MR. McGETTIGAN: He's called.

2 THE COURT: He's called -- well the  
3 ruling stands.

4 MR. FINA: I'm sorry, Judge.

5 MR. AMENDOLA: Your Honor, we have a  
6 tape that the Commonwealth provided us which we  
7 have to set up to play and I would like to play  
8 it and have Corporal Leiter identify it if he  
9 can. This might be a good time for a break for  
10 us to set that up rather than have the jury waste  
11 time.

12 THE COURT: No, set it up during the  
13 normal break. Okay. So we'll have to call him  
14 back.

15 MR. AMENDOLA: Call him back.

16 THE COURT: We're going to keep going  
17 with the next witness. Okay.

18 (End of sidebar discussion.)

19 MR. AMENDOLA: Your Honor, if I may  
20 approach the witness?

21 THE COURT: Yes. Redirect. I'm sorry.

22 MR. McGETTIGAN: Is this witness  
23 excused?

24 THE COURT: I think he was going to do  
25 redirect.

1 MR. AMENDOLA: I was going to ask him  
2 about certain segments that were taken from the  
3 tape.

4 THE COURT: Go ahead.

5 REDIRECT EXAMINATION

6 BY MR. AMENDOLA:

7 Q. Corporal Leiter, when Brett Swisher  
8 Houtz was interviewed, do you recall there was a  
9 recording made?

10 A. Yes.

11 Q. I'm going to read part of that. We'll  
12 play the tape after we have a chance to set it up  
13 but a comment was made that purported to you, has  
14 your initial on it, Mr. Andreozzi asked you  
15 during the course that you have a witness that's  
16 conveyed and your response was we have two that  
17 have seen him. We can't find the victim but he  
18 may be in there. And then Andreozzi, the  
19 attorney, says oh you're kidding. The time frame  
20 matches up. Can we at some point in time say to  
21 him, listen, we have interviewed other kids and  
22 other kids have told us there was intercourse and  
23 they have admitted it. You know, is there  
24 anything else that you want to tell us?

25 Purportedly your responses was, yeah, we

1 do that with all the other kids. Say, listen,  
2 this is what we found so far. You fit the same  
3 pattern of all the other ones. This is the way  
4 he operates and we know the progression of the  
5 way he operates and the other kids we dealt with  
6 have told us that this happened after this has  
7 happened that. Did that happen to you?

8 Do you recall that conversation back and  
9 forth with Mr. Andreozzi?

10 A. I don't recall it but if it's been  
11 recorded, it's there.

12 Q. Do you recall after -- do you recall  
13 there was a break in the interview where  
14 Mr. Brett Swisher Houtz went out and had a  
15 cigarette and got a soda or something?

16 A. Um-hum.

17 Q. You recall that?

18 A. Yes, I do remember he had to leave.

19 Q. Do you recall the following comment made  
20 by you when Mr. Swisher Houtz came back: Before  
21 we start again, I just want to let you know, you  
22 are not the first victim we have spoken to. We  
23 interviewed probably I'm going to say nine.

24 And then Mr. Swisher Houtz said to you,  
25 I know you told me before about this is basically



1       how you found me.

2                   And then according to the tape you  
3       responded by saying: We interviewed about nine.  
4       Again, I called them kids. I apologize. Nine  
5       adults we have interviewed and you're doing very  
6       well. It is amazing if this was a book, you  
7       would have been repeating word for word pretty  
8       much what a lot of people have already told us.  
9       It is very similar. A lot of things you have  
10      told us is very similar to what we have heard  
11      from the others and we know from listening to  
12      these other young adults talk to us and tell us  
13      what has taken place that there is a pretty  
14      well-defined progression in the way that he  
15      operated and still operates I guess to some  
16      degree and that often times this progression,  
17      especially when it goes on for an extended period  
18      of time, leads to more than just touching and  
19      feeling. That's been actual oral sex that has  
20      taken place by both parties and there's -- we  
21      unfortunately found that there's been --  
22      classifies as a rape has occurred and I don't  
23      want you to feel that again. As Trooper Rossman  
24      said, I don't want you to feel ashamed because  
25      you're a victim in this whole thing. What

1       happened happened. He took advantage of you but  
2       when I -- when we first started, we talked and we  
3       needed to get details of what took place. So  
4       these type of things happened. We need you to  
5       tell us this is what happened. Again, we are not  
6       going to look at you any differently other than  
7       the fact that you are a victim of this crime, and  
8       it is going to be taken care of accordingly. But  
9       we need you to tell us as graphically as you can  
10      what took place as we get through this whole  
11      procedure. I just want you to understand that  
12      you are not alone in this. By no means are you  
13      alone in this.

14               Do you recall telling him that?

15           A. That sounds accurate, yes.

16           Q. Do you recall in your earlier testimony  
17      you said you never told one victim that another  
18      engaged in oral sex with Mr. Sandusky, you didn't  
19      go into details?

20           A. We didn't go into details. Again, it's  
21      similar. We told him there were some similar  
22      things and we also interviewed 50, 60 people.

23           Q. Would you agree in this statement that  
24      you are basically now admitting that you  
25      participated in that you are telling him there

1 are nine other people that said Mr. Sandusky did  
2 these things?

3 A. In that statement, yes, I did say that.

4 Q. Do you also agree that you are telling  
5 him they engaged in oral sex?

6 A. If that statement is correct, yes.

7 Q. We'll play the tape as soon as we have a  
8 break and have a chance to set it up. Thank you.

9 MR. AMENDOLA: That's all I have.

10 THE COURT: Recross?

11 MR. McGETTIGAN: I have nothing, Your  
12 Honor. Thank you, Your Honor.

13 MR. AMENDOLA: Your Honor, may we keep  
14 this witness available?

15 THE COURT: Yes. You may step down.

16 MR. AMENDOLA: Lance Mehl I believe is  
17 here.

18 Whereupon,

19 LANCE MEHL

20 was called as a witness and having been duly  
21 sworn, was examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. AMENDOLA:

24 Q. Will you state your full name please?

25 A. Lance Mehl.

1 Q. Will you spell your last?

2 A. M-e-h-l.

3 Q. And where do you reside?

4 A. St. Clairsville, Ohio.

5 Q. And can you give us a little bit about  
6 your background? Where did you go to college?

7 A. I went to Penn State.

8 Q. Did you participate in any sports?

9 A. Football.

10 Q. What position did you play?

11 A. At Penn State I was a defensive end,  
12 nose guard and linebacker.

13 Q. Those were the days they had you playing  
14 a lot of different ways?

15 A. That's correct, yes.

16 Q. When did you play football for Penn  
17 State?

18 A. 1976 through 1979.

19 Q. And after you graduated from Penn State,  
20 what did you do?

21 A. I was drafted by the New York Jets.  
22 Played for New York for eight years.

23 Q. What position did you play for the Jets?

24 A. Linebacker.

25 Q. Did you retire from pro football after

1 the eight years or did you go somewhere else?

2 A. I retired.

3 Q. Are you employed currently? Do you have  
4 a profession?

5 A. Yes, I'm a probation officer for Belmont  
6 County Juvenile Court in Ohio.

7 Q. How long have you been a probation  
8 officer?

9 A. A little over 15 years.

10 Q. Do you know Jerry Sandusky?

11 A. Yes.

12 Q. How long have you known Jerry Sandusky?

13 A. I think I first met him in 1975.

14 Q. Have you stayed in contact with him over  
15 the years?

16 A. Pretty much through the golf tournament,  
17 yes.

18 Q. And do you know other individuals who  
19 know Jerry Sandusky?

20 A. Yes.

21 Q. Did you know those individuals from the  
22 time you first met him as, I guess, a Penn State  
23 football player up until the time that charges  
24 were filed in this matter last November?

25 A. Yes.

1           Q. Did you ever hear those individuals whom  
2 you know who know Jerry Sandusky speak about his  
3 reputation for being peaceful, honest, truthful,  
4 law abiding, and nonviolent?

5           A. All the time.

6           Q. And what is that reputation?

7           A. Very good. We all looked up to him. He  
8 was a class act.

9           Q. Thank you.

10           MR. AMENDOLA: That's all I have.

11           MR. McGETTIGAN: I have nothing, Your  
12 Honor.

13           THE COURT: Thank you. You can step  
14 down.

15           Whereupon,

16                               JOHN WETZLER

17 was called as a witness and having been duly  
18 sworn, was examined and testified as follows:

19                               DIRECT EXAMINATION

20           BY MR. AMENDOLA:

21           Q. Will you state your full name please?

22           A. John Louis Wetzler.

23           Q. And where do you reside, Mr. Wetzler?

24           A. 1026 Airport Road, Bellefonte,  
25 Pennsylvania.

1 Q. Are you employed?

2 A. I'm retired from the Bellefonte Area  
3 School District.

4 Q. What did you do in Bellefonte Area  
5 School District?

6 A. I was a social studies teacher for 11  
7 years and a guidance counselor for 25 years.

8 Q. And do you know Mr. Sandusky?

9 A. I did.

10 Q. How long have you known Mr. Sandusky?

11 A. I would say somewhere between 25 and 30  
12 years.

13 Q. In what capacity, how did you know  
14 Mr. Sandusky during that time?

15 A. I was also a football coach and I would  
16 go to Penn State for clinics and also for the  
17 Penn State camps during the summer.

18 Q. Now, during that time frame, did you  
19 know other people who knew Mr. Sandusky?

20 A. I would think a lot of people knew  
21 Mr. Sandusky.

22 Q. During the course of your association  
23 with Mr. Sandusky over those years and, of  
24 course, prior to the charges being filed last  
25 November, did you have occasion to hear those

1 individuals talk about Mr. Sandusky's reputation  
2 for being truthful, honest, peaceful, law  
3 abiding, nonviolent?

4 A. Yes. I never heard anyone have any  
5 negative things to say about Coach Sandusky.

6 Q. So what would you say his reputation was  
7 for those characteristics?

8 A. I would say it's very positive, very  
9 strong, and people supported him in the things  
10 that he was doing.

11 Q. As part of your football coaching, did  
12 you have occasion to stay in dormitories when you  
13 went to clinics at Penn State?

14 A. For the camps, yes. The clinics, no.

15 Q. Was Mr. Sandusky in the dorms with you  
16 during those times ever or --

17 A. Most of the time I was in his dorm and  
18 many times on his floor.

19 Q. Thank you.

20 MR. AMENDOLA: That's all I have.

21 CROSS-EXAMINATION

22 BY MR. McGETTIGAN:

23 Q. When's the last time you had a  
24 conversation with the defendant?

25 A. Conversation with the defendant?



1 Q. Yeah?

2 A. I would say probably when the charges  
3 were first filed.

4 Q. Did you call him or did he call you?

5 A. I called him.

6 Q. You called him to tell him you would  
7 support him?

8 A. I would support him, yes, based upon  
9 what I know of him.

10 Q. You have no personal knowledge of the  
11 events of which he's accused of, do you?

12 A. No.

13 Q. Do you know any of the persons that were  
14 victims of this defendant?

15 A. Not that I'm aware of.

16 Q. Have you ever asked him about any of  
17 these things?

18 A. No.

19 Q. Just kind of took it on faith, hey, it's  
20 Jerry Sandusky, couldn't have done anything  
21 wrong, is that pretty much the attitude?

22 A. No. My opinion was based upon what I  
23 saw from him in working with him at those camps  
24 and those clinics.

25 Q. You never been in his basement?

1           A.   Once.

2           Q.   Were kids there?

3           A.   His children and my wife and some Penn  
4   State football players.

5           MR. McGETTIGAN:  I have nothing further,  
6   Your Honor.

7           MR. AMENDOLA:  Thank you.  I have  
8   nothing further, Your Honor.

9           THE COURT:  Thank you.  You may step  
10   down.

11           Kelly Simco.  I believe she's in the  
12   courtroom.

13           Whereupon,

14                           KELLY SIMCO

15   was called as a witness and having been duly  
16   sworn, was examined and testified as follows:

17                           DIRECT EXAMINATION

18   BY MR. AMENDOLA:

19           Q.   Will you please state your full name?

20           A.   Kelly Jo Simco.

21           Q.   Will you spell your last name just so we  
22   have it on the record?

23           A.   S-i-m-c-o.

24           Q.   And where do you reside?

25           A.   Penns Valley, Spring Mills.

1 Q. Do you know Jerry Sandusky?

2 A. Very well.

3 Q. How long have you known Mr. Sandusky?

4 A. I had to figure out how old I was a  
5 little bit ago. So 20 years.

6 Q. How old are you today?

7 A. Twenty-eight.

8 Q. So when you were eight years old?

9 A. Yes.

10 Q. And how did you first meet Mr. Sandusky?

11 A. At The Second Mile.

12 Q. Did there come a time when other than  
13 seeing him at The Second Mile you saw him on a  
14 more personal basis?

15 A. Not until I was much older.

16 Q. How long were you in The Second Mile?

17 A. I aged out at the age of 16 during the  
18 *smile camp*.

19 Q. Did you go to college?

20 A. I did. Thanks to Jerry half my tuition  
21 was paid.

22 Q. How was that by way of -- what process?

23 A. Two different things. The first was --

24 MR. McGETTIGAN: Objection.

25 THE COURT: Sustained.

1 BY MR. AMENDOLA:

2 Q. Do you -- in the course of your  
3 relationship with Jerry Sandusky, have you known  
4 other individuals who know Jerry?

5 A. Yes, many.

6 Q. And between the time that you first met  
7 Mr. Sandusky when you were eight up until when  
8 these charges were filed last November, did you  
9 ever hear those other individuals talk about  
10 Mr. Sandusky's reputation for being truthful,  
11 honest, peaceful, law abiding, nonviolent?

12 A. Yes, even through yesterday.

13 Q. What is that reputation?

14 A. Amazing. There's none better.

15 Q. Thank you. That's all I have.

16 A. Thank you.

17 MR. AMENDOLA: Wait, wait, wait. They  
18 may have questions. You don't get off that easy.

19 THE WITNESS: I tried.

20 MR. McGETTIGAN: Actually you do get off  
21 that easy. Thank you.

22 THE WITNESS: Thank you.

23 THE COURT: Ladies and gentlemen, we'll  
24 take our mid-morning recess now.

25 We'll remain seated while the jury is

1       taken out. We will try to get started right on  
2       time in 20 minutes.

3               We will remain seated while the jury is  
4       taken out.

5               (Whereupon, the jury was escorted from  
6       the courtroom.)

7               THE COURT: Counsel, if you need to see  
8       me, let's do it before we come back.

9               We'll be in recess until 10:45.

10              (Whereupon, a recess was taken.)

11              THE COURT: You may be seated.

12              Bring the jury in.

13              (Whereupon, the jury was escorted into  
14       the courtroom.)

15              MR. AMENDOLA: Your Honor, we understand  
16       that Mr. Andreozzi, an attorney, is in the  
17       courtroom and we have no objection to that for  
18       the purpose of what we're about to do, even  
19       though there's a sequestration order, unless the  
20       Commonwealth has an objection.

21              THE COURT: Okay.

22              MR. AMENDOLA: With that, Your Honor,  
23       Mr. Rominger is going to play the tape that we  
24       would like to present to the jury.

25              THE COURT: Are you going to identify

1       what this is?

2               MR. ROMINGER: This is a taped interview  
3       that took place between Mr. Leiter,  
4       Mr. Andreozzi, and Accuser No. 4, Mr. Swisher.  
5       It took place on or about 4/21/2011. I believe  
6       it's the testimony that was read by Mr. Amendola  
7       but it is the actual tape, Your Honor.

8               THE COURT: Go ahead.

9               (Whereupon, an audio tape was played.)

10              MR. McGETTIGAN: May we see you for a  
11       second briefly?

12              (Whereupon, the following discussion was  
13       held at sidebar:)

14              MR. McGETTIGAN: I'm sorry, Your Honor.

15              The only problem with that bit of  
16       evidence is there was no one to authentic it and  
17       I would like to talk to Mr. Amendola now and  
18       announce who the parties were. I made a note.

19              MR. AMENDOLA: We're going to call Ben  
20       Andreozzi, Your Honor.

21              MR. ROMINGER: Right now.

22              THE COURT: Right now?

23              MR. AMENDOLA: Right now. That's why I  
24       had him stay in the courtroom, Judge. I'm  
25       calling him now.

1 THE COURT: He's going to identify the  
2 voices?

3 MR. McGETTIGAN: Okay. Fine.

4 MR. AMENDOLA: Yes.

5 (End of sidebar discussion.)

6 MR. AMENDOLA: Your Honor, our next  
7 witness is Ben Andreozzi.

8 Whereupon,

9 BENJAMIN ANDREOZZI

10 was called as a witness and having been duly  
11 sworn, was examined and testified as follows:

12 THE WITNESS: Your Honor, before I give  
13 my testimony, I would assert that I think certain  
14 information may be privileged; that I may ask  
15 that the Court consider that privilege before  
16 answering a question.

17 THE COURT: You can assert it based on  
18 the question asked.

19 DIRECT EXAMINATION

20 BY MR. AMENDOLA:

21 Q. Mr. Andreozzi, will you please state  
22 your full name?

23 A. Benjamin Andreozzi.

24 Q. And you are an attorney, correct?

25 A. That's correct.

1 Q. Where are your law offices located?

2 A. It's in Harrisburg.

3 Q. And what do you specialize in?

4 A. I represent victims of crime in civil  
5 cases.

6 Q. Do you advertise that you represent  
7 individuals who were sexual assault and  
8 molestation victims?

9 A. That's correct.

10 Q. That's one of your headliner  
11 advertisements, isn't it?

12 A. I don't know what the headliner  
13 advertising are but those are the types of folks  
14 that I represent, victims of crime in civil  
15 cases.

16 Q. When did you first begin representation  
17 of Brett Swisher Houtz?

18 A. I believe it was in April.

19 Q. Of 2011?

20 A. That sounds accurate. 2010 or 2011.

21 Q. You heard the tape that was just played?

22 A. I did.

23 Q. Can you tell us if your voice is on that  
24 tape?

25 A. Well, it was. Let me just clarify that.



1 I didn't hear everything that was said but that  
2 certainly was my voice, and I do recall that  
3 meeting.

4 Q. Do you recall -- do you recall attending  
5 an interview session with Corporal Joe Leiter and  
6 Corporal Rossman and Brett Swisher Houtz on April  
7 21, 2011?

8 A. I do.

9 Q. And where did that interview take place?

10 A. I think it was at the state police  
11 barracks, if I'm not mistaken.

12 Q. To your knowledge, prior to that day --  
13 I'm not asking what was said, but to your  
14 knowledge prior to that interview, had Brett  
15 Swisher Houtz made any sort of statements  
16 regarding Jerry Sandusky to the police?

17 A. My recollection is that there may have  
18 been a brief discussion with Corporal Leiter. I  
19 believe Corporal Leiter showed up at his house.  
20 Brett had some major concerns about speaking with  
21 the police. He did not feel comfortable speaking  
22 with the police. My recollection is that I got a  
23 phone call.

24 Q. From Brett or from his dad?

25 A. I believe it was from his father.

1 Q. That was based --

2 A. I know it was from his father.

3 Q. Do you know how did the father get to  
4 you? Did you know the father?

5 A. I have no idea how the father got to me.

6 Q. Do you think it had anything to do with  
7 your advertising for sexual abuse victims?

8 A. It could be the fact that I represent  
9 victims of crime in civil cases.

10 Q. Now, I know you probably had difficulty  
11 hearing that tape. Parts of it were loud. Parts  
12 of it weren't. But I'm going to ask you some  
13 questions but I am going to predicate that by  
14 saying during the interview segments that you  
15 heard, your client was not present; would you  
16 agree with that?

17 A. I would agree with that. It sounded  
18 like maybe 95 percent of the time he was not in  
19 the room.

20 Q. Do you recall who was in the room with  
21 you when the conversation that was just played  
22 occurred?

23 A. I don't recall but I'm pretty sure it  
24 was Corporal Leiter and Trooper Rossman.

25 MR. AMENDOLA: Your Honor, if I may

1 approach, I'm going to read some segments from  
2 the interview which Mr. Andreozzi may not have  
3 heard.

4 THE COURT: Yes.

5 BY MR. AMENDOLA:

6 Q. Did you hear the part of the tape on  
7 page 39 where Corporal Rossman says: The time is  
8 now 12:21. We're going to put this recording on  
9 hold, and we'll reserve a few minutes.

10 Did you hear that part of the tape?

11 A. I don't remember specifically. I'm sure  
12 he said that, yes.

13 Q. And would it be fair to say your  
14 understanding was at that point the tape is  
15 turned off?

16 A. I don't recall.

17 Q. You have no recollection?

18 A. Logically it makes sense that if he made  
19 that the tape would be stopped. So I would agree  
20 with you.

21 Q. So the conversation that occurred after  
22 that, as far as you recall, would have been made  
23 with you and Corporal Leiter thinking the tape  
24 was off?

25 A. That I can't say. I will tell you that

1       certainly was my voice and did have a discussion.

2           Q.   To your recollection was Brett Swisher  
3       Houtz in the room when the conversation you heard  
4       on the tape was played?

5           A.   I remember Brett leaving the room.   So  
6       I'm going to assume he was not in the room,  
7       correct.

8           Q.   Do you remember saying this following  
9       segment on page 41 to Trooper Leiter during the  
10      segment that was played:  Oh, you're kidding.  
11      The time frame matches up?  That was a question.  
12      Can we at some point in time say to him, listen,  
13      we have interviewed other kids and other kids  
14      have told us that there was intercourse and that  
15      they have admitted it.  You know, is there  
16      anything else that you want to tell us?

17                  Do you recall saying that to Corporal  
18      Leiter?

19           A.   I remember having a discussion with  
20      Corporal Leiter and I remember telling him that  
21      Brett was having an extremely difficult time  
22      opening up because he felt so uncomfortable.  
23      This was the first time --

24                  THE COURT:  Wait just a second.  The  
25      question was a yes, no answer.

1 THE WITNESS: Okay. Could you repeat  
2 the question for me?

3 BY MR. AMENDOLA:

4 Q. Here's the question according to the  
5 tape and according to the transcript from the  
6 tape that you asked Corporal Leiter?

7 A. Okay.

8 Q. Oh, you're kidding. The time frame  
9 matches up? Can we at some point in time say to  
10 him, listen, we have interviewed other kids and  
11 other kids have told us that there was  
12 intercourse and that they have admitted it. You  
13 know, is there anything else that you want to  
14 tell us?

15 That's what the tape says you said to  
16 Corporal Leiter.

17 A. The answer to that would be yes.

18 Q. You recall that?

19 A. I don't recall that but I believe that  
20 it was said. So I'm not debating that I said  
21 that. That was my voice, yes.

22 Q. Would it be fair to say, not going into  
23 what he said to you but up until that time that  
24 Brett Swisher Houtz had not told you about oral  
25 intercourse had happened?

1           A. No, he had told me that something else  
2 happened and he wasn't comfortable talking about  
3 it.

4           Q. I understand. But he hasn't told you  
5 specifics about oral sex or things like that?

6           A. You're right.

7           Q. Then Corporal Leiter answers in response  
8 to your come back: Yep, we do that with all the  
9 other kids. Say, listen, this is what we found  
10 so far. You fit the same pattern of all the  
11 other ones. This is the way he operates and we  
12 go to the progression of the way he operates and  
13 the other kids we dealt have told us that this  
14 has happened after this happened. Did that  
15 happen to you?

16                   Do you recall him more or less answering  
17 that way?

18           A. I'll be honest, I don't recall the  
19 specifics of the discussion that I had. But I  
20 would not -- I'm not trying to argue that that  
21 discussion didn't happen, particularly if you got  
22 the transcript in front of you.

23           Q. Did you hear it on the tape?

24           A. I did, yes.

25           Q. Would you dispute the tape?

1           A.   No, I certainly would not.

2           Q.   And then on page 43?

3           MR. McGETTIGAN:   Your Honor, I object.  
4   We just heard the words.   He's authenticated the  
5   words and now counsel is --it's kind of  
6   repetitive and it is basically asked and  
7   answered.

8           THE COURT:   I think you asked at the  
9   sidebar that he authentic his voice and the  
10   things he said.

11          MR. McGETTIGAN:   He has, Your Honor.

12          THE COURT:   I believe that's what  
13   Mr. Amendola is doing.

14          MR. McGETTIGAN:   I believe he has  
15   identified --

16          THE WITNESS:   I'm not disputing any of  
17   this was said.

18          THE COURT:   Overruled.   Go ahead,  
19   Mr. Amendola.

20   BY MR. AMENDOLA:

21          Q.   Do you recall on page 43 Corporal Leiter  
22   saying:   How did he, meaning your client, how did  
23   he get ahold of you?   The answer, according to  
24   the tape and the transcript, his dad found it on  
25   my internet side probably.

1           Do you recall Corporal Leiter asking you  
2           that and you telling him that's how it happened?

3           A.   Again, I don't remember, you know, him  
4           asking me that but I certainly believe that that  
5           was said because I heard it on the tape. I have  
6           no reason to dispute that, correct.

7           Q.   You wouldn't dispute that?

8           A.   I would not.

9           Q.   On page 44, Corporal Leiter says to  
10          Brett Swisher Houtz, who's now back in the room:  
11          Before we start again, I just want to let you  
12          know you are not the first victim we have spoken  
13          to. We have interviewed probably, I'm going to  
14          say nine.

15                Do you recall more or less that  
16          statement being made on the tape?

17          A.   On the tape, yes, I do. Yes, I do.

18          Q.   Would you dispute that?

19          A.   No, I would not, nope.

20          Q.   And then Corporal Leiter going on and  
21          explaining to your client: We interviewed about  
22          nine. Again I call them kids. I apologize.  
23          Nine adults we have interviewed and you are doing  
24          very well. It is amazing if this was a book, you  
25          would have been repeating word for word pretty



1 much what a lot of people have already told us.  
2 It is very similar. A lot of things you have  
3 told us is very similar to what we have heard  
4 from the others and we know from listening to  
5 these other young adults talk to us and tell us  
6 what has taken place, that there is a pretty  
7 well-defined progression in the way he operated  
8 and still operates I guess to some degree and  
9 that the often times this progression, especially  
10 when it goes on for an extended period of time,  
11 leads to more than just the touching and the  
12 feeling. That's been actual oral sex that has  
13 taken place by both parties and there's -- we  
14 unfortunately have found that there's been --  
15 classifies as a rape has occurred and I don't  
16 want to you feel that again. As Trooper Rossman  
17 said, I don't want you to feel ashamed because  
18 you are a victim in this whole thing. What  
19 happened happened. He took advantage of you but  
20 when I -- when we first started we talked, we  
21 needed to get details of what took place so these  
22 types of things happened. We need you to tell us  
23 this is what happened. Again, we are not going  
24 to look at you any differently other than the  
25 fact that you are a victim of this crime and it

1 is going to be taken care of accordingly. But we  
2 need you to tell us as graphically as you can  
3 what took place as we get through this whole  
4 procedure. I just want you to understand that  
5 you are not alone in this. By no means are you  
6 alone in this.

7 I know you don't remember that word for  
8 word but did you hear that on the tape?

9 A. I did hear that on the tape, yes.

10 Q. Would you dispute that?

11 A. Wuld I dispute what?

12 Q. What you heard on the tape?

13 A. No, I heard it on the tape.

14 Q. That was Corporal Leiter?

15 A. It sounded like Corporal Leiter,  
16 correct. I have no reason to dispute anything  
17 that's on the tape that was said.

18 Q. Now, on page 45 at the top, this is  
19 after that last statement was made. Okay. We're  
20 going to restart the recording. It's now 12:37  
21 on 4/21/2011 and again we're going to continue to  
22 record it. That you gave your consent to the  
23 continuing of the recording. Do you recall  
24 hearing that on the tape?

25 A. I did hear that on the tape, yes.

1           Q.    Would you agree that what that means is  
2           at that point you and Corporal Leiter thought the  
3           tape was being turned back on?

4           A.    I don't remember but thinking about it  
5           now, yes, that would be my perception that when  
6           he says that the tape would come back on.

7           Q.    Would you agree that everything that  
8           occurred when the tape was stopped and the tape  
9           was turned back on as far as you and Corporal  
10          Leiter knew it was not tape recorded?

11          A.    Looking back on it, yes, I would agree  
12          with you.

13          Q.    Now, you are a plaintiff's attorney,  
14          correct?

15          A.    Yes, we have other areas of practice as  
16          well.

17          Q.    I am going to ask you what kind of  
18          agreement you have with Mr. Brett Swisher Houtz.  
19          Do you have some sort of fee agreement?

20          A.    Yes, we do. I call a representation  
21          agreement, correct.

22          Q.    Without asking what it is, is that  
23          contingency fee agreement?

24                THE WITNESS: Your Honor, I think we're  
25          getting to the issue of privilege.

1 BY MR. AMENDOLA:

2 Q. I'm not asking what the contents is?

3 A. I don't feel comfortable disclosing the  
4 specifics of the agreement. I'm not going to  
5 dispute that --

6 THE COURT: I will sustain that. I will  
7 honor his privilege not to answer that question.

8 THE WITNESS: I'm not debating there is  
9 a written agreement that I have signed that I  
10 would represent him. That's in the course of a  
11 number of different things, including dealing  
12 with the media, included getting him counseling.

13 BY MR. AMENDOLA:

14 Q. Let me ask you a question that will  
15 hopefully be okay. Would a verdict of guilty in  
16 this case favorably impact your client and you in  
17 a civil suit?

18 A. I think you are asking me to speculate.  
19 I don't feel comfortable speculating. That would  
20 require that my client give me consent to  
21 actually file a civil suit. We haven't even  
22 discussed the filing of a civil claim and  
23 potential defendants in the case. So what you  
24 are asking me would be five steps down the line.  
25 We've never had discussions about who we could

1       sue. We've never had discussions about, you  
2       know, what he could expect out of the case. You  
3       are asking me to speculate on that; I don't feel  
4       comfortable doing.

5           Q.    Have you been paid any fees to date by  
6       Mr. Swisher Houtz?

7           A.    No, I have not.

8           Q.    Do you anticipate billing him for all  
9       the time you have been in this courtroom?

10          A.    No, I do not but that's not insistent  
11       with my practice. In my practice I represent  
12       victims of crime often times not getting paid. I  
13       accompany them to different criminal proceedings  
14       and often times I don't get paid.

15          Q.    Isn't your practice you get paid a  
16       percentage of what the judgment is if you sue?

17          A.    In certain cases, yes, that is correct.

18          Q.    You just haven't gotten that far yet  
19       with this case?

20          A.    Again, you are asking me to speculate.  
21       I'm not going to speculate but this is potential  
22       -- I'm not going dishonest. There is a potential  
23       that there could be a civil case, correct.

24          Q.    Just so I'm clear about this, you are  
25       saying that a verdict of guilty in this case

1 would not have any sort of impact on whatever you  
2 might do five steps down the road for Mr. Swisher  
3 Houtz?

4 A. Honestly, and I'm taking my hat off as  
5 being an advocate for this client.

6 Q. I'm not asking you that --

7 A. If you're asking me just to be --

8 MR. McGETTIGAN: Your Honor, may he  
9 finish his answer?

10 THE COURT: No. We're going to -- one  
11 person is going to speak at a time, and I'll ask  
12 that you answer the question asked.

13 THE WITNESS: Could you repeat that  
14 question for me?

15 BY MR. AMENDOLA:

16 Q. The question is, is your testimony today  
17 that a verdict of guilty in this case would not  
18 have any impact on anything you might do five  
19 steps down the road for you or for Mr. Swisher  
20 Houtz financially?

21 A. It could have impact, yes, it could.

22 Q. Thank you.

23 MR. AMENDOLA: That's all I have.

24 MR. McGETTIGAN: May I, Your Honor?

25 THE COURT: Cross.

## CROSS-EXAMINATION

BY MR. McGETTIGAN:

Q. First of all, I would like to play the continuation of the tape after Mr. Houtz came back into the room when Corporal Leiter, Trooper Rossman, and Attorney Andreozzi were present.

