

IN THE COURT OF COMMON PLEAS
OF 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
(Criminal Jury Trial)

BEFORE: John M. Cleland, Senior Judge

DATE: June 14, 2012

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

APPEARANCES:

FOR THE COMMONWEALTH:

Joseph McGettigan, Esq.
Deputy Attorney General
Frank G. Fina, Esq.
Deputy Attorney General

FOR THE DEFENDANT:

Joseph Amendola, Esq.
Karl Rominger, Esq.

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(None)

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ADMITTED:

COMMONWEALTH:

(None)

DEFENDANT:

(None)

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

2 THE COURT: You may be seated. Good
3 morning.

4 (Whereupon, the jury entered the
5 courtroom.)

6 THE COURT: Good morning again, ladies
7 and gentlemen. We're ready to resume here this
8 morning.

9 Mr. McGettigan, go ahead.

10 MR. MCGETTIGAN: Thank you, Your
11 Honor. Your Honor, the Commonwealth would call
12 Zachary Konstas.

13 Whereupon,

14 ZACHARY KONSTAS

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

17 MR. MCGETTIGAN: May I, Your Honor?

18 THE COURT: (Nodding head up and
19 down.)

20 MR. MCGETTIGAN: Thank you.

21 DIRECT EXAMINATION

22 BY MR. MCGETTIGAN:

23 Q. Mr. Konstas, how old are you?

24 THE COURT: Let's get his full name.

25 MR. MCGETTIGAN: Oh, I beg your

1 pardon, Your Honor.

2 BY MR. MCGETTIGAN:

3 Q. Would you state your full name and
4 spell your last name for the record?

5 A. Zachary Konstas, K-O-N-S-T-A-S.

6 Q. I'm going to ask you to do one thing.
7 Can you move that microphone a little closer to
8 you and maybe you can move a little closer to
9 it? Okay?

10 A. Got it.

11 Q. Okay. Thank you.

12 MR. MCGETTIGAN: Okay. May I now,
13 Your Honor?

14 THE COURT: (Nodding head up and
15 down.)

16 BY MR. MCGETTIGAN:

17 Q. Mr. Konstas, how old are you?

18 A. Twenty-five.

19 Q. And what's your date of birth?

20 A. 7/14/86.

21 Q. Okay. And where do you live now?
22 Don't need your address, just where do you
23 live?

24 A. Colorado.

25 Q. Okay. And I'm going to ask you about

1 some events that occurred back in 1998, but
2 where were you living in 1998?

3 A. In State College, at an apartment
4 complex.

5 Q. And with whom did you live?

6 A. With my mother and my sisters.

7 Q. Okay. A couple sisters?

8 A. Yes.

9 Q. Okay. Can you just move a little
10 closer? Can you speak up just a little bit?
11 There we go. Are you nervous?

12 A. A little bit.

13 Q. Okay. Now, did you at that time know
14 the defendant, Jerry Sandusky, back in 1998?

15 A. Yes.

16 Q. Okay. Can you tell the ladies and
17 gentlemen of the jury how you met him, if you
18 remember?

19 A. I met him at a Second Mile picnic at
20 Spring Creek Park, a local park.

21 Q. Okay. A picnic?

22 A. Yes.

23 Q. Okay. Now, did you ever go to a
24 Second Mile camp or any of that stuff?

25 A. Never been to a camp, but I was at

1 monthly activities.

2 Q. Okay. And do you recall exactly how
3 you met the defendant at this picnic?

4 A. I'm sorry?

5 Q. Do you remember how you met the
6 defendant at this picnic? Did you introduce
7 yourself? Did he introduce himself or some
8 other way?

9 A. I believe I made my way up to him
10 after some of the activities were done and I
11 had -- I went up to him and I think I
12 introduced myself to him, because I was really
13 excited to meet him.

14 Q. Why were you excited to meet him?

15 A. Because I kind of grew up in a Penn
16 State fan house. My sister went to college
17 there and I've been following the football
18 program, and he was a part of the start of The
19 Second Mile and that's -- anything to do with
20 Penn State, I just wanted to be a part of it.

21 Q. Okay. Well, in the early part of
22 1998, you were 11. You were a football fan
23 then?

24 A. I was a huge football fan then.

25 Q. Okay. And after you met the defendant

1 at that picnic, did you see him again?

