

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 9)

BEFORE: John M. Cleland, Senior Judge

DATE: June 22, 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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INDEX TO THE WITNESSES

DIRECT CROSS REDIRECT RECROSS

COMMONWEALTH:

(None)

DEFENDANT:

(None)

INDEX TO THE EXHIBITS

ADMITTED

COMMONWEALTH:

(None)

DEFENDANT:

(None)

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

2 (Whereupon, the following discussion was
3 held at in chambers:)

4 THE COURT: We will note for the record
5 this is Friday morning, June 22nd, and that we
6 are with counsel in chambers following up on the
7 jury's request last evening that they hear the
8 testimony again of Michael McQueary and Dr. John
9 Dranov.

10 I have met with counsel this morning and
11 discussed the matter with the court reporter and
12 the stipulation and conclusion is that the
13 transcripts will be read to the jury rather than
14 a tape played to assure that the tape itself does
15 not become a matter of some controversy over
16 whether it should be released.

17 Mr. Fina will read the part of Michael
18 McQueary and Mr. Amendola will read the part of
19 Dr. Dranov.

20 We have further discussed the fact that
21 yesterday afternoon it became a matter of public
22 speculation regarding the role of Matt Sandusky
23 and there's been some discussion off the record
24 about that, and we have decided that the jury
25 will simply receive a general inquiry from the

1 Court this morning regarding whether or not they
2 have inadvertently received any information about
3 the case or had anyone discuss the case with
4 them.

5 For the record, last night I instructed
6 the deputy sheriffs to assure that newspapers
7 were removed from the racks in the jury's hotel.
8 Televisions had been disconnected, as have
9 telephones. The court staff searched the luggage
10 of the jurors to assure that there were no cell
11 phones, laptops, or electronic communication
12 devices in them. None were found.

13 We have also agreed that the two
14 alternate jurors who have been kept in isolation
15 independently for the last day may be permitted
16 to be kept together, although I will talk to them
17 together and administer an oath to them in which
18 they agree not to discuss the case simply to
19 alleviate the monotony of being retained
20 incommunicado, in isolation.

21 Anything further, Mr. McGettigan?

22 MR. McGETTIGAN: Just about the reading
23 of this, Your Honor. There are objections and
24 there are interjections by the Court. I don't
25 think you want to read your part. We can just go

1 over --

2 THE COURT: Can we have a stipulation to
3 either skip the objections or --

4 MR. McGETTIGAN: Sure.

5 THE COURT: Or adjust appropriate so we
6 don't get distracted?

7 MR. McGETTIGAN: I can do that. Just
8 say there was an objection and move on to whether
9 it was response or something like that.

10 THE COURT: Fine. I think there's a
11 recess in the middle of one of those. We won't
12 take the recess. Just keep going.

13 MR. McGETTIGAN: Not reading at sidebar
14 or anything like that?

15 THE COURT: No. I just notice how many
16 times I say the word okay in here, 750 thousand.

17 Can we agree that there needs to be no
18 transcript -- no reporting of the reading and
19 that any objections would be reserved to the end
20 and placed on the record if need be?

21 Agreed?

22 MR. McGETTIGAN: Totally agree.

23 MR. ROMINGER: Yes.

24 (End of discussion in chambers.)

25 THE COURT: You may be seated. Would

1 you bring the jury in please?

2 (Whereupon, the jury was escorted into
3 the courtroom.)

4 THE COURT: Good morning again, ladies
5 and gentlemen. Before we begin I just want to
6 make my standard inquiry whether or not anyone
7 has talked to you about the case, attempted to
8 talk to you about the case, or whether you have
9 been even inadvertently exposed to any
10 information about the case in any way whatsoever.
11 I won't stipulate or suggest ways where it might
12 have happened. But have you heard anything about
13 the case or received any information?

14 Okay. All right.

15 THE COURT: You have asked to rehear the
16 testimony of Michael McQueary and Dr. Dranov.

17 There has been some little delay this
18 morning in doing that because of the mechanics
19 that we have to go through to have that happen.

20 One of the things was we had to print
21 off four copies of the transcript so that, as you
22 will see how this is presented to you.

23 The way this will work is that Mr. Fina
24 will basically play the role of Mr. McQueary and
25 read back this transcript. Mr. McGettigan will

1 offer the questions and then there will be the
2 cross-examination by Mr. Rominger.