MR. McGETTIGAN: Under the doctrine of completeness, Your Honor, can we pick up where we left off, Your Honor.

THE COURT: Yes.

MR. McGETTIGAN: Thank you.

BY MR. McGETTIGAN:

Q. Mr. Andreozzi -- if you remain there for a second I'm going to ask you to identify your voice on this tape?

A. Sure.

Q. Or your client's and who you recognize.

(Whereupon, an audio tape was played.)

MR. ROMINGER: I would like --

THE COURT: Do you want to shut it off for a second?

(Whereupon, the audio tape was stopped.)

THE COURT: Your objection?

MR. ROMINGER: May we approach?

THE COURT: No.

1           MR. ROMINGER: Your Honor, I believe  
2           that the limited purpose that we played the tape  
3           was to cross-examine the police officer and show  
4           that what he told the jury on direct might not  
5           necessarily be accurate. That said, the limited  
6           purpose was that I don't believe that the offer  
7           of prior inconsistent statement of the accuser is  
8           probative at this point.

9           MR. FINA: Your Honor, may I?

10          THE COURT: Sure.

11          MR. FINA: Your Honor, the whole purpose  
12          of the impeachment notion here is that somehow  
13          they affected the testimony. If under the  
14          doctrine of completeness, which is rule 106, the  
15          entire tape is played, that assertion may well  
16          not hold up.

17          MR. ROMINGER: We should play it from  
18          the beginning then.

19          MR. FINA: I'm trying not to be too  
20          explicit, Your Honor.

21          THE COURT: How much more of the  
22          interview are you going to play?

23          MR. FINA: Well, I think under rule 106  
24          it's almost four hours long if we play the whole  
25          thing but we're not proposing to do that at this



1 time. We're just going to play some of it to  
2 give the favor of once it starts again what was  
3 going on, what was being discussed.

4 THE COURT: The issue is whether or not  
5 the seeds were planted by the officer. If you  
6 have something that rebuts that, I'll let you  
7 play it.

8 We're not going to repeat the story that  
9 we already heard from the witness on the stand.

10 MR. FINA: Well, Your Honor, some of it  
11 does. Some of that does happen but, of course,  
12 the notion -- if the tape continues on without  
13 any opportunity for anybody to have spoken to  
14 Mr. Houtz about the conversation that occurred  
15 when he wasn't present between Mr. Andreozzi and  
16 Corporal Leiter, and he continues on with his  
17 story, then that directly rebuts the notion that  
18 somehow that conversation affected him.

19 THE COURT: I'm not sure. The purpose  
20 of the tape, as I understand, was to rebut the  
21 officer's statement that they did not say that  
22 they talked to other victims or what the other  
23 alleged victims had said. That was the purpose  
24 of the tape. If you want to rebut that by  
25 playing more tape, I'll let you do it but we're

1 not going replay the witness's testimony.

2 MR. FINA: All right. Thank you, Your  
3 Honor.

4 MR. McGETTIGAN: Your Honor, may we  
5 finish with the tape? We believe it serves the  
6 purpose that we expect?

7 Thank you, Your Honor.

8 THE COURT: I assume that this will be  
9 consistent with my ruling?

10 MR. McGETTIGAN: I beg your pardon?

11 THE COURT: I assume it will be  
12 consistent with my ruling?

13 MR. McGETTIGAN: Yes, Your Honor. I'll  
14 explain it at sidebar, if you want very briefly.  
15 I just don't want to --

16 (Whereupon, the following discussion was  
17 held at sidebar:)

18 MR. McGETTIGAN: Perhaps I should have  
19 imposed inquiry first.

20 THE COURT: Leiter said the only thing  
21 we told them was there were others. We never  
22 told them what the others had said. Leiter said  
23 that Rossman said did you ever suggest more  
24 serious things occurred? Absolutely not. We  
25 conveyed that to them. Did you suggest anything?

1 No.

2 MR. McGETTIGAN: Okay.

3 THE COURT: So the purpose of the tape  
4 was to show that that is, in fact --

5 MR. McGETTIGAN: I understand that  
6 exactly, Your Honor. The entire preamble to the  
7 portion where Leiter spoke took place out of the  
8 presence of the witness and then this took place  
9 in the presence of the witness.

10 MR. ROMINGER: Mr. Houtz on his --

11 THE COURT: The issue is not whether or  
12 not the witness's testimony was corrupted by any  
13 questions. The purpose of the evidence is to  
14 show that the troopers didn't tell the truth, not  
15 that Houtz didn't tell the truth.

16 MR. McGETTIGAN: Oh, I see, Your Honor.  
17 I would still submit that the conversation which  
18 follows immediately thereafter in the presence of  
19 all parties implicates that particular claim of  
20 impeachment because it continues on without --  
21 without interruption and just questions and  
22 responses posed by Swisher Houtz with Andreozzi.

23 THE COURT: The trooper said he didn't  
24 say anything.

25 MR. McGETTIGAN: I see.

1 THE COURT: And the tape says he did.

2 MR. McGETTIGAN: Okay.

3 THE COURT: I don't know how --

4 MR. McGETTIGAN: Okay.

5 THE COURT: It's for that purpose.

6 MR. McGETTIGAN: Okay. I understand,  
7 Your Honor. I'll have some questions without  
8 tape. We may want to call him later. We'll  
9 examine him with the transcript, okay?

10 THE COURT: Okay.

11 (End of sidebar discussion.)

12 BY MR. McGETTIGAN:

13 Q. Mr. Andreozzi, you were present during  
14 some or all of the interview with Brett Swisher  
15 Houtz when Officer -- Corporal Leiter and Trooper  
16 Rossman interviewed him?

17 A. I was.

18 Q. Okay. Is it consistent in your  
19 recollection that interview was approximately two  
20 to two and a half hours?

21 A. Approximately, yeah.

22 Q. You were present the entire time?

23 A. To the best of my recollection I was.

24 Q. Did you ever suggest to Brett anything  
25 that he should say?

1           A.    I have never suggested anything to  
2   Brett.

3           Q.    Did anyone in your presence suggest to  
4   Brett what he should say?

5           A.    No.

6           Q.    Notwithstanding and I think I have the  
7   numbers here, the approximately 16 minutes that  
8   was just played in court, which you heard --  
9   could hear some of?

10          A.    Yes.

11          Q.    Okay.  There was another, oh, about two  
12   hours and seven minutes?

13          A.    Yeah.

14          Q.    Okay.  And during the course of that  
15   time, was that primarily questions being posed to  
16   Brett and responses by Brett?

17          A.    Correct.

18          Q.    Okay.  And they were questions posed by  
19   either Trooper Rossman or Corporal Leiter?

20          A.    Correct.

21          Q.    During the course of that, did you hear  
22   him recite, and gradually, full disclosure of the  
23   events that occurred between Brett and the  
24   defendant, Jerry Sandusky?

25          A.    Yes, it was gradual as he did get into

1 more details, correct.

2 Q. And none of that was played in court  
3 here?

4 A. No, there was an extensive interview.  
5 We only heard a clip of it.

6 Q. Okay. And during the course of that  
7 time, can you tell the ladies and gentlemen of  
8 the jury -- let me strike that question and start  
9 again.

10 At that point how many times had you  
11 been in contact with Brett? You spoken to him  
12 once or twice or more?

13 A. To the best of my knowledge, maybe once  
14 or twice I had spoken with him before we had gone  
15 into that interview.

16 Q. And I take it none of those interviews  
17 on your part were without asking you the content,  
18 were they long interrogations or just brief  
19 initial client contact?

20 A. It was very brief. In fact I think one  
21 of those contacts was actually through his father  
22 if I'm not mistaken.

23 Q. And again without asking you what the  
24 content of your conversation was, was Brett --  
25 how can you describe his emotional and/or -- his

1 emotional state when he began or tried to talk  
2 about the things that he talked about in here?

3 A. He's been extremely uncomfortable  
4 talking about this from day one. He viewed Jerry  
5 as a father figure to him and it's been extremely  
6 difficult for him to talk publicly about this.  
7 In fact, you know, one of the things as his  
8 attorney --

9 MR. ROMINGER: Asked and answered at  
10 this point, Judge.

11 MR. McGETTIGAN: Your Honor, I'll just  
12 pose a more direct question.

13 THE COURT: Yes, I think that would be a  
14 good idea.

15 MR. McGETTIGAN: I'll do that.

16 BY MR. McGETTIGAN:

17 Q. Can you tell the ladies and gentlemen of  
18 the jury what Brett's emotional state was at the  
19 beginning of this interview of which defense  
20 counsel played 16 minutes of two hours and 23  
21 minutes?

22 A. He was shaking. He was clearly  
23 emotionally distraught by having to go in to  
24 speak with the authorities. He didn't feel  
25 comfortable and, you know, as I said I think the

1 reason for that was the relationship he had with  
2 Mr. Sandusky.

3 Q. Was Brett comfortable talking about the  
4 sexually graphic elements of what occurred  
5 between him and the defendant?

6 A. To this day he's not comfortable talking  
7 about the details.

8 Q. And during the entire course of the time  
9 that you were there, did you interject to add any  
10 factual information? Did you know any factual  
11 information about what occurred between Brett and  
12 the defendant at this point?

13 A. No, I had a brief discussion with Brett  
14 before we went in there. He spilled as much as  
15 he could out on the table for the prosecutor or  
16 for the police.

17 Q. Of the topics that were covered during  
18 the two hours and 7 minutes that were not played  
19 by defense, but in which you took -- at least  
20 listened to the conversation, did Brett discuss  
21 oral sex being performed upon him by --

22 MR. ROMINGER: Objection.

23 THE COURT: Sustained. This was very --  
24 this evidence was presented for a very limited  
25 purpose. The objection is sustained.



1 MR. McGETTIGAN: I understand, Your  
2 Honor. I have nothing further, Your Honor.

3 MR. AMENDOLA: We have nothing, Your  
4 Honor.

5 THE COURT: Thank you. You may stand  
6 down.

7 MR. ROMINGER: We would like to recall  
8 Trooper Rossman.

9 THE COURT: Is this for the purpose of  
10 identifying voices?

11 MR. ROMINGER: It is not, Your Honor.  
12 We have some more questions.

13 MR. McGETTIGAN: I'll speak to counsel  
14 while we wait.

15 Whereupon,

16 SCOTT ROSSMAN  
17 was called as a witness, and having previously  
18 been duly sworn, was examined and testified as  
19 follows:

20 THE COURT: You have already been sworn,  
21 Corporal, and no need to swear you again. Thank  
22 you. You're still under oath.

23 THE WITNESS: Thank you, sir.

24 DIRECT EXAMINATION

25 BY MR. ROMINGER:

1           Q.   Corporal, I'm Karl Rominger.  I  
2   represent Jerry Sandusky.  I have a few questions  
3   for you.

4           A.   Yes, sir.

5           Q.   If I ask a question and you don't  
6   understand it, let me know because if you answer,  
7   I'll assume you understood me, fair?

8           A.   Yes, sir.

9           Q.   Did you talk with Corporal Leiter since  
10  the last time you were on the stand about  
11  anything in this case?

12          A.   Yes.

13          Q.   Did he tell you about what evidence you  
14  were fronted with or he was fronted with?

15          A.   No.

16          Q.   Did you talk about this case involving  
17  any of his testimony?

18          A.   No.

19          Q.   You guys did discuss this case?

20          A.   We discussed --

21          Q.   I just want yes or no answer, sir.

22          A.   Yes.

23          Q.   Did you go -- you were present when  
24  Corporal Leiter and yourself interviewed  
25  Mr. Swisher Houtz, correct?

1           A.   Yes, sir.

2           Q.   And you have maintained that at no time  
3 would you have told any of the alleged victims  
4 any of the information that other people were  
5 saying?

6           A.   I believe that was what was said.

7           Q.   That's what you have done in all your  
8 interviews, correct? You have never told anybody  
9 else what anybody else has said with any  
10 specificity?

11          A.   Not that I can recall.

12          Q.   Not that you recall?

13          A.   Exactly.

14          Q.   Is it possible that you did?

15          A.   That I may have told them something  
16 specific?

17          Q.   Yes?

18          A.   Not that I can recall.

19          Q.   How many of the accusers did you  
20 interview where you went off of tape and talked  
21 to them about something and then went back on the  
22 tape?

23          A.   I believe Mr. Swisher was the only one.

24          Q.   We only know that because there was an  
25 accidental recording of Mr. Swisher's interview

1 off tape, correct?

2 A. I didn't even know there was an  
3 accidental recording of his interview off tape.

4 Q. Do you sometimes talk to witnesses for  
5 any period of time before you begin the tape?

6 MR. McGETTIGAN: Your Honor, if I may  
7 just -- with more specificity, I'm not sure --

8 THE COURT: We're not --

9 MR. ROMINGER: Witnesses --

10 THE COURT: Let's focus on this case.

11 BY MR. ROMINGER:

12 Q. Did you ever talk to any of the alleged  
13 accusers or other people you interviewed in this  
14 case off of tape before you went on the tape?

15 A. In this particular -- with this  
16 particular victim?

17 Q. This case. Every person you've  
18 interviewed in this case?

19 A. I can't say what I have done every  
20 single time, no.

21 Q. Actually you would agree that sometimes  
22 you'll do a pre-interview before you decide  
23 whether to tape it or not?

24 A. Not this case.

25 Q. Never once in this case have you done

1       that?

2           A.   Not that I can recall.

3           Q.   You can't also recall whether or not you  
4       ever gave any specific information to anybody?

5           A.   I don't remember doing that.

6           Q.   Did you ever hear any of the other  
7       troopers do that in your presence?

8           A.   Not that I know of.

9           MR. ROMINGER:  Nothing further for this  
10       witness.

11          THE COURT:  Cross?

12          MR. McGETTIGAN:  I have nothing, Your  
13       Honor.

14          THE COURT:  Thank you.  You can step  
15       down.

16          THE WITNESS:  Thank you.

17          MR. ROMINGER:  Your Honor, we call  
18       Corporal Leiter.

19               Whereupon,

20                               JOSEPH LEITER

21       was called as a witness, and having previously  
22       been duly sworn, was examined and testified as  
23       follows:

24                               DIRECT EXAMINATION

25       BY MR. ROMINGER:

1           Q.   Mr. Leiter, I'm Karl Rominger. I also  
2 represent Jerry Sandusky. I have some brief few  
3 questions for you.

4                   While you were out of the room, we  
5 listened to a tape of where you said certain  
6 things that Mr. Amendola had asked you about  
7 before you left. You recall that interview?

8           A.   I recall parts of it, yes.

9           Q.   Were there any other victims, witnesses,  
10 or people you interviewed in this case where you  
11 would go off of tape for any period of time and  
12 then go back onto the tape?

13          A.   Not that I remember.

14          Q.   Not that you remember. But you can't  
15 say that didn't happen, correct?

16          A.   Again, I don't remember.

17          Q.   Did you ever do a pre-interview -- did  
18 you ever do a pre-interview where you talked to a  
19 witness first and then go on the tape after?

20                   MR. McGETTIGAN: Same objection.

21                   THE COURT: In this case.

22 BY MR. ROMINGER:

23          Q.   In this case?

24          A.   Not that I remember.

25          Q.   But it's possible?

1           A.   Again, I don't remember that.

2           Q.   Did you have a chance to talk to  
3   Mr. Rossman?

4           A.   Yes.

5           Q.   Did you guys talk about his testimony  
6   here?

7           A.   No.

8           Q.   Did you talk about your testimony here?

9           A.   Yes.

10          Q.   You did tell him what you had talked  
11   about and what you were confronted with?

12          A.   Yes.

13          Q.   In the hall a few minutes ago?

14          A.   No.

15          Q.   Today?

16          A.   Yes, after I left.

17          Q.   After you left?

18          A.   Um-hum.

19          Q.   And you talked to him about your  
20   testimony?

21          A.   Correct.

22          Q.   Trooper Rossman just told us that you  
23   didn't talk about your testimony.

24          A.   Um-hum.

25          Q.   How would you explain that?

1           A.    I can't.

2           Q.    He would be lying if he said that?

3           A.    That's --

4           THE COURT:   That's for the jury to  
5 decide.

6           MR. ROMINGER:   Your Honor, I don't have  
7 any other questions for this witness.

8           MR. McGETTIGAN:   Very briefly, Your  
9 Honor.

10                           CROSS-EXAMINATION

11          BY MR. McGETTIGAN:

12           Q.    Corporal Leiter, in fact you are retired  
13 now?

14           A.    Yes.

15           Q.    Congratulations.   I'm going to read a  
16 portion of the tape that was played and you were  
17 questioned about this before.   I am going to read  
18 what is a paragraph or so that, okay, see if you  
19 recall?

20                   I'll stop during portions of it and ask  
21 you if you recall.

22                   This is a portion of the interview with  
23 Brett Swisher Houtz in which Attorney Andreozzi  
24 and Trooper Rossman were present.   Do you recall  
25 that, the one that was taped?



1           A.    Correct.

2           Q.    Do you recall Brett saying to you:  I  
3    know you told me before that is basically how you  
4    found me so.  And then you interrupted and said:  
5    We interviewed about nine.  Again, I call them  
6    kids.  I apologize.  Nine adults we have  
7    interviewed and you are doing very well.  It is  
8    amazing if this was a book, you would have been  
9    repeating word for word pretty much what a lot of  
10   people have already told us.  It's very similar.  
11   A lot of things you told us is very similar to  
12   what we have heard from others and we know from  
13   listening to these other young adults talk to us  
14   and tell us what has taken place, there's a  
15   pretty well-defined progression in the way that  
16   he operated and still operates.

17                Now, at that point had you told Brett  
18   Swisher Houtz or anybody else to say anything in  
19   particular to you?

20           A.    No.

21           Q.    Did you view that as inappropriate  
22   interview technique or telling someone -- giving  
23   someone information and asking them to repeat or  
24   embellish in any way?

25           A.    No.

1           Q. This goes on in the same portion of your  
2           comments with Brett: I guess to some degree and  
3           that often time this progression, especially when  
4           it goes on for an extended period of time, leads  
5           to more than just the touching and the feeling.  
6           That's that actual oral sex that has taken place  
7           by both parties and there's -- we unfortunately  
8           have found that there's been -- classifies as a  
9           rape has occurred and I don't want you to feel  
10          that again. As Trooper Rossman said, I don't  
11          want you to feel ashamed because you are a victim  
12          in this whole thing.

13                    Do you recall saying that?

14          A. Yes.

15          Q. Did you feel or were you attempting to  
16          communicate to this victim anything that you  
17          expected him to repeat, embellish, add to, or  
18          change?

19          A. No.

20          Q. Was that part of what you believe was an  
21          appropriate technique?

22          A. Yes.

23          Q. What happened happened. He took  
24          advantage of you but when I -- when we first  
25          started we talked, we need to get the details of

1        what took place. So these types of things  
2        happened. We need you to tell us that this  
3        happened -- that this is what happened. Again,  
4        we are not going to look at you any differently  
5        other than the fact that you are a victim of this  
6        crime. It is going to be taken care of  
7        accordingly.

8                Do you believe that was appropriate  
9        technique?

10            A. Yes.

11            Q. Did you believe you were telling this  
12        witness anything he had to add to, change, make  
13        up, or embellish?

14            A. No.

15            Q. We need you to tell us as graphically as  
16        you can what took place as we get through this  
17        whole procedure. I just want to you understand  
18        you are not alone in this. By no means are you  
19        alone in this.

20            Is that what you said?

21            A. Yes.

22            Q. Did you view that as appropriate  
23        technique?

24            A. Yes.

25            Q. Did you view that as an effort to get

1 the witness to be forthcoming and fully disclose  
2 what you believed had happened to him?

3 A. Yes.

4 Q. What he told you happened to him?

5 A. That's correct.

6 Q. Okay. What was his emotional state  
7 during the course of this interview, if you  
8 recall?

9 A. He was very tired, mentally fatigued as  
10 he was going through this.

11 Q. Okay. Now -- do you recall -- is it  
12 consistent with your recollection that's the  
13 entire interview took a little in excess of a  
14 couple hours?

15 A. Yes.

16 Q. And at some point Trooper Rossman and  
17 Brett Swisher Houtz left your presence?

18 A. That's correct.

19 Q. And you had a -- that's the conversation  
20 we referred to which you had with Attorney  
21 Andreozzi?

22 A. Right.

23 Q. And was this the kind of first thing you  
24 said after Brett came back from a Pepsi and  
25 Sierra Mist break? This, what I just read to

1       you?

2           A.    Yes.

3           Q.    First happened?

4           A.    Yes.

5           Q.    Okay.  Did he continue on thereafter to  
6 describe the events, the contact the defendant  
7 had had with him during the course of the  
8 relationship with the defendant?

9           A.    Yes.

10           MR. McGETTIGAN:  May I have just one  
11 moment, Your Honor, please?

12           THE COURT:  Yes.

13           MR. McGETTIGAN:  Thank you, Your Honor.

14       BY MR. McGETTIGAN:

15           Q.    Did you ever at any time ask Brett  
16 Swisher Houtz to say anything in particular?

17           A.    No.

18           Q.    Okay.  Thanks very much, Corporal,  
19 Retired Corporal.

20                       REDIRECT EXAMINATION

21       BY MR. ROMINGER:

22           Q.    You were asked about the length of the  
23 interview.  The actual interview took almost four  
24 hours, correct?

25           A.    It may have.  I don't recall exactly how

1 long. I know it was lengthy.

2 Q. There was a lengthy portion of interview  
3 before -- we started -- when you went off the  
4 record but weren't really off the record, if I  
5 told you that was at one hour and eight minutes  
6 into the interview, you wouldn't have any reason  
7 to dispute that, correct?

8 A. No.

9 Q. Now, I want to ask you, you didn't think  
10 there was anything wrong giving specific details.  
11 You mentioned rape. You mentioned oral sex. You  
12 gave specific allegations that you had gotten  
13 from other victims, correct?

14 MR. McGETTIGAN: Your Honor, I think the  
15 tape speaks for itself.

16 THE COURT: I think we have hashed this  
17 ground pretty completely.

18 BY MR. ROMINGER:

19 Q. If you were asked about other children,  
20 young men, witnesses that you interviewed in this  
21 case, you wouldn't have seen anything wrong about  
22 telling them similar information, correct?

23 A. Similar.

24 MR. ROMINGER: Nothing further.

25 MR. McGETTIGAN: Very briefly, Your

1 Honor.

2 Your Honor, may I approach the witness?

3 Thank you.

4 RECROSS EXAMINATION

5 BY MR. McGETTIGAN:

6 Q. You have been handed two pages of the  
7 document that I will identify to you is the first  
8 and last page of the transcript of the tape which  
9 has been played. Just gong to simply ask you for  
10 the time. And one page of that document which  
11 will be marked Commonwealth I think C-114.

12 123 and 124, I beg your pardon, Your  
13 Honor.

14 The cover page does it indicate a time  
15 the interview started with Brett Swisher Houtz?

16 A. Yes.

17 Q. What time was that?

18 A. 11:15.

19 Q. And does the last page state the time  
20 the interview concluded?

21 A. Yes.

22 Q. What time was that?

23 A. 1:45.

24 Q. Okay. I'm not a math major. Thank you  
25 very much.

1           MR. McGETTIGAN: I have nothing further,  
2 Your Honor.

3           MR. ROMINGER: Nothing further, Your  
4 Honor.

5           THE COURT: Thank you. You can step  
6 down, Corporal.

7           MR. AMENDOLA: Your Honor, we would call  
8 Dr. James Martin.

9           THE COURT: Short witness or long  
10 witness?

11          MR. AMENDOLA: He's substantive and  
12 character.

13          THE COURT: Is this a time for a lunch  
14 break or should we --

15          MR. AMENDOLA: If Your Honor, if the  
16 Court is inclined for a lunch break, it's well  
17 worth the time, yes, Your Honor.

18          THE COURT: All right.

19          We'll remain seated while the jury taken  
20 out and we'll reconvene at ten minutes to 1:00.

21          (Whereupon, a recess was taken.)

22          (Whereupon, the jury was escorted from  
23 the courtroom.)

24          THE COURT: We'll be in recess until ten  
25 minutes to 1:00.



1 Counsel, would you approach please?

2 (Whereupon, a sidebar discussion was  
3 held off the record.)

4 THE COURT: You can be seated.

5 Counsel, would you approach the bench?

6 (Whereupon, the following discussion was  
7 held at sidebar:)

8 THE COURT: I want to reveal to you that  
9 I just had an ex parte conversation with Mr. Fina  
10 and Mr. McGettigan.

11 The purpose of that conversation was  
12 that I was informed over the lunch hour that you  
13 had subpoenaed a reporter from *The Patriot News*,  
14 Sara Ganim.

15 MR. AMENDOLA: That was in relationship  
16 to what we had discussed this morning.

17 THE COURT: I understand. And that  
18 her -- that the attorney for *The Patriot News* had  
19 called the court administrator and said a motion  
20 to quash would be filed.

21 I am aware that there had been -- can  
22 I --

23 MR. FINA: Sure.

24 THE COURT: I'm aware that there had  
25 been concerns by the grand jury judge about

1 release of breach of grand jury secrecy, and I  
2 just wanted to make sure that I wasn't treading  
3 into a problematic area when I deal with the  
4 motion to quash. So I asked counsel for the  
5 Commonwealth to confirm that that is a concern of  
6 the grand jury. That's all the further we went.

7 I'm not sure what the implications are  
8 because I don't know what the motion to quash is  
9 going to say, but I wanted you to be aware that I  
10 had that conversation and that was the purpose of  
11 it.

12 MR. McGETTIGAN: I would like to get an  
13 offer from Mr. Amendola about what Ms. Ganim  
14 will --

15 THE COURT: We'll get to that but I just  
16 wanted to relate that I had that conversation and  
17 the purpose of it, and then when we get to the  
18 point of actually dealing with the motion to  
19 quash, then we'll deal with the substance of it.  
20 Okay?

21 MR. AMENDOLA: Fine, Judge.

22 THE COURT: Okay.

23 MR. AMENDOLA: There was one other  
24 little thing; that was Maxine Ishler approached  
25 me about -- she said something --

1 THE COURT: Yeah.

2 MR. AMENDOLA: Someone had suggested,  
3 maybe it was a former retired president judge  
4 here, had suggested it was possible that  
5 Mr. Sandusky had an interest in the Hampton Inn.  
6 That's where the jurors were staying. That's not  
7 true. Years ago he said he was part owner of the  
8 land that was sold where that was built. He has  
9 no interest.

10 THE COURT: The report came in also over  
11 the lunch hour, and I suggested that we should  
12 just confirm that Mr. Sandusky doesn't have an  
13 ownership interest in the place where the jury is  
14 going to be sequestered.

15 MR. ROMINGER: While we're here --

16 THE COURT: You can bring the jury in.

17 MR. ROMINGER: I intend to call Jonelle  
18 Eshbach to the stand to talk about the leading  
19 questions she asked of the witnesses. I don't  
20 think anybody else was present besides her when  
21 she asked questions like -- and there have been  
22 other witnesses that have come before the grand  
23 jury and indicated Mr. Sandusky touched them.  
24 These are boys in an indecent manner. Did Jerry  
25 ever touch you indecently? Tell him this and

1       then ask --

2               MR. FINA: Your Honor, there was  
3       somebody present. The victims who testified,  
4       they had the opportunity to go through the  
5       questions with those victims and ask them:  
6       Weren't these questions -- this is the question  
7       and this is the answer -- those leading  
8       questions. They haven't done that.

9               To now call the prosecutor, part of the  
10      prosecution team to the stand and ask not only  
11      whether she asked them but what the thought  
12      pattern was, what the practice of the grand  
13      jury --

14              COURT REPORTER: I'm sorry. I can't  
15      hear. Someone's papers are covering --

16              THE COURT: Is it an objection?

17              MR. FINA: It's an objection.

18              THE COURT: Sustained.

19              MR. ROMINGER: Your Honor, then we'd  
20      just ask that they make Mr. Struble and  
21      Mr. Simcisko available for us tomorrow morning.

22              MR. FINA: I'll see what I can do,  
23      Judge. I can't promise that. I mean, these  
24      people have not been subpoenaed.

25              MR. ROMINGER: We had an agreement.

1           MR. FINA: We have provided numerous  
2 people that have not been subpoenaed. I'm not  
3 being flippant about this. I'm trying to  
4 find them but --

5           MR. ROMINGER: We had an agreement at  
6 the beginning that we wouldn't hold them as long  
7 as you guys would continue to make them  
8 available.

9           MR. McGETTIGAN: An opportunity to cross  
10 them.

11           THE COURT: Thank you.

12           (End of sidebar discussion.)

13           THE COURT: Good afternoon, ladies and  
14 gentlemen. I think we're ready to resume now,  
15 Mr. Amendola.

16           MR. AMENDOLA: We call Dr. James Martin.  
17 Whereupon,

18                           JAMES MARTIN  
19 was called as a witness and having been duly  
20 sworn, was examined and testified as follows:

21           MR. AMENDOLA: Your Honor, just for the  
22 record, Dr. Martin will be a substantive as well  
23 as a character witness. With the Court's  
24 permission, I'll do both of those at the same  
25 time.

1 THE COURT: Yes.

2 DIRECT EXAMINATION

3 BY MR. AMENDOLA:

4 Q. Dr. Martin, will you state your full  
5 name please?

6 A. James Stanton Martin.

7 Q. And where do you reside?

8 A. State College.

9 Q. Can you give us a little bit of  
10 information about your education?

11 A. I attended Penn State University as an  
12 under grad. I went to Hershey Medical School for  
13 my medical training. I did my residency --  
14 orthopedic residence training at the University  
15 of Iowa and then did a one-year fellowship  
16 position in Birmingham, Alabama.

17 Q. And while you were at Penn State, did  
18 you participate in any athletics?

19 A. Yes, I did.

20 Q. What was your area in terms of  
21 athletics?

22 A. I was on the wrestling team there.

23 Q. And can you tell us about your wrestling  
24 career?

25 A. I wrestled at Penn State. I was there

1 for five years, and I was on the wrestling team  
2 there.

3 Q. Did you win any national championships?

4 A. Yes, I did.

5 Q. How many?

6 A. Just once.

7 Q. What weight class, by the way?

8 A. The weight class that I won a national  
9 championship was 126 pounds.

10 Q. Now, when you were going to Penn State,  
11 did you know Mr. Sandusky, Jerry Sandusky?

12 A. I did.

13 Q. Can you explain what contact -- how you  
14 had contact with Mr. Sandusky while you were  
15 going to college?

16 A. Well, we became very good friends. When  
17 I first came to Penn State, the wrestling team  
18 and the football team did their weight lifting in  
19 the same locker room area and the same weight  
20 facility and I just got to know Jerry through  
21 that. We got to be very good friends and, you  
22 know, through that and it just transpired to a  
23 very good relationship.

24 Q. Were there any periods in your  
25 collegiate career when you actually resided at

1 the Sandusky residence?

2 A. You know, I don't recall. There was a  
3 time when I was in medical school that I did a  
4 one-month rotation at Penn State and I stayed for  
5 a month at his house.

6 Q. Can you give us a ball park idea of when  
7 that might have been?

8 A. That would have been probably in 1992 or  
9 '93, '92 or '93.

10 Q. Now, during the course of your  
11 association with Mr. Sandusky, has he ever given  
12 you any gifts?

13 A. Yes, he's given me some gifts over the  
14 years -- I would call gifts.

15 Q. Can you tell us what they are?

16 A. I can specifically remember him giving  
17 me a watch from the Fiesta Bowl in 1986. And  
18 then when I graduated from college, he made a  
19 photo album for me. His family, they had a  
20 graduation party for me at their house after  
21 graduation, and he had given me a photo album of  
22 my time there and some memories.

23 Q. Now, I talked with you earlier, and I  
24 know that you indicated you brought some sort of  
25 book or album with you today. Do you have that?