2 A. Yes.

3 Q. Okay. How soon after that, if you
4 remember, was it that you met him again?

5 A. I don't recall some of the activities
6 after that. I just remember when we went to
7 work out.

8 Q. Okay. Okay. And incidentally, Mr.
9 Konstas, what do you do now? Are you in school
10 now or out of school?

11 A. I'm -- just ended, graduated school
12 and that.

13 Q. What kind of school?

14 A. Bible college.

15 Q. And is that your career plan?

16 A. That's got a lot to do with it.

17 Q. Okay. Back in 1998, after you met the
18 defendant at this picnic, did you ever have
19 occasion around that time, in the early part of
20 1998, in May, to be alone with the defendant?

21 A. I'm sorry. Say that one more time.

22 Q. Were you ever alone with the defendant
23 back in May of 1998?

24 A. Yes.

25 Q. Okay. And where was the first time

1 you remember being alone with him? Was it in a
2 house, a car, anyplace else?

3 A. I believe it was when he came to pick
4 me up in his car.

5 Q. Okay. And do you know how he came to
6 pick you up? Did he speak with you, your
7 mother, or just drop by? Tell us how that
8 happened.

9 A. I believe he invited me to work out at
10 one of the Penn State facilities and confirmed
11 it with my mom, and she allowed that to happen
12 and he came to pick me up.

13 Q. Okay. Now, you said he confirmed that
14 with your mom. Was your dad -- was your father
15 living in the home at the time?

16 A. No, he was not.

17 Q. Okay. And were you excited to go to
18 the Penn State facility and work out?

19 A. Yes.

20 Q. Okay. Had you ever worked out before?

21 A. Not -- not like how we work out.

22 Q. Okay. So would you tell the ladies
23 and gentlemen of the jury what happened when
24 the defendant came to pick you up and what you
25 did?

1 A. I was really excited that day to go
2 see Jerry, to work out at the building and just
3 enjoy the day, the events. He came, knocked on
4 the door. I was all ready to go in my workout
5 clothes, just like a pair of shorts and a T-
6 shirt, and him and my mother talked for a few
7 minutes, just how the program was doing at Penn
8 State, the team. And after that conversation
9 was over we walked to his car, which was right
10 outside, got in his car, put seatbelts on, and
11 I was sitting in the passenger seat. He
12 reached over and put his hand, like, right next
13 to my knee, leg, knee, on the top part, and I
14 remember just feeling that it was a little bit
15 odd, and I kind of pulled it away just a little
16 bit towards the passenger door. And I believe
17 that it just remained on there, so I just kind
18 of rolled with it.

19 I don't remember what happened in the
20 car. We just kind of made small talk. Got to
21 the building next to Holuba Hall. We entered.
22 He was showing me some of the players'
23 equipment. I believe he let me try on some of
24 the helmets and shoulder pads, maybe Curtis
25 Enis or some of the notable players that I

1 knew. I remember they were huge for me, a lot
2 of wiggle room with the shoulder pads. I could
3 move my head and the helmet would just float
4 around. Then we moved on to the coaches'
5 locker room. He showed me the offensive
6 coordinator's. He showed me his, JoPa's. I
7 was really excited to see his. He gave me a
8 pair of his socks. I was thrilled with that.
9 He gave me a little bit more of a tour, and
10 then it was time to start some of the
11 activities.

12 Q. Now, Mr. Konstas, let me interrupt
13 you. What activities did you engage in there?

14 A. There was, I believe, two games that
15 he, you know, kind of invented a little bit,
16 Polish bowling and Polish soccer, where you
17 just kind of roll a ball of, you know, sports
18 tape.

19 Q. So did you play Polish bowling and
20 Polish soccer?

21 A. Yes, sir.

22 Q. Okay. Was it just you and Mr.
23 Sandusky or was there someone else involved?

24 A. I believe it was just me and Mr.
25 Sandusky.

1 Q. Okay. Was anyone else around the area
2 that you were right then, that you recall?

3 A. There was no one in the building that
4 I remember seeing.

5 Q. Okay. What kind of a room was it?
6 What kind of equipment, if any, was in there?
7 It was just a room, or what do you remember?