3 Then when we move to Dr. Dranov, then
4 Mr. Amendola will play the role of Dr. Dranov.
5 That's the way this works.

6 This will probably take about two and a
7 half hours. So we'll probably just go right
8 straight through unless you need a break. If you
9 need a break, let me know. Just raise your hands
10 or whatever and we'll take a break. Otherwise,
11 we just plan to go right straight through and do
12 this.

13 Just a word of -- and you're free to
14 take notes, obviously, about this. It's not part
15 of the charge. You can go ahead and take your
16 notes.

17 A little word of caution though. I
18 understand why this particular exchange might be
19 of importance to you in your deliberations but as
20 a practical matter, we can't go back and
21 essentially redo the trial. So as regards to
22 other witnesses, unless it's really very, very
23 important, I'm going to have to instruct you to
24 rely on your memories and your notes. If there's
25 something that you really need, we'll certainly

1 provide it for you. But as a practical matter,
2 we just can't go back and redo every witness.
3 Okay.

4 With that, counsel. Would you take the
5 stand?

6 MR. FINA: Thank you, Your Honor.

7 THE COURT: This is a rereading of the
8 transcript of the testimony of Michael McQueary
9 which occurred in open court on June 12, 2012.

10 Mr. McGettigan, go ahead.

11 (Whereupon, the testimony of Michael
12 McQueary was read to the jury during
13 which the following occurred:)

14 THE COURT: The reason they stumbled
15 through that point was that there were some
16 objections and sidebars and just trying to skip
17 over that. It's a little rough. They're not
18 concealing anything but.

19 MR. McGETTIGAN: Thank you, Your Honor.

20 THE COURT: But that's what we agreed
21 that's what we would do. Assume you didn't want
22 to hear my comments and objections.

23 Go ahead.

24 MR. McGETTIGAN: Thank you, Your Honor.

25 (Whereupon, the testimony of Michael

1 McQueary was continued to be read to the
2 jury during which the following
3 occurred:)

4 THE COURT: Now, here is where we get
5 into the introduction of photographs, which we
6 don't have. You have them. So you'll just have
7 to imagine what they're talking about as they go
8 through this.

9 (Whereupon, the testimony of Michael
10 McQueary was continued to be read to the
11 jury.)

12 (End of McQueary's read testimony.)

13 THE COURT: Ladies and gentlemen, while
14 we switch the participants, if you want to stand
15 and stretch. We'll just take a minute to do
16 that.

17 (Whereupon, a stretch break was taken.)

18 THE COURT: We'll be back in session and
19 we'll continue. This is very short. This is
20 only about ten minutes.

21 (Whereupon, the testimony of John Dranov
22 was read to the jury.)

23 (End of Dranov's read testimony.)

24 THE COURT: Ladies and gentlemen, that's
25 the testimony that you asked to hear, and I'll

1 excuse you now to resume your deliberations.

2 (Whereupon, the jury was escorted from
3 the courtroom.)

4 THE COURT: Counsel, can I just see you
5 at the bench for a moment?

6 We'll be in recess pending further
7 developments.

8 (Whereupon, a sidebar discussion was
9 held off the record.)

10 (Whereupon, a recess was taken.)

11 (Whereupon, the following discussion was
12 held in chambers:)

13 THE COURT: We'll go on the record.

14 We will note for the record that at
15 11:25 a.m. I was handed a question from the jury
16 which reads as follows: Is count 24 intended to
17 be indecent assault less than 13 years as opposed
18 to indecent assault less than 16 years?

19 I have summoned counsel to chambers.
20 Mr. Rominger and Mr. Fina, Mr. McGettigan are
21 present. Mr. Amendola has been summoned, is not
22 here despite the 20-minute call, and because this
23 is a purely administrative matter, Mr. Sandusky's
24 attendance is not required.

25 I have discussed the question with

1 counsel and it is agreed that the answer should
2 be that count 24 is intended to be indecent
3 assault less than 13 years.

4 Strike what I said about Mr. Amendola
5 not being here.

6 This is the question.

7 (Whereupon, a discussion was held off
8 the record.)