1           A.    Yeah, I have that photo album with me.

2           MR. McGETTIGAN:  Objection, Your Honor.  
3   I'm not sure if it's character or fact.  If it's  
4   fact, how relevant --

5           MR. AMENDOLA:  Your Honor, this is  
6   substantive evidence, and what we're attempting  
7   to show is there's been testimony from the  
8   Commonwealth's witnesses that Mr. Sandusky gave  
9   them things.  I think one part of the testimony  
10   from one witness was there was an album that he  
11   made up, a letter that was described as a love  
12   letter.  What we're trying to show is  
13   Mr. Sandusky did this to other kids and had  
14   nothing to do with --

15           THE COURT:  Overruled.

16   BY MR. AMENDOLA:

17           Q.  Did you bring that item with you today?

18           A.  I did.

19           Q.  Can you explain what that is -- first of  
20   all, why don't you hold it up so everyone can see  
21   it?

22           A.  It's just a routine photo album.  It's  
23   got pictures of different places, the university  
24   and there's a couple pictures of times that my  
25   current wife and I spent at the Sandusky

1 residence for dinners and things like that and  
2 some wrestling experiences.

3 Q. Are there any photos in there?

4 A. Yeah. Yes, there are.

5 Q. Photos of you?

6 A. Yes.

7 Q. And I think you mentioned to me on the  
8 last part of that booklet, that album, there was  
9 something that Mr. Sandusky had written to you?

10 A. Well, there's a poem that was written.  
11 To be honest with you, I don't know who wrote it.  
12 It looks like -- it's certainly written in  
13 Jerry's writing and signed by him and his family  
14 but it looks like it was written by him.

15 Q. Can you read that for us?

16 A. Do you want me to read the whole thing?

17 MR. McGETTIGAN: Objection, Your Honor.

18 THE COURT: Overruled.

19 THE WITNESS: The title is *Thanks*.

20 Thanks for the memory. Thanks for being so warm  
21 and friendly. Thanks for having a special touch.  
22 Thanks for the feeling of caring so much. Thanks  
23 for making a smile on that frown. Thanks for  
24 being there when we were down. Thanks for  
25 sharing the good times we've had. Thanks for

1 putting up with the bad. Thanks for brightening  
2 our life for above. Thanks for giving so much  
3 love. Thanks for wearing the blue and white.  
4 Thanks for mostly just being you. And then it  
5 says: Love, Dottie, Jerry, E. J., Kara, Jeff,  
6 and John.

7 MR. AMENDOLA: Now, with the Court's  
8 permission, I'll go into character testimony,  
9 Your Honor.

10 BY MR. AMENDOLA:

11 Q. Dr. Martin, do you know other people who  
12 know Jerry Sandusky?

13 A. Yes.

14 Q. And over the years, obviously prior to  
15 the time when charges were filed last November,  
16 did you have occasion to hear those individuals  
17 speak about Jerry's characteristics for being  
18 honest, law abiding, truthful, things along those  
19 lines?

20 A. I think that was a very well generally  
21 accepted feeling.

22 Q. What was his reputation for those  
23 characteristics?

24 A. I think he was an honest, caring --

25 Q. Truthful, law abiding?

1           A.    Truth, law abiding.

2           Q.    Peaceful?

3           A.    (Witness nods head up and down.)

4           Q.    Thank you.

5           MR. AMENDOLA:  That's all I have.

6           THE COURT:  Cross.

7           MR. McGETTIGAN:  Thank you, Your Honor.

8                       CROSS-EXAMINATION

9   BY MR. McGETTIGAN:

10           Q.    You said that that was his reputation.  
11   Has his reputation changed?

12           A.    I think everybody -- there's a lot of  
13   speculation about his reputation at this point  
14   because of what's transpired.

15           Q.    So it's fair to say that among those  
16   people that you know who know the defendant,  
17   there are some who would believe he has a bad  
18   reputation for those characteristics that defense  
19   counsel pointed out; is that so?

20           A.    I think a lot of people just don't know  
21   right now.

22           Q.    How old were you when you met the  
23   defendant?

24           A.    I believe I was 18, 17 or 18.  I was a  
25   freshman or sophomore in college.

1           Q.   And may I ask you about your family  
2 background?

3           A.   Sure.

4           Q.   Okay.  Your mother and father, siblings?

5           A.   Yeah, I have a mother and a father and  
6 three siblings.

7           Q.   Okay.  And when you met the defendant,  
8 did he introduce himself to you?

9           A.   I don't recall.

10          Q.   You don't recall how you met him?

11          A.   Like I said, I recall meeting him in the  
12 weight room at the Penn State football facility.  
13 I don't remember the details of that.  That was  
14 26, 27 years ago.

15          Q.   You do not give that appearance you  
16 know?

17          A.   Pardon me?

18          Q.   You do not give that appearance of  
19 having that many years beyond --

20          A.   I have been told that before.

21          Q.   I'm sure you have.  You were an 18-year  
22 old freshman when you met the defendant?

23          A.   Seventeen or 18.

24          Q.   Okay.  And you wrestled as a light  
25 weight?

1           A.    Yes.

2           Q.    Okay.  And it's fair to say then, you  
3 weren't bigger at any time in your life than you  
4 are now obviously?

5           A.    A little bit bigger maybe.

6           Q.    At --

7           A.    Five or ten pounds maybe.

8           Q.    Okay.  And fair to say that -- likely  
9 that when you're in the weight room at the Penn  
10 State wrestling room, you wouldn't have gone up  
11 and introduced yourself to an assistant coach?

12          A.    Probably not.

13          Q.    Okay.  Probably the defendant introduced  
14 himself to you?

15          A.    Most likely.

16          Q.    And after that he kind of made an effort  
17 to get to know you a little better?

18          A.    Yes.

19          Q.    Okay.  And the effort was pretty much on  
20 his part you would have to say?

21          A.    I don't recall.

22          Q.    You don't recall.  Okay.  Did you ever  
23 stay at the defendant's house?

24          A.    Yes.

25          Q.    Okay.  Once or -- other than that period

1 when you were in your residency?

2 A. I don't recall specifically. It's very  
3 possible I stayed at his house other times. I  
4 don't recall.

5 Q. Did you ever end up working out with the  
6 defendant?

7 A. I don't think we ever worked out  
8 together. We worked out in the same building at  
9 the same time but he never put me through a  
10 workout or anything like any -- we never worked  
11 out together per se.

12 Q. Okay. You never had occasion to shower  
13 with the defendant or anything?

14 A. I have not, no. I did not.

15 Q. Okay. Did you know him to shower with  
16 other boys?

17 A. You know, I recall one instance when I  
18 was -- I believe it was that time when I stayed  
19 at his house that him and another boy during the  
20 middle of the day on the weekend that I went to  
21 work out and they were finishing their workout at  
22 the football complex when they were going to go  
23 and shower. I was going to work out. That's my  
24 only recollection of ever knowing of him  
25 showering with any boy.

1           Q.   Okay.  And you don't know anything  
2           about -- any specific details were not springing  
3           immediately to mind -- to your mind about his  
4           relationship with boys or, frankly, with that  
5           many other people at all?

6           A.   Well, I did see him on many occasions  
7           with Second Mile children or Second Mile kids on  
8           many occasions because pretty much, you know,  
9           Jerry had a lot of Second Mile kids around him  
10          with a lot of things he did.  And when I was  
11          present there were a lot of Second Mile kids  
12          around.

13          Q.   Young boys?

14          A.   Young boys, yes.  I mean, age ten to 15  
15          or so, yes.

16          Q.   Okay.  Thank you.

17                 MR. McGETTIGAN:  I have nothing further,  
18          Your Honor.  Thank you.

19                 MR. AMENDOLA:  Just one question.

20                         REDIRECT EXAMINATION

21          BY MR. AMENDOLA:

22                 Q.   Dr. Martin, did you also, you and your  
23                 wife, attend church services with Jerry and his  
24                 wife on occasion?

25                 A.   Yes, we did.



1 Q. Do you go to the same church?

2 A. I don't go to that church now.

3 Q. But you did at one time?

4 A. I did when I was an under grad here,  
5 yes.

6 Q. Thank you.

7 MR. AMENDOLA: That's all I have.

8 MR. McGETTIGAN: Nothing on recross,  
9 Your Honor.

10 THE COURT: Thank you. You can step  
11 down.

12 MR. AMENDOLA: Elaine Steinbacher.

13 Whereupon,

14 ELAINE STEINBACHER

15 was called as a witness and having been duly  
16 sworn, was examined and testified as follows:

17 MR. AMENDOLA: Your Honor, this is  
18 another witness who's going to testify factually  
19 and then also as a character witness.

20 THE COURT: Okay.

21 DIRECT EXAMINATION

22 BY MR. AMENDOLA:

23 Q. Mrs. Steinbacher, will you state your  
24 full name please?

25 A. Elaine Steinbacher.

1 Q. And where do you reside, ma'am?

2 A. Kannapolis, North Carolina, outside  
3 Charlotte.

4 Q. Are you married?

5 A. Yes.

6 Q. Do you have any children?

7 A. Yes, three.

8 Q. Can you give us their ages, if you  
9 recall then?

10 A. Steve 45, Donna 44, and Rick 40.

11 Q. Do you know Jerry and Dottie Sandusky?

12 A. Yes, I have known them for 47 years.

13 Q. Can you tell us a little bit about your  
14 relationship with them? What you have been  
15 involved with with them?

16 A. Well, it started when we were in  
17 college. I used to try to set Jerry up with some  
18 of my girlfriends but as I became a special ed  
19 teacher and I had a whole lot in common with  
20 Jerry because I always used him as my motivator  
21 and inspiration.

22 The last 20 years I have worked for the  
23 Chester County Intermediate Unit in a federally  
24 funded program called Pennsylvania Migrant  
25 Education. I was the coordinator or partnership

1 collaborations and I would bring many students to  
2 Penn State for all the wonderful supplemental  
3 educational programs throughout the year. I  
4 would stay in the Sandusky home probably eight to  
5 11 times a year. I tried to figure out. I could  
6 have stayed in a hotel --

7 THE COURT: If I could interrupt you  
8 just for a second.

9 THE WITNESS: Sure.

10 THE COURT: Let's let Mr. Amendola ask  
11 the questions and then you can answer the  
12 questions.

13 THE WITNESS: Okay.

14 BY MR. AMENDOLA:

15 Q. So I'll ask the question. How often did  
16 you stay in Mr. and Mrs. Sandusky's home?

17 A. I stayed in their home maybe eight to 11  
18 times a year. I could have stayed in hotels or  
19 motels and put it on my expenses but I wanted to  
20 be with Dottie and Jerry to be inspired and  
21 motivated.

22 Q. Did there come a time a couple of years  
23 ago when you were visiting the Sanduskys and met  
24 a young man by the name of Brett Swisher Houtz?

25 A. Yes.

1           Q. Can you tell us the circumstances  
2 surrounding that meeting?

3           A. I believe it is was in the summer of  
4 2009, and I remember Jerry coming into the room  
5 and saying: Oh, guess who called? Brett and he  
6 wants to come over and bring his young son. I  
7 thought it was going to be a baby. And Jerry  
8 said to Dottie: Do we have anything to feed  
9 them? Dottie said: No, but we'll go to KFC.

10               So Dottie and I went to KFC and got this  
11 wonderful fried chicken spread. I remember that  
12 really well. We ate it on the back deck. And  
13 the whole purpose of the visit to me was,  
14 obviously, for Jerry and Dottie to make a big  
15 fuss over his son. When you have a new baby, you  
16 want everybody to goo-goo and gah-gah over it,  
17 and that's what that day was about. I would say  
18 he stayed for two or three hours.

19           Q. What observations, if any, did you make  
20 about the relationship how Jerry and Brett  
21 Swisher Houtz interacted during your visit?

22           A. Well, they were quite friendly. I mean,  
23 it was very amicable. Just a lovely afternoon.

24               I remember commenting to Dottie, and I  
25 remember this very well, wow, you're going to see

1 a lot of them because obviously he's looking for  
2 some foster grandparents, you know, to brag about  
3 his kid and bring the kid to see him. And I said  
4 to Dottie: You're not -- you know, you're going  
5 to see a lot of him because there were always  
6 people in and out of the Sandusky home.

7 Q. Now, Mrs. Steinbacher, do you know other  
8 people who have known Jerry Sandusky during the  
9 time frame that you have known him over the  
10 years?

11 A. Yes. There are about five couples that  
12 played on the same team that Jerry did in 1962 to  
13 1966 and we have always been very friendly with  
14 the Sanduskys and we visited their house many  
15 times and our children played together and grew  
16 up together, and we all just revered Jerry. We  
17 think the world of him, and we were just proud.

18 Q. Over the years have you heard those  
19 individuals talk about Jerry's reputation for  
20 being honest, truthful, law abiding, peaceful,  
21 and nonviolent?

22 A. Yes.

23 Q. What is the reputation?

24 A. The reputation. I mean, I can speak for  
25 myself and then my last --

1 Q. No.

2 A. Oh, their reputation?

3 Q. What's his reputation among those  
4 people?

5 A. All right. I feel until all of the five  
6 couples that knew him -- and also I worked on the  
7 Chester County chapter of The Second Mile. So I  
8 knew pretty much the staff of The Second Mile  
9 because I sent so many kids to their programs. I  
10 just feel that all of us feel that Jerry Sandusky  
11 led a purpose-driven life and --

12 MR. McGETTIGAN: Objection.

13 THE COURT: Sustained.

14 BY MR. AMENDOLA:

15 Q. What was his reputation? Good? Bad?  
16 Indifferent?

17 A. Good. There was never in all the years  
18 that I have known him --

19 MR. FINA: Objection.

20 THE COURT: Thank you.

21 THE WITNESS: That we have all known  
22 him --

23 MR. FINA: Objection.

24 THE COURT: That's enough.

25 MR. FINA: Objection.

1 THE WITNESS: There was never a red  
2 flag.

3 MR. AMENDOLA: I have no further  
4 questions.

5 THE WITNESS: Okay.

6 MR. McGETTIGAN: Thank you, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. McGETTIGAN:

9 Q. Ma'am, you were on the board of The  
10 Second Mile?

11 A. The Chester County Chapter. That's in  
12 King of Prussia.

13 Q. Still?

14 A. No. I retired in 2010 and moved to  
15 North Carolina and that ended it.

16 Q. Were you still on the board of The  
17 Second Mile at the time the defendant took a  
18 temporary leave of absence?

19 A. I don't know what year that was. I was  
20 on the board in 2008.

21 Q. Pardon me?

22 A. 2008. I was on the board.

23 Q. Do you recall at the time when the  
24 defendant took a temporary leave of absence from  
25 The Second Mile?

1 A. No.

2 Q. Do you know that he did?

3 A. Yeah.

4 Q. Okay. And then you know he subsequently  
5 resigned?

6 A. Yes.

7 Q. And you know why he subsequently  
8 resigned; do you not?

9 A. No, I don't know why.

10 Q. Well, this must have come as a sudden  
11 surprise to you that he had resigned from the  
12 organization which he had founded; did it not?

13 A. No, I never really thought that much  
14 about it. I didn't.

15 Q. How often did you talk to the defendant  
16 or his wife during that period of time?

17 A. Well, at least eight or ten times a  
18 year.

19 Q. So eight or ten times --

20 A. Yeah.

21 Q. Let me see if I can pose a question?

22 A. Very good.

23 Q. Eight or ten times you see or talk to or  
24 stay at their house?

25 A. Um-hum.



1           Q.   And you knew how involved the defendant  
2           was in The Second Mile, right?

3           A.   Um-hum.

4           Q.   This was a big deal?

5           A.   Um-hum.

6           Q.   Okay.  He was always with those kids and  
7           always doing things with kids, things like that,  
8           right?

9           A.   Yeah.

10          Q.   Sometimes when you were there staying in  
11          the house, too, right?

12          A.   Yeah.

13          Q.   All of a sudden he resigns, right?  Now,  
14          what's the next conversation that you had with  
15          the defendant or his wife after he resigned from  
16          The Second Mile?

17          A.   Honestly, I never had a conversation.  
18          I've thought a lot but I never thought about  
19          that.  Sorry.

20          Q.   That's okay.  Do you think now that it's  
21          just kind of funny that you never had this  
22          conversation because that Second Mile with those  
23          kids had been a big deal, he quits --

24          A.   Yeah.

25          Q.   And you never even talked about it?

1           A.   (Witness shakes head side to side.)

2           Q.   No?

3           A.   I maybe, probably -- I know he wasn't  
4   into administration or financial things. I just  
5   felt maybe they couldn't use him, I guess. I'm  
6   just thinking now.

7           Q.   No recollection?

8           A.   No.

9           Q.   Okay. During the times that you stayed  
10  at the defendant's home, were there ever  
11  children, young boys staying there?

12          A.   Not overnight, but I did go several  
13  occasions and play games with boys, maybe one boy  
14  that was there.

15          Q.   How do you know there weren't boys  
16  staying overnight?

17          A.   Well, I was in the upstairs -- there's a  
18  guest room right in the front of the house but I  
19  don't recollect any child staying overnight in  
20  all the times I was there.

21          Q.   So you just don't recollect it?

22          A.   Yeah. I'm pretty sure not.

23          Q.   When was the last conversation you had  
24  with the defendant?

25          A.   Jerry?

1 Q. That's the defendant.

2 A. My last conversation. I saw him here  
3 today. I said hello. Jerry and I would talk  
4 every time I would come to his house but not much  
5 on the phone. I guess the last time I was there  
6 probably in 2010 right before I retired. I  
7 haven't been there since 2010.

8 Q. Did you have a conversation with him or  
9 his wife subsequent to that?

10 A. Yes.

11 Q. After that?

12 A. Yes. One time I remember I was back on  
13 the back deck and Jerry and I talked -- I looked  
14 at my watch when we were done. Dottie went  
15 someplace and Jerry and I had talked for four  
16 hours because we had such a special interest in  
17 children, his cases, my cases, and we would talk  
18 about them. I was, like, amazed that I could  
19 talk so long to one person. I had so much in  
20 common with him, when I can't even talk to my own  
21 husband for four minutes.

22 Q. Thank you, ma'am. When was the last  
23 time you talked with the defendant's wife,  
24 Dottie, I think?

25 A. Today.

1 Q. Before that?

2 A. Dottie and I text a lot. We have been  
3 texting all through this drama.

4 Q. When was the first time after the  
5 defendant was arrested that you talked with or  
6 texted Dottie? Would that have been the same day  
7 you think? You would have seen it in the paper?

8 A. Yeah.

9 Q. Talked the same day?

10 A. I'm not sure. I don't think so.

11 Q. The next day?

12 A. I don't think the same day.

13 Q. The next day, the day after, or  
14 something like that?

15 A. Maybe.

16 Q. Okay.

17 A. We would text almost every other day.

18 Q. Okay. It's fair to say, based upon your  
19 long relationship, you'd like to do whatever you  
20 could to help?

21 A. Um-hum.

22 Q. Okay. And you talked with Mr. Amendola  
23 about your testimony here today or -- who did  
24 most of the talking, you or him?

25 A. I did most of the talking but they try

1 to cut me off so. I'm a little bit nervous  
2 because I like to --

3 Q. Okay.

4 A. -- elaborate I guess.

5 Q. And I think you used the expression to  
6 answer one of my earlier questions that  
7 throughout this trial, you said that it's fair to  
8 say you have talked to or texted, you're a  
9 texter?

10 A. E-mailer and texter.

11 Q. Okay. To the defendant's wife,  
12 Mrs. Dottie Sandusky, a fair amount during the  
13 course of the events preceding the trial?

14 A. (Witness nods head up and down.)

15 Q. Okay. So is it fair to say that -- and  
16 again I want to be absolutely fair. It's fair to  
17 say that you were fairly certain you could help  
18 and wanted to do so if you could?

19 A. (Witness nods head up and down.)

20 Q. Okay. You have done your best to help?

21 A. Yeah.

22 Q. Thank you very much.

23 MR. McGETTIGAN: Thank you, Your Honor.

24 MR. AMENDOLA: I'm reluctant to ask any  
25 more questions, Your Honor. I have no further

1 questions.

2 THE COURT: Thank you. You can step  
3 down.

4 THE WITNESS: Thank you.

5 Whereupon,

6 DAWN DANIELS

7 was called as a witness and having been duly  
8 sworn, was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MR. AMENDOLA:

11 Q. Ms. Daniels, my name is Joe Amendola. I  
12 represent Mr. Sandusky. I'm going to ask you  
13 some questions. If you're not sure what I'm  
14 asking, let me know and I'll ask it a different  
15 way, okay?

16 A. Okay.

17 Q. Can you state your full name please?

18 A. Dawn Renee Daniels.

19 Q. What town do you live? I'm not going to  
20 ask you your address because you have been a  
21 Commonwealth witness. What town do you live in?

22 A. Lock Haven.

23 Q. And is your son Aaron Fisher?

24 A. Yes.

25 Q. Is he the same Aaron Fisher who

1 testified earlier in this trial?

2 A. Yes.

3 Q. Do you know Josh Fravel?

4 A. Yes.

5 Q. And do you know his younger sister?

6 A. Yes?

7 Q. Do you know his mother?

8 A. Yes.

9 Q. Going back to the latter part of 2000 --  
10 what would have been 2008, was Josh Fravel living  
11 in Lock Haven?

12 A. Yes.

13 Q. And where was he living in relationship  
14 to where you were living?

15 A. He was living right in the other half of  
16 the house that I lived in.

17 Q. So there was a duplex?

18 A. Yeah.

19 Q. And you shared the duplex. He lived on  
20 one side and you on the other?

21 A. Yes.

22 Q. Was there a time in late 2008 when you  
23 made a comment to Josh Fravel that because of the  
24 situation, the allegations against Mr. Sandusky,  
25 that you were going to make a lot of money?

1 A. No, I did not.

2 Q. Did you ever say to Josh Fravel in late  
3 2008 that you were going to be able to buy a big  
4 house in the country with a white fence and have  
5 room for your dogs to run around?

6 A. No, I did not.

7 Q. Did you ever say anything to Josh Fravel  
8 or his younger sister or his mother that by the  
9 time the Sandusky case was over, you were going  
10 to be a very wealthy person?

11 A. I did not say that, no.

12 Q. Thank you.

13 MR. AMENDOLA: That's all I have, Your  
14 Honor.

15 MR. McGETTIGAN: Briefly on cross.

16 CROSS-EXAMINATION

17 BY MR. McGETTIGAN:

18 Q. Ms. Daniels, you have retained an  
19 attorney on behalf of your son in this case?

20 A. Yes.

21 Q. When did you hire an attorney?

22 A. That would have been in November after  
23 Josh Fravel gave --

24 Q. What year --

25 A. -- reporters --



1 Q. -- do you remember?

2 A. 2008.

3 Q. That's when you hired an attorney?

4 A. I'm sorry. 2011.

5 Q. Who's the attorney?

6 A. Michael Boni.

7 Q. Okay. Did you have an attorney before  
8 2011?

9 A. No.

10 Q. Had you tried to hire an attorney before  
11 2011?

12 A. No.

13 Q. Anyone talk to you about -- well, I'll  
14 strike that. You got an attorney in 2011 to  
15 protect your interest and your son's?

16 A. Right.

17 Q. Thank you.

18 REDIRECT EXAMINATION

19 BY MR. AMENDOLA:

20 Q. But you have an attorney now, don't you?

21 A. Yes.

22 Q. And what's his name?

23 A. Michael Boni.

24 Q. Have you paid him any fees so far?

25 A. No.

1 Q. Has he sent you any bills so far?

2 A. No.

3 Q. Didn't you retain him to represent your  
4 civil lawsuit potential interest in this case?

5 A. No. I retained him to keep the press  
6 away from my family, away from my employment,  
7 away from my kids' schools.

8 Q. Did you sign any sort of fee agreement  
9 with him to your knowledge?

10 A. I believe I did.

11 Q. Do you know what the contents of that  
12 fee agreement were?

13 A. No, I don't.

14 Q. And you haven't paid him a penny to  
15 date?

16 A. No.

17 Q. To your knowledge has he been sitting in  
18 the courtroom for the last two weeks?

19 A. No.

20 Q. If you don't know, that's fine. And you  
21 can't tell us a thing about what fee arrangements  
22 you made with your attorney today?

23 MR. McGETTIGAN: Objection. Asked and  
24 answered, Your Honor.

25 THE COURT: Sustained.

1 MR. AMENDOLA: Okay.

2 BY MR. AMENDOLA:

3 Q. How did it come about that you retained  
4 this attorney?

5 MR. McGETTIGAN: Objection, Your Honor.

6 THE COURT: Overruled.

7 BY MR. AMENDOLA:

8 Q. How did it come about that you retained  
9 this attorney?

10 A. Well, during the time frame when this  
11 all happened, prior to me hiring an attorney, I  
12 had moved. I didn't change my address and the  
13 only person that knew where I moved was the  
14 neighbor, Josh Fravel. And which I gave him  
15 instructions if anybody came there, he was to  
16 just tell them that he hasn't seen me. Doesn't  
17 know where I moved.

18 After that point, I found out he was  
19 talking to reporters and that he gave out my  
20 address and that he also tried to get money out  
21 of me to keep my address a secret.

22 Q. Does your attorney practice in Lock  
23 Haven?

24 MR. McGETTIGAN: Objection, Your Honor.  
25 The location of the attorney is not relevant.

1 THE COURT: Overruled.

2 THE WITNESS: No.

3 BY MR. AMENDOLA:

4 Q. Where does your attorney practice as far  
5 as you know? Out of what offices? Where are his  
6 offices located?

7 A. Philadelphia.

8 Q. Philadelphia?

9 A. Um-hum.

10 Q. Thank you.

11 MR. AMENDOLA: That's all I have.

12 MR. McGETTIGAN: I have nothing on  
13 recross, Your Honor. Thank you.

14 THE COURT: Thank you. You can step  
15 down.

16 MR. AMENDOLA: Josh Fravel.

17 Whereupon,

18 JOSHUA FRAVEL

19 was called as a witness and having been duly  
20 sworn, was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. AMENDOLA:

23 Q. Will you state your full name please?

24 A. Joshua James Fravel, Senior.

25 Q. Will you spell your last name?

1           A.   F-r-a-v-e-l.

2           Q.   Where do you reside?

3           A.   135 Youngs Avenue, Lock Haven.

4           Q.   If you could keep your voice up just a  
5 little bit.

6           A.   Okay.

7           Q.   With whom do you reside there?

8           A.   My fiance and my four children.

9           Q.   How old are your kids?

10          A.   Eleven, eight, six and five.

11          Q.   Was there a time when you resided near  
12 an individual by the name of Dawn Daniels?

13          A.   Yes.

14          Q.   When did that occur?  When did you live  
15 near her?

16          A.   I believe the start of around 2007 and  
17 carried through till either 2010, early 2011.

18          Q.   Who resided, if you know, with Dawn  
19 Daniels?

20          A.   The household composition was Dawn  
21 Daniels, Aaron Fisher, Katie, I'm not sure of her  
22 last name, I think Daniels, and Eric Daniels.

23          Q.   Was there a time in late 2008 when you  
24 were at home and you had a conversation with Dawn  
25 Daniels about her son, Aaron Fisher, and maybe

1 going somewhere?

2 A. I recall an argument that had taken  
3 place. She would frequently send her children  
4 off to several different places so she could have  
5 a weekend --

6 THE COURT: I'm sorry. You're going to  
7 have to speak into microphone to be able to hear  
8 you.

9 THE WITNESS: She would often send her  
10 children away to different -- her parents or her  
11 friends and I guess Aaron was involved in The  
12 Second Mile. So she would send him off there.  
13 So she could have a weekend here and there.

14 The one weekend Aaron and Dawn were  
15 arguing because he did not want to go. He wanted  
16 to stay at home and spend time with his friends.

17 BY MR. AMENDOLA:

18 Q. Was there a particular time in late 2008  
19 when Dawn, you were present when Dawn and Aaron  
20 Fisher, her son, had some sort of argument about  
21 where he was going?

22 A. That was the argument I was talking  
23 about.

24 Q. And specifically -- I'm having trouble  
25 hearing you. I apologize. Specifically what was

1       that argument about where Aaron was going?

2           A.    She wanted him to go to with Jerry to  
3   The Second Mile program and he didn't want to go.  
4   He wanted to be with his friends and stay home  
5   and hang out with his friends.

6           Q.    So the argument was over him going to  
7   see his friends versus going with Jerry?

8           A.    Going with Jerry.

9           Q.    Now, at some point -- at some point was  
10   there a discussion by Dawn Daniels about a money  
11   situation?

12          A.    At the time that argument, they went  
13   inside and then she came over and said:  How do I  
14   find out if somebody is a registered sex  
15   offender?  At the time I had no idea what she was  
16   talking about or why she would need that  
17   information.  I say:  Why?  What's up?  She says  
18   because I was just told that Aaron was touched by  
19   Jerry Sandusky.  She says:  I need to know and  
20   need to find out how to take this further.  By  
21   further she meant, you know, get a lawyer.

22          Q.    Again, I'm having trouble hearing you.  
23   If you could talk into that mic.

24          A.    She wanted to know --

25               MR. McGETTIGAN:  Excuse me.  I think the

1 witness said by further she meant. I'm not sure  
2 if that's appropriate testimony.

3 THE COURT: Sustained.

4 MR. McGETTIGAN: Thank you.

5 BY MR. AMENDOLA:

6 Q. What did Dawn Daniels tell you after she  
7 had that discussion with you about her son being  
8 touched?

9 A. I believe her comment was: I'll own his  
10 house.

11 Q. Referring to who?

12 A. Jerry Sandusky.

13 Q. Did she have other discussions with you  
14 after that about monetary issues?

15 A. Yeah, she had said about when this all  
16 settles out, she'll have a nice big house in the  
17 country with a fence and the dogs can roam free.

18 Q. Did you ever have any discussions with  
19 Aaron or overhear Aaron discussing about making  
20 purchases with money he might obtain?

21 A. Not so much other than the one statement  
22 that he had made that -- and the only thing he  
23 had said was: When this is over, I'll have a  
24 nice new Jeep.

25 Q. Thank you.



1 MR. AMENDOLA: That's all I have.

2 MR. McGETTIGAN: May I, Your Honor?

3 CROSS-EXAMINATION

4 BY MR. McGETTIGAN:

5 Q. How are you doing today Mr. Fravel?

6 A. Okay.

7 Q. Okay. You recall the statement you gave  
8 before?

9 A. Yeah.

10 Q. Don't blame me for keeping you here for  
11 two days, do you?

12 A. No.

13 Q. Okay. Back in -- these conversations  
14 that you recollect, are you certain what year  
15 they're in or do you have any recollection?

16 A. The time frame is a little sketchy.

17 Q. So when Mr. Amendola asked you that  
18 particular year, would you be willing to swear  
19 under oath it was 2008, 2009, 2010 or you're not  
20 sure?

21 A. No, I can't place an exact date on it.

22 Q. Okay. Could it have easily been 2010 or  
23 '11 or 2008?

24 A. I can give, like, time markers of, like,  
25 when I seen certain things.

1           Q.   Okay.  And you're under oath.  You have  
2   to be completely honest with me.

3           A.   Yes.

4           Q.   You're not real fond of Dawn Daniels,  
5   are you?

6           A.   No.

7           Q.   Okay.  In fact, you -- you loath the  
8   person, don't you?  You can't stand her?

9           A.   No.

10          Q.   Okay.  And you think she's a bad person?

11          A.   Yeah.

12          Q.   Okay.  You think she's a bad mother?

13          A.   Yes.

14          Q.   Okay.  Do you think she forced her son  
15   to get with Jerry Sandusky?  In fact, you saw  
16   that?

17          A.   Yes.

18          Q.   And she did -- in fact, she expressed  
19   why she did that?  What did she say?

20          A.   So she could have a weekend out with her  
21   friends.

22          Q.   Use her exact words.

23          A.   You want me?  I'm allowed to do that.

24          Q.   Absolutely.

25          A.   She told her son:  You're going to The

1 Second Mile because you're not going to fuck up  
2 my weekend.

3 Q. Okay. She made Aaron go with the  
4 defendant?

5 A. I don't think he actually ended up going  
6 that night, no.

7 Q. Okay. He split?

8 A. Yeah, I think he went to his friends  
9 after all was said and done.

10 Q. You had seen the defendant, however, on  
11 previous occasions driving a black Lexus?

12 A. No. It was a black SUV of some sort.

13 Q. SUV. Okay. Come to pick up Aaron on  
14 those occasions?

15 A. And dropping off.

16 Q. Okay. Did Aaron ever tell you what  
17 happened to him?

18 A. No.

19 Q. Okay. And you didn't ask?

20 A. No.

21 Q. Part of the way that you got stuck in  
22 this and missing a couple days of work is because  
23 you talked to a reporter once?