8 A. I remember playing those games in the
9 hallways right next to the rooms. There was
10 kind of some open space where we would do that.

11 Q. Okay. And did you do anything after
12 that?

13 A. After the bowling, the soccer, then I
14 believe we wrestled a little bit on the carpet.
15 He was showing me how to -- how to pin. He
16 would, you know, pin me and say this is how you
17 pin, and we were just kind of rolling, doing a
18 few wrestling moves. He was just showing me
19 some moves.

20 Q. Did anything about that bother you?

21 A. I felt uncomfortable with it, but it
22 was Jerry Sandusky, so I didn't want to make
23 him mad.

24 Q. You hadn't been hurt or anything, had
25 you?

1 A. What's that?

2 Q. Had he hurt you? had you been hurt?

3 A. No, no, he didn't hurt me. It was
4 just a little -- slightly uncomfortable,
5 because I didn't really know him and it was
6 just close.

7 Q. Okay. After this wrestling stuff, did
8 you work out on any equipment, or what did you
9 do next? What's the next thing you recall
10 doing?

11 A. I believe he gave me -- I think he
12 gave me a pair of workout clothes, some shorts
13 and maybe a shirt, and I just kind of remember
14 thinking I kind of came dressed for that, to
15 work out. And so I, you know, put them on and
16 they were a little larger. I remember pulling
17 the drawstring all the way out to keep it up.
18 We went to the gym, which was down the hallway.
19 He was introducing me to some of the machines,
20 the equipment, kind of helping me out, showing
21 me how to do it. I don't believe we ventured
22 too far from the entrance, and it only took
23 maybe 15 or 20 minutes.

24 Q. Had you ever worked out on gym
25 equipment at that point in your life, when you

1 were 11?

2 A. Maybe once.

3 Q. Okay. Did you give it a try that day?

4 A. I gave it a try that day.

5 Q. Okay. And how long did that last, if
6 you remember?

7 A. About 15, 20 minutes.

8 Q. Do you know what the defendant was
9 doing while you were giving it a try on this
10 equipment?

11 A. He was watching me do it. He was kind
12 of helping me, I think, with the mechanics.

13 Q. Okay. Can you tell the ladies and
14 gentlemen of the jury what happened next, if
15 anything, after you finished trying to do your
16 little workout?

17 A. I remember him saying, "Okay. Now
18 it's time to shower, to rinse off," and my
19 immediate thought was, "I'm not even sweating
20 yet." It was only 15 or 20 minutes, but I
21 didn't want to be awkward to him about it, so I
22 said, politely, "Okay," and we left the gym
23 area. He let me un-change in one of the locker
24 rooms. I think it was the coaches'. He went
25 in a different room and I started to really get

1 uncomfortable as I'm taking my clothes off,
2 because I had -- no one, you know, besides my
3 parents, you know, have ever, you know, seen me
4 like that, without clothes on. So I put -- you
5 know, put a -- I think I put a towel around me,
6 walked towards the shower. He was already in
7 there, waiting, with his shower going. I
8 believe it was straight ahead, maybe off to the
9 right a little bit. And he had a shower right
10 next to him going, and I immediately walked in
11 and went to the left and turned in -- turned on
12 a shower across the room.

13 Q. Why did you do that?

14 A. Because I didn't want to be right next
15 to him in the shower and it just felt really
16 awkward.

17 Q. Okay. So what happened then?

18 A. Once I turned on the shower across
19 from him, on the other side of the wall, he
20 said, "Why don't you come over to the shower?"
21 next to him, because he had already warmed it
22 up for me. So I said okay. I really didn't
23 want to. That even made it a little bit more
24 hard, and I went over and he made a lot of
25 jokes to, you know, make me laugh, and it was

1 just joking around a bunch and he started to
2 kind of tickle me. I think he said he was the
3 tickle monster. He started to tickle me, like,
4 on my -- underneath my arms and on my stomach
5 and chest area. And I believe at some point
6 he, you know, grabbed me from behind, gave me a
7 big bear hug and, you know, kind of lifted me
8 up and just said, "I'm going to squeeze your
9 guts out," like in a playful manner and just,
10 you know, squeezed and made a growling sound.