9 THE COURT: We'll go back on the record.

10 Per agreement of all four counsel and
11 the Court, the following message will be returned
12 to the jury:

13 I have met with counsel for the purpose
14 of answering your question and the answer is as
15 follows:

16 Count 24 is intended to be indecent
17 assault less than 13 years.

18 (End of discussion in chambers.)

19 (Whereupon, the following discussion was
20 held in chambers:)

21 MR. ROMINGER: Jerry, can you hear me?

22 Okay. We have a question here in
23 chambers and the question reads as follows from
24 the jury:

25 The charge -- quote -- unlawful contact

1 with minor -- end quote -- with respect to the
2 second question -- does the defendant's --
3 quote -- purpose -- end quote -- refer only to
4 indecent assault within the contact period, or
5 can it refer to intended future indecent assaults
6 -- question mark?

7 And we're proposing to answer that
8 question as, yes, based on everyone's view of the
9 law and send that back to the jury but you have
10 an absolute right to be present here at the time
11 that we make that decision, that we discussed
12 that decision, and the judge has any contact with
13 the jury. Do you understand that?

14 THE DEFENDANT: Well, not totally but.

15 MR. ROMINGER: The question or your
16 right to be here?

17 THE DEFENDANT: The question. I mean as
18 to what you're addressing.

19 MR. ROMINGER: We're addressing the
20 unlawful contact with minors statute with the
21 jury where they're asking a question of whether
22 the intent has to involve a future -- can involve
23 a future event as well as any present event. But
24 I think the biggest issue is that you understand
25 that you can be here when we discuss this and

1 make this known to the jury. Do you understand
2 that?

3 THE DEFENDANT: Right. Right.

4 THE COURT: Do you want to go talk to
5 him?

6 MR. ROMINGER: Joe is going to talk to
7 you for a second.

8 (Whereupon, defense counsel left and
9 returned to the chambers.)

10 MR. ROMINGER: Jerry, can you hear us?

11 THE DEFENDANT: Yes.

12 MR. ROMINGER: Did you have a chance to
13 speak to Mr. Amendola and myself outside the
14 presence of the Court?

15 THE DEFENDANT: Yes.

16 MR. ROMINGER: And you're satisfied with
17 the answer we're intending to give the jury?

18 THE DEFENDANT: Yes.

19 MR. ROMINGER: And you understand your
20 right to be present and you are waiving your
21 right to be present at this time?

22 THE DEFENDANT: Yes.

23 MR. ROMINGER: Do you have any other
24 questions about your right to be present or
25 anything else you wanted to ask us about what we

1 have the Court intending to do with this jury
2 question?

3 THE DEFENDANT: No.

4 THE COURT: Okay.

5 I'll note then that the defendant,
6 having waived his presence, and counsel having
7 reviewed the law and agreed that the jury can be
8 instructed by subsequent written comment without
9 bringing the jury back into the courtroom, and
10 I'll affirm that everyone is nodding their head
11 consenting to that, the jury question which reads
12 as follows -- which reads as follows:

13 In the charge -- quote -- unlawful
14 contact with minor -- quote -- with respect to
15 the second -- dash -- does the defendant's --
16 quote/unquote -- purpose refer only to indecent
17 assault within the contact period or can it refer
18 to intended future indecent assaults?

19 Signed by the person we assume to be the
20 foreman.

21 Counsel have agreed that section 6318
22 includes any intent to engage in unlawful conduct
23 on the presently filed charge or any future such
24 conduct, correct?

25 MR. FINA: Yes, Your Honor.

1 THE COURT: Mr. Amendola?

2 MR. AMENDOLA: Yes, Your Honor.

3 MR. ROMINGER: Right.

4 THE COURT: Can we terminate the call
5 then?

6 MR. AMENDOLA: Thank you, Jerry.

7 MR. ROMINGER: Thank you, Jerry.

8 THE COURT: Let me dictate the answer
9 then.

10 In response to your question received at
11 12:35, contact between the defendant and the
12 child refers to present and future contact.

13 MR. AMENDOLA: Should you add something
14 to the effect if the purpose --

15 MR. McGETTIGAN: No, because it's
16 present intent.

17 THE COURT: If the contact is for the
18 purpose of future indecent assaults.

19 MR. FINA: Yes.

20 MR. AMENDOLA: That's accurate.

21 THE COURT: That ties it right back into
22 their question.

23 MR. AMENDOLA: Yes.

24 MR. McGETTIGAN: Okay.

25 THE COURT: Okay.

1 MR. ROMINGER: Agreeable.

2 (End of discussion in chambers.)