24 A. Yes.

25 Q. The reporter told you he wasn't going to

1 write down what you said?

2 A. Correct.

3 Q. That was just after Dawn moved?

4 A. Yes.

5 Q. And he said: I'm not going to tell  
6 anybody. I won't write it, nothing like that  
7 will happen.

8 A. He asked for my opinion.

9 Q. He asked for your opinion, and you gave  
10 him your opinion?

11 A. Yes.

12 Q. Okay. He asked where she lived and you  
13 told him where he she lived and you didn't really  
14 want it coming back to you but that's what  
15 happened?

16 A. Yeah, exactly.

17 Q. That wasn't even at the beginning of  
18 your animosity -- of your dislike for Dawn  
19 because you disliked her before that and disliked  
20 her more after that?

21 A. Correct.

22 Q. Okay. And she got in your face about  
23 this kind of stuff?

24 A. Over the telephone, very vocal over the  
25 telephone when she seen the report.

1 Q. Yapping at you and stuff like that?

2 A. Yes.

3 Q. That didn't help your feelings about  
4 her?

5 A. No.

6 Q. Okay. And also -- and I'm going to make  
7 reference -- I don't think you need to see this  
8 document. You applied for a job at the place  
9 where she had some kind of responsibilities?

10 A. Correct.

11 Q. Not that long ago. It would have been  
12 February of this year?

13 A. Correct.

14 Q. And you need a job?

15 A. Yeah, I did.

16 Q. Well, that's right. You now have a job  
17 that we're keeping you from?

18 A. Yes.

19 Q. But you have four kids you're  
20 responsible for?

21 A. Yes.

22 Q. And your fiance?

23 A. Yes.

24 Q. So at the time you wanted to get  
25 working?

1 A. Yes.

2 Q. Walked in there ready to work?

3 A. Correct.

4 Q. And, in fact, you used Dawn as a  
5 reference?

6 A. Because she told me to.

7 Q. Okay. And you have a feeling that she  
8 kept you from getting that job?

9 A. I do.

10 Q. Okay. That's about all you know.  
11 That's the only thing you recall is that one  
12 statement that was said in a big time frame. In  
13 fact Aaron wasn't even present when Dawn said  
14 this thing?

15 A. Yeah, Dawn and Aaron were never together  
16 during those statements.

17 Q. Okay. How are the kids now?

18 A. Great.

19 Q. Good. They have a good recollection of  
20 my detective?

21 A. The youngest one.

22 Q. Okay. Thank. Thanks very much.

23 MR. McGETTIGAN: I have nothing further,  
24 Your Honor.

25 REDIRECT EXAMINATION

1 BY MR. AMENDOLA:

2 Q. Just to clarify something, Mr. Fravel,  
3 and that is going back to the time frame you were  
4 asked on cross-examination about what year it  
5 was. Your testimony -- correct me if I'm wrong,  
6 your testimony was that this conversation with  
7 Dawn Daniels occurred the night that you heard  
8 her ask about is there some sort of Internet site  
9 for --

10 A. Yes.

11 Q. -- pedophiles? And that sparked her  
12 comments to you?

13 MR. McGETTIGAN: Inappropriate redirect,  
14 Your Honor. I would object and ask it be  
15 stricken.

16 THE WITNESS: Yes.

17 THE COURT: Overruled.

18 BY MR. AMENDOLA:

19 Q. And you're sure about that?

20 A. Yes.

21 Q. Thank you.

22 MR. AMENDOLA: That's all I have.

23 MR. McGETTIGAN: I have nothing further,  
24 Your Honor.

25 THE COURT: You can step down.

1 MR. ROMINGER: Your Honor, can we  
2 approach?

3 (Whereupon, the following discussion was  
4 held at sidebar:)

5 MR. ROMINGER: We could do Dr. Atkins  
6 right now but we still haven't gotten the  
7 Commonwealth's report before we placed him on the  
8 stand.

9 MR. McGETTIGAN: John gave me one and  
10 asked for it back to sign it. Let me find it.

11 MR. ROMINGER: And then we just have to  
12 set up our AVA, little PowerPoint.

13 THE COURT: So how much time does  
14 Dr. Atkins need to review this report?

15 MR. ROMINGER: Only a few minutes.

16 MR. McGETTIGAN: It's two pages.

17 MR. ROMINGER: I mean, I would assume it  
18 would only take a few minutes.

19 THE COURT: Okay. So we'll wait here  
20 and sit here while he does it. Okay.

21 You can get your PowerPoint set up.

22 MR. ROMINGER: In the mean time.

23 THE COURT: Yeah. We're not going to  
24 recess. We'll just wait till you're ready.

25 MR. ROMINGER: I understand.



1 (End of sidebar discussion.)

2 MR. ROMINGER: Your Honor, we call  
3 Dr. Atkins to the stand.

4 MR. FINA: Your Honor, obviously because  
5 there had to be a report and it was just  
6 employed, so we needed to an opportunity to  
7 review that.

8 Your Honor, I'm sorry. Provide us with  
9 just one minute to approach?

10 (Whereupon, the following discussion was  
11 held at sidebar:)

12 MR. FINA: We didn't get a -- sorry I  
13 didn't mention. We didn't get a chance to  
14 discuss whether the jury is going to get any  
15 instructions about expert testimony and what this  
16 testimony, the purpose of it is, and any kind of  
17 guidance on this because of the issue of --

18 THE COURT: They need to be told the  
19 purpose --

20 MR. FINA: They need to be clear that  
21 psychiatric, psychologic to refute specific  
22 intent of a crime with the exception of murder.  
23 We don't need to get into that. I have ab aside  
24 and it needs to be given -- need not be given now  
25 but at some point there has to be --

1           THE COURT: I don't know that it would  
2 hurt to explain now the purpose of the testimony  
3 by stipulation is to explain, offer an  
4 explanation for the letters that had been  
5 described as love letters.

6           MR. ROMINGER: Right.

7           THE COURT: And that as an expert, an  
8 expert is permitted to offer an opinion as  
9 opposed to other witnesses who can only testify  
10 about facts.

11          MR. ROMINGER: They're going to try --  
12 personality disorder --

13          THE COURT: Yeah, but only for the  
14 purpose of explaining the letters, not for  
15 defending whether the conduct occurred.

16          MR. FINA: We're not sure about that,  
17 Judge.

18          MR. ROMINGER: We're pretty sure about  
19 that, Judge. Spent quite a bit of time with  
20 Dr. Atkins.

21          MR. McGETTIGAN: The Commonwealth has to  
22 address the fact that personality disorder does  
23 not preclude the other characteristics.

24          THE COURT: Yeah.

25          MR. McGETTIGAN: Okay.

1           MR. FINA: Again, I'm just concerned  
2 about any confusion to the jury that this can be  
3 considered in any way to minimize, eliminate any  
4 specific intent. I mean, that's where this  
5 really can --

6           THE COURT: You can do that.

7           MR. AMENDOLA: Yeah. I can do that now  
8 by stipulation?

9           THE COURT: Yes.

10           (End of sidebar discussion.)

11           Whereupon,

12                           ELLIOT ATKINS

13 was called as a witness and having been duly  
14 sworn, was examined and testified as follows:

15           THE COURT: Ladies and gentlemen, before  
16 you begin the examination of this witness,  
17 counsel have agreed that I can give you a certain  
18 instruction about the purpose of this testimony  
19 and some testimony which you may hear from the  
20 Commonwealth and how this testimony may be used  
21 by you.

22           An expert is a person who is qualified  
23 by training, experience, or background to offer  
24 an opinion as opposed to other witnesses who  
25 testify about facts. The purpose of this

1 testimony which you are about to hear is to offer  
2 an explanation concerning the letters which you  
3 had previously seen projected onto the screen.

4 Expert testimony such as this witness  
5 may not be used, and counsel have agreed, to  
6 explain a way, rebut, or excuse any other intent  
7 to create any -- to perform any act.

8 So this is offered for a very limited  
9 purpose, simply to explain the letters and the  
10 motivation of the defendant in writing the  
11 letters and, of course, you may hear an  
12 alternative opinion. I don't know. But that is  
13 the only purpose for which this is offered and  
14 counsel have agreed to that effect.

15 Mr. Amendola, correct?

16 MR. AMENDOLA: Yes, Your Honor.

17 THE COURT: Mr. McGettigan?

18 MR. MCGETTIGAN: Yes.

19 THE COURT: Correct?

20 MR. MCGETTIGAN: Absolutely, Your Honor.

21 THE COURT: Go ahead, Mr. Rominger.

22 MR. ROMINGER: Thank you, Your Honor.

23 DIRECT EXAMINATION AS TO QUALIFICATIONS

24 BY MR. ROMINGER:

25 Q. Would you give your name for the record?

1           A.   Elliot Atkins.

2           Q.   And what is your field of expertise?

3           A.   I am a psychologist.

4           Q.   I have had marked as Defendant's Exhibit  
5 a curriculum vitae?

6           A.   Yes.

7           Q.   Is that your curriculum vitae?

8           A.   Yes, it is.

9           Q.   Can you tell us what qualifications you  
10 have as a psychologist?

11          A.   Yes.  I have been licensed as a  
12 psychologist in Pennsylvania since 1977.  I have  
13 worked as a school psychologist and a clinical  
14 psychologist and over the last 25 years or so  
15 also forensic psychologist.

16               My education includes bachelor's degree  
17 in fine arts from Temple University.  I was a  
18 painter and sculptor and realized I wasn't good  
19 enough to support myself or a family.  I went  
20 back and got my master's in clinical psychology.  
21 Then I got my doctorate in school psychology.  
22 And the doctoral in school psychology provided a  
23 degree of E.D.D., Doctor of Education, which was  
24 in addition to my master's degree which was in  
25 psychology.

1           The Doctoral of Education program at  
2   Temple was identical to the Ph.D. program except  
3   that instead of taking three research courses, I  
4   took three courses that dealt with working with  
5   young people in the schools and doing  
6   psychological evaluations in the school.

7           Once I completed that doctoral program,  
8   I began working as a school psychologist and as a  
9   clinical psychologist since I had already been  
10   licensed in Pennsylvania to practice clinical  
11   psychology prior to my doctorate.

12           In those days you did not have to have a  
13   doctorate to be licensed. Today everybody has to  
14   have a doctorate. So I began practicing clinical  
15   psychology with my Master's Degree back in the  
16   late seventies, 1977.

17           Once I began practicing clinical  
18   psychology I began focusing primarily in the area  
19   of working with young adults, adolescents,  
20   teenagers, particularly people who were having  
21   substance abuse problems. As a result of the  
22   work I was doing in that area, I consulted with  
23   city, state and federal agencies in the areas of  
24   developing psychological treatment, intervention,  
25   prevention programs in the area of substance

1 abuse.

2 As a result of that work, I began  
3 testifying in court as an expert witness on  
4 adolescent substance abuse and then ultimately on  
5 adult substance abuse. Because of those court  
6 experiences, I began to develop what's called a  
7 forensic psychological practice.

8 A forensic practice means -- well, let  
9 me explain it simply. Clinical practice is  
10 treating emotional problems, behavior problems.  
11 Psychologists who have a clinical practice treat  
12 patients. Forensic psychology doesn't involve  
13 the treatment of a patient. It involves the  
14 evaluation and the consultation with attorneys,  
15 evaluation of people who are either involved in  
16 civil lawsuits or in criminal lawsuits or even  
17 custody matters or visitation matters. I  
18 developed this forensic practice but never gave  
19 up my clinical practice. They operate side by  
20 side.

21 My forensic practice is divided pretty  
22 much in half. Half of it is civil where I --  
23 half of that civil practice is plaintiff's work  
24 where people are suing other people and half is  
25 defense work where the people are being sued by

1 other people and attorneys from both sides bring  
2 me in to evaluate the individuals to see the  
3 extent to which they may or may not have suffered  
4 injuries as a result of those particular claims.

5 On the criminal side, I testify  
6 primarily for the defense. I would say about 25  
7 percent of the time, I do testify for  
8 prosecution, but 75 percent of the time I testify  
9 for the defense.

10 In these criminal cases, I testify --

11 THE COURT: I think maybe if we could  
12 focus on specific questions, it would move this  
13 along.

14 MR. ROMINGER: Your Honor, I think the  
15 Commonwealth has indicated they'll agree that he  
16 is an expert in psychology?

17 MR. McGETTIGAN: We would have agreed  
18 long ago that the witness is qualified to offer  
19 expert opinion in the area of psychology. Thank  
20 you, Your Honor.

21 THE COURT: Very well. Go ahead.

22 DIRECT EXAMINATION

23 BY MR. ROMINGER:

24 Q. Did you have a chance to meet with  
25 Mr. Sandusky and review that for purposes of



1 making a diagnosis?

2 A. Yes.

3 Q. You were asked to evaluate at some point  
4 and look at some letters. Did you do that before  
5 or after you reached that diagnosis?

6 A. The letters were after reached the  
7 diagnosis.

8 Q. Now, we have heard the letters described  
9 as, by at least one of the witnesses or more and  
10 I believe an argument, as creepy love letters?

11 A. Yes.

12 Q. Are there any other possible  
13 explanations for those letters?

14 A. In my opinion, there are.

15 Q. Can you explain?

16 A. Well, based on my evaluation of  
17 Mr. Sandusky, I diagnosed a histrionic  
18 personality disorder. I will present you with  
19 some information about what that means, and I  
20 will also help you, hopefully, recognize how that  
21 personality disorder is evidenced in these  
22 letters, and I will hopefully be able to give you  
23 some understanding that this could also explain  
24 why these letters are written.

25 MR. McGETTIGAN: I would object to the

1 response and move that it be stricken.

2 THE COURT: Doctor, I'm going to -- this  
3 is a very narrow question. I am going to ask you  
4 to respond very specifically to the questions  
5 that are asked, not to try to get off or not  
6 inadvertently get off course.

7 THE WITNESS: Okay.

8 MR. ROMINGER: Permission to lead a  
9 little bit, Your Honor?

10 THE COURT: Yes.

11 BY MR. ROMINGER:

12 Q. You had a chance to run various  
13 diagnostics on Mr. Sandusky?

14 A. Yes.

15 Q. What diagnostics did you use?

16 A. There are two instruments that I used  
17 that are called objective psychologist tests.  
18 One was the *Minnesota Multiphasic Personality*  
19 *Inventory Second Edition*, MMPI-2.

20 That is the most widely used measure of  
21 psychological functioning and personality  
22 characteristics. It's got the highest validity  
23 and reliability scores. It's been accepted and  
24 researched more than just about any other --

25 MR. McGETTIGAN: Objection.

1 THE COURT: Sustained. Doctor, please.

2 THE WITNESS: Okay.

3 BY MR. ROMINGER:

4 Q. Besides the MMPI-2, what else did you  
5 use?

6 A. The Millon Clinical Inventory which  
7 assesses primarily personality structure as  
8 opposed to psychological problems, even though it  
9 does that also.

10 Q. Besides the two objective tests, did you  
11 do anything else which we would consider on the  
12 subjective side of your profession?

13 A. I spent six hours interviewing  
14 Mr. Sandusky. I spent an hour interviewing his  
15 wife. I reviewed the discovery materials, the  
16 investigation reports, the statements of the  
17 alleged victims and then more recently I had the  
18 opportunity to read Mr. Sandusky's book that he  
19 coauthored, reviewed the letters that are the  
20 reason why I am testifying today, and I also had  
21 the opportunity to review the transcript of the  
22 accusers' grand jury testimony.

23 Q. As a result of all that review, and I  
24 think you said prior to reading the letters, you  
25 reached a conclusion that he suffered from a

1 disorder?

2 A. Yes.

3 Q. What disorder is that?

4 A. Histrionic personality disorder.

5 Q. Would it help to put a slide up to  
6 explain that?

7 A. I think so.

8 Q. Doctor, can you tell the jury about  
9 histrionic personality order?

10 A. What you are seeing on the screen is  
11 from the book called the DSM-IV-TR. That's  
12 American Psychiatric Association's *Diagnostic and*  
13 *Statistical Manual Fourth Edition Text Revision*.  
14 This is considered to be the classification book.  
15 Some people refer to it as the Bible in  
16 psychiatry and psychology that we are able to  
17 look at the various criteria for each disorder to  
18 see whether or not a person might fit that  
19 particular disorder.

20 This is directly from this DSM-IV-TR.  
21 It says that a histrionic personality disorder is  
22 a persuasive pattern of excessive emotionality  
23 and attention seeking beginning by early  
24 adulthood and present in a variety of contexts as  
25 indicated by five or more of the following:

1           Is uncomfortable in situations in which  
2           he or she is not the center of attention.

3           The interactions with others is often  
4           characterized by inappropriate sexually seductive  
5           or provocative behavior.

6           Displays rapidly shifting and shallow  
7           expressions of emotions.

8           Consistently uses physical appearance to  
9           draw attention to self.

10          Has a style of speech that is  
11          excessively impressionistic and lacking in  
12          detail.

13          Shows self dramatization, theatricality,  
14          and exaggerated expression of emotions.

15          Is suggestible, easily influenced by  
16          others or circumstances.

17          And considers relationships to be more  
18          intimate than they actually are.

19          Q.   Now, the DSM-IV, my understanding is  
20          there maybe a V coming out?

21          A.   Yes.   The DSM-V will be the replacement  
22          for DSM-IV-TR.  It is expected to come out in the  
23          next year or so and it -- right now there's a  
24          tentative draft of that DSM-V.

25          In that DSM-V the ten personality

1 disorders that are listed in DSM-IV-TR are going  
2 to be collapsed into five, and those five are  
3 going to be including all of the same personality  
4 characteristics and all the same diagnoses that  
5 are included in DSM-IV-TR but for the sake of  
6 classifying them in a different way, they're  
7 going to be collapsed into five.

8 Q. I'm going to interrupt you. But  
9 basically, just so we understand, even though  
10 DSM-V is coming out IV-TR is still the one that a  
11 licensed psychologist or person in the profession  
12 relies on at this point?

13 A. That is correct.

14 Q. And V is not going to materially change,  
15 having looked at it though, your diagnosis in  
16 this case?

17 A. That's correct.

18 Q. We're going to look at your next slide.  
19 I believe you picked pages out of -- is it the  
20 DSM-IV-TR?

21 A. Yes, I have a few sections. This is --  
22 what I have just presented was the checklist.  
23 This is the description from the DSM-IV-TR of  
24 histrionic personality disorder. If I could just  
25 read a couple of these sections.

1           Individuals with histrionic personality  
2 disorder are uncomfortable or --

3           THE COURT: Doctor, you moved away from  
4 the microphone and now the jury can't hear you.

5           THE WITNESS: I actually have it.

6 BY MR. ROMINGER:

7           Q. Did you have a paper version?

8           A. Yeah. Can that be enlarged for the  
9 jury, too?

10           MR. McGETTIGAN: Your Honor, we haven't  
11 been provided this in any event.

12           MR. ROMINGER: It may be different.

13 BY MR. ROMINGER:

14           Q. Is this a picture of the DSM-IV-TR?

15           A. Yes, this is directly from -- this is  
16 directly from the -- it's the standard text.

17           Q. Okay. What significant points did you  
18 want to make out of it?

19           MR. McGETTIGAN: Your Honor, just if I  
20 may, counsel is asking the witness to read from a  
21 document which he has not provided to us. I just  
22 don't carry a DSM-IV around with me, and I would  
23 like to be able to follow along. We can't read  
24 that.

25           THE COURT: Do you have a copy?

1           MR. ROMINGER: I believe it's right here  
2           on Mr. McGettigan's screen, Your Honor.

3           MR. McGETTIGAN: I can't read that  
4           either.

5           MR. ROMINGER: Maybe if they switch  
6           seats. I don't have an extra printout of that,  
7           Your Honor. We do have it up here on the screen.

8           THE COURT: Okay. Just sit closer to  
9           the screen.

10          MR. McGETTIGAN: I will, Your Honor. I  
11          beg your pardon.

12          THE WITNESS: I apologize for how small  
13          this is. I thought this was on PowerPoint and it  
14          didn't come out that way. It can't be enlarged  
15          so easily.

16          Individuals with histrionic personality  
17          disorder are uncomfortable or feeling  
18          unappreciated when they're not the center of  
19          attention.

20          Often lively and dramatic, they tend to  
21          draw attention to themselves and may initially  
22          charm new acquaintances by their enthusiasm,  
23          apparent openness or flirtatiousness. These  
24          qualities wear thin, however, as these  
25          individuals continually demand to be the center



1 of attention. They commandeer the role of life  
2 of the party. If they're not the center of  
3 attention, they may do something dramatic such as  
4 making up stories or creating a scene to draw  
5 attention to themselves.

6 I'm skipping down a little bit.

7 The appearance and behavior of  
8 individuals with this disorder are often  
9 inappropriately sexually provocative or  
10 seductive. This behavior is directed not only to  
11 persons whom the person has a sexual or romantic  
12 interest but occurs in a wide variety of social  
13 occupational and professional relationships  
14 beyond what is appropriate for the social  
15 context.

16 Skipping down a little bit more.

17 Individuals with this disorder are  
18 characterized by self dramatization,  
19 theatricality, and an exaggerated expression of  
20 emotion. They may embarrass friends and  
21 acquaintances by an excessive public display of  
22 emotions. For example, embracing casual  
23 acquaintances with excessive ardor, sobbing  
24 uncontrollably on minor sentimental occasions or  
25 having temper tantrums.

1                   Onto the next page.

2       BY MR. ROMINGER:

3           Q.   Again, this next page is going to be the  
4       DSM-IV again?

5           A.   Individuals with histrionic personality  
6       disorder may have difficulty achieving emotional  
7       intimacy in romantic or sexual relationships.  
8       They may seek to control their partner through  
9       emotional manipulation or seductiveness on one  
10      level whereas displaying a marked dependency on  
11      them at another level.  Individuals with this  
12      disorder often have impaired relationships with  
13      same-sex friends because they're sexually  
14      provocative interpersonal style may seem a threat  
15      to their friends' relationships.  These  
16      individuals may also alienate friends with  
17      demands for constant attention.  They often  
18      become depressed and upset when they're not the  
19      center of attention.  Longer-term relationships  
20      may be neglected to make way for the excitement  
21      of new relationships.

22                   I think that's basically all that I need  
23       to go over.  The rest is pretty consistent with  
24       that.

25           Q.   Okay.  My computer is pretty slow.  So

1       forgive me.

2               Now, you made some bullet points to help  
3       us understand what you just said?

4               A.   Yes.   With the diagnosis -- given what I  
5       just read to you, there are certain assumptions  
6       that one could make.   With the diagnosis of  
7       histrionic personality disorder, someone would  
8       have a need for attention, approval, respect,  
9       admiration, intimacy.

10              With a diagnosis of histrionic  
11       personality disorder, someone would likely act in  
12       ways that would be attention-seeking, dramatic,  
13       emotional, charming, energetic, seductive,  
14       manipulative, impulsive, erratic, demanding.

15              With a diagnosis of histrionic  
16       personality disorder, someone would likely expect  
17       appreciation, loyalty, cooperation, reciprocity,  
18       and approval.

19              With a diagnosis of histrionic  
20       personality disorder, someone would, if these  
21       expectations are not met, likely feel, hurt,  
22       taken for granted, betrayed, abandoned, or used.

23              With a diagnosis of histrionic  
24       personality disorder, someone would likely under  
25       those circumstances desperately attempt to

1 maintain or reestablish that relationship.

2 With a diagnosis of histrionic  
3 personality disorder, someone would, if those  
4 attempts were that thwarted, likely become  
5 critical of these rejecting parties, particularly  
6 in relation to unmet expectations.

7 I would go right to the letters.

8 Q. Now, and let me before I go to the  
9 letters ask you a couple questions. You reached  
10 that diagnosis without first seeing the letters.  
11 When you saw the letters what struck you?

12 A. The letters made me feel more confident  
13 about my diagnosis. The field of psychology is  
14 not at the state of science where we can be  
15 confident that our diagnoses are accurate.  
16 There's a lot of subjectivity. There's a lot of  
17 personal clinical intuition, and we look for as  
18 much evidence as possible to support our  
19 diagnoses.

20 In fact, that the book that I read that  
21 Mr. Sandusky coauthored absolutely confirmed in  
22 my mind this diagnosis was one thing. But then  
23 when I read the letters, they were making it much  
24 clearer to me that this, in fact, was the  
25 diagnosis.

1           Q. Did you get a chance to review, and I'll  
2 just put up before you what you have in the  
3 PowerPoint, some of the notes and material that  
4 were provided in discovery in this case?

5           A. Yes.

6           Q. This right here, we're seeing a list.  
7 Do you know what this is?

8           A. I saw that many of the letters or almost  
9 all of the letters were addressed to one of the  
10 accusers, Brett.

11          Q. Okay.

12          A. And I did not know -- this was not  
13 addressed. I didn't know whether this was  
14 intended for someone else. So I thought these  
15 were letters that were written to more than one  
16 person. But ultimately learned that this was  
17 Mr. Sandusky's notes to himself in reference to  
18 Brett. That's my best understanding of it at  
19 this point because it does not have the name of  
20 an intended recipient.

21          Q. Now, I'll move forward to this letter  
22 here. You saw something significant here?

23               THE COURT: For the record, do you have  
24 an exhibit number on this?

25               MR. ROMINGER: I believe, Your Honor.

1           MR. FINA: The one with the questions  
2 was 22, Your Honor.

3           MR. ROMINGER: First one is 22. This is  
4 26. Commonwealth's 26.

5           THE COURT: Okay.

6 BY MR. ROMINGER:

7           Q. Anything significant about Commonwealth  
8 26?

9           A. Yes. What I did and I don't know if the  
10 jury can see it here but I have highlighted  
11 certain sections. I'm just going to just cite  
12 this.

13           I write because of the churning in my  
14 own stomach when you don't care. I write because  
15 I still hope that there will be meaning to the  
16 time that we have known each other.

17           This is an example of the expectations  
18 that the person would reciprocate the caring, the  
19 respect, and admiration. I think many of these  
20 examples that I have highlighted represent  
21 exactly those -- not only those reciprocal  
22 responses that were being expected by  
23 Mr. Sandusky but the letters represent his hurt,  
24 his disappointment, and his criticism of these  
25 people for not fulfilling what he was hoping he

1 would be getting back in return for what he gave  
2 in these relationships.

3 Q. Go ahead.

4 A. You just skipped over one. Just scroll  
5 back up a little bit.

6 Q. This is 26 still?

7 A. Yep. That's it.

8 We seem to be an inconvenience. When it  
9 is inconvenient or a little or a better deal  
10 comes along, you leave a trail of broken  
11 promises. Commitments seem to be meaningless.  
12 You don't understand or choose not to worry about  
13 loyalty, commitment, or caring. The motivation  
14 is to get what you want regardless of others.

15 Q. And then as you went -- I'm going to be  
16 frank. We'll cut this down a little bit. Let's  
17 get to the point. The next letter here which I  
18 believe is -- I'm going to take you down to one  
19 in particular. Bear with me for a second.

20 Okay. Here's another one which is  
21 Commonwealth's 24. Can you tell us what was  
22 significant in that letter?

23 A. Driving home the other night from Snow  
24 Shoe I had many thoughts, some happy, some a  
25 little sad. As you know I am very emotional and

1 kind of let everything out. I'm not good at  
2 hiding my feelings. I have many Forest Gump  
3 qualities and I thought a lot about that movie as  
4 I was driving home. As you would expect, I cried  
5 at that movie.

6 I remembered Forest and how he was so  
7 naive, oblivious to the world. I'm not very  
8 smart. He was so happy because he wasn't caught  
9 up in being anything other than a caring person.  
10 I wish I had more of that in me.

11 There was his wife and some friends who  
12 didn't understand what he did and tried to find  
13 their happiness by partying and living the fast  
14 life. So many people look for happiness that  
15 way.

16 Q. What about that terminology, that letter  
17 is consistent with histrionic?

18 A. His admission that he is an extremely  
19 emotional person; that he has strong feelings  
20 that he can't contain; that he expects that  
21 people would stay committed to him, people would  
22 be loyal. He's kind of saying that he is kind of  
23 an unusual person that's naive and not very  
24 bright in some ways and -- at least socially and  
25 in this case he was hoping that he could be



1 understood by the person that he's writing this  
2 to.

3 Q. Is self-deprecating behavior something  
4 that's common amongst histrionics?

5 A. Yes.

6 Q. Why is that?

7 A. Underlying the histrionic sense of  
8 entitlement that they get back so much and  
9 they're extending themselves so much to other  
10 people is a basic underlying insecurity, basic  
11 underlying a lack of self-confidence. Often  
12 these are people who did not have as much success  
13 in relationships, emotional or romantic  
14 relationships, earlier in life and reached out  
15 more to those people who would be more likely to  
16 admire them, more likely to look up to them, give  
17 them the approval and the admiration and love  
18 that they felt they might not be able to learn  
19 from their peers.

20 Q. So I want to ask a couple more things.  
21 You saw a report that was generated about a  
22 Dr. O'Brien?

23 A. Yes.

24 Q. I believe the Commonwealth had that  
25 done. Do you have any reaction to his report?

1           A. Dr. O'Brien basically concluded, after  
2 reviewing my report and interviewing Mr. Sandusky  
3 and reviewing some materials, that Mr. Sandusky  
4 does not meet the criteria for this disorder.  
5 But he didn't give any reasons in his report as  
6 to why he does not meet this. He just simply  
7 gave his opinion that he doesn't meet it.

8           Q. So you're pretty sure that the objective  
9 testing is consistent with histrionic  
10 personality?

11           MR. McGETTIGAN: Objection. Leading.

12           THE COURT: Sustained.

13 BY MR. ROMINGER:

14           Q. You disagree with that doctor's  
15 conclusion?

16           MR. McGETTIGAN: Objection. That's been  
17 asked and answered. He's offered his opinion.

18           THE COURT: Overruled. Go ahead.

19 BY MR. ROMINGER:

20           Q. You disagree with that opinion?

21           A. Yeah. In fact, Mr. O'Brien cites the  
22 objective testing for the Millon and cites that  
23 it does come up with the conclusion that  
24 Mr. Sandusky clearly meets the criteria for  
25 histrionic personality disorder. That's even

1 cited in Dr. O'Brien's report.

2 Q. I'm not going to belabor -- we'll go  
3 through these letters during closing. But my  
4 understanding is to a reasonable degree of  
5 psychological certainty, Mr. Sandusky suffers  
6 from histrionic personality disorder?

7 A. Yes.

8 Q. And that that disorder can explain  
9 alternatively the content of these letters as  
10 opposed to being -- quote -- creepy love letters?

11 A. Yes.

12 Q. Thank you.

13 THE COURT: Cross.

14 MR. McGETTIGAN: Your Honor, we may need  
15 to address the Court and put something on the  
16 record having to do with -- preliminarily before  
17 my cross.

18 THE COURT: Okay.

19 (Whereupon, the following discussion was  
20 held at sidebar:)

21 MR. FINA: Your Honor, I have I guess  
22 two primary concerns.

23 Number one, despite the representations  
24 that were made that this was going to be limited  
25 to the letters, I would aver that that is not

1       what happened here. I would just go through some  
2       of the facts of what I just saw.

3               Notably the expert testified -- the  
4       expert testified that he reviewed all of the  
5       evidence, the grand jury materials, the discovery  
6       in this case, the testimony of the accusers,  
7       essentially everything but the letters, when  
8       before he reached his diagnosis. He then went on  
9       to say that only after he had reached his  
10      diagnosis did he see the letters.