11 And I remember seeing his chest hair
12 right next to my face. I'm like, "This is just
13 -- this is icky." I didn't want to -- so I,
14 you know, tried to make -- to get out of his
15 grasp, but all at the same time trying to be in
16 a joking manner with him so I wouldn't make him
17 upset. Just more of the tickling occurred,
18 made a bunch of jokes and just would -- you
19 know, just trying to tickle me and lighten the
20 mood up. And then time to wash up. He -- so I
21 was putting soap on my body and he said, "Here.
22 Let me help you with your back, where you can't
23 reach." He took soap and, you know, lathered
24 it onto my back and shoulders and all. And at
25 that point it just -- it was just -- it just

1 would escalate the uncomfortableness of it, but
2 I was at the same time just trying to not make
3 him feel mad that I was kind of feeling a bit
4 awkward about it.

5 Then he took me, put his hands around
6 my waist like this (demonstrating) and lifted
7 me up to the showerhead to get the soap out of
8 my hair, and I believe my chest was to his
9 chest. I don't -- I can't remember -- I don't
10 think it was touching, but I just remember
11 going into the showerhead and having to close
12 my eyes so the soap wouldn't get in my eyes.
13 And that's the last thing I remember about
14 being in the shower. It's just kind of black.

15 Q. Okay. Is that the best specific
16 recollection you have today?

17 A. That's the best recollection I've got
18 of that.

19 Q. Okay. Now, obviously, when you went
20 into the shower, were you naked?

21 A. Yes.

22 Q. Was the defendant naked?

23 A. Yes.

24 Q. When he picked you up from behind and
25 he gave you a bear hug and said he was going to

1 squeeze your guts out, was he naked then?

2 A. Yes.

3 Q. Okay. And the same thing when he held
4 you up to the showerhead, was he naked? Were
5 you naked?

6 A. We were both naked.

7 Q. And you said you felt uncomfortable.
8 Is there anything else about that that you
9 recall or is that just kind of the way -- what
10 you recall now, how you felt?

11 A. That is what I recall now, and I
12 remember just trying not to look down, just
13 always keep -- try to keep my eyes up.

14 Q. So you can't say with any more
15 specificity about what part of his body touched
16 what part of your body or anything else? This
17 is just the best you can recollect today here?

18 A. The best I could recollect, the
19 closest contact was that -- the bear hug.

20 Q. Okay. After the defendant put you
21 down after getting the hair out of your -- the
22 shampoo out of your hair -- did you feel better
23 then?

24 A. I don't even remember being put down.

25 Q. Okay. At some point do you remember

1 getting dressed or anything else after that?

2 You got home somehow, didn't you?

3 A. I got home somehow and everything else
4 is just blackout. I just don't remember it.

5 Q. Okay. Fine. When you got home, do
6 you remember what you said? Did you tell your
7 mom when you walked in about any of the
8 activities the defendant had directed towards
9 you during the shower first?

10 A. When I walked in, he didn't walk -- I
11 don't believe he walked me to the door. I
12 walked into the room and said just a few things
13 of what he showed me about the players, and
14 then I said to my mom, "And by the way, if
15 you're wondering why my hair is wet, it's
16 because we took a shower," and then I took off.

17 Q. Okay. You told this to your mother?

18 A. Yes, sir.

19 Q. Okay. And do you know what your
20 mother's response to that was?

21 MR. ROMINGER: Objection, hearsay.

22 MR. MCGETTIGAN: I'm talking about
23 what he observed and what was said directly to
24 him. It's not offered for the truth, just that
25 it was said to him.

1 THE COURT: Then why is it relevant?
2 Sustained.

3 BY MR. MCGETTIGAN:

4 Q. After you told your mother your hair
5 was wet because you took a shower with
6 somebody, did you tell her who you took a
7 shower with?

8 A. She knew who I took a shower with.

9 Q. Did she ask you any more questions and
10 did you tell her any more about what happened
11 in the shower?

12 A. She came into my room a few minutes
13 later and asked me about what I just said.

14 Q. Okay. And did you tell her?

15 A. I told her bits and pieces. I didn't
16 tell her exactly what happened.

17 Q. Okay. And did you talk to anyone else
18 that day about what had happened in the shower?

19 A. No.

20 Q. Okay. Did you talk to anybody else on
21 subsequent days about what had happened in the
22 shower?

23 A. Yes, I did.

24 Q. Okay. And who was that?

25 A. The police. I gave, like, three or

1 four interviews around that time frame to
2 different people.