3 (Whereupon, the following discussion was
4 held in chambers:)

5 MR. ROMINGER: You're on speaker phone.

6 THE COURT: You can do the colloquy.

7 MR. ROMINGER: Jerry, there's a question
8 that's come in, the jury has asked to have the
9 testimony -- I should say the instruction reread.
10 The exact question is: Can we have a restating
11 of your instructions regarding -- quote --
12 excited utterance -- end quote -- and
13 circumstantial evidence? Given at 3:45 (sic) and
14 it appears to be signed by the foreman.

15 The proposal, we're going to reread
16 literally what the judge with counts 36 through
17 40 as I explained to you a minute ago and we're
18 just asking, understanding that you waive your
19 presence to be here in court when we reinstruct
20 the jury on that matter?

21 THE DEFENDANT: Okay.

22 MR. ROMINGER: Do you understand that
23 you could be here but you don't have to be if you
24 don't require it?

25 THE DEFENDANT: Right.

1 MR. ROMINGER: Are you okay with us
2 re-instructing the jury on that point without you
3 present?

4 THE DEFENDANT: That's fine.

5 MR. AMENDOLA: Jerry, if you want,
6 however, the deputy, the probation officer is
7 outside and they can bring you down. So we would
8 be very happy to wait for you if you would like
9 to come down.

10 THE COURT: That's correct.

11 MR. AMENDOLA: You have that option.

12 THE DEFENDANT: Is it necessary?

13 MR. AMENDOLA: It's not necessary.

14 THE DEFENDANT: It's not necessary?

15 MR. AMENDOLA: No.

16 THE DEFENDANT: Okay. I'm having a hard
17 time hearing. If it's not necessary --

18 MR. AMENDOLA: But you could be here and
19 when the jury comes out, be present in the
20 courtroom if you would like to. It's not a
21 problem. That's why the judge was kind enough to
22 make arrangements for the probation officer to be
23 there. So if something like this came up, you
24 could be down here in 15 minutes.

25 THE DEFENDANT: Okay. You don't feel I

1 need to be there?

2 MR. AMENDOLA: It's not necessary. It's
3 not required. It's just a matter of preference.

4 THE DEFENDANT: Okay.

5 MR. AMENDOLA: And whether you want to
6 be here and face the jury when they come out and
7 the judge reads the instruction.

8 THE DEFENDANT: No. What's that going
9 to accomplish?

10 MR. AMENDOLA: Nothing in particular.
11 That's why it's your call.

12 THE DEFENDANT: I mean, I don't know
13 what that would accomplish either. Is it going
14 to be that short? Just read that.

15 MR. ROMINGER: Literally read two
16 written pages back.

17 MR. AMENDOLA: Going to take a couple
18 minutes.

19 THE DEFENDANT: I don't want to be
20 there.

21 MR. AMENDOLA: Okay.

22 Nothing else.

23 THE COURT: Okay.

24 MR. ROMINGER: We're going to hang up
25 now, Jerry.

1 THE DEFENDANT: Is that it?

2 MR. AMENDOLA: That's it, Jerry.

3 THE DEFENDANT: Okay.

4 THE COURT: For the record, that at 3:45
5 I was handed a note from the jury: Can we have a
6 restating of your instructions regarding --
7 quote/unquote -- excited utterance and
8 circumstantial evidence?

9 We have put -- all four counsel are
10 present. Mr. Sandusky has waived his presence.
11 I have asked the court reporter to prepare that
12 portion of the charge which I believe the jury
13 refers to. The instruction makes no reference to
14 excited utterance. However, that I believe is a
15 reference to closing arguments of one or both
16 counsel, and I don't believe that it would be
17 appropriate for me to offer a supplemental charge
18 on the law of excited utterance. That it would
19 only be appropriate for me to restate what I have
20 already told the jury the first time. I believe
21 that's the position of counsel?