11             Well, the message that sends very  
12      clearly is that this disorder applies to all of  
13      his other conduct. As if that is not enough,  
14      then in the presentation of the disorder itself,  
15      there was extensive display showing to the jury  
16      in which -- I'll just read some of the language,  
17      Your Honor.

18             In which the elements of this histrionic  
19      personality order sexually, seductive, or  
20      provocative behavior. A person who assumes  
21      relationships to be more intimate than they  
22      actually are. A person who often inappropriately  
23      uses sexually, provocative, or seductive acts. A  
24      person who does things is beyond what is  
25      appropriate in a social -- in appropriate social

1 context, and then a person who engages in  
2 embarrassing -- in embracing casual  
3 acquaintances, a specific reference to embracing.

4 THE COURT: You think this is harmful to  
5 the Commonwealth?

6 MR. FINA: No.

7 MR. McGETTIGAN: It's opened the door.

8 MR. FINA: What I think, Your Honor, is  
9 this has -- this is why I want to be clear before  
10 the cross. That has not only opened the door, I  
11 respectfully, Judge, and I don't mean to  
12 overstate this. This has obliterated the door.  
13 There is no more door.

14 This has gone directly into the issue of  
15 his broader behavior including his sexual  
16 behavior.

17 I'm also concerned -- the second part,  
18 Your Honor, is that the Court gave an instruction  
19 to the jury that now I think is not accurate.  
20 The Court specifically told the jury based on the  
21 good faith representations that this was going to  
22 be limited to the letters. It seems, Your Honor,  
23 clear now that it is not limited to the letters.  
24 It is a very back door, an obvious way of going  
25 after criminal intent in this case. I think a

1 more severe instruction, a more pointed  
2 instruction now has to be made that this can in  
3 no way, shape, or form affect criminal effect.

4 I have case law on that, Your Honor. I  
5 would like to be present that to the Court where  
6 the Supreme Court has been just emphatic about  
7 this in the context by way of personality  
8 disorders saying that personality disorders are  
9 specifically inadmissible in this context.

10 THE COURT: Okay.

11 MR. FINA: I'm sorry, Judge.

12 THE COURT: I will charge the jury at  
13 the end of the case.

14 MR. FINA: Yes.

15 THE COURT: That the expert testimony is  
16 not sufficient to rebut. I have a whole thing  
17 that you haven't seen yet about intent that I  
18 have written.

19 I'm not going to say that it opened the  
20 door. Obviously, he has to explain histrionic  
21 personality disorder. He didn't talk  
22 specifically about any conduct of this case or  
23 even the defendant's specific conduct except  
24 insofar as it related to the last question was  
25 said an alternative explanation for what's been

1 described as creepy love letters. So I don't  
2 think it's opened the door and.

3 MR. McGETTIGAN: I have to ask this  
4 witness whether this histrionic personality  
5 disorder precludes the existence of a clinical  
6 diagnosis.

7 THE COURT: Sure.

8 MR. McGETTIGAN: Okay.

9 THE COURT: I have no problem with that.

10 MR. McGETTIGAN: And I'm going to ask  
11 him if some of the characteristics of histrionic  
12 personality disorder, in fact, overlap or can go  
13 with other clinical diagnosis.

14 THE COURT: That's all right, too.

15 MR. McGETTIGAN: Thank you, Your Honor.  
16 I am going to name them. Psychosexual disorders  
17 because that is, in fact -- - and Dr. Atkins  
18 confirmed this to me.

19 THE COURT: I think that's --

20 MR. ROMINGER: I don't have a problem  
21 with that.

22 THE COURT: That's fair.

23 (End of sidebar discussion.)

24 THE COURT: We'll take a 20-minute break  
25 at this point. We'll reconvene at 20 to 3:00.

1           We'll remain seated please while the  
2 jury is taken out.

3           (Whereupon, the jury was escorted from  
4 the courtroom.)

5           THE COURT: We'll be in recess until  
6 2:45.

7           (Whereupon, a recess was taken.)

8           THE COURT: You may be seated. Court is  
9 now in session.

10          Would you bring the jury in please?

11          (Whereupon, the jury was escorted into  
12 the courtroom.)

13          THE COURT: Mr. McGettigan, go ahead.

14          MR. McGETTIGAN: Thank you, Your Honor.

15                           CROSS-EXAMINATION

16          BY MR. McGETTIGAN:

17           Q. Sir, when were you retained?

18           A. I guess about a month ago, three weeks  
19 ago.

20           Q. Well, you tell me.

21           A. I don't have the exact date. My letter  
22 was written June 10th. My report was written  
23 June 10th. I would imagine it would have been  
24 about two weeks before then.

25           Q. Your report was written June 10th. Do



1       you know when it was provided to us?

2           A.    I have no idea.

3           Q.    When did you try and provide --  
4       allegedly try and provide it to Dr. O'Brien?

5           A.    I have that right here.

6           Q.    How about two days ago; does that  
7       refresh your recollection?   Sunday?

8           A.    Yes, Sunday.

9           Q.    Okay.  So that's the first time you  
10       generated a report provided to us; is that  
11       correct?

12          A.    I was asked on --

13          Q.    Excuse me.

14          A.    -- Saturday.

15          Q.    Excuse me.  If I ask a question that is  
16       susceptible to a yes or no answer, I would like  
17       you to provide and then offer any explanation you  
18       see fit.  Okay?

19          A.    Yes.

20          Q.    Is the first time you generated and  
21       tried to provide a report to us about this  
22       histrionic personality disorder was Sunday; is  
23       that correct?

24          A.    Yes.

25          Q.    Okay.  Fine.  Notwithstanding that you

1       were hired three weeks or a month ago; is that  
2       your response?

3           A.    It was a few weeks before I wrote it,  
4       yes.

5           Q.    A few weeks before you wrote it.  How  
6       much have you been paid?

7           A.    I'm charging at the rate of \$375 an hour  
8       and whatever the amount of hours were that I put  
9       into it, that's what I get paid.

10          Q.    Okay.  Who retained you?

11          A.    Mr. Amendola.

12          Q.    And you are retained for the purpose of  
13       assisting the defendant in his defense; is that  
14       correct?

15          A.    Yeah.

16          Q.    Okay.

17          A.    For whatever purpose he had in mind.

18          Q.    Okay.  And these -- the MMTI (sic)?

19          A.    MMPI.

20          Q.    MMPI.  What's the other one?

21          A.    The Millon.

22          Q.    Okay.  And one of them reflected that  
23       there was no personality disorder, did it not?

24          A.    It didn't actually say there was no  
25       personality order.

1           Q. It reflected upon. There were none  
2 available from the review of the raw material; is  
3 that correct?

4           A. Nothing that stood out significantly,  
5 correct.

6           Q. So that in one of those, there was no  
7 histrionic personality disorder indicated; is  
8 that correct?

9           A. It's not that easy to say yes or no to.

10          Q. Well, give it a try.

11          A. Maybe. Maybe.

12          Q. So you searched around and found it.

13          A. I said maybe there is an indication of  
14 aspects of that disorder.

15          Q. Okay. And now, you were retained  
16 particularly for the purpose of determining  
17 whether these letters reflected histrionic  
18 personality disorder; is that correct?

19          A. No.

20          Q. You were retained for the purpose of  
21 examining these letters to see if they were  
22 product of histrionic personality disorder; is  
23 that correct?

24          A. No. I didn't know about these letters  
25 when I was retained.

1 Q. You didn't know about the letters?

2 A. No.

3 Q. Okay. And so basically -- when did you  
4 first examine the defendant?

5 A. You asked me that before. I told you it  
6 was probably --

7 Q. No, I asked when you were retained  
8 first. Now I asked you when you examined the  
9 defendant?

10 A. Probably about a week and a half before  
11 I wrote the report.

12 Q. Do you know exactly?

13 A. I don't have that in front of me.  
14 Actually I do.

15 Q. Great.

16 A. May 24th.

17 Q. May 24th. And up until Sunday, the  
18 Commonwealth had no report. You had generated a  
19 one-page letter with one paragraph claim that the  
20 defendant suffered from histrionic personality  
21 disorder; would that be correct?

22 A. Correct.

23 Q. Okay. Now, when you were asked to  
24 examine the defendant, did they say he has these  
25 characteristics. Let's see what we got. Just

1       examine him; see what you can locate. Did they  
2       just say examine the defendant. Here's the DSM.  
3       Look and see if something is in there?

4           A.    No.

5           Q.    What did they say?

6           A.    Take a look at the discovery materials,  
7       take a look at -- talk to Mr. Sandusky, and see  
8       if you're able to have any understanding about  
9       his actions and his behavior. What can you learn  
10      that could help us.

11          Q.    Okay. So -- now --

12               MR. ROMINGER: Your Honor, I'm going to  
13      object if the Commonwealth is going to try take  
14      this outside of our very limited purpose.

15               THE COURT: Yeah. That's correct.

16               MR. McGETTIGAN: Your Honor, I'll do my  
17      best in trying to determine the diagnostic  
18      efforts and how they arose. I think that's the  
19      solution.

20               THE COURT: You're very aware of the  
21      limitations and the problems.

22               MR. McGETTIGAN: I am indeed, Your  
23      Honor.

24      BY MR. McGETTIGAN:

25          Q.    And you know the defendant's age?

1           A.   Sixty-eight.

2           Q.   And did they provide you with any  
3 records of previous psychiatric treatment,  
4 psychological examinations, or anything of the  
5 sort?

6           A.   No.

7           Q.   And you are aware the defendant had none  
8 of those issues?

9           A.   Yes.

10          Q.   So that at the age of 68, you were  
11 examining the defendant and you discovered he had  
12 -- suddenly that he had histrionic personality  
13 disorder at the age of 68? Is that a yes?

14          A.   Is that a question?

15          Q.   That's a question yes or no.

16          A.   Yes.

17          Q.   And may I have the first page there?  
18 Histrionic personality disorder. And, sir, is  
19 that from the DSM you said?

20          A.   Yes.

21          Q.   And DSM-IV-TR?

22          A.   Yes.

23          Q.   And you talked a little bit about DSM-V  
24 that you expect to come out?

25          A.   Yes.

1           Q. They're actually folding a bunch of  
2 personality disorders into one thing. This will  
3 disappear in the next DSM, will it not?

4           A. It will be collapsed into those five  
5 categories.

6           Q. No longer exist as an independent  
7 disorder. It's just going to be collapsed,  
8 correct?

9           A. Correct.

10          Q. Okay. But while it's present, this is  
11 what you are diagnosing it?

12          A. Yes.

13          Q. Okay. Let's go over these again. The  
14 second one there, interaction with others is  
15 often characterized by inappropriate sexually  
16 seductive or provocative behavior. Okay. And  
17 considers relationship to be more intimate than  
18 they actually are. You said these are some of  
19 the characteristics of histrionic personality  
20 disorder; is that correct?

21          A. That's correct.

22          Q. You are supposed to find, what, five or  
23 more of those on the list?

24          A. That's correct.

25          Q. Okay. How many did you find?

1           A.   At least five, probably six, maybe  
2       seven.

3           Q.   Obviously at least five.

4           MR. McGETTIGAN:   Your Honor, may I  
5       approach the witness?

6           THE COURT:   Yes.

7       By MR. McGETTIGAN:

8           Q.   Sir, I'm placing in front of you a book.  
9       Do you recognize the book at least by its cover?

10          A.   Yes.

11          Q.   What is it?

12          A.   That's the DSM-IV-TR.

13          Q.   Okay. Do you see there's a yellow  
14       marker there, little legal thing? There we go.  
15       Opens you to personality disorders, doesn't it?

16          A.   Yes.

17          Q.   Okay. Could you do me a favor? This is  
18       what you referred to when you talked about this  
19       list?

20          A.   Yes.

21          Q.   And what you relied upon. Could you  
22       read just that first paragraph I believe, and  
23       you'll correct me if I'm wrong, that describes  
24       what a personality disorder is?

25          A.   Yes.



1 Q. Could you do that?

2 A. This section begins with the general  
3 definition of personality disorder that applies  
4 to each of the ten specific personality  
5 disorders. A personality disorder is an enduring  
6 pattern of inner experience and behavior that  
7 deviates markedly from the expectation of the  
8 individual's culture. It's pervasive and  
9 inflexible, has an onset in adolescent or early  
10 adulthood, is stable over time, and leads to  
11 distress or impairment.

12 Q. Thank you. And you would agree that  
13 that is the DSM definition of a personality  
14 disorder?

15 A. Absolutely.

16 Q. So, and if you can -- very briefly tell  
17 me when in the defendant's adolescence or early  
18 adulthood this histrionic personality disorder  
19 arose?

20 A. It's been a part of his life throughout.

21 Q. Excuse me. When did it arise?

22 A. During the adolescence.

23 Q. Okay. Exactly when was the marker that  
24 you discovered that said it arose or that it  
25 existed?

1           A.   It's not a single marker.

2           Q.   Well, let's see the first one you  
3 located.

4           A.   I listened to him talk about his  
5 childhood. I listened to him talk about the way  
6 in which he would act around other people. How  
7 he always needed to be the center of attention,  
8 how he was also overly emotional, how he was  
9 always hypersensitive. These are things he  
10 described about his growing up.

11          Q.   That's how he described him presently.  
12 Do you have some objective marker that you were  
13 able to locate that indicated the early onset to  
14 adulthood or adolescence of these  
15 characteristics?

16          A.   The earliest I have that I could say is  
17 objective would be the book he wrote in 2000.

18          Q.   Okay. So --

19          A.   And in that book --

20          Q.   He certainly was not an adolescent or in  
21 early adulthood in the year 2000, was he?

22          A.   No, but he wrote that book before there  
23 were any charges. That book described over  
24 dozens and dozens of pages what his adolescence  
25 was like.

1           Q.   That is self description, not an  
2           objective marker; is that correct?

3           A.   That's correct.   The book itself --

4           Q.   Now, a personality disorder, I believe,  
5           leads to distress or impairment.   In fact it's  
6           supposed to interfere with the normal functioning  
7           of life, isn't it?

8           A.   It sure does.

9           Q.   Okay.   And the defendant, as you know,  
10          has a Bachelor's Degree?

11          A.   Yes.

12          Q.   Master's Degree?

13          A.   Yes.

14          Q.   Employed for 20 plus, almost 30 years in  
15          a high-functioning job; would you agree with  
16          that?

17          A.   Yes.

18          Q.   And founded a nonprofit and made that --  
19          that employed dozen of people and had millions of  
20          dollars in funding?

21          A.   That's correct.

22          Q.   And he was -- yet he was impaired in his  
23          normal functioning?

24          A.   Yes, to some extent he was.

25          Q.   Okay.   And now, may I have the next page

1 please?

2 Thank you.

3 With the diagnosis of histrionic  
4 personality disorder, someone would have a need  
5 for attention, approval, respect, admiration, and  
6 intimacy. That sounds like -- that sounds like a  
7 lot of people, doesn't it?

8 A. It does.

9 Q. Now, is this in the DSM-IV? Where is  
10 that book? Is that there? That list?

11 A. That list is not from the DSM-IV.  
12 That's collapsed from what the DSM-IV described.

13 Q. That's your version?

14 A. Yes.

15 Q. Okay. Do you have a need for attention?

16 A. I have a need for every one of those  
17 things.

18 Q. Great. Okay. So in that respect your  
19 description of histrionic personality disorder  
20 would say that, well, they have the same needs  
21 everybody else has. That doesn't help us much,  
22 does it?

23 A. I think we could say that about any  
24 diagnosis in that textbook.

25 Q. Next page please.

1           Histrionic personality disorder, someone  
2       would act attention-seeking, dramatic, emotional,  
3       charming, energetic, seductive, manipulative,  
4       impulsive, erratic, and demanding. That's sounds  
5       like that would dramatically interfere with a  
6       person's ability to function on a normal basis,  
7       doesn't it?

8           A.   Depending on the severity of these, yes,  
9       and certainly areas of a person's life would be  
10      affected by that. There's no question about it.  
11      It would not affect every aspect of their life.

12          Q.   Okay. So someone could go to work and  
13      say -- seek attention all day, be dramatic,  
14      emotional, charming, energetic, seductive,  
15      manipulative, impulsive, erratic, and demanding  
16      and still have no problem working through the  
17      day?

18          A.   The findings on these personality  
19      disorders indicate that people could be extremely  
20      high functioning and still have these personality  
21      disorders.

22          Q.   It says -- I believe you just read the  
23      description. It says leads to distress or  
24      impairment?

25          A.   That's correct.

1           Q.   So they're high functioning, yet they're  
2 distressed and impaired?

3           A.   Yes, in certain areas.

4           Q.   In this list up here, is that in the  
5 DSM-IV either, in that form?

6           A.   That didn't come in that form but all of  
7 that is from the DSM description.

8           Q.   That's your version?

9           A.   Yes.

10          Q.   Thank you.   Next page please.

11                   With a diagnosis of histrionic  
12 personality disorder, someone would likely expect  
13 appreciation, loyalty, cooperation, reciprocity,  
14 and approval.   Once again, if you lead an  
15 organization, pretty much everybody would expect  
16 that, wouldn't they?

17          A.   To some degree, yes.

18          Q.   Okay.   And, again, that's not from the  
19 DSM-IV either, is it?   That's your version of it?

20          A.   That's taken right from it but it's not  
21 verbatim from that.

22          Q.   Just so -- the word appreciation is  
23 somewhere and you put it on the list?

24          A.   That's right.

25          Q.   And the word loyalty is somewhere in

1       there. You put it on the list?

2           A. Yes.

3           Q. And the word cooperation is somewhere in  
4       there and you put it on the list?

5           A. That is correct.

6           Q. That's a big book. You could have made  
7       a bigger list, couldn't you?

8           A. It came from histrionic.

9           Q. May I have the next page please?

10               With the diagnosis of histrionic  
11       personality disorder, someone with these  
12       expectations would likely feel hurt, taken for  
13       granted, betrayed, abandoned, or used.

14               Can we go back to the other page? Thank  
15       you.

16               And now, so if someone doesn't get the  
17       list on the first page, they might feel like the  
18       list on the second page?

19           A. That's right.

20           Q. Again, you would admit that is a  
21       common-place response, would you not, among many  
22       people?

23           A. Everything is a matter of degree.

24           Q. I see. And, again, this is not from the  
25       DSM-IV. This is from your -- you saw or heard it

1       someplace and you put it on your list?

2           A.   That came from the description in the  
3       DSM-IV and from the literature on it.

4           Q.   Is there a list like this in the DSM-IV?

5           A.   Not in that exact form.

6           Q.   Okay.  So you took the word hurt from  
7       somewhere in there -- one of these disorders and  
8       put it on there and then taken for granted and  
9       put that on there and that's how you made up the  
10      list; is that correct?

11          A.   Not from different disorders.  They're  
12      all from histrionic.

13          Q.   Okay.  And if I may have the next one  
14      please?

15                Would likely under those  
16      circumstances -- did you get that from these  
17      letters that you are supposed to be talking  
18      about?  Did you say that a person with a  
19      diagnosis of histrionic personality disorder,  
20      someone would likely under those circumstances  
21      desperately attempt to maintain or reestablish  
22      the relationship; is that from the letters?

23          A.   That's from the literature on  
24      histrionic.  That's before the letters.

25          Q.   Okay.



1 MR. McGETTIGAN: Your Honor, if I may  
2 once again approach the witness?

3 THE COURT: Yes.

4 MR. McGETTIGAN: Thank you, Your Honor.

5 BY MR. McGETTIGAN:

6 Q. You have been handed a document which  
7 was previously marked and not yet published to  
8 the jury as No. 22.

9 MR. McGETTIGAN: It's No. 22, Your  
10 Honor.

11 BY MR. McGETTIGAN:

12 Q. And you relied on the letters that you  
13 saw? In some part you relied on the letters  
14 that --

15 A. Well, my diagnosis was formulated before  
16 I saw these letters. It was reinforced by the  
17 letters.

18 Q. Okay. So you relied on them at some  
19 point?

20 A. Yes.

21 Q. Okay. Fine. Would you take a look at  
22 that one?

23 A. Yes.

24 Q. You reviewed that letter; did you not?

25 A. Yes.

1 Q. Okay.

2 MR. McGETTIGAN: May I publish to the  
3 jury, Your Honor?

4 THE COURT: I don't know what it is. Do  
5 you have an objection?

6 MR. ROMINGER: I don't believe so.

7 THE COURT: All right. Go ahead.

8 MR. McGETTIGAN: Thank you.

9 BY MR. McGETTIGAN:

10 Q. I would like you to read the first line  
11 of the letter.

12 A. What was your reaction when you first  
13 met me?

14 Q. Okay.

15 A. How did you feel about me then? How do  
16 you feel about me now? Is there anything  
17 positive about me now? Do you care at all about  
18 me as a person? Is there anything satisfying  
19 about staying involved with me?

20 Q. You can stop right there for a second.  
21 Which of the characteristics of a histrionic  
22 personality disorder would you say these letters  
23 reflect? What you have read so far?

24 A. The need for attention. The need for  
25 admiration. The need for reciprocity. This

1 person is kind of consumed with themselves and  
2 wants the other person's affirmation and the  
3 other person's admiration and loyalty.

4 Q. Sir, would you agree that there is  
5 something of an adolescent quality itself about  
6 that correspondence?

7 A. Absolutely.

8 Q. Okay. And could you go on and read the  
9 next line there?

10 A. What does the word loyalty mean? Are  
11 you loyal to people who care about you? Do you  
12 trust people? Can you been trusted?

13 Q. I am going to -- I'm sorry, doctor. I  
14 just think we skipped a line there. After --  
15 could you read the line after do you care at all  
16 about me as a person?

17 A. Is there anything satisfying about  
18 staying involved with me?

19 Q. Go on.

20 A. What does the word loyalty mean? Are  
21 you loyal to people who care about you? Do you  
22 trust people? Can you be trusted? Have you been  
23 trusted by me? Do you appreciate me? Do you  
24 appreciate anything about me? Do you like me to  
25 be in control?

1           Do you take pride in conquering people?  
2       Do you ever do anything for anybody when there's  
3       nothing in it for you? When you give your word,  
4       does it have any meaning? Do you listen to  
5       anybody but yourself? How is school? Do you  
6       need anybody? What is cool? Are you cool?

7           What's your name? What's your claim to  
8       fame? Do you put much into relationships? Do  
9       you feel bad when Tim -- I can't read the last  
10      name -- drove over from Clearfield to skate with  
11      you and you didn't show? Have you ever felt sad?  
12      Have you ever been happy? What is happiness? Do  
13      you recall saying I'm lucky now? What do you  
14      think about me?

15           Do you like to compete? Do you have  
16      pride? What are your most proud of? What is  
17      love? What are your most memorable experiences  
18      with me? What would you miss most if a magician  
19      could make me disappear -- oh. What would you  
20      miss most if a magician would make me disappear?

21           Are long-term relationships important?  
22      Have you ever felt used? Have you ever felt  
23      discarded? Where are we right now? Going up a  
24      one-way street. No substance to our  
25      relationship. No use in your life. No purpose.

1       You do not care about anybody. Always find  
2       somebody else to use until you get tired of them.

3           Q.    Okay. I am going to stop you for a  
4       second now. Would you say that your review of  
5       these letters confirms, rebuts, or has no  
6       influence on your diagnosis of histrionic  
7       personality disorder by the author?

8           A.    Confirms.

9           Q.    It's confirms. Now, I'm going to ask  
10      you. Would you say that this is systematic of  
11      histrionic personality disorder or that it  
12      reflects -- well, let me put it that way.

13                Do you think this is appropriate and  
14      solely the result of histrionic personality  
15      disorder that a middle-aged man sends this to a  
16      15-year old boy?

17          A.    No.

18                MR. ROMINGER: Objection. There's no  
19      evidence this was sent to anybody.

20                THE COURT: Sustained.

21      BY MR. McGETTIGAN:

22           Q.    That it was written in regard to a  
23      15-year old boy?

24          A.    Could you ask the question again?

25          Q.    I will. You thought the specific -- the

1 fact that this letter was written to a 15-year  
2 old boy, do you find that -- by a middle-aged  
3 man, do you find that that is reflective of  
4 histrionic personality disorder only or is it  
5 consistent with another clinical diagnosis?

6 A. It is -- to some extent that letter --  
7 to a large extent that letter is a product of a  
8 histrionic personality disorder. Is the letter  
9 solely a product of that disorder? I can't say  
10 that.

11 Q. It is consistent with another clinical  
12 diagnosis; is it not?

13 A. Not necessarily.

14 Q. Sir, I'm going to ask you that very  
15 clearly. Does the fact that a middle-aged man  
16 wrote this to an adolescent boy reflect -- have  
17 any reflection on another clinical diagnosis?

18 MR. ROMINGER: Objection. It's to a  
19 thousand, not two.

20 MR. McGETTIGAN: No, it was written to  
21 Tim. It was supposed to be received by --

22 THE COURT: We don't know whether it was  
23 written to -- it's written.

24 MR. McGETTIGAN: Reference within the  
25 letter, Your Honor.

1                   THE COURT:  Objection sustained to the  
2                   phrasing of the question.

3                   MR. McGETTIGAN:  Fine.  Okay.

4                   BY MR. McGETTIGAN:

5                   Q.  You would agree -- and why don't you  
6                   tell the ladies and gentlemen of the jury that  
7                   notwithstanding what you say is a histrionic  
8                   personality disorder, that does not exclude  
9                   another clinical diagnosis, if in fact histrionic  
10                  personality disorder does exist, that does not  
11                  preclude or limit the existence of another  
12                  clinical diagnosis; is that correct?

13                  A.  That is correct.

14                  Q.  In fact you would say that what you  
15                  determined through your examination and testing  
16                  is not only consistent or reflects a histrionic  
17                  personality disorder but in fact reflects a  
18                  psychosexual -- the person has psychosexual  
19                  disorder; is that not correct as well?

20                  A.  What my findings were?  No.  You would  
21                  have to say that again.  I got lost on that.

22                  Q.  Okay.  Some elements that you found that  
23                  you say underlie this histrionic personality  
24                  disorder also underlie a psychosexual disorder;  
25                  isn't that correct?

1           A.   Some of those elements would be  
2           consistent with other disorders, including that.

3           Q.   Including psychosexual disorder?

4           A.   Yes.

5           Q.   Okay. Including a psychosexual disorder  
6           that would involve sexual contact with  
7           adolescents, would that be correct?

8           A.   Anything is possible. This does not  
9           preclude any other diagnosis.

10          Q.   I'm not asking if it precludes any other  
11          diagnosis. I am asking you if the elements that  
12          you saw, that you say underlie in this defendant  
13          what you claim is a histrionic personality  
14          disorder also underlie or are congruent with,  
15          consistent with, not in everything you saw but in  
16          that which you did see, consistent with a  
17          psychosexual disorder which involves sex with  
18          adolescents; is that correct?

19          A.   I can't go that far. I can't say that.  
20          There is no clear pattern or clear diagnosis of a  
21          psychosexual disorder without certain behaviors  
22          and Mr. Sandusky denied those behaviors.

23          Q.   Oh. So, in part your conclusion is that  
24          based on his denial?

25          A.   If, in fact, the things that he is



1 accused of are true, then he would have a  
2 psychosexual disorder. I found nothing to  
3 support that that's the case.

4 Q. Say that again.

5 A. If, in fact, what he is --

6 MR. ROMINGER: Your Honor, if he wants  
7 to ask him.

8 MR. McGETTIGAN: I didn't understand the  
9 answer, Your Honor. I'll withdraw the question  
10 and move it along, Your Honor.

11 BY MR. McGETTIGAN:

12 Q. Now, the testing that you had the  
13 defendant engage in, it also, in addition to  
14 reflecting what you say is a histrionic  
15 personality disorder, reflected deception, did it  
16 not?

17 A. To a very --

18 Q. Sir, excuse me. Do me a favor. If an  
19 answer -- if a question permits a yes or no  
20 answer, please answer yes or no and then explain  
21 away. So my question, I'm going repeat it, is:

22 The testing that you engaged in with the  
23 defendant is reflective of deception on his part,  
24 is it not?

25 A. To some extent but if I can explain it.

1 Q. Yes or no first and then go ahead.

2 A. Yes.

3 Q. There you go. Thank you.

4 A. And I can explain.

5 Q. Thank you. Go ahead.

6 A. There's several types of deception that  
7 could be determined on these tests.

8 One type of deception is to exaggerate  
9 symptoms and to make yourself look like you have  
10 a disorder. If a person, for example, is filing  
11 a lawsuit might exaggerate their symptoms because  
12 they were hurt and they want to make themselves  
13 look more depressed.

14 If a person is putting on an insanity  
15 defense, they might exaggerate their symptoms to  
16 show that they're crazy.

17 Q. Doctor, excuse me. Excuse me. An  
18 explanation of what you saw in this test, rather  
19 than the treatise on deception entirely please.

20 A. Judge, I really need to finish this.

21 THE COURT: You told him he could  
22 explain his answer.

23 MR. McGETTIGAN: Your Honor, I stand  
24 corrected, Your Honor. Go ahead.

25 THE WITNESS: There are circumstances

1       that I just gave examples of where a person would  
2       magnify their emotional problems. That's one  
3       type of deception.

4               There's another type of deception where  
5       a person needs to put on a good front, where they  
6       try to present themselves in the best possible  
7       light, where they don't want people to see the  
8       weaknesses in themselves. That's the other type  
9       of deception. That's the type of deception we  
10      have here.

11             What this testing is indicating is that  
12      if a person is minimizing their problems, if  
13      they're deceptive in the sense that they don't  
14      want you to see how they really are, we really  
15      need to go even further in explaining -- looking  
16      at these results and say it's probably more  
17      severe than the testing is even telling us  
18      because they're minimizing. That's the only  
19      deception that he showed on this test.

20      BY MR. McGETTIGAN:

21             Q.    So the deception that you saw was an  
22      attempt to minimize problems?

23             A.    Yes.

24             Q.    An attempt to conceal an element of  
25      himself?

1           A. An attempt to put himself in a better  
2 light, yes.

3           Q. An attempt to conceal an element of  
4 himself?

5           A. I wouldn't say it exactly like that.

6           Q. Then say yes or no. Attempt to conceal  
7 an element of himself?

8           A. I would have to say no.

9           Q. That's fine. Thank you.

10                   One of the things that the testing  
11 reflected, in fact it was written there, is he  
12 does appear to be virtuous, a better person doing  
13 things; isn't that it?

14           A. Very important for him to be seen that  
15 way.

16           Q. Okay. That was, in fact, the area that  
17 lit up like a red light and said deception kind  
18 of?

19           A. I'm not sure about that.

20           Q. You have the results in front of you?

21           A. Yeah, but I'm not sure that that was  
22 what lit up like a red light that caused that.  
23 There were many responses that he gave that  
24 caused the interpretation of the test to indicate  
25 that he was trying to present himself in a better

1 light.

2 Q. So there were many, many results that  
3 were deceptive?

4 A. Many answers that he gave that turned  
5 out to be part of that pattern that they  
6 considered to be him trying to present himself in  
7 a better light, yes.

8 Q. So there was a large pattern of  
9 deception?

10 A. I wouldn't say that.

11 Q. I thought --

12 MR. ROMINGER: Your Honor, I believe  
13 we're getting into the area --

14 THE COURT: Which you are.

15 MR. McGETTIGAN: I am, Your Honor.

16 THE COURT: This was supposed to be a  
17 very limited purpose, and I would have assumed  
18 the cross would have been limited as well.

19 MR. McGETTIGAN: Your Honor, may I have  
20 one moment to confer with my counsel, and then I  
21 think I'll be able to wrap up.

22 THE COURT: Yes.

23 MR. McGETTIGAN: Thank you, Your Honor.

24 MR. ROMINGER: I'm gong to go over a few  
25 points.

1 THE COURT: Very few points.

2 REDIRECT EXAMINATION

3 BY MR. ROMINGER:

4 Q. The copy of the DSM-IV, was that what  
5 Mr. McGettigan apparently has?

6 A. Yes.

7 Q. Number two. You did your report on July  
8 (sic) 9th and provided it to me and Mr. Amendola?

9 A. That's correct.

10 Q. If I told you that we provided it as  
11 soon as we got it to the judge and Mr. Fina,  
12 would that be sometime around June 9th?