3 Q. Now, you didn't call the police, did
4 you?

5 A. No.

6 Q. Okay. Your mother called the police?

7 A. Yes.

8 Q. Okay. So you ended up talking to a
9 police officer. Anybody else other than police
10 officers?

11 A. There was a guy. I think his name is
12 Seasock. I remember talking to him about it,
13 but he had no idea what I was talking about.
14 He seemed more interested in playing games with
15 me, number games, than taking down a --

16 Q. Anybody else you remember talking to?

17 A. No.

18 Q. Okay. And now, you had said that you
19 were uncomfortable and the shower was kind of
20 icky. But after you got home and told your
21 mother your hair was wet, was it a big deal to
22 you or was it just over?

23 A. It wasn't a big deal to me. It was
24 just over. I just thought --

25 Q. Okay.

1 A. -- big deal out of it.

2 Q. When you started talking to police,
3 did you feel like somebody else had done
4 something wrong or you had done something
5 wrong?

6 A. I felt that I did something wrong.

7 Q. And if it hadn't been for the police,
8 would you even remember today what happened in
9 the shower, do you think?

10 A. I doubt it.

11 Q. Okay. But did you see the defendant
12 after that day at your home or anyplace else?

13 A. I did see him at a baseball game he
14 came to of mine and at the Penn State football
15 games.

16 Q. Okay. Did he come to your house ever
17 again that you recall when you were there?

18 A. He may have come once or twice to pick
19 me up for a game and that was it. Otherwise,
20 it was just one of his sons or someone going to
21 the games.

22 Q. Now, after you went through this thing
23 where you talked to the police, were you mad at
24 the defendant, Jerry Sandusky?

25 A. No.

1 Q. And did you see him again after that?

2 A. Yes.

3 Q. Okay. Lots of times?

4 A. Lots of times.

5 Q. Okay. Did you remain a big football
6 fan?

7 A. I remained a big football fan.

8 Q Today?

9 A. Today.

10 Q. And did you end up going to football
11 games?

12 A. Yes, sir.

13 Q. How many did you go to, do you think?

14 A. I was probably going to nearly every
15 home game.

16 Q. Okay. How did you get to those games?

17 A. Someone would pick me up just outside
18 of the -- just a small handful of times that he
19 did -- and then someone else would pick me up,
20 take me to his house, where the other kids
21 were.

22 Q. I mean, after that the defendant would
23 actually pick you up and take you to games?

24 A. Once or twice I remember him stopping
25 by after that.

1 Q. And did you get tickets to the games
2 from the defendant?

3 A. Yes.

4 Q. That year?

5 A. Yes.

6 Q. The next year?

7 A. Yes.

8 Q. Three years after?

9 A. Yes.

10 Q. And what did your mom think of that?

11 A. She -- we differed on it, because I
12 just thought she was trying to get him in
13 trouble and I became very defensive and would
14 always talk light of him, you know, "Jerry is
15 getting me tickets again." And she just always
16 kept her mouth shut and I could always tell
17 that we just knew that we were on different
18 pages.

19 Q. Okay. And were you at the defendant's
20 home after the time that you took a shower with
21 him?

22 A. Yes.

23 Q. Okay. Were you ever alone with the
24 defendant after the day you took a shower with
25 him?

1 A. Other than to pick up tickets when I
2 was older at his house, when he wouldn't go to
3 games, that would be just about it.

4 Q. Okay. And you never took a shower
5 with him again?

6 A. Never took a shower with him again.

7 Q. Okay. Mr. Konstas, you're a fairly
8 big fellow now. Were you as big then? Were
9 you a big kid then or a little kid?

10 A. I was a very small kid then.

11 Q. Okay. And as I said, after you got
12 over feeling icky and uncomfortable that day,
13 were you really scared on the way home or
14 anything like that, that you remember?