22 MR. FINA: It is, Your Honor.

23 MR. ROMINGER: It is.

24 MR. AMENDOLA: Yes, Judge.

25 THE COURT: Okay.

1 Do you want me to note for the jury that
2 Mr. Sandusky has waived his absence or just not
3 say anything?

4 MR. AMENDOLA: Not say anything. Then
5 they'll start wondering why he waived it -- what
6 do you think?

7 MR. ROMINGER: Can we just say we have
8 to summons him from his home?

9 MR. AMENDOLA: No, I you don't want to
10 say that. It sounds like he's in custody.

11 THE COURT: Just ignore and just let it
12 go?

13 MR. AMENDOLA: I think just ignore it.

14 THE COURT: Because they would have no
15 reason to believe he had to be present.

16 MR. AMENDOLA: Exactly. That's exactly
17 right, Judge.

18 THE COURT: If you go in court, I'll get
19 the jury lined up and take them in.

20 (End of discussion in chambers.)

21 THE COURT: You may be seated. Bring
22 the jury in please.

23 (Whereupon, the jury was escorted into
24 the courtroom.)

25 THE COURT: Ladies and gentlemen,

1 because this is a supplemental charge -- not a
2 supplemental but a rereading of the charge and
3 the Rules of Criminal Procedure do not permit you
4 to take notes during the charge, I am going to --
5 you don't have to fold it up and put it away.
6 I'm sure you're not going to write anything on
7 it. I just have to instruct you that you're not
8 permitted to take notes during the charge.

9 For the record at 3:45 p.m. I was handed
10 this note from the jury: Can we have a restating
11 of your instructions regarding excited utterance
12 and circumstantial evidence?

13 The term excited utterance was not one
14 that I used in my charge. I believe that may
15 have been in one or the other arguments of
16 counsel. So under the law of Pennsylvania, I am
17 not permitted to charge you on issues that were
18 not raised and addressed by the Court in the
19 original charge given to you. But I think I know
20 what you're talking about. So I can reread that
21 part of the charge which I think covers the issue
22 and if it doesn't your foreman can just let me
23 know and I'll -- and we'll get whatever you need.
24 Okay.

25 This relates -- I'm reading now from the

1 charge as given.

2 One more point and then we're nearly
3 done with this phase. This relates to counts 36
4 through 40. You'll recall that this is the
5 testimony regarding Victim 8. The statements --
6 the testimony regarding the janitors in the
7 shower room and the hearsay statements of
8 Mr. Calhoun who was unable to testify but was
9 related to you by Mr. Petrosky. The statement of
10 Mr. Calhoun as related to you by Mr. Petrosky is
11 not sufficient standing alone to sustain a
12 conviction. You must be satisfied that there is
13 other evidence that supports that a crime had
14 been committed besides Mr. Calhoun's hearsay
15 statement.

16 Now, you may consider that statement but
17 you must also be satisfied that there is other
18 evidence, either direct or circumstantial, which
19 satisfies you that a crime has been committed.
20 So there's no misunderstanding, circumstantial
21 evidence is entitled to no lesser weight than
22 direct evidence. Circumstantial evidence can
23 support a verdict of guilty on any count.

24 The example that I commonly use is you
25 go to bed at night. There's a fresh layer of

1 snow in your yard. You get up in the morning.
2 You see deer tracks in the yard in the snow. You
3 did not see the deer there. You were asleep.
4 You saw the tracks. That's circumstantial
5 evidence that a deer was present in your yard
6 during the night. You are entitled to rely on
7 that.

8 It's just as valid evidence as if you
9 had been awake during the night and seen it.
10 That's circumstantial evidence. You are entitled
11 to rely on that in reaching your verdicts.

12 Did I get the section that you wanted to
13 hear?

14 Do you want me to repeat it?

15 JUROR: Yes.

16 THE COURT: Okay.

17 One more point and then we're nearly
18 done with this phase. This relates to counts 36
19 through 40. You'll recall that is the testimony
20 regarding Victim 8, the statements -- the
21 testimony regarding the janitors in the room and
22 the hearsay statements of Mr. Calhoun who was
23 unable to testify but was related to you by
24 Mr. Petrosky. The statement of Mr. Calhoun as
25 related to you by Mr. Petrosky is not sufficient

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17 did not see the deer there. You were asleep.
18 You saw the tracks. That's circumstantial
19 evidence that a deer was present in your yard
20 during the night. You are entitled to rely on
21 that.

22 It's just as valid evidence as if you
23 had been awake during the night and had seen it.
24 That's circumstantial evidence. You are entitled
25 to rely on that in reaching your verdicts.