13 A. Yes.

14 Q. The question you were asked about these  
15 lists of concepts that you put up and how they  
16 could be in everybody's life, the issue is that  
17 they are over magnified for some people?

18 A. Right.

19 MR. McGETTIGAN: Objection. Leading.

20 MR. ROMINGER: I'll withdraw the  
21 question and rephrase.

22 BY MR. ROMINGER:

23 Q. You put up a list of various personality  
24 traits that you drew from the DSM-IV-TR?

25 A. Yes.

1           Q. And what is significant about that that  
2 you weren't allowed to answer on  
3 cross-examination?

4           MR. McGETTIGAN: Objection, Your Honor.

5           THE COURT: Sustained.

6 BY MR. ROMINGER:

7           Q. What was significant about that list?

8           MR. McGETTIGAN: Objection, Your Honor.

9           MR. ROMINGER: I'll rephrase it one more  
10 time.

11          THE COURT: Okay.

12 BY MR. ROMINGER:

13          Q. You were asked if those would apply to  
14 everybody?

15          A. Yes.

16          Q. How do they apply to a histrionic?

17          A. The DSM-IV makes it very clear that when  
18 you look at the personality disorders as a  
19 diagnosis, that everybody to some degree has  
20 various symptoms or meets various criteria for  
21 this. Nobody is going to go through reading the  
22 criteria for this without seeing themselves in  
23 it.

24                 In order to be diagnosed with this  
25 personality disorder, these things have to be

1       evident to a degree that is causing that person  
2       to have difficulties adjusting in life or is  
3       beyond what we would typically see. If that  
4       person only has it in one area or two areas,  
5       we're not going to be able to diagnose this.  
6       They have to have at least five in this  
7       particular case.

8               We all may identify with one or two of  
9       these items. If we all identified with seven or  
10      eight of them, we may have a histrionic  
11      personality disorder. I come pretty close. I  
12      really do.

13             Q. And, finally, there was some question  
14      about the ability to function because it results  
15      in impairment. One of the impairments might be  
16      writing letters that don't come across as normal?

17             A. His behavior was inappropriate. His  
18      behavior was not typical behavior for someone his  
19      age. His behavior caused him to be viewed with  
20      suspicion at different points of his life. It  
21      led to where he is right now. If that's not a  
22      distress, I don't know what is.

23             Q. In regards to these letters alone, that  
24      is an explanation for their content and the list  
25      you saw?



1 MR. McGETTIGAN: Objection.

2 THE COURT: Sustained.

3 MR. ROMINGER: Nothing further.

4 MR. McGETTIGAN: Just briefly. One  
5 question on redirect (sic).

6 RECROSS EXAMINATION

7 BY MR. McGETTIGAN:

8 Q. Sir, can you tell us what the --  
9 enduring, inflexible, long-term impairment that  
10 the defendant suffered at the time of this  
11 adolescent onset occurred?

12 A. There have been many, and if you want me  
13 to go into them, I will. I don't know if that's  
14 part --

15 Q. No. Just tell me one. What was the  
16 first impairment that he had?

17 A. His ability to have -- sustain normal  
18 adult relationships was limited. He was not  
19 able -- he needed to search out people who would  
20 admire him and respect him to the point where he  
21 didn't pay as much attention to the adult  
22 relationships in his life. He didn't get along  
23 as well in many of the adult relationships as he  
24 did in -- as most people would.

25 Q. Thank you.

1 MR. McGETTIGAN: Thank you very much,  
2 Your Honor.

3 Thank you, sir.

4 THE COURT: Thank you, Doctor. You may  
5 step down.

6 MR. AMENDOLA: Your Honor, we call  
7 Dottie Sandusky. She's in the back room.

8 MR. McGETTIGAN: Your Honor, I thought  
9 we were going to call Dr. O'Brien.

10 THE COURT: No. I guess not.  
11 Dottie Sandusky.

12 MR. AMENDOLA: I don't have an objection  
13 if they want to do Dr. O'Brien now. It's up  
14 to them --

15 MR. McGETTIGAN: What do you want, Your  
16 Honor?

17 THE COURT: I would rather keep focused  
18 on the defense case.

19 MR. McGETTIGAN: Thank you, Your Honor.

20 MR. AMENDOLA: Dottie.

21 Whereupon,

22 DOROTHY SANDUSKY

23 was called as a witness and having been duly  
24 sworn, was examined and testified as follows:

25 DIRECT EXAMINATION

1 BY MR. AMENDOLA:

2 Q. Mrs. Sandusky, would you state your full  
3 name please?

4 A. Dorothy Dean Sandusky.

5 Q. Where do you live?

6 A. In State College.

7 Q. And how long have you lived in State  
8 College?

9 A. Since '69, 42 years.

10 Q. I'm going to ask you what seems like a  
11 silly question but for the record I have to. Do  
12 you know Jerry Sandusky?

13 A. Yes.

14 Q. Who is he to you?

15 A. My husband.

16 Q. How long have you and Jerry been  
17 married?

18 A. Forty-five years. It will be 46 in  
19 September.

20 Q. Now, can you tell us a little bit about  
21 your background? For example, did you go to  
22 college or did you go to a school after high  
23 school?

24 A. I went to a business college.

25 Q. And where did you meet Jerry?

1           A. My dad had been transferred to Chicago,  
2 and I moved with my family. I was working for a  
3 glass factory as a switchboard receptionist, and  
4 I didn't like Chicago. I was there for -- I  
5 don't even know -- six or eight months. I moved  
6 back to Washington, Pennsylvania, and lived with  
7 a girlfriend's family, and they were best friends  
8 with Jerry's family. That's how we met.

9           Q. So how did you and Jerry meet?

10          A. The family -- I think their family had a  
11 picnic and we met each other then. Then he was  
12 playing softball and his mother asked me to go to  
13 a softball game with him -- with her.

14          Q. Was she trying to fix you two up?

15          A. Maybe. I guess.

16          Q. When you first met Jerry, what was he  
17 doing? Was he working? Was he in school?

18          A. He was a senior. He was starting his  
19 senior year at Penn State.

20          Q. And when did you two actually start  
21 dating?

22          A. That summer.

23          Q. When did you two get married?

24          A. In 1966, a year and a half later.

25          Q. What was Jerry doing in 1966 when you

1 two were married?

2 A. He was coming back to Penn State to be a  
3 graduate assistant.

4 Q. Now, did there come a time when you and  
5 Jerry left State College for a short period of  
6 time?

7 A. Yes. We were at Juniata for a football  
8 season and at Boston University for a football  
9 season.

10 Q. And when did you two return to State  
11 College?

12 A. In 1969. In March of 1969.

13 Q. And why did that happen?

14 A. Because Joe called Jerry and asked Jerry  
15 to come back to coach.

16 Q. Now, did you and Jerry have any  
17 children?

18 A. Did we have any children?

19 Q. Yes.

20 A. At that time?

21 Q. Yes?

22 A. No.

23 Q. And when did you and Jerry have  
24 children?

25 A. In 1969, we had been trying for a while

1 and nothing had happened, and so we had always  
2 thought about adopting, and we were lucky.

3 Q. Do you and Jerry have any natural  
4 children?

5 A. No, we don't.

6 Q. And how many children did you and Jerry  
7 adopt?

8 A. Six.

9 Q. And can you tell us a little bit about  
10 each of them? Who are they? Their names?

11 A. Their names. Okay. There's Ray, E.J.,  
12 Kara, Jeff, Jon, and Matt.

13 Q. Tell us about your life as the wife of a  
14 football coach at Penn State.

15 A. It was a busy life because we had, you  
16 know, we had a family and it was rough. It was  
17 rough because Jerry was -- he was not around a  
18 lot. He did make -- a lot of the other coaches  
19 didn't come home for dinner but Jerry always came  
20 home for dinner and he would -- we would have  
21 dinner around 6:30, 7:00 o'clock during the  
22 season but he would go upstairs and work after  
23 that.

24 He wasn't home. It was long days, long  
25 times. He would travel a lot because they would

1 be recruiting and at one point on weekends he had  
2 to scout other teams. So he was not around a  
3 lot.

4 Q. You have the nickname of Sarge?

5 A. Yes, I do.

6 Q. How did you get that name?

7 A. I guess because I was -- I'm strict and  
8 I like for things to run a certain way, and we  
9 expect a lot of our kids.

10 Q. On average, if you can tell us -- when  
11 Jerry was still coaching at Penn State, on  
12 average during the football season, how many  
13 hours out of the day would he be away from the  
14 house or working, working with the football team?

15 A. He would probably be away from the house  
16 maybe 12 hours but then when he was home, like I  
17 said, we would have dinner at 6:30, 7:00 and he  
18 would spend an hour or so with the kids and then  
19 he would disappear up to his study to work.

20 Q. Now, when your kids and Jerry's kids  
21 were growing up, can you tell us a little bit  
22 about the life at home? Were they the only kids  
23 there? Do you have other kids come over and  
24 visit?

25 A. There were other kids that would be at

1 the house.

2 Q. When did Jerry get involved with The  
3 Second Mile, if you know? I'm not asking for an  
4 exact date. Just ball park.

5 A. I forget what year The Second Mile was  
6 founded, but I mean there were times before then.  
7 We had taken foster children and we had some  
8 foster children that went back home and we just  
9 enjoyed helping the children and we knew we  
10 couldn't have -- you know, we couldn't take any  
11 more kids into our family and Jerry felt that  
12 there was a need to start a home like that or a  
13 foundation that would help children.

14 Q. Can you tell us whether or not Jerry  
15 traveled on behalf of The Second Mile over the  
16 years?

17 MR. McGETTIGAN: Your Honor, I'm  
18 reluctant to object. I just object and ask that  
19 the direct examination be somewhat more focused,  
20 Your Honor.

21 THE COURT: I assume the nature of the  
22 questioning is to establish some sort of time  
23 schedules in terms of ability to be around home.  
24 Is that what you are going?

25 MR. AMENDOLA: Yes. Your Honor.



1 THE COURT: Okay. Let's focus on that.

2 MR. McGETTIGAN: And within the time  
3 frame relevant to this case, that's the only  
4 thing I would ask, Your Honor.

5 THE COURT: Yes.

6 BY MR. AMENDOLA:

7 Q. Let's take you then into the 1990s.

8 A. Okay.

9 Q. Mid- and late 1990s?

10 A. Um-hum.

11 Q. What was Jerry's schedule like, prior to  
12 retiring, with the football team?

13 A. Would he -- like I said before, in the  
14 mornings, he would travel with the team when the  
15 team traveled.

16 Q. I'm going to ask you to be a little bit  
17 closer to the microphone.

18 A. I'm sorry. He would travel when -- you  
19 know, with the team when they would travel. On  
20 Sundays we would go to church, have lunch, and  
21 then he would disappear for the day because they  
22 had meetings all day long.

23 MR. AMENDOLA: Your Honor, would the  
24 report permit me to maybe move over there a  
25 little bit so I can hear a little better? It

1 might save us time.

2 THE COURT: Just don't block the jury.

3 MR. AMENDOLA: I'm not. I'm going to  
4 stay back here, Your Honor.

5 BY MR. AMENDOLA:

6 Q. Mrs. Sandusky, tell me. I missed that  
7 last question -- missed that last answer. In  
8 terms of Jerry's schedule mid- to late '90s, just  
9 prior to retiring, can you tell us what his  
10 football schedule was like on average in terms of  
11 his work schedule?

12 A. It was like busy day. He would come  
13 home at 6:30, 7:00 o'clock. Would go to work.

14 On Fridays he would have a little bit  
15 more freer time. He would come spend some time  
16 with, you know, anybody, the children, our  
17 children, that were around.

18 Saturday mornings he would get up. He  
19 would take -- he would -- if there was some kids  
20 coming to footballs games, he would go get kids.  
21 Bring them to the house. He would go to the  
22 stadium.

23 Then on Sunday mornings, we would go to  
24 church. We would go to lunch with our family  
25 that was -- whatever family was around. And then

1 he would go into the office and wouldn't come  
2 home until 7:30, 8:00 o'clock at night on Sunday  
3 nights.

4 Q. And during that time was he also  
5 continuing his activities with The Second Mile?

6 A. Yes, he was.

7 Q. And tell us about what responsibilities  
8 he had with them in terms of the time frames that  
9 he was away from them for Second Mile purposes?

10 A. At that time when he was still coaching,  
11 he just did local things. I mean, sometimes it  
12 would be other things he would do around but once  
13 he retired, he was gone -- I don't even know how  
14 many -- he was gone a lot. He traveled a lot for  
15 fund raisers.

16 Q. Now, during this from mid-nineties  
17 really up through the end of Jerry's coaching  
18 career, were there times when kids from The  
19 Second Mile or kids other than your own kids  
20 visited the house?

21 A. Yes.

22 Q. How often did that occur?

23 A. It depended. It was more during  
24 football season. When there were home games and  
25 then sometimes, maybe once a month or so. I

1 don't know. I don't remember.

2 Q. Was there usually just one child who  
3 came over? Were there groups of kids?

4 A. Different things different times. Lots  
5 of groups of kids. Sometimes there were two  
6 kids. Sometimes there was only one.

7 Q. And on any of those occasions, did any  
8 of those kids stay overnight at your home?

9 A. Yes.

10 Q. And when they did, how often would that  
11 occur on average?

12 A. It depended the time of the year. Like  
13 I said, football season it would be more often  
14 because they -- you know, because they were  
15 coming to football games.

16 Q. And where would those kids sleep when  
17 they stayed at your home?

18 A. It depended on -- we would give them a  
19 choice where they wanted to sleep. We had a  
20 bedroom in the basement. We had a bedroom on the  
21 first floor and if there were any bedrooms up on  
22 the second floor that were available, they could  
23 sleep up there.

24 Q. After Jerry retired, can you tell us  
25 what year he retired from Penn State as coach?

1           A. 1999, I think. I don't remember. I'm  
2       sorry.

3           Q. You're not sure?

4           A. I'm not sure.

5           Q. But you think it was 1999?

6           A. I think.

7           Q. After he retired, did his work schedule  
8       lighten up because he was no longer coaching?

9           A. No.

10          Q. What happened?

11          A. He just became more involved in The  
12       Second Mile in fund raising and working with The  
13       Second Mile program.

14          Q. How often on average was Jerry away from  
15       home after he retired doing Second Mile things?

16          A. I would say at least two weekends a  
17       month. It was different. He did a lot of --  
18       there would be overnights that he would have to  
19       go but mainly it was he would drive for three or  
20       four hours, speak to some group, and then come  
21       back home. And it depended on the time of the  
22       year. Because in the spring time, in the  
23       summertime, it was the really busy fund raising  
24       part of the time.

25          Q. After he retired from coaching, was

1       there a change in the number of times that kids,  
2       Second Mile kids or kids would say overnight at  
3       your place?

4             A.    I'm sorry?

5             Q.    After your husband retired coaching in  
6       1999?

7             A.    Right.

8             Q.    Did the frequency with which kids stayed  
9       overnight at your home, did that increase or  
10      decrease or stay the same?

11            A.    I think it stayed the same.

12            Q.    And, again, on average how typical was  
13      it in any given month that maybe kids might stay  
14      overnight?

15            A.    Maybe once, twice a month. It depended  
16      on, like I said, on the time of the year.

17            Q.    Well, can you give us some idea? For  
18      example, during football season?

19            A.    Right. During football season, it might  
20      be more often when there were home football  
21      games.

22            Q.    How about during non-football times of  
23      the year?

24            A.    During non-football times of the year?  
25      It would depend on Jerry's schedule.

1 Q. Do you have any grandchildren?

2 A. Yes, we do.

3 Q. How many?

4 A. We have 12 and our 13th is due in  
5 September.

6 Q. How old is your oldest grandchild?

7 A. I'm sorry. We have one step-grandchild  
8 who is 17. And our youngest is 13.

9 Q. Now --

10 A. I'm sorry. Three months.

11 Q. When you and Jerry started having  
12 grandchildren, did your schedules change?

13 A. What do --

14 Q. In terms of seeing the grandkids?

15 A. Yes. We tried to spend as much time as  
16 we could with our grandkids and they were spread  
17 all over, so it was --

18 Q. Did they have a tendency to visit your  
19 home or did you go see them?

20 A. It would be both ways.

21 Q. Was Jerry also with you when that  
22 occurred?

23 A. Most of the time, he was.

24 Q. By the way to your knowledge, did you  
25 and Jerry ever own a silver colored convertible?

1           A. No, we never did. We've never had a  
2 convertible. I had one before we were married  
3 but we've never had one since we were married.

4           Q. Now, you are aware there have been  
5 certain allegations in this case that's made  
6 against your husband that he had sexual --  
7 inappropriate sexual contact with kids. You are  
8 aware of those allegations, right?

9           A. Right.

10          Q. I'm going to ask you about some specific  
11 individuals and ask you if you know them.

12          A. Okay.

13          Q. Do you know Aaron Fisher?

14          A. I did.

15          Q. Can you tell us how you know Aaron  
16 Fisher?

17          A. Because he was a Second Mile child and  
18 he used to come to visit our house.

19          Q. How often -- if you know, how often did  
20 Aaron Fisher stay at your house?

21          A. I don't know. I mean, it would -- I  
22 have no idea how many times he would stay.

23          Q. Well, was it every weekend, for example?

24          A. No, it wasn't every weekend.

25          Q. Was it three weekends out of a month?



1           A.    I don't think so.

2           Q.    Do you recall the time frame when Aaron  
3 Fisher stayed at your home?  What time period?

4           A.    I'm sorry.  I mean, I don't remember the  
5 years.

6           Q.    Did you know Jason Simcisko?

7           A.    Yes, I did.  I do.

8           Q.    And did he ever stay at your home?

9           A.    Yes, he did.

10          Q.    Can you give us a ball park idea of how  
11 often he stayed at your home?  Once a month?  
12 Twice a month?

13          A.    It would depend.  Not -- it would  
14 depend.  I have no -- it would be one time -- I  
15 don't remember.  I'm sorry.

16          Q.    And did you -- do you recall a Brett  
17 Swisher Houtz?

18          A.    Yes.

19          Q.    And did Brett stay at your home?

20          A.    Yes.

21          Q.    Can you give us a ball park idea how  
22 often Brett stayed there?

23          A.    Over --

24          Q.    Over a period of time that he stayed?

25          A.    Maybe an average of once a month.

1           Q. Can you give us an idea of the time  
2 frame when he stayed at your home?

3           A. The years?

4           Q. Yes.

5           A. I'm sorry. I'm not really good with  
6 years.

7           Q. Do you recall a Michal Kajak?

8           A. I vaguely remember the name. I met him  
9 once or twice but I really don't know him.

10          Q. And do you recall Zach Konstas?

11          A. Yes, I do.

12          Q. Did Zach Konstas ever stay overnight at  
13 your house?

14          A. I don't think he ever stayed at our  
15 house overnight.

16          Q. Do you recall a Dustin Struble?

17          A. Yes, I do.

18          Q. To your knowledge, to your recollection,  
19 did Dustin ever stay overnight at your home?

20          A. He did, um-hum.

21          Q. Can you give us again a ball park idea  
22 of how often that occurred?

23          A. Maybe once an month. I'm not sure. I'm  
24 sorry.

25          Q. Do you know a Sabastian Paden?

1           A.    Yes, I do.

2           Q.    Did Sabastian ever stay overnight at  
3 your house?

4           A.    Yes, he did.

5           Q.    Can you give us an idea of how long he  
6 stayed over or on a monthly or a yearly basis?

7           A.    On a yearly basis?   Monthly.

8           Q.    Was it every week?

9           A.    No.

10          Q.    Was it twice a month?

11          A.    I don't think so.

12          Q.    Do you recall a Ryan Rittmeyer?

13          A.    I have no idea who that is.

14          Q.    Now, did you and Jerry ever take any of  
15 these kids to the football bowl games?

16          A.    Yes, we did.

17          Q.    Who would that have been?

18          A.    It would have been Brett.

19          Q.    Brett Swisher Houtz?

20          A.    Um-hum.

21          Q.    Do you recall which bowl games that  
22 Brett accompanied you and your husband to?

23          A.    On the Outback Bowl and the Alamo Bowl.

24          Q.    And going back, I guess the Outback Bowl  
25 was first.   That would have been, I imagine from

1        what I understand, in the 1998 season. Where did  
2        you and Jerry stay when you went to that bowl  
3        game?

4            A.    Where did we stay?

5            Q.    Yes.

6            A.    Do you mean what hotel? We stayed in a  
7        hotel.

8            Q.    Who stayed there with you?

9            A.    At the Outback Bowl?

10          Q.    Yes.

11          A.    It was Jerry and I and our son and  
12        Brett.

13          Q.    So four of you?

14          A.    Right, but we had two rooms which were  
15        connecting with a door in between which we left  
16        open which was like a two-bedroom --

17          Q.    What were the sleeping arrangements?

18          A.    The boys stayed in one room and Jerry  
19        and I stayed in the other room.

20          Q.    In the Alamo Bowl the following year,  
21        who accompanied you and Jerry to the Alamo Bowl?

22          A.    Two of our sons were with us but they  
23        were with the team, and Jerry and I and Brett  
24        stayed in the room. It was like an efficiency  
25        apartment. We had -- I don't remember if it was

1 a pull-out couch or if it was hide-a-bed or a bed  
2 that came out of the wall and then we had a cot  
3 for Brett.

4 Q. Now, while you were at the Alamo Bowl,  
5 did anything unusual happen involving Brett  
6 Swisher Houtz and Jerry?

7 A. I came in one day and they were --  
8 Brett -- they were in -- it was like a -- there  
9 was a bathroom and there's a dressing area. They  
10 were standing there and I said what's going on  
11 because Jerry was very upset. And he said -- we  
12 had asked Brett if he wanted to go a luncheon  
13 which they had which was \$50 to go to. And Brett  
14 said, yeah, he would really like to go. So Jerry  
15 said okay. It was -- I think it was day of the  
16 luncheon and Brett refused to go. And Jerry knew  
17 that I would be very upset that we had spent the  
18 money and that he wouldn't go.

19 Q. Now, just so I'm clear on this. When  
20 you walked back in the room on the occasion you  
21 just described, where precisely were Jerry and  
22 Brett in the room?

23 A. They were just standing in the room. It  
24 was, you know, just like a little hallway kind of  
25 thing.

1 Q. And how were they dressed?

2 A. They had their clothes on. They were  
3 fully clothed, both of them.

4 Q. You mentioned Jerry was upset. Was he  
5 yelling? How did you know he was upset?

6 A. He was yelling.

7 Q. Do you recall what he was yelling?

8 A. No. He just said, you know -- I don't  
9 remember what he said. I just -- I know Jerry  
10 was mad because he said -- he was just -- the way  
11 he looked and he said, you know, we did this for  
12 you. You know, you have got to do this.

13 Q. And that had to do with the banquet?

14 A. Right, or luncheon.

15 Q. At that time was \$50 a lot for you and  
16 Jerry?

17 A. To us it was because we had, you know,  
18 we had our own children and our grandchildren and  
19 we took him to the bowl game with us. We had to  
20 pay for his airline ticket. We had to pay for  
21 his food and any places that we went. Like, we  
22 went to some special, you know, to the Alamo. I  
23 took him to a big theater. We did different  
24 things.

25 Q. Did Brett go to that banquet?

1           A.    No.

2           Q.    Did you go to the banquet?

3           A.    No, I didn't.

4           Q.    Do you recall if Jerry did?

5           A.    Yes.

6           Q.    Going back to when you and Jerry first  
7 met, can you tell us a little bit about his  
8 family back in Washington, PA?

9           A.    Yes. He grew up in the recreation  
10 center and his parents ran the recreation center.

11           MR. McGETTIGAN: I'm going to object,  
12 Your Honor.

13           THE COURT: Wait a second. What's your  
14 objection?

15           MR. McGETTIGAN: Relevance, Your Honor.

16           MR. AMENDOLA: Your Honor, my response  
17 is there's been a lot of talk about Mr. Sandusky  
18 having a lot of kids over to the house and what  
19 Mrs. Sandusky would testify to is as growing up  
20 and in her experience when they were dating in  
21 Washington, PA, Mr. Sandusky's parents owned the  
22 recreation building and had kids there all the  
23 time. Jerry grew up in that atmosphere.

24           MR. McGETTIGAN: We'll stipulate to what  
25 he just said, Your Honor.

1                   THE COURT: Go ahead. I'll overrule  
2 but --

3                   MR. AMENDOLA: It's going to be limited,  
4 Judge. It's not going be a half-hour question  
5 and answer.

6                   THE COURT: All right.

7 BY MR. AMENDOLA:

8                   Q. Can you tell us a little bit about  
9 Jerry's life when you met him in Washington, PA,  
10 where he lived, who he lived with and so on?

11                  A. When he was away at college, but when he  
12 came home, he stayed with his parents. His  
13 parents had an apartment on the second floor, I  
14 guess it was, of the Bronson House which was the  
15 recreation center, and there were always kids  
16 around. They had a football field. They had  
17 basketball courts. They had wrestling matches --  
18 wrestling mats. They had a pool table and the  
19 kids would come and go, and there was a  
20 playground.

21                  Q. While you were there, did you usually  
22 see lots of kids?

23                  A. Oh, yes.

24                  Q. Was that place open seven days a week?

25                  A. I don't think it was open on Sunday. I



1 don't remember. I'm sorry.

2 Q. So just six days a week?

3 A. Right.

4 Q. Did you and Jerry ever do anything when  
5 you were there with kids?

6 A. Yes, we did. We used to take kids to  
7 the park, baseball game. We would take them  
8 swimming at the swimming pool in Washington.

9 Q. These were kids from the neighborhood?

10 A. Right.

11 Q. This was a poor neighborhood, a steel  
12 town?

13 A. There were kids from -- but a lot of  
14 them that lived right around there were that type  
15 of children.

16 Q. Do you own a freezer?

17 A. Yes.

18 Q. Where is that located?

19 A. In the basement in our storage room.

20 Q. And how often do you go down to the  
21 basement area to utilize the freezer?

22 A. At least once a day. Sometimes more  
23 depending. During football season, I would go  
24 down a lot because I would freeze things and make  
25 things.

1           Q. Between the mid-90s to the late 90s and  
2 to the 2000s up until these charges were brought,  
3 between you and Jerry who usually went to bed  
4 first?

5           A. Jerry did.

6           Q. About how much of the time?

7           A. Probably 90, 95 percent of the time.

8           Q. Did you two sleep in the same room?

9           A. Yes.

10          Q. Same bed?

11          A. Yes.

12          Q. Is your basement soundproof?

13          A. No.

14          Q. How is your hearing? I realize that you  
15 are middle-aged now, 39, right? But how is your  
16 hearing?

17          A. I think it's pretty good. I mean, I  
18 hear -- I'm a very light -- I hear lots of  
19 noises.

20          Q. If you're on the ground floor -- I say  
21 the ground floor, the main floor?

22          A. Right.

23          Q. Someone is down in your basement, can  
24 you generally hear them?

25          A. Yes.

1           Q. Did you ever hear -- did you ever hear  
2 one of the young men I mentioned previously  
3 yelling for help while he was staying at your  
4 home?

5           A. No.

6           Q. In regard to Aaron Fisher, did you ever  
7 see any inappropriate contact between Jerry and  
8 Aaron Fisher?

9           A. Not really inappropriate contact. There  
10 was one time that we were watching TV and Jerry  
11 was in the lazy boy. I was on one couch. Aaron  
12 was on the other couch. We were watching TV, and  
13 all of a sudden just in the middle of the show, I  
14 think it was baseball or something, he jumps up  
15 and runs and jumps in the chair with Jerry.

16                   And we went to -- Jerry had gotten a  
17 phone call from his mother or his granddad, I  
18 don't remember which, asking Jerry if he would  
19 come to see Aaron wrestling. He was wrestling at  
20 Bald Eagle. So Jerry and I went. When we walked  
21 into the gym, Aaron was clear across the room.  
22 He ran clear across the room and jumped up and --  
23 jumped up and hugged Jerry.

24           Q. In regard to Jason Simcisko --

25           A. Um-hum.

1           Q.   -- while he was in your presence at home  
2           or somewhere else, did you ever see any  
3           inappropriate contact or conduct between Jerry  
4           and Jason?

5           A.   No.

6           Q.   With regard to Brett Swisher Houtz, did  
7           you ever see any inappropriate contact between  
8           Brett and Jerry?

9           A.   No.

10          Q.   In regard to Michal Kajak and I believe  
11          you said you only remember seeing him once or  
12          twice?

13          A.   That's all I remember.

14          Q.   Did you ever see any inappropriate  
15          contact between Michal Kajak and Jerry?

16          A.   No.

17          Q.   And in a regard to Zachary Konstas, did  
18          you ever see any inappropriate contact between  
19          Zach and Jerry?

20          A.   No.

21          Q.   Now, were you aware that there was a  
22          1998 investigation regarding Zach?

23          A.   After it happened, I was.

24          Q.   What was your understanding about that?

25          A.   That Jerry had showered with Zach and

1       that it had been investigated and his mother had  
2       called him over to talk to him, and he talked to  
3       her, and a few days later we received a letter  
4       from the state saying that there were no charges.

5           Q.   When's the last time you recall seeing  
6       Zach Konstas?

7           A.   It was sometime last summer.

8           Q.   Under what circumstances?

9           A.   He went out to dinner with us.

10          Q.   I'm sorry.  What?

11          A.   He went out to dinner with us.

12          Q.   Do you recall where you went?

13          A.   We went to the Cracker Barrel.

14          Q.   And was there anyone else there?

15       Another --

16          A.   Another Second Mile child was with us.

17          Q.   How would you describe that dinner?

18          A.   It was very good.  We talked about  
19       Zach's school and how he was doing in school and  
20       how his life was changing because of his values  
21       and the Bible school that he was going to.  We  
22       talked about his trip -- his mission trip that he  
23       had taken.

24          Q.   In regard to Dustin Struble, did you  
25       ever see any inappropriate contact between Jerry

1 and Dustin Struble?

2 A. No.

3 Q. Do you recall the last time you might  
4 have seen Dustin Struble, when that would have  
5 been?

6 A. Maybe -- time just goes. It was  
7 probably a year, year and a half ago. He worked  
8 at the Cinema Six Theaters and I went to a movie  
9 and he was working. I talked to him there.  
10 Maybe it was longer. I don't remember when they  
11 closed.

12 Q. In regard to Sabastian Paden, did you  
13 ever see any inappropriate contact between Jerry  
14 and Sabastian?

15 A. No.

16 Q. Do you recall the last time you saw  
17 Sabastian?

18 A. It was this football season.

19 Q. Last year?

20 A. In 2011, um-hum.

21 Q. And --

22 THE COURT: I'm sorry. What year?

23 THE WITNESS: 2011.

24 BY MR. AMENDOLA:

25 Q. Can you tell us the circumstances around

1       that get-together, that meeting?

2           A.   He and a friend came over for a football  
3       game. Jerry went to pick them up. I don't think  
4       -- we didn't tailgate in 2011. We used to  
5       tailgate with a group of people from our church  
6       and take Second Mile kids with us. We went to  
7       the game and Jerry got a phone call halfway  
8       through the game because we were sitting in the  
9       press box. The boys were sitting down in the  
10      stand. The kid that was with him had to go home  
11      because his girlfriend was in the hospital. So  
12      we had to leave the game at half time and take  
13      them back to Lewistown.

14           Q.   Going back to be Zach Konstas for a  
15      moment.

16           A.   Um-hum.

17           Q.   After that 1998 incident that you  
18      indicated earlier was reported as unfounded, did  
19      Zach have additional further contact with you and  
20      Jerry?

21           A.   Oh, yeah.

22           Q.   How often?

23           A.   Whenever he would come home from school,  
24      he would -- you know, he would come. Sometimes  
25      he would come to football games, too. If he came

1 home, he would go to his dad's and then they  
2 would come down to a football game.