15 A. No.

16 MR. MCGETTIGAN: Your Honor, I have
17 nothing further of the witness at this time.
18 Thank you.

19 THE COURT: Any cross?

20 CROSS-EXAMINATION

21 BY MR. AMENDOLA:

22 Q. Mr. Konstas, my name is Joe Amendola.
23 I represent Mr. Sandusky. I'm going to ask you
24 some questions. If you don't understand what
25 I'm asking, let me know, okay? and I'll ask it

1 a different way.

2 A. (Nodding head up and down.)

3 Q. How old were you when you first met
4 Mr. Sandusky, about?

5 A. I believe I was 11.

6 Q. Now, were you involved in The Second
7 Mile summer camps?

8 A. The Second Mile what?

9 Q. Summer camps?

10 A. No.

11 Q. How did you meet Mr. Sandusky?

12 A. At the picnic at Spring Creek Park.

13 Q. I'm sorry, what?

14 A. At the picnic at Spring Creek Park.

15 Q. And how long afterwards did you start
16 having activities with Mr. Sandusky?

17 A. I think it was just maybe three, four
18 weeks, maybe a month.

19 Q. And do you recall the first thing that
20 you did with him one-on-one?

21 A. I'm almost positive that it was to
22 work out.

23 Q. Okay. And that was the time you got
24 the shower?

25 A. Yes, sir.

1 Q. Now, you indicated today that you guys
2 worked out. Were you sweaty after you worked
3 out?

4 A. No.

5 Q. How did the shower situation come up?

6 A. He initiated it. He asked. "Now it's
7 time to take a shower."

8 Q. What time of the day was it, if you
9 recall? Was it afternoon, morning, evening?

10 A. I don't remember the time of day.

11 Q. Not even a ballpark?

12 A. If I had to guess, mid-afternoon.

13 Q. Okay. Now, in the shower, did Mr.
14 Sandusky ever touch any of your private sexual
15 areas?

16 A. Not that I can recall specifically
17 other than the bear hug when, you know, we --

18 Q. Well, the bear hug. But, I mean, when
19 he bear-hugged you, how did he do that?

20 A. My back was into his chest, stomach,
21 because I remember my head being right next to
22 his chest hair and it was grossing me out.

23 Q. Okay. Didn't you think at the time
24 that he did that kind of in a joking way?

25 A. Yeah, I believe I said that.

1 Q. And isn't it true that he was kind of
2 joking around and playing around in the shower?

3 A. Yes, it was like a kind of a cat-and-
4 mouse type of thing before he put the soap on
5 me.

6 Q. And he wasn't groping your private
7 areas, was he?

8 A. No.

9 Q. And he wasn't asking you to grope his
10 private areas, was he?

11 A. No.

12 Q. Did he have an erection?

13 A. I tried my very best not to look down.

14 Q. Okay. So is your answer you don't
15 know if he had an erection?

16 A. I do not know if he had an erection.

17 Q. Do you remember being interviewed back
18 in 1998 by an officer about this?

19 A. Yes.

20 Q. Do you remember who that officer was?

21 A. I believe it was Officer Schreffler.

22 Q. Now, after you got out of the shower,
23 who dried you off?

24 A. Like I said, I can't remember anything
25 after he lifted me up to the showerhead.

1 Q. When you got home, what occurred with
2 your mom and why did she get suspicious about
3 what had happened?

4 A. It was a brief exchange when I got
5 into the doorway. She was sitting on the
6 couch, to my recollection. I just gave her a
7 brief statement about the players' equipment I
8 tried on and then I said, "And if you're
9 wondering why my hair is wet, it's because we
10 took a shower," and I took off.

11 Q. And I want to go back to the shower
12 situation in terms of you getting dried off.
13 Do you recall testifying before the grand jury
14 in this matter on June 17, 2011?

15 A. I remember being at the grand jury,
16 yes.

17 Q. And do you recall being asked by one
18 of the Attorney General staff how about -- with
19 drying you off, and this goes back to the
20 shower situation, after you got off -- after
21 you got out of the shower. Do you recall
22 someone asking you, "Can you tell us about
23 being dried off?"

24 A. I don't recall.

25 MR. AMENDOLA: And this is on page 20,

1 Mr. McGettigan, starting with line 22.

2 BY MR. AMENDOLA:

3 Q. The question was asked, "How about
4 with drying you off?" And the answer,
5 according to the transcript, "I don't remember
6 how that happened. I think we just went our
7 separate rooms -- to our separate rooms -- and
8 I dried myself off." I don't remember
9 specifically. Do you recall that question and
10 answer?