1 Want me to read it again or are you
2 okay?

3 JUROR: That's fine.

4 THE COURT: Okay.

5 Then I'll let you continue your
6 deliberations.

7 We'll remain seated while the jury is
8 taken out.

9 (Whereupon, the jury was escorted from
10 the courtroom.)

11 THE COURT: I misstated the time on that
12 it's 2:45, not 3:45. We'll correct that
13 accordingly.

14 Anything further?

15 MR. FINA: No, Your Honor.

16 MR. McGETTIGAN: No, Your Honor.

17 MR. FINA: Thank you.

18 MR. AMENDOLA: No, Your Honor.

19 THE COURT: We're in recess.

20 (Whereupon, a recess was taken.)

21 THE COURT: Good evening. We'll be
22 seated.

23 We'll note for the record that the time
24 is 9:53. I'm notified that the jury has returned
25 a verdict, but I want to make a couple comments

1 to those gathered here before the jury comes in.

2 I am aware that this is a case of
3 considerable interest to many people. I'm aware
4 that there is a lot of commotion outside the
5 courthouse but this room is a Court of law and we
6 will tolerate no disruption from any person
7 regardless of what the verdict is, and the
8 sheriffs have been directed to arrest anyone who
9 disrupts these proceedings.

10 I want to say a word to the reporters
11 present here and in the satellite courtroom to
12 remind you of the terms of the Decorum Order that
13 have been entered by the Court. Those terms were
14 negotiated by the Court with representatives of
15 national and local print and electronic media.
16 The power of the Court to enter those conditions
17 is clear, and I would trust that as responsible
18 professionals you will not violate what is a
19 clearly lawful order.

20 That order provides that until I
21 formally announce that Court is adjourned there
22 will be no transmission, electronic or otherwise,
23 of any information regarding these proceedings.
24 Any transmission occurring before the time of the
25 adjournment may subject both the reporter who

1 transmits the information and any media outlet
2 that distributes or redistributes it to
3 sanctions.

4 Counsel has been assembled and note for
5 the record Mr. Fina, Mr. McGettigan,
6 Mr. Rominger, Mr. Amendola, and the defendant,
7 Mr. Sandusky.

8 Are you prepared to receive the verdict?

9 MR. AMENDOLA: Yes, Your Honor.

10 MR. McGETTIGAN: Yes, Your Honor.

11 THE COURT: Would you bring the jury in
12 please?

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

15 MR. McGETTIGAN: Your Honor, may the
16 Commonwealth rise upon the announcement of the
17 verdict?

18 THE COURT: (Nods head up and down.)

19 MR. McGETTIGAN: Thank you.

20 THE COURT: When we read the verdict.

21 MR. McGETTIGAN: Thank you, Your Honor.

22 THE COURT: Would I be correct that
23 Juror No. 4 has been be elected as the foreman of
24 the jury?

25 Would you hand the verdict slip to the

1 deputy please?

2 THE FOREMAN: (Complies.)

3 THE COURT: Would you stand, sir, and
4 read the verdict? I'll ask you to do it starting
5 with No. 2422, which is the one I have on top
6 there, I believe, and if you would read the
7 verdict by stating the count number, the
8 identification of the crime, and your verdict.

9 And will counsel please stand and
10 receive the verdict? Mr. Sandusky as well.

11 (Whereupon, all parties stand.)

12 THE COURT: You may proceed.

13 THE FOREMAN: This 22nd day of June,
14 2012, we the jurors empaneled in this case find
15 the defendant as to:

16 Count 1, involuntary deviate sexual
17 intercourse, guilty.

18 Guilty 2, involuntary deviate sexual
19 intercourse, guilty.

20 Count 3, indecent assault, guilty.

21 Count 4, unlawful contact with minors,
22 guilty.

23 Count 5, corruption of minors, guilty.

24 Count 6, endangering welfare of
25 children, guilty. And the question?

1 THE COURT: Yes.

2 THE FOREMAN: If you find the defendant
3 endangered the welfare of a child, was it a
4 course of conduct or a single event? Decision
5 was course of conduct.