3 Q. What, if anything, can you tell us about  
4 the mission trip that Zach took to Mexico and  
5 your involvement, Jerry's involvement?

6 A. I don't remember if he wrote us or  
7 called us and asked if we would sponsor him to go  
8 on a mission trip.

9 Q. Did you --

10 A. Yes, we did.

11 Q. -- give him financial assistance?

12 A. Um-hum, we did.

13 Q. Were there any times when Zach would  
14 come back after he left and borrow the family  
15 car?

16 A. Yes. There was a car he would come back  
17 -- because his dad didn't live in State College  
18 and he needed the car to go see friends and his  
19 mother.

20 Q. Now, in regards to Brian Rittmeyer, as I  
21 recall, you said you don't remember him at all?

22 A. I have know idea who he is.

23 Q. No idea today who that is?

24 A. No, I don't. I'm sorry.

25 Q. Going back to Brett Swisher Houtz, when



1 is the last time you and Jerry saw him?

2 A. I think it was three years ago or two  
3 years ago. I'm not sure.

4 Q. You have to keep your voice up.

5 A. I think it was two or three years ago.  
6 I'm not sure.

7 Q. Can you tell us about that?

8 A. Yeah. Jerry got a phone call. It was  
9 Brett. He said I want to come over. I want to  
10 bring my girlfriend and my baby for you to see.  
11 The baby was like two years old.

12 And they came over and my friend Elaine  
13 Steinbacher was there and we went and got  
14 Kentucky Fried Chicken and had dinner. And it  
15 was a very pleasant visit.

16 Q. How would you describe that meeting when  
17 Brett stopped over with his girlfriend and with  
18 his baby?

19 A. It was good to see him and, you know,  
20 think he had gotten his life together and things  
21 were going really well for him.

22 Q. Did you feed him?

23 A. Yes, we did.

24 Q. Do you remember what you fed him?

25 A. Yeah. Kentucky Fried Chicken.

1 Q. Who got that?

2 A. Elaine and I went to get it.

3 Q. Thank you. That's all I have.

4 THE COURT: Cross.

5 MR. McGETTIGAN: Very briefly, Your  
6 Honor.

7 CROSS-EXAMINATION

8 BY MR. McGETTIGAN:

9 Q. Ma'am, I have to ask you a few  
10 questions.

11 A. Sure.

12 Q. You said that Second Mile kids just  
13 stayed at your house frequently?

14 A. I said they stayed, um-hum.

15 Q. Frequently?

16 A. Not -- often, yes, but not -- I mean, I  
17 can't tell you exactly how many times.

18 Q. Okay. This would be over the course of  
19 many years? This would be over the course of  
20 many years, would it not?

21 A. Sure.

22 Q. Going back to the nineties at the very  
23 least?

24 A. Yes.

25 Q. And extending up until as recently as

1       2008, would that be correct?

2           A.    I guess.  Until the charges were  
3 brought, um-hum.

4           Q.    And so you would recall back in the  
5 nineties, late nineties Brett Swisher staying at  
6 your house?

7           A.    Yes, I do.

8           Q.    And you recall his latest 2008,  
9 Sabastian Paden staying at your house?

10          A.    Right, um-hum.

11          Q.    And in between there would be other  
12 children staying in the house frequently,  
13 correct?  Sometimes?

14          A.    The frequently to me is not -- what do  
15 you mean by frequently?

16          Q.    How often -- can you tell us how often  
17 say, for instance, Brett would stay at your  
18 house?

19          A.    It would be different times depending on  
20 Jerry's schedule.

21          Q.    Can you give us an idea about how many  
22 times on an average six-month period would Brett  
23 stay at your house?

24          A.    In what year?

25          Q.    1999?

1           A.   He would stay overnight in six months?

2           Q.   Yes.

3           A.   Maybe -- I don't know.  Maybe ten times.

4   I have no idea.  I'm sorry.

5           Q.   Could be more?  Could be less?

6           A.   Could be more.  Could be less.

7           Q.   Okay.  Did you ever stay at the

8   Toftrees?

9           A.   Did I ever stay at Toftrees?

10          Q.   Yes.

11          A.   No, I didn't.

12          Q.   Do you know what the Toftrees --

13          A.   Yes, I do.

14          Q.   Okay.  So you knew what the purpose --

15   you knew that's where the players stayed the

16   night before a game?

17          A.   Right.

18          Q.   Did you know Brett stayed there as well?

19          A.   Yes, I did.

20          Q.   Aaron Fisher stayed at your house as

21   well?

22          A.   Yes, he did.

23          Q.   Okay.  And he stayed there fairly

24   frequently?  Frequently -- again, frequently is a

25   tough one to call?

1           A.    Right.

2           Q.    But he stayed there a lot?

3           A.    Right -- I wouldn't say a lot.

4           Q.    Okay.  And Sabastian Paden would stay at  
5 your house a fair amount; would you agree with  
6 that?  Sabastian?

7           A.    Sabastian would stay at our house  
8 frequent?  He would stay but I wouldn't call it  
9 frequent.

10          Q.    Wouldn't call it frequently.  And would  
11 all of them stay downstairs in the basement?

12          A.    They had a choice to stay wherever they  
13 wanted to stay.  As I said before, we have a  
14 bedroom in the basement, a bedroom on the first  
15 floor, and we have bedrooms upstairs.  Sometimes  
16 they would sleep upstairs if the kids weren't at  
17 home.

18          Q.    And you said earlier in questions from  
19 Mr. Amendola you said that you were -- that you  
20 were frequently the last one up, that the  
21 defendant would go to sleep earlier before you?

22          A.    I stay up late.  I haven't lately but I  
23 used to all the time.

24          Q.    But would you agree that it was your  
25 husband who put the kids to bed?

1           A.    Would he put them to bed?

2           Q.    The Second Mile kids?

3           A.    He would go down and tell them  
4    goodnight, yes.

5           Q.    So that even though on most occasions  
6    you might be the one who would go to bed --

7           A.    No, I'm sorry. I don't think I did go  
8    to bed before Jerry goes to bed.

9           Q.    Oh, no, no, no. I mean you had said he  
10   went to bed first usually?

11          A.    Yes.

12          Q.    Okay. But he would put the kids to bed.  
13   You didn't do that?

14          A.    I didn't say he would put them to bed.  
15   He would go down and tell them goodnight. I  
16   would tell them goodnight.

17          Q.    You would go down and tuck them in or  
18   something like that?

19          A.    No, I don't go down and tuck them in.

20          Q.    The defendant would? I mean --

21          A.    I don't know. I don't know. I just  
22   know he would go and tell them goodnight.

23          Q.    I am going to ask you just take a look  
24   and see if you recognize some people if you can,  
25   okay?

1           A.    Okay.

2           Q.    Thanks.  Do you recognize that young  
3   man?

4           A.    Um-hum.

5           Q.    Where do you recognize him from?  Did he  
6   stay at your house?

7           A.    Yes, he did.

8           Q.    Okay.  Do you know his name?

9           A.    Aaron.

10          Q.    The next one.  Do you recognize that  
11   young man?

12          A.    No, I don't.

13          Q.    If I give you a hint?  Jason Simcisko?

14          A.    Okay.  That's not what I remember him  
15   looking like.  I'm sorry.

16          Q.    Okay.  Next one?

17          A.    Brett.

18          Q.    Next one.  You were asked by  
19   Mr. Amendola about Michal Kajak.  Does that ring  
20   a bell now?

21          A.    No.  I don't remember that's what he  
22   looked like.

23          Q.    You remember the name Michal Kajak?

24          A.    Right.

25          Q.    Next please.  Zach Konstas?  You

1 recognize him?

2 A. Right.

3 Q. Thank you.

4 A. Dustin.

5 Q. Dustin Struble. Okay. Thank you.

6 A. And Sabastian.

7 Q. Is that how he looked when he would stay  
8 at your house sometimes?

9 A. Like that?

10 Q. Not the face but that age?

11 A. Well, yeah.

12 Q. Next. Ryan? Doesn't ring a bell?

13 A. (Witness shakes head side to side.)

14 Q. Thank you. And you said you had Zach  
15 Konstas, you had a long-term relationship -- you  
16 and your husband had a long-term relationship  
17 with Zach?

18 A. Yes.

19 Q. Good relationship?

20 A. I thought, yes. I mean, every time he  
21 would come in the door, he would give us a hug  
22 and say how good it was to see us.

23 Q. And do you recall your last meeting with  
24 Brett Swisher was not one that was hostile. In  
25 fact, he came over with his child; would be



1 correct as well?

2 A. Correct.

3 Q. Do you recall the last time Sabastian  
4 was at your home?

5 A. Yes. It was this last football season.

6 Q. Do you recall his mother having to come  
7 and get him in the middle of the night?

8 A. No, I don't.

9 Q. In terms of particularly Zach and Brett,  
10 these were both rather long-term relationships  
11 that each of these young men had -- where they  
12 started out as boys and ended up as young men,  
13 had with you and your husband; would that be  
14 correct? They were kind of long-term  
15 relationships; were they not?

16 A. Well, they fell -- we would see them but  
17 once they were in high school and once they were  
18 in college, we didn't -- you know, you didn't see  
19 them that much.

20 Q. Well, but during the course the  
21 relationship that your husband and you had with  
22 the defendant (sic) lasted over three or four  
23 years; wouldn't you say?

24 A. Yes.

25 Q. You took him to bowl games?

1           A.   Yes.  We took Brett to bowl games.

2           Q.   Brett.  Yeah.

3           A.   Right.

4           Q.   Okay.  And the same thing with Aaron  
5 Fisher, you would agree that the relationship  
6 that your husband had with Aaron Fisher lasted  
7 over three years; would you not?

8           A.   I guess.  I'm sorry.  I don't --

9           Q.   That's okay.

10          A.   My memory and time is not good.

11          Q.   I understand.  And I know you talked  
12 about you were raising your own adopted children,  
13 you know, at one point.  At the time that Brett  
14 was around, you still had one or two in the home,  
15 didn't you?

16          A.   I don't think so.  I think there was  
17 only -- one might have been in college and back  
18 and forth but that would have been it.

19          Q.   Just because I remember Mr. Amendola  
20 asked you about spending some money on this kid?

21          A.   We were still helping our kids because  
22 we had two in college at the time, and our other  
23 kids had just started out and we were helping  
24 them also.

25          Q.   Okay.  And who decided to take Brett to

1 the bowl game, you or --

2 A. Jerry talked to me about it and said,  
3 you know, he thought it would be nice. Did I  
4 mind and would it be okay.

5 Q. Just take a look at this picture,  
6 please, ma'am?

7 A. Sure. Um-hum.

8 Q. That was taken at your home, wasn't it?

9 A. Yes, it was.

10 THE COURT: You want to identify these  
11 for the record?

12 MR. McGETTIGAN: I beg your pardon, Your  
13 Honor.

14 BY MR. McGETTIGAN:

15 Q. You are being shown a couple pictures.  
16 The first one you were shown was Commonwealth's  
17 5. And the next one was Commonwealth 2. And so  
18 do you recognize that last one there?

19 A. Yes.

20 Q. That 2?

21 A. Um-hum.

22 Q. That was taken at your home, wasn't it?

23 A. Yes, it was.

24 Q. And that's Brett right there?

25 A. Right.

1 Q. Nice kid?

2 A. He was -- he's -- I mean, he had his  
3 problems. He was very demanding and he was very  
4 conniving and he wanted his way and he, you know,  
5 didn't listen a whole lot.

6 Q. And notwithstanding that, you made your  
7 best efforts, your husband did, over the next  
8 three or four years. Do you know how old Brett  
9 was there when that picture of him was taken in  
10 your home?

11 A. I have no idea. Maybe -- I don't know.  
12 Ten, nine.

13 Q. And you would agree your husband  
14 maintained a relationship with him for the next  
15 three or four or five years after that, wouldn't  
16 you, or you don't recall?

17 A. I don't think it was that long but I  
18 don't know.

19 Q. You are now going to be shown a picture  
20 marked Commonwealth's C-40. Do you know who that  
21 is in that picture?

22 A. That's Aaron.

23 Q. Okay. That was taken in your home as  
24 well?

25 A. Yes.

1           Q.   And you said Brett was kind of  
2   demanding, conniving, okay?

3           A.   Um-hum.

4           Q.   Wanted his own way.  Was there something  
5   wrong with Aaron that you can recollect?

6           A.   Aaron was very clingy to Jerry.  Aaron  
7   would never look people in the eye, not just me,  
8   not just Jerry.  He would not look at people.

9           Q.   How about Dustin?

10          A.   Dustin?  Dustin was a very nice --  
11   Dustin was great.

12          Q.   Nothing springs to mind that was wrong  
13   with him?

14          A.   I had no problems with Dustin.

15          Q.   How about Zach?

16          A.   No.

17          Q.   How about Jason?

18          A.   Jason?  No.

19          Q.   Okay.  And Ryan you don't recall?

20          A.   Right.  And Michal.

21          Q.   And Michal Kajak?  Yeah.

22          A.   No.

23          Q.   And Sabastian?  Okay kid?  Nice kid?

24          A.   He was a kid that -- he was a charmer.  
25   He knew what to say, when to say it.

1 Q. He had a few more problems than other  
2 kids, wouldn't you say?

3 A. Sabastian?

4 Q. Yeah.

5 A. I don't know.

6 Q. You weren't aware of any of his problems  
7 that he had?

8 A. No, I wasn't aware of any of his  
9 problems.

10 Q. Were you aware of his family situation?

11 A. I knew his mom was a single mom.

12 Q. Do you remember anything else about his  
13 personal life?

14 A. No.

15 Q. Were you aware of anything about Aaron's  
16 personal life?

17 A. About Aaron's?

18 Q. Yeah?

19 A. About Aaron's personal life?

20 Q. Yes.

21 A. Yes, I was.

22 Q. How about Brett? Were you aware of  
23 anything about his personal life?

24 A. Yes. I knew Brett's mom. Brett's mom  
25 worked at Giant and we used to talk a lot when

1 she lived here.

2 Q. I think we've, you know, mentioned all  
3 these children. And did you know Michael  
4 McQueary?

5 A. Do I know Mike McQueary?

6 Q. Yes.

7 A. Yes, I do.

8 Q. Michael McQueary had been to your home  
9 at sometime in the distant past you think? Or  
10 you knew him from the football team?

11 A. I don't remember him being at our house.

12 Q. Okay.

13 A. But maybe he was. I don't know.

14 Q. You knew him from the football team?

15 A. I'm sorry?

16 Q. You knew him from the football team?

17 A. He played football with our one son.  
18 They were on the same high school football team.  
19 I knew him that way, not personally.

20 Q. Okay. Off the top of your head, can you  
21 think of any reason why any of these persons I've  
22 named, those young men, those boys, those young  
23 men or Mike McQueary would lie about anything?

24 A. Would lie?

25 Q. Yeah. Can you think of a good reason

1       why they would?

2           A.    I -- I don't know what it would be for.

3           Q.    Thanks very much, ma'am.

4           Mr. McGETTIGAN:  I have nothing further,  
5   Your Honor.

6           MR. AMENDOLA:  Nothing on redirect, Your  
7   Honor.

8           THE COURT:  Thank you.  You can step  
9   down.

10          MR. AMENDOLA:  Your Honor, may we  
11   approach?

12          THE COURT:  Yes.

13          (Whereupon, a sidebar discussion was  
14   held off the record.)

15          THE COURT:  We'll be back in session.  I  
16   believe the Commonwealth is going to take a  
17   witness out of turn.

18          MR. McGETTIGAN:  Your Honor, the  
19   Commonwealth calls Dr. O'Brien.

20          Whereupon,

21                               JOHN O'BRIEN  
22   was called as a witness and having been duly  
23   sworn, was examined and testified as follows:

24          MR. McGETTIGAN:  If I may, Your Honor.

25          THE COURT:  Yes.



1 MR. McGETTIGAN: Thank you.

2 DIRECT EXAMINATION AS TO QUALIFICATIONS

3 BY MR. McGETTIGAN:

4 Q. Could you state your full name please,  
5 sir?

6 A. Yes. It's John Sebastian O'Brien, II,  
7 last name O--B-r-i-e-n.

8 Q. Another Sebastian. Dr. O'Brien, what is  
9 your profession?

10 A. And I'm a psychiatrist and medical  
11 doctor and a lawyer.

12 Q. And can you give us a brief -- a brief  
13 recitation of your professional -- your education  
14 and professional background?

15 A. Sure. I'm a graduate of Jefferson  
16 Medical College in Philadelphia and Georgetown  
17 Law School in Washington, DC. I did my  
18 psychiatric training at George Washington  
19 University Hospital in Washington, DC. And since  
20 the time of my residency, I worked for a number  
21 of different hospitals, initially from the State  
22 of Maryland and then different hospitals in  
23 Philadelphia until 1996 and then in -- since 1996  
24 I have been in private practice of outpatient  
25 psychiatry treating patients in my office and

1 participating in forensic psychiatry evaluations  
2 both civilly in connection with civil cases like  
3 personal injury cases, malpractice cases, and  
4 criminally in connection with cases such as this  
5 one and others.

6 I also am a salaried consultant for the  
7 Court of Common Pleas in Philadelphia for the  
8 criminal courts and in connection with that job,  
9 I do up to 300 evaluations per year by court  
10 order directly for the Courts in connection with  
11 criminal cases.

12 A percentage of those, and it varies  
13 from one moment in time to another, is pretrial  
14 evaluations primarily to assess for the presence  
15 of a psychiatric illness and whether or not the  
16 person is competent to stand trial. And then a  
17 portion is post trial, after trial, evaluations  
18 and in those situations, the focus is on whether  
19 or not a person has a psychiatric illness and if  
20 they need treatment during their sentencing.

21 When I say psychiatric illness, it's  
22 actually a broader umbrella. It includes  
23 psychiatric illness, substance abuse disorders,  
24 alcohol abuse, and also what we call cognitive  
25 disorders diagnoses which would be brain damage.

1           In addition, I am sort of a backup  
2       mental health screener for the Federal Court in  
3       Philadelphia. When they need additional  
4       assistance, they'll call me up and I'll do  
5       evaluation for them on a case-by-case basis. I'm  
6       also on the medical panel for the Bureau of  
7       Pensions and Retirement for the City of  
8       Philadelphia in connection with which I evaluate  
9       people who are city employees who are seeking  
10      disability retirement and part of that -- part of  
11      the disability that's being alleged includes  
12      psychiatric problems, not -- it doesn't come up  
13      that frequently but sometimes it does. In those  
14      cases, there are a couple of psychiatrists that  
15      do what I do. The board will refer the case to  
16      me or the other individuals. The employee gets  
17      evaluated and then the report goes to the board  
18      and the board decides if the person is put on  
19      disability.

20           THE COURT: Doctor, could I ask you to  
21      just move a little closer to the microphone?

22           THE WITNESS: Sure.

23           THE COURT: Thank you.

24           THE WITNESS: Sure.

25           MR. ROMINGER: Your Honor, we'll agree

1       that he's an expert in psychiatric medicine -- I  
2       mean in psychology.

3               MR. McGETTIGAN: One or two more  
4       questions on qualifications, and I'll move on.

5               THE COURT: Okay.

6       BY MR. McGETTIGAN:

7               Q. Dr. O'Brien, in the course of your work  
8       as both a psychiatrist and a forensic  
9       psychiatrist, have you had occasion to examine  
10      people to determine if they had cognitive  
11      dysfunction, whether they were sane or whether  
12      they had personality disorders, haven't you?

13              A. Oh, Yes.

14              Q. And can you tell the ladies and  
15      gentlemen of the jury approximately how many  
16      people -- ball park how many you may have  
17      examined for some area of a psychiatric disorder?

18              A. It's probably in the thousands. As I  
19      said, see up to 300 cases just for the Courts in  
20      Philadelphia. That's in addition to the private  
21      cases I see. I have been doing that since 1996.  
22      So it's been quite a number of cases and I have  
23      been practicing forensic psychiatry since  
24      returning to the Philadelphia area in 1986.

25              Q. Have you ever been qualified to give

1 your opinion as an expert in the field of  
2 psychiatric disorders such as personality  
3 disorders in the past?

4 A. Have I ever qualified?

5 Q. Qualified as an expert?

6 A. Yes.

7 Q. On how many occasions?

8 A. Many, many.

9 Q. In excess --

10 A. Probably in the thousands. I couldn't  
11 tell you exactly.

12 Q. Okay. You have often testified --  
13 offered testimony in federal court?

14 A. Yes. Federal and state courts  
15 throughout Pennsylvania, courts in Delaware,  
16 Jersey, both federal and state courts. My  
17 practice tends to be Regional Tri-State. So it's  
18 mostly Delaware, Jersey -- New Jersey and  
19 Pennsylvania.

20 MR. McGETTIGAN: Have any questions on  
21 qualifications?

22 THE COURT: Voir dire on qualifications?

23 CROSS-EXAMINATION AS TO QUALIFICATIONS

24 BY MR. ROMINGER:

25 Q. Did you say 300 cases a year for the

1 Philadelphia Court or 300 total?

2 A. Up to 300 per year.

3 MR. ROMINGER: I have no other  
4 questions. I think I already said that I am  
5 satisfied.

6 THE COURT: You may proceed.

7 MR. McGETTIGAN: Thank you, Your Honor.

8 DIRECT EXAMINATION

9 BY MR. McGETTIGAN:

10 Q. Dr. O'Brien, I'm going to ask if you had  
11 occasion to examine the defendant, Jerry  
12 Sandusky?

13 A. Yes, I did.

14 Q. When did you conduct your examination?

15 A. I saw Mr. Sandusky on Father's Day, on  
16 Sunday.

17 Q. Okay. And prior to that examination,  
18 did you have the benefit of any testing that was  
19 allegedly conducted by Dr. Atkins?

20 A. I believe I received it before I saw  
21 Mr. Sandusky. It was faxed to me by  
22 Mr. Amendola's office.

23 Q. Okay. Just give us a brief description  
24 how you tried to get those reports that day.

25 A. Well, it was a little more complicated

1       than I thought it would be.

2               MR. ROMINGER:  Objection.  Relevance.

3               MR. McGETTIGAN:  Your Honor, we have put  
4       this witness on a very pressed time frame.  I  
5       think he's entitled to explain how he got these  
6       reports.

7               THE COURT:  He got the reports, right?

8               THE WITNESS:  Yes.

9               THE COURT:  Okay.

10              MR. McGETTIGAN:  Fine.

11              THE COURT:  All right.

12       BY MR. McGETTIGAN:

13              Q.  Did you have a chance to review the  
14       reports?

15              A.  Yes, I did.  I think I reviewed some of  
16       them prior to seeing Mr. Sandusky and some  
17       afterward.

18              Q.  Okay.  And you were permitted then and  
19       did sit in the courtroom and hear the testimony  
20       of Dr. Atkins?

21              A.  Yes.  And I also heard the testimony of  
22       some character and fact witnesses and  
23       Mrs. Sandusky's testimony.

24              Q.  Okay.  And can you tell the ladies and  
25       gentlemen of the jury first about what your

1 review of the test, I think the MMPI and the  
2 other test whose name I forget, what your review  
3 of them revealed and how it relates to the  
4 testimony offered by Dr. Atkins?

5 A. Okay. The two tests that Dr. Atkins  
6 testified about, one is called the Minnesota  
7 Multiphasic Personality Inventory. It's a  
8 personality test that also looks at the presence  
9 of other psychiatric symptoms. The second one is  
10 the Millon Clinical Multiaxial Inventory. That's  
11 also a personality test.

12 The way in which these tests are taken  
13 is basically an individual answers questions and  
14 fills out an answer sheet and then the answer  
15 sheet is computer scored most of the time these  
16 days. In the old days, psychologists would score  
17 them themselves, but pretty much nowadays you  
18 just feed the answer sheet into a computer using  
19 whatever computer program for scoring you prefer.  
20 And then a report is generated.

21 What I received was the  
22 computer-generated reports for those two tests.

23 What was noteworthy is that both tests  
24 picked up a tendency on Mr. Sandusky's part to  
25 portray himself in overly positive terms and to



1 deny having any problems. I think this was what  
2 Dr. Atkins testified to as the misrepresentation  
3 or the -- I forget the term used. But the way in  
4 which the tests showed that he wasn't being fully  
5 straightforward.

6 The Minnesota Multiphasic Personality  
7 Inventory computer printout is several pages  
8 long. I think the actual test is eight pages or  
9 seven pages and a little bit on an eighth page.

10 The Millon Clinical Multiaxial Inventory  
11 is very short. This is the entirety of the  
12 report.

13 Dr. Atkins testified, and I was a bit  
14 perplexed by this, that the tests didn't indicate  
15 that -- one of the tests did not indicate that  
16 Mr. Sandusky did not have a personality disorder.  
17 In other words, one of the tests showed that he  
18 didn't have a personality problem. But, in fact,  
19 the Minnesota Multiphasic Personality Inventory,  
20 the eight-page test which or eight-page report  
21 which is a more comprehensive test, came to the  
22 conclusion that the profile that Mr. Sandusky  
23 exhibited was within normal limits. So that  
24 means that there's no specific diagnosis  
25 suggested.

1           It also went on further to say that the  
2     profile suggested mild histrionic personality  
3     traits. But it goes into or specifically  
4     mentions viewing or assessing or accepting the  
5     results with caution. And that's because of this  
6     misrepresentation of one's self or of  
7     Mr. Sandusky as being better than he may be.

8           Specifically, the test makes reference  
9     to this in a very specific way. I just want to  
10    find it because I think it's useful to refer to  
11    it.

12          Okay. This is on page 4 of the report  
13    and it reads: The indications from a  
14    consciousness defensiveness scales -- that's a  
15    scale is what the test breaks down your different  
16    responses into. The indications from the  
17    consciousness defensiveness of scales that  
18    Mr. Sandusky biased many of his responses in a  
19    self favorable direction urge a careful  
20    consideration of how he expected the test results  
21    to be used. That is, he may have been quite  
22    concerned less the results of the inventory  
23    reflect badly on him be used against him or  
24    otherwise somehow end up being damaging to his  
25    self interests.

1           One has to consider the results of any  
2 tests and particularly a psychological test in  
3 the context in which the test is given. And in  
4 this particular case, the context is a high  
5 stakes one. The outcome of the trial could be  
6 very damaging to Mr. Sandusky and he's aware of  
7 that. And one cannot accept the results of the  
8 testing on -- at face value because that  
9 defensiveness shows up and the report itself  
10 specifically says that you have to be careful  
11 drawing conclusions from tests of this type in  
12 this context.

13           The other test which I said, the Millon,  
14 generated a very brief report, also refers to  
15 Mr. Sandusky presenting himself in an overly  
16 favorable light. And then under possible  
17 diagnosis it states that he appears to -- I can't  
18 read it very well -- fit the following two  
19 classifications best. Histrionic personality  
20 disorder with obsessive compulsive personality  
21 traits and narcissistic personality traits but,  
22 again, it's in the same -- it picks up the same  
23 tendency to portray himself in an overly  
24 favorable light which in this context should  
25 raise significant concern about the validity of

1       what the test conclusion is.

2               The other thing that you need to be  
3       aware of, too, is that personality tests cannot  
4       be relied upon entirely as the source of a  
5       diagnosis. And they all are and indicate that  
6       they should be used to be considered in the  
7       overall assessment of the person and not be  
8       looked to as the entire source of diagnostic  
9       consideration. And they're not regarded as  
10      definitive or as good sources of diagnosis. You  
11      have to put them in the context within which the  
12      test is being given. You also have to step back  
13      and include consideration of everything else you  
14      have seen, such as the investigative materials in  
15      this case, such as the testimony during the grand  
16      jury, such as the letters and the drafts of  
17      letters that Mr. Sandusky wrote that are part of  
18      the evidence, and, of course, the evaluation  
19      itself, the face-to-face time that you spend with  
20      the person.

21              So prior to coming to a conclusion as to  
22      diagnosis, you need to take all of that into  
23      consideration and not just rely on a test.

24              I was very struck during the examination  
25      or the testimony of Dr. Atkins by his review of

1 the histrionic personality disorder diagnostic  
2 criteria and his opinion that these -- evidence  
3 of that particular personality disorder was  
4 evident at an early age in Mr. Sandusky.

5 As you did hear during the testimony,  
6 personality disorders are personality traits that  
7 basically trip you up. They cause problems in  
8 your life, prevent you from achieving or  
9 maintaining a stable interaction with other  
10 people. Everybody has a personality and we all  
11 have positive and negative personality traits. A  
12 personality disorder is just what it says. It's  
13 a personality that interferes, that creates  
14 problems. It either causes distress or an  
15 impairment in functioning or both.

16 I spent between two and a half or three  
17 hours with Mr. Sandusky on Sunday, and I didn't  
18 detect any distress in him whatsoever other than  
19 pertaining to this circumstance.

20 I also note from reviewing his history  
21 with him and hearing it and finding out about it  
22 through the press and other things, that  
23 Mr. Sandusky is an individual who's been  
24 extremely high functioning over the years. He's  
25 an individual with a Bachelor's Degree and a

1 Master's Degree who was an assistant coach at a  
2 nationally prominent -- in a nationally prominent  
3 football program. And then developed The Second  
4 Mile program, a foundation to benefit  
5 underprivileged kids. That was also very  
6 successful.

7 I heard his wife testify that he was a  
8 very committed worker. He was a committed  
9 father. He took time out on a nightly basis to  
10 have dinner with his family. He was an  
11 individual who kept all the balls in the air. I  
12 don't see anything in any of that information to  
13 suggest that he had a personality disorder that  
14 was causing him problems.

15 The other thing is that histrionic  
16 personality disorder is characterized and you  
17 heard about it and you also were read to about it  
18 from the diagnostic manual. It is a personality  
19 disorder in which the person absolutely has to  
20 have or has to be the center of attention and you  
21 heard that.

22 And they're very preoccupied with a lot  
23 of superficial manifestations of successfulness  
24 and manifestations of happiness and  
25 manifestations of how good they look. There's

1 very little depth. And it's very difficult for  
2 people with histrionic personality disorders to  
3 even develop close relationships because they're  
4 very superficial people.

5 In addition, these are individuals who  
6 have a great deal of difficulty being on the  
7 sidelines or being the assistant coach. It would  
8 be very, very unlikely for an individual with a  
9 histrionic personality disorder to tolerate being  
10 routinely upstaged by their boss. It is a  
11 situation that Mr. Sandusky worked in and thrived  
12 in for many years. That's inconsistent with what  
13 you would expect to see in an individual with a  
14 histrionic personality disorder.

15 In addition, on clinical examination and  
16 by virtue of his reported history and by the  
17 report of that history by his wife, there was  
18 nothing about Mr. Sandusky's childhood or  
19 adolescence that suggested that he was developing  
20 or presenting early signs or symptoms of a  
21 histrionic personality disorder.

22 What he talks about in clinical  
23 examination is the selfless commitment that his  
24 parents had to the recreation center and their  
25 commitment to kids, to the disabled, and to

1     developing and maintaining program for kids who  
2     had very little else. That's a far cry, almost a  
3     polar opposite to somebody who's histrionic and  
4     has a histrionic personality disorder and who  
5     needs to be the center of attention and not  
6     focusing attention on others.

7             Mr. Sandusky, in creating The Second  
8     Mile program, was really by his own rapport  
9     fulfilling a desire to follow in his parents'  
10    footsteps and to give back and to give to others  
11    and to provide to others. So there's -- even The  
12    Second Mile program itself is not consistent with  
13    a person who wants to be the center of attention  
14    and is superficial and is concerned more about  
15    how they look in a particular photograph than how  
16    they're actually doing in terms of their fund  
17    raising efforts and developing and maintaining a  
18    program. It's very a different focus.

19            And so I, personally, think that the  
20    psychological testing done by Dr. Atkins as well  
21    as the clinical evaluations, the history, the  
22    information that's known about Mr. Sandusky are  
23    not at all compatible with a diagnosis of  
24    histrionic personality disorder.

25            Q. What you're saying is Mr. Sandusky in no



1 way fits the profile of what you would anticipate  
2 in a histrionic personality disorder?