11 A. Very vaguely.

12 Q. And then, to be fair to you, the next
13 question was, "Okay. So with regard to the
14 towel and drying you off, that you're not sure
15 of, but you believe that he may have lathered
16 you up with soap?" And your answer was yes.

17 A. I'm sorry. Can you say that one more
18 time?

19 Q. Yes. The next question was, "Okay.
20 So with regard to the towel and drying you off,
21 that you're not sure of, but you believe that
22 he may have lathered you up with soap?" And
23 your answer was yes.

24 A. Yes.

25 Q. Did you think anything unusual

1 happened that day when you left the shower?

2 A. To me, no. It was just an awkward --

3 Q. And I take it -- how old were you at
4 that time?

5 A. I believe I was 11.

6 Q. Had you ever heard good touch, bad
7 touch in school and from people trying to tell
8 you the difference between something that's
9 good and bad?

10 A. I can't say either way.

11 Q. But you didn't think anything happened
12 that was inappropriate at that time, correct?

13 A. Not to my knowledge.

14 Q. Now, when you got home, your mother
15 became concerned; is that a fair statement?

16 A. My mother became upset.

17 Q. And that -- she's the one who
18 contacted Children and Youth Services or the
19 police?

20 A. Yes, sir.

21 Q. Is it true that you didn't want to see
22 Mr. Sandusky get into trouble? You were
23 concerned about him getting into trouble?

24 A. Yeah, I didn't want to get him into
25 trouble.

1 Q. Why was that?

2 A. Because I still wanted to hang out
3 with him and go to the games, and he told me
4 about he had a -- this was back in '98. So he
5 told me that he had a computer and that he
6 could -- he would invite me over and I could
7 sit on his lap and we could get on the computer
8 together, and I wanted to do that.

9 Q. So you still wanted to have kind of a
10 father-son type relationship with him?

11 A. Friends.

12 Q. Didn't you ever think of him as a
13 father figure?

14 A. I'm not sure.

15 Q. Okay. After the investigation
16 occurred, after you spoke with the police, did
17 anything bad happen to Mr. Sandusky?

18 MR. MCGETTIGAN: Objection.

19 MR. AMENDOLA: Were any charges filed?
20 I'll ask --

21 THE COURT: Wait a second.

22 MR. MCGETTIGAN: Objection. The
23 question was did anything bad happen to Mr.
24 Sandusky, and I just don't know that --

25 MR. AMENDOLA: I'll ask it a different

1 way, Your Honor.

2 THE COURT: Okay.

3 BY MR. AMENDOLA:

4 Q. To your knowledge, after the police
5 and Children and Youth Services investigated
6 the situation with you and Mr. Sandusky in the
7 shower, to your knowledge, was he arrested or
8 charged with anything regarding that?

9 A. Not to my knowledge.

10 Q. And you continued to have contact with
11 Mr. Sandusky?

12 A. Yes, sir.

13 Q. Your mother allowed that?

14 A. Yes.

15 Q. In fact, after that investigation was
16 completed, do you recall a time when you and
17 your mom were standing outside Damon's on
18 College Avenue waiting for Mr. Sandusky's car
19 to pass to kind of get him to stop so you could
20 go to the football game with him?

21 A. I do not recall that.

22 Q. You don't recall that?

23 A. No.

24 Q. But you did go to many football games
25 with him after that, didn't you?

1 A. Yes, I did.

2 Q. And you stayed in regular contact with
3 him, didn't you?

4 A. Yes, I did.

5 Q. And, in fact, there was one point when
6 you went on a mission trip, I believe, to
7 Mexico?

8 A. Uh-huh.

9 Q. How old were you then?

10 A. How old was I?

11 Q. About.

12 A. Maybe 23.

13 Q. So much later, long after this
14 incident occurred?

15 A. (Nodding head up and down.)

16 Q. And didn't you ask Mr. and Mrs.
17 Sandusky to give you money to help support your
18 trip to Mexico?

19 A. We got mission letters from our school
20 and I gave him one of them.

21 Q. Did they give you money?

22 A. Yep, gave me a small donation.

23 Q. And when