6 Count 7, involuntary deviate sexual
7 intercourse, not guilty.

8 Count 8, indecent assault, guilty.

9 Count 9, unlawful contact with minors,
10 guilty.

11 Count 10, corruption of minors, guilty.

12 Count 11, endangering welfare of
13 children, guilty. The choice against course of
14 conduct and single event in Count 11 was single
15 event.

16 Count 12, indecent assault, guilty.

17 Count 13, unlawful contact with minors,
18 guilty.

19 Count 14, corruption of minors, guilty.

20 Count 15, endangering welfare of
21 children, guilty, with the determination that it
22 was a course of conduct.

23 Count 17, involuntary deviate sexual
24 intercourse, guilty.

25 Count 20, indecent assault, guilty.

1 Count 21, unlawful contact with minors,
2 guilty.

3 Count 22, corruption of minors, guilty.

4 Count 23, endangering welfare of
5 children, guilty, as a course of conduct.

6 Count 24, indecent assault, not guilty.

7 Count 25, unlawful contact with minors,
8 guilty.

9 Count 26, corruption of minors, guilty.

10 Count 27, endangering welfare of
11 children, guilty, as a single event.

12 Count 28, indecent assault, not guilty.

13 Count 29, unlawful contact with minors,
14 guilty.

15 Count 30, corruption of minors, guilty.

16 Count 31, endangering welfare of
17 children, guilty, as a single event.

18 Count 32, criminal attempt to commit
19 indecent assault, guilty.

20 Count 34, corruption of minors, guilty.

21 Count 35, endangering welfare of
22 children, guilty, as a course of conduct.

23 Count 36, involuntary deviate sexual
24 intercourse, guilty.

25 Count 37, indecent assault, guilty.

1 Count 38, unlawful contact with minors,
2 guilty.

3 Count 39, corruption of minors, guilty.

4 Count 40, endangering welfare of
5 children, guilty, as a single event.

6 Item 2421.

7 Count 1, involuntary deviate sexual
8 intercourse, guilty.

9 Count 2, involuntary deviate sexual
10 intercourse, guilty.

11 Count 3, indecent assault, guilty.

12 Count 4, unlawful contact with minors,
13 guilty.

14 Count 5, corruption of minors, guilty.

15 Count 6, endangering welfare of children
16 guilty, as a course of conduct.

17 Count 7, involuntary deviate sexual
18 intercourse, guilty.

19 Count 8, involuntary deviate sexual
20 intercourse, guilty.

21 Count 9, indecent assault, guilty.

22 Count 10, unlawful contact with minors,
23 guilty.

24 Count 11, corruption of minors, guilty.

25 Count 12, endangering welfare of

1 children, guilty, as a course of conduct.

2 THE COURT: Will you get the verdict
3 slip please and hand it to the reporter?

4 DEPUTY: (Complies.)

5 THE COURT: You may be seated.

6 MR. McGETTIGAN: Your Honor, may the
7 verdict be recorded?

8 THE COURT: Any motion?

9 MR. ROMINGER: Your Honor, the defense
10 would request a poll.

11 THE COURT: Ladies and gentlemen, there
12 is a request that the jury be polled. What this
13 means is that you are being asked individually to
14 state in turn whether you heard the verdict as
15 read by your foreman and then whether you agree
16 with the verdict on each charge as read by your
17 foreman. So there will basically be two
18 questions.

19 Begin with Juror 1, did you hear the
20 verdict?

21 JUROR NO. 1: Yes, I did.

22 THE COURT: Is this -- do you agree that
23 this is the verdict on each charge as read by
24 your foreman?

25 JUROR NO. 1: Yes, I do.

1 THE COURT: Juror 2, did you hear the
2 verdict?

3 JUROR NO. 2: Yes, I did.

4 THE COURT: Did do you agree that this
5 is the verdict on each charge as read by your
6 foreman?

7 JUROR NO. 2: Yes, I do.

8 THE COURT: Juror 3, did you hear the
9 verdict as read by your foreman?

10 JUROR NO. 3: Yes, I did.

11 THE COURT: And do you agree with the
12 verdict on each charge as read by your foreman?

13 JUROR NO 3: Yes.

14 THE COURT: Juror 5, did you hear the
15 verdict as read by your foreman?

16 JUROR NO. 5: Yes, I did.

17 THE COURT: Do you agree with the
18 verdict on each charge as read by the foreman?

19 JUROR NO. 5: Yes, I do.

20 THE COURT: Juror 6, did you hear the
21 verdict as read by your foreman?

22 JUROR NO. 6: Yes, I did.

23 THE COURT: Do you agree with the
24 verdict on each charge as read by your foreman?

25 JUROR NO. 6: Yes, I do.

1 THE COURT: Juror 7, did you hear the
2 verdict as read by the foreman?

3 JUROR NO. 7: Yes.

4 THE COURT: Do you agree with the
5 verdict on each charge as read by the foreman?

6 JUROR NO. 7: Yes.

7 THE COURT: Juror 8, do you -- did you
8 hear the verdict as read by the foreman?

9 JUROR NO. 8: Yes.

10 THE COURT: Do you agree with the
11 verdict on each charge as read by your foreman?

12 JUROR No. 8: Yes, I do.

13 THE COURT: Juror 9, did you hear the
14 verdict as read by your foreman?

15 JUROR NO. 9: Yes, I did.

16 THE COURT: Do you agree with the
17 verdict on each charge as read by your foreman?

18 JUROR NO. 9: Yes.

19 THE COURT: Juror 10, did you hear the
20 verdict as read by your foreman?

21 JUROR NO. 9: Yes, I did.

22 THE COURT: Do you agree with the
23 verdict on each charge as read by the foreman?

24 JUROR NO. 10: Yes, I do.

25 THE COURT: Juror 11, did you hear the

1 verdict as read by your foreman?

2 JUROR NO. 11: Yes, I did.

3 THE COURT: Do you agree with the
4 verdict on each charge as read by him?

5 JUROR NO. 11: Yes, I do.

6 THE COURT: And Juror 12, did you hear
7 the verdict as read by the foreman?

8 JUROR NO. 12: Yes, I did.

9 THE COURT: Do you agree with the
10 verdict on each charge as read by him?

11 JUROR NO. 12: Yes, I do.

12 THE COURT: I'll mark the judgment
13 entered.

14 MR. McGETTIGAN: The verdict will be
15 recorded, Your Honor?

16 THE COURT: Yes.

17 MR. McGETTIGAN: Thank you, Your Honor.

18 THE COURT: Ladies and gentlemen, I will
19 excuse you to return to the jury room. I will
20 join you there very shortly.

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

23 THE COURT: Mr. Sandusky, you have been
24 found guilty by a jury of your peers. I will be
25 entering an order directing that you receive an

1 assessment by the Sexual Offender Assessment
2 Board, ordering a pre-sentence investigation, and
3 setting sentencing to occur in approximately 90
4 days, a date to be selected by subsequent order.

5 Mr. McGettigan?

6 MR. McGETTIGAN: Your Honor, at this
7 time, the Commonwealth would move for the
8 revocation of defendant's bail.

9 THE COURT: Mr. Amendola.

10 MR. AMENDOLA: Your Honor, as the Court
11 knows, Mr. Sandusky has been under supervision of
12 the Centre County Probation Department on in-home
13 detention since his arrest on December 7th of
14 last year. My understanding from the probation
15 department is he has abided by all terms and
16 conditions of their department and the terms that
17 they imposed upon his in-home detention program
18 during that period of time. They have had no
19 problems with him.

20 I'd submit to the Court he's been a
21 resident of this area for many, many years since
22 I believe 1968 or '69. He resides with his wife.
23 He's not a flight risk.

24 Certainly he would still be confined, if
25 the Court permitted him to remain out on bail. I

1 would ask the Court to consider that or at least
2 consider an increase in bail to an amount other
3 than a total revocation of his bail.

4 THE COURT: The motion of the
5 Commonwealth is granted. The bail is revoked.

6 Mr. Sandusky, you are remanded to the
7 custody of the Centre County Sheriff to be held
8 at the Centre County Correctional Facility
9 pending further order.

10 Sheriff.

11 Counsel, is there anything further?

12 MR. McGETTIGAN: No, Your Honor. Thank
13 you.

14 MR. ROMINGER: No, Your Honor.

15 THE COURT: We'll note for the record
16 that it is 10:09 p.m. and court is adjourned.

17 E N D O F P R O C E E D I N G S
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C E R T I F I C A T E

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

Date _____ Patricia A. Grey, RPR
Official Reporter

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

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

Date _____ John M. Cleland, Senior Judge
Specially Presiding