3 A. No. I think that the letters had been  
4 misconstrued in that regard as well.

5 Q. Can you offer an explanation of what the  
6 letters represent as opposed to the histrionic  
7 personality disorder?

8 A. Well, the letters -- given the other,  
9 given what the evidence and the --

10 MR. ROMINGER: Your Honor, I believe the  
11 limited purpose should be to whether or not these  
12 letters are histrionic in origin or not, not  
13 anything else.

14 MR. McGETTIGAN: I think we are quite  
15 permitted to distinguish them and this is the way  
16 we distinguish them. They brought them up for  
17 this purpose and I think they, frankly, expanded  
18 above and beyond that.

19 THE COURT: Would you rephrase your  
20 question and make sure that we're careful about  
21 exactly what the question is?

22 BY MR. McGETTIGAN:

23 Q. You heard Dr. Atkins testify that these  
24 letters were a systematic -- would that be  
25 correct? Systematic of -- demonstrative of a

1 person or this person with histrionic personality  
2 disorder?

3 A. Yes, that's what I heard.

4 Q. You agree with that?

5 A. No, I do not.

6 Q. Okay. Do you have an alternative which  
7 clinically explains the origin and cause of these  
8 letters that is not histrionic personality  
9 disorder?

10 A. Well, I can explain to you why I don't  
11 think they don't, in my opinion, show that.

12 Q. Yes. Thank you.

13 A. First of all, you heard Dr. Atkins read  
14 from the manual, the diagnostic manual on  
15 cross-examination that personality disorders are  
16 pervasive. They're lifelong. They are  
17 constantly present. They're not something that  
18 you select -- that would selectively show up in  
19 connection with a particular relationship.  
20 They're 24/7.

21 And so in trying to sidestep all of the  
22 indications of positive strength and capable  
23 functioning in Mr. Sandusky and focus on letters  
24 as the primary manifestation of a personality  
25 disorder is really inconsistent with what a

1 personality disorder is. It is who you are all  
2 the time.

3 And so you wouldn't expect it just to  
4 show up in a certain kind of circumscribed  
5 context, number one.

6 Number two, the letters themselves are  
7 written to reflect disappointment and emotional  
8 upset about what appears to be the determination  
9 or the change of a relationship. And what is  
10 apparent in the letters is that different  
11 techniques are utilized to try to get the  
12 attention of the reader and to draw them in.

13 Those techniques include questioning.  
14 You know, how do you feel about me? What do you  
15 think about us? That kind of stuff, direct  
16 questioning. But it also includes referring to  
17 other people, other football players, other  
18 people that the recipient has known and to try to  
19 generate sort of a wider array of contact between  
20 the reader and Sandusky who indicates to the  
21 reader that, in fact, there's all these people  
22 here that are interested in you and that have  
23 feelings for you and are positive about you.

24 So it actually expands Mr. Sandusky's  
25 disappointment and desire to improve or resume

1 the relationship into something bigger.

2 In addition, a number of the letters are  
3 written in a very adolescent way and it really --  
4 many of them don't read as if -- as if you are --  
5 in a way that you would expect a letter from the  
6 head of a foundation to read as sent to a  
7 recipient of the foundation's assistants, meaning  
8 as an adult to a child.

9 They're presented in a way that creates  
10 this illusion that Sandusky and the child are on  
11 the same plain. And that he understands -- they  
12 understand each other and they sort of think  
13 alike.

14 And in my opinion, the letters are not  
15 consistent with a personality disorder per se.  
16 They're actually, in my opinion, highly  
17 manipulative and utilize different techniques to  
18 try to draw the attention of the reader and to  
19 sway their intentions or their behavior in  
20 certain ways. And I don't see them as anything  
21 more than that.

22 Q. Now, earlier you defined for the jury a  
23 personality disorder or what personality disorder  
24 is and you said that -- I think, that one of the  
25 reports -- the more comprehensive one -- was

1       reflective and not evident of personality  
2       disorder; am I correct there, Dr. O'Brien?

3           A.   Yes.  It specifically states, as I read,  
4       that the profile was within normal limits.  
5       That's what it says.  The profile is within  
6       normal limits.  That's a direct quote.

7           Q.   Okay.  Now, if that's personality  
8       disorder, are there other conditions or cognitive  
9       dysfunctions or other traits that are susceptible  
10      to and which are detectable by clinical  
11      examination?

12          A.   Well, sure.  I mean, when you look at an  
13      individual to do an evaluation, you are looking  
14      at everything and then you're also considering --  
15      you are considering their response to the  
16      questions.  You are considering what the evidence  
17      or the materials show or suggest and you are  
18      considering other sources of information like  
19      transcripts of testimony, the letters.

20                So you're considering it all and looking  
21      for any patterns basically that would suggest  
22      that the individuals -- the individual meets the  
23      diagnostic criteria for a psychiatric illness or  
24      a personality disorder or whatever.  You are  
25      basically looking for information to support your

1 conclusion.

2 Q. Okay. So the mere absence of a  
3 personality disorder does not preclude the  
4 existence of another psychiatric, psychological  
5 condition other than a disorder?

6 A. No, it doesn't. In fact, many people  
7 have -- who have personality disorders also have  
8 other psychiatric diagnoses. So the mere  
9 presence or absence of a personality disorder  
10 does not have any automatic bearing on what other  
11 disorders could be or are present.

12 Q. You heard Dr. Atkins' testimony about  
13 some of the traits that were displayed that he  
14 claimed underlaid the histrionic personality  
15 disorder and these letters as reflected in his  
16 testimony or his claim or exam?

17 A. Yes.

18 Q. Okay. And are they consistent with  
19 other, not a personality order, with other  
20 conditions that you determine based on the review  
21 of the testing and your clinical examination?

22 A. It's my opinion that the clinical  
23 examination -- my clinical examination of  
24 Mr. Sandusky, the psychological testing, the  
25 personality testing done by Dr. Atkins,

1 Dr. Atkins' report, the investigative materials,  
2 the discovery evidence, and the transcripts as  
3 well as the letters are consistent with the  
4 possibility of another diagnosis being present.

5 Q. Okay. Would one or more of those be a  
6 psychosexual disorder with a focus on adolescence  
7 or preadolescence?

8 A. In my opinion, yes, it would.

9 Part of the difficulty is that in doing  
10 such an evaluation, you're considering evidence  
11 that hasn't been proven, evidence which is still  
12 pretrial evidence. So it's difficult to draw  
13 factual conclusions -- impossible to draw factual  
14 conclusions from that sort of information.

15 MR. McGETTIGAN: That's the end of my  
16 questioning.

17 THE COURT: Okay.

18 MR. McGETTIGAN: That's it. If that's  
19 the end of the answer.

20 THE WITNESS: I'm done.

21 Thank you, Doctor.

22 CROSS-EXAMINATION

23 BY MR. ROMINGER:

24 Q. Do you recall testifying about the  
25 Commonwealth -- yeah, about the Commonwealth when

1 I represented a police officer who killed his  
2 wife?

3 A. No, I actually I thought about that when  
4 you asked me the other day. I have no  
5 recollection of that. Maybe you are mistaken is  
6 my opinion.

7 Q. Testify in Philadelphia, right?

8 A. I have testified all over the place but  
9 I really don't remember it.

10 Q. How many times has Attorney McGettigan  
11 called you to the stand?

12 A. Not very often actually. Years ago in  
13 the John DuPont case, I worked with  
14 Mr. McGettigan. But I don't -- maybe one or two  
15 other times since then and that was mid-1990s.

16 Q. And how many times would you say you and  
17 Dr. Atkins have been on the opposite side of the  
18 same case?

19 A. Well, I can't give you a number but it's  
20 most of the time when we're together.

21 Q. In your area of the state, there's you  
22 and him, kind of a --

23 A. That's absolutely not true. There's a  
24 lot of us actually.

25 Q. I had a chance to look at your report.



1 You would agree that Dr. Atkins is correct that  
2 at least one of the objective tests suggested  
3 histrionic personality disorder?

4 A. Yes, and I testified to that.

5 Q. And also that there was some  
6 defensiveness where you're saying this individual  
7 tried to make themselves appear better to the  
8 testing?

9 A. Yes.

10 Q. But in order to -- you're predisposing  
11 the person is being defensive but they may not  
12 know what the intended result would be, correct?

13 A. The intended result of what?

14 Q. Of defending on the task? In other  
15 words, you try to put yourself in a more positive  
16 light, correct?

17 A. Well, in the context of the testing that  
18 was done with Mr. Sandusky, it's pretty -- it  
19 would be pretty expectable that he would try to  
20 present himself as unlikely to have the kind of  
21 traits that the evidence suggest he does have.

22 Q. And despite that, it suggests he could  
23 have a histrionic personality disorder?

24 A. It suggested it could be considered but  
25 the MMPI II alerts caution about coming to any

1 conclusion because of his misrepresentation of  
2 himself.

3 Q. And then if like Dr. Atkins did, you  
4 meet with him for five plus hours, I believe he's  
5 met with him for three, correct?

6 A. Between two and a half and three hours.

7 Q. With myself and Mr. McGettigan there,  
8 correct?

9 A. That's correct.

10 Q. He spent an hour I believe you said with  
11 Dottie?

12 A. I expected he spoke with Mr. Sandusky's  
13 wife is what he testified to and I heard her  
14 testify. So, yes.

15 Q. And when you heard her testify, however,  
16 that testimony wasn't necessarily the same  
17 questions that Dr. Atkins asked?

18 A. I would expect it not to be but I  
19 thought that the material covered -- the  
20 information covered was not dissimilar.

21 Q. So when he reaches his conclusions to  
22 reasonable degree of psychological certainty,  
23 part of that then is going to be based on how he  
24 took the interview and how he perceived what the  
25 person said during that interview?

1           A. Yes, but it sounded to me based on his  
2 testimony that he was -- he was relying heavily  
3 on what the testing showed.

4           Q. You said, for instance, that a person  
5 who has this kind of characteristic personality  
6 disorder can't be high functioning?

7           A. No. No. I wouldn't expect a person  
8 with a personality disorder to be very high  
9 functioning. But the bottom line is it has to  
10 cause basically, you know, emotional upset at the  
11 very least but more frequently impairment in  
12 functioning, and I don't see that in this case.

13          Q. Well, there are high functioning  
14 individuals with personality disorders, correct,  
15 who are very successful in their careers?

16          A. You could probably try to give me an  
17 example of one and I could respond as an armchair  
18 psychiatrist without knowing the specifics. I've  
19 never encountered any. But I imagine  
20 theoretically it's possible.

21          Q. The degree of the impairment is going to  
22 depend on the degree of the disorder, correct?

23          A. At some point in assessing personality,  
24 a person has to cross a threshold where they're  
25 not able to function because of their personality

1 traits, not able to function well. That's really  
2 in my view, and based upon my read of the book,  
3 how it's defined.

4 Q. What about you say -- did you read  
5 *Touched*?

6 A. No, I didn't read *Touched*.

7 Q. Are you aware Dr. Atkins had read that  
8 for additional biographical -- I think he pointed  
9 out on cross-examination additional biographical  
10 information on the childhood?

11 A. He said that during his testimony. That  
12 wasn't listed as a reference or a source of  
13 information in his report. And he didn't specify  
14 in his testimony specifically what he was talking  
15 about in terms of the information he gleaned from  
16 the book.

17 Q. And your opinion is that histrionic  
18 diagnosis wouldn't explain the letters at all?

19 A. It's my opinion it doesn't exist in this  
20 case.

21 Q. If it did exist, you still say it  
22 wouldn't explain the letters at all?

23 A. No, it does not explain the letters in  
24 my opinion.

25 Q. In your opinion. How much are you paid

1 per hour?

2 A. \$450.

3 Q. How often do you testify on behalf of  
4 defendants?

5 A. In criminal cases?

6 Q. What percentage of the time?

7 A. It varies from one moment in time to the  
8 other. It's usually -- the breakdown is 60 to 70  
9 percent prosecution to 30 to 40 percent defense.  
10 Lately I think I have as many defense cases I'm  
11 working on as prosecution cases.

12 Q. Is that because of taking over the  
13 courts job of being the Court's psychologist?

14 A. Oh, no, it has nothing. I'm called by  
15 the defense, not infrequently. And I also will  
16 tell either side that calls me what I think and  
17 if they don't think it's favorable, they don't  
18 use me. That happened in December on a case or  
19 in a case for the public defender's office in  
20 Philadelphia.

21 MR. ROMINGER: I don't have any other  
22 questions.

23 MR. McGETTIGAN: Your Honor, may I, just  
24 two matters? One I neglected on direct.

25 REDIRECT EXAMINATION

1 BY MR. McGETTIGAN:

2 Q. Dr. O'Brien, all the testimony you  
3 offered and the conclusions you reached, had you  
4 reached them to a reasonable degree of medical  
5 certainty?

6 A. Yes, reasonable degree of psychiatric  
7 and medical certainty, yes.

8 Q. And one other question which I forgot to  
9 ask Dr. Atkins. How many times in your career  
10 have you seen a histrionic personality disorder?

11 A. I have seen personality disorders many,  
12 many times. A clean clear-cut case of histrionic  
13 personality disorder, probably five or six.

14 Q. In how many years?

15 A. Since the mid-1980s.

16 Q. Thanks, Dr. O'Brien.

17 A. Sure.

18 MR. ROMINGER: Nothing.

19 THE COURT: Thank you. You may step  
20 down.

21 THE WITNESS: Thank you.

22 MR. ROMINGER: Your Honor, may I consult  
23 with Dr. Atkins to see if he has surrebuttal?

24 THE COURT: Yes.

25 MR. ROMINGER: Call Dr. Atkins back to

1 the stand for surrebuttal, Your Honor.

2 MR. McGETTIGAN: Can we get an offer of  
3 proof, Your Honor?

4 (Whereupon, the following discussion was  
5 held at sidebar:)

6 MR. ROMINGER: The doctor is going to  
7 testify that he mischaracterized portions of his  
8 report and that there were things contained in  
9 his report that he said weren't, for instance,  
10 and he just wants to clean that up to make  
11 sure --

12 MR. McGETTIGAN: That's bologna.

13 THE COURT: I think the jury heard what  
14 they want to hear -- heard what the doctors said.  
15 Unless you are saying this is absolutely critical  
16 to his testimony.

17 MR. McGETTIGAN: I'm going to go on,  
18 too.

19 MR. ROMINGER: On surrebuttal? I  
20 understand.

21 MR. AMENDOLA: We have kicked the dog.

22 THE COURT: So where are you in the  
23 case?

24 MR. AMENDOLA: Your Honor, we have a few  
25 short witnesses who couldn't be here today, but

1 the only one that would take maybe a little bit  
2 of time would Dr. Dranov.

3 THE COURT: Dranov.

4 MR. AMENDOLA: We have two or three  
5 character witnesses that will take two minutes  
6 each and then if we call the defendant.

7 THE COURT: If you call the defendant or  
8 you are going to call the defendant or you are  
9 not?

10 MR. AMENDOLA: We have to talk.

11 MR. ROMINGER: We intend to raise with  
12 Your Honor -- and I think this is the issue. We  
13 have to finish --

14 THE COURT: Are we done for today?

15 MR. ROMINGER: Yeah, and then we can  
16 talk about that.

17 THE COURT: Now, we've got to deal with  
18 this motion to quash the subpoena.

19 MR. AMENDOLA: Wouldn't it be simple if  
20 I just withdrew the subpoena?

21 THE COURT: Well, if you're going to do  
22 that. I don't know.

23 MR. AMENDOLA: What happened, Your  
24 Honor, I didn't serve --

25 THE COURT: Let me excuse the jury and



1       then --

2               MR. FINA:  Meet in chambers in a little  
3       while?

4               THE COURT:  Well, I don't want to recess  
5       because I might have to come back into court to  
6       do this.

7               MR. FINA:  Certainly, Judge.

8               MR. McGETTIGAN:  Thank you, Your Honor.

9               (End of sidebar discussion.)

10              THE COURT:  Ladies and gentlemen, I have  
11       a couple matters that I have to take up with  
12       counsel yet.  But we are through for the  
13       witnesses that we're going to have today.  We are  
14       still on track to conclude with the schedule that  
15       I mentioned to you yesterday.  I don't anticipate  
16       that there will be a change at least as of right  
17       now with that schedule.

18              So I'm going to excuse you for the  
19       evening with the standard admonition that you can  
20       all repeat now as well as I can say it; that you  
21       should not discuss the case with anyone, permit  
22       anyone to discuss the case with you, directly or  
23       indirectly, in writing, by conversation, by  
24       telephone, on the news or any -- in any other  
25       way, and if that should happen, that you should

1 report it to the Court ombudsman first thing in  
2 the morning.

3 With that, we'll see you at 9:00 o'clock  
4 tomorrow morning.

5 We'll remain seated while the jury is  
6 taken out.

7 (Whereupon, the jury was escorted out of  
8 the courtroom.)

9 THE COURT: We're not in recess.

10 Is Mr. Staudenmaier in the courtroom?

11 Am I pronouncing that right, Mr. Craig  
12 Staudenmaier, Nauman, Smith, Shissler and Hall.

13 (No response.)

14 THE COURT: We'll be in recess for ten  
15 minutes to see if we can find him and then we'll  
16 deal with the motion to quash the subpoena. All  
17 right.

18 We'll be in recess for ten minutes until  
19 5:00 o'clock.

20 (Whereupon, a recess was taken.)

21 THE COURT: We are back in session.

22 I have been presented with a motion  
23 filed to quash subpoena.

24 Counsel, if you want to approach?

25 MR. STAUDENMAIER: Good afternoon, Your

1 Honor.

2 THE COURT: Good afternoon. If you want  
3 to come forward and identify yourself and make  
4 whatever record you think is appropriate.

5 MR. STAUDENMAIER: Your Honor, where  
6 would you prefer I stand?

7 THE COURT: We kind of got everything  
8 filled up. Wherever you are comfortable.

9 MR. STAUDENMAIER: Good afternoon, Your  
10 Honor. My name is Craig Staudenmaier. I'm with  
11 Nauman, Smith, Shissler, Hall in Harrisburg,  
12 Pennsylvania. I'm counsel for the Patriot News  
13 Company and I'm here this afternoon. We  
14 understand that one of our reporters, Sara Ganim,  
15 was served with a subpoena by the defense this  
16 morning. It's the first notice that we had of  
17 that. We have since filed with the Court, and I  
18 believe Your Honor has a copy, and I also believe  
19 that defense counsel and the Commonwealth have  
20 copies of the --

21 THE COURT: Yes.

22 MR. STAUDENMAIER: I have extra  
23 copies --

24 THE COURT: I have faxed copies -- or  
25 copies of the fax that you sent in earlier this

1       afternoon.

2               MR. STAUDENMAIER:   Basically, Your  
3       Honor, we had filed a motion to quash that  
4       subpoena on several bases.

5               The primary ones being, number one, not  
6       knowing exactly the nature or the purpose of the  
7       subpoena or what is being sought from Ms. Ganim.  
8       There are both constitutional, federal and state,  
9       and state and statutory protections that are  
10      afforded to news gatherers like Ms. Ganim to  
11      protect them from subpoenas of this nature.   And  
12      we, therefore, had filed this motion basically  
13      asking the Court to quash the subpoena certainly  
14      to the extent that it seeks source information or  
15      background documents, notes, drafts, et cetera,  
16      or even testimony from Ms. Ganim particularly as  
17      it may relate to any endeavor by the defense or  
18      even the Commonwealth on cross-examination.

19              To reveal sources of information that  
20      includes, Your Honor, not just the human physical  
21      source but also documentary evidence of that same  
22      type of information.

23              I apologize, Your Honor, like I said,  
24      I'm sort of the shooting wide here because I  
25      don't know what the purpose of the subpoena is.

1 THE COURT: Right.

2 MR. STAUDENMAIER: I'm sure Mr. Rominger  
3 and Mr. Amendola will enlighten us shortly. I  
4 want to throw that out there just to let the  
5 Court know the broad basis of why we're  
6 objecting.

7 THE COURT: Are you in a position to be  
8 able to explain that now? Do we need to do  
9 that --

10 MR. AMENDOLA: I am, Your Honor.  
11 Actually it's quite a simple explanation.

12 Ms. Ganim was here and, quite honestly,  
13 I have known Ms. Ganim professionally for a  
14 number of years. I wanted her -- I brought the  
15 paper today. I wanted her to simply -- to  
16 authentic The Patriot newspaper edition that came  
17 out on Thursday, March 31, 2011 which had the  
18 headline on the front page *Sandusky Faces Grand*  
19 *Jury Probe*, just to authentic that article and  
20 that she wrote it.

21 I also wanted to ask her about a certain  
22 e-mail that purportedly was sent from her to Deb  
23 McCord, M-c-C-o-r-d, the mother of Accuser No. 6  
24 I believe. That was Zach Konstas. Essentially  
25 what the e-mail said was I'm suggesting you

1       contact a certain investigator -- I believe that  
2       was Corporal Leiter -- if you want your case to  
3       go forward.

4               I thought that was interesting given our  
5       theory in this case because our theory has been  
6       that there were a lot of different forces at work  
7       to push this prosecution forward not necessarily  
8       indicating that Mr. Sandusky was guilty, since  
9       obviously he's always maintained his innocence,  
10      and I thought that might be helpful to the case.

11             We did not intend to question her about  
12      any of her sources. We did not intend to ask her  
13      for her notes. We did not intend to invade any  
14      of her personal information or professional  
15      information other than things that were already  
16      provided to us including the newspaper which I  
17      happened to buy a copy of when it came out and  
18      the e-mail information which was provided in a  
19      police report by the Commonwealth which at that  
20      point I suspect it was certainly information that  
21      we had a right to have, given the Commonwealth  
22      provided us with it.

23             Now, since that time, and I have been  
24      explained it to counsel in conversations with the  
25      Court this morning and in conversations with the

1 attorney general's staff that we decided that  
2 this perhaps maybe wasn't an appropriate avenue  
3 for me to pursue given the collateral nature of  
4 it and, quite honestly, the subpoena was prepared  
5 before we had our meeting. The subpoena was  
6 prepared before I had a chance to talk to  
7 counsel. If counsel had called, I would have  
8 told him what I was after. Had Ms. Ganim  
9 approached me and just simply asked what are you  
10 looking for by way of the subpoena, I would have  
11 advised her.

12 All of that having been said, quite  
13 frankly, I'm in a position to withdraw the  
14 subpoena so the Court doesn't have to make a  
15 decision on it.

16 THE COURT: Well, the conversation we  
17 had this morning was certainly a very preliminary  
18 conversation and I wouldn't want you to change  
19 your position or make a legal decision on what  
20 was admittedly a very superficial analysis on my  
21 part. So if it's your intention to pursue this,  
22 I don't want you to withdraw it because of  
23 something I might have said without being fully  
24 apprised of all the circumstances.

25 MR. STAUDENMAIER: Your Honor, for what

1       it's worth, I'm happy to go home.

2               MR. AMENDOLA: Having heard my so-called  
3       -- I guess you could call offer of proof, is  
4       counsel still opposed to the subpoena maybe would  
5       be in the first instance?

6               MR. STAUDENMAIER: Well, Your Honor, I  
7       am for two reasons.

8               First of all, with regard to the rules  
9       of evidence, newspaper articles are  
10      self-authenticating. So I don't think you need  
11      Ms. Ganim to take the stand and authentic a  
12      document which is self-authenticating.

13              With regard to the e-mail that's been  
14      mentioned, Your Honor, I have to be upfront with  
15      you and tell you that I have not seen this  
16      e-mail. This is the first I'm hearing about it.

17              With regard to contacting counsel, the  
18      time periods were short and I -- that was not  
19      opportunity. I tried to contact Mr. Rominger but  
20      that wasn't -- didn't happen either. Like I  
21      said, I would like a chance, if I could, Your  
22      Honor -- I realize these proceedings are moving  
23      along swiftly. With regard to that item, I would  
24      like a chance to at least look at it and confer  
25      with my client quite frankly to see what our



1 reaction might be.

2 THE COURT: Let me just ask. Are you  
3 authenticating the headline or the contents of  
4 the article? Because it happens on occasion that  
5 reporters write articles that are changed by  
6 editors and there may be something in the article  
7 that you need to ask about.

8 MR. AMENDOLA: Your Honor, that was  
9 something I would have asked Ms. Ganim before she  
10 testified. I would not have just thrown her on  
11 the stand and said tell us what you know about  
12 this. I wouldn't do that.

13 THE COURT: You do not intend to ask  
14 about any confidential source?

15 MR. AMENDOLA: Not at all, Your Honor.

16 THE COURT: You do not intend to ask for  
17 any films, photographs, any documentary evidence?

18 MR. AMENDOLA: No, Your Honor. To be  
19 honest with you, at this point, aside from the  
20 newspaper, which speaks for itself and quite  
21 frankly I just was going to have her authentic  
22 that, that was a really a minor issue. I was  
23 simply going to ask her about the e-mails which  
24 the Commonwealth provided to us.

25 THE COURT: Do you have alternative

1 means to acquire that?

2 MR. AMENDOLA: If the Commonwealth would  
3 stipulate to the e-mail, we would.

4 THE COURT: I'm not asking that you do  
5 that. I'm not going to put you on the spot and  
6 ask you to do that.

7 MR. FINA: I guess, Your Honor, we have  
8 the issue of authentication and then we have the  
9 issue of relevance and admissibility which I  
10 think are significant problems in this whole  
11 theory that's being propagated.

12 I think counsel is absolutely right.  
13 Newspapers are self-authenticating. So I don't  
14 think there's any issue there with the  
15 authenticity of the newspaper nor would we  
16 contest the authenticity of the newspaper.

17 Likewise, we will not contest the  
18 authenticity of the e-mails, but in both areas,  
19 we have significant admissibility and relevance  
20 concerns.

21 MR. AMENDOLA: But I would suggest to  
22 the Court the relevancy issue is different from  
23 the issue that the paper is raising.

24 THE COURT: That's correct.

25 MR. AMENDOLA: We would argue that later

1 on a sidebar.

2 MR. STAUDENMAIER: Your Honor, I know  
3 it's not my fight. I agree. However, Your  
4 Honor, I want to point out that with regard to  
5 the e-mails and even -- in these cases always is,  
6 Your honor, that the subpoenaing party will say  
7 I'm just going to ask this or I'm just going to  
8 do this. Obviously, the Commonwealth has the  
9 right to cross-examine and they are very  
10 prudently waiting to see what happens and I'm  
11 sure aren't going to divulge what they may or may  
12 not do.

13 However, that does not eliminate those  
14 protections I mentioned earlier and does not  
15 eliminate the issue of having the reporter on the  
16 stand to start with. I mean, it goes without  
17 saying that our juris prudence has long --  
18 doesn't want reporters on the witness stand  
19 period.

20 THE COURT: Unless they are fact issues  
21 -- unless they're a fact witness.

22 MR. STAUDENMAIER: That can occur, Your  
23 Honor. However, as I said before, with regard to  
24 this e-mail and I think I heard the e-mail or of  
25 e-mails, and I'm not sure how many we're talking

1       about or what subject matters they cover.

2               So I would once again reiterate if the  
3       Court is considering that aspect of it, if  
4       Mr. Amendola is not going to withdraw the  
5       subpoena, which I assume is still on the table, I  
6       would just be asking for a few minutes to talk to  
7       my client to look at these e-mails and just see  
8       what we're talking about so that I can provide  
9       whatever other arguments might be relevant that  
10      I'm not aware of currently.

11              THE COURT: That's certainly fair  
12      enough.

13              My suggestion would be that you confer  
14      after court, maybe exchange the e-mails, and then  
15      you can decide whether there is a stipulation on  
16      the authenticity or that deals with the issues  
17      and we'll argue relevance at some later time.  
18      And if you can't get it worked out, you can call  
19      Ms. Ganim in the morning and you can be available  
20      to protect her interests.

21              MR. STAUDENMAIER: All right, Your  
22      Honor. Thank you.

23              MR. AMENDOLA: Thank you, Your Honor.

24              THE COURT: Is that satisfactory?  
25      Temporary solution until morning?

1           MR. STAUDENMAIER: So, Your Honor, as I  
2 understand the e-mails that, e-mail or e-mails  
3 that are at issue will be made available to you  
4 to review?

5           MR. AMENDOLA: Yes.

6           THE COURT: Yes.

7           MR. AMENDOLA: Yes.

8           THE COURT: With regard to the  
9 newspaper, the question I take it is some content  
10 of the article whether that was the work of  
11 Ms. Ganim or --

12           MR. AMENDOLA: Just the article whether  
13 or not it was the work of Ms. Ganim, Your Honor.  
14 As a matter of fact, we weren't even going to go  
15 into it because, obviously, it's froth with grand  
16 jury information, anonymous sources. We weren't  
17 going to question her about that.

18           With the Commonwealth's stipulating to  
19 it, quite frankly, I think it speaks for itself.

20           MR. FINA: No, no, no, Judge. This is  
21 where we get -- I am not stipulating to the  
22 admissibility of that newspaper.

23           THE COURT: I understand that.

24           MR. FINA: It's chalked with hearsay.  
25 It's completely inappropriate from our

1 perspective.

2 THE COURT: We're talking about  
3 relevance. I understand that.

4 MR. FINA: I'm saying it's authentic.  
5 I'm not saying it's true.

6 THE COURT: I understand the difference  
7 between authenticity --

8 MR. FINA: I understand, Judge. I am  
9 not sure he does.

10 THE COURT: And probative value and  
11 relevancy.

12 And I also understand that there are  
13 delicate matters here involving grand jury  
14 secrecy that I have to be careful about.

15 MR. ROMINGER: Judge, one housekeeping  
16 matter.

17 THE COURT: Yes.

18 MR. ROMINGER: We marked the exhibit as  
19 Exhibit 7 which was the overhead for the record.  
20 I just want to make sure that's put on the record  
21 today. Mr. Fina is aware of that.

22 THE COURT: This is Dr. Atkins.

23 MR. ROMINGER: Correct.

24 MR. STAUDENMAIER: Judge, I'm sorry.  
25 Just one point of clarification so I can

1 understand.

2 THE COURT: Sure.

3 MR. STAUDENMAIER: With regard to the  
4 newspaper article, the reason I say, Judge, is  
5 that typically -- there again until I consult  
6 with my client, typically articles being  
7 published we will stand behind as to the article  
8 as published in the paper. That's not an issue  
9 if that's the extent, I mean, from our  
10 perspective to -- if that's the extent of the  
11 nature of why Ms. Ganim was subpoenaed.

12 THE COURT: I think the distinction, the  
13 theoretical distinction. I don't know if it  
14 applies in this case or not.

15 Suppose the newspaper reporter witnesses  
16 an accident and then writes the story about the  
17 accident, there's no particular privilege that  
18 protects that reporter from testifying as a fact  
19 witness about the accident; would that be  
20 correct?

21 MR. STAUDENMAIER: I would agree, Your  
22 Honor, in that instance.

23 THE COURT: So that's the only  
24 hesitation I have here. Because I'm not sure how  
25 he intends to use this.

1           MR. STAUDENMAIER: Judge, you and I are  
2 both confused. I wanted to make sure --

3           THE COURT: We don't need to resolve  
4 that now. The two of you can talk about that.  
5 You can be available in the morning?

6           MR. STAUDENMAIER: I can be, Your Honor.

7           THE COURT: And --

8           MR. AMENDOLA: I could explain to the  
9 Court the relevance and significance of just the  
10 date it was published.

11          THE COURT: If we're going to talk about  
12 this in the morning, I want you to be here early  
13 enough that we don't hold up the jury.

14          MR. STAUDENMAIER: Judge, I'm sorry.  
15 That means be here at?

16          THE COURT: 8:30. Unless you have other  
17 issues you need to talk about. We're still on  
18 schedule?

19          MR. AMENDOLA: Yeah, very much so, Your  
20 Honor.

21          THE COURT: Okay. Thank you very much.

22          MR. STAUDENMAIER: Thank you, Your  
23 Honor.

24          MR. FINA: Thanks, Judge.

25               (Whereupon, court was recessed for the



1 day.)

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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

## APPROVAL OF COURT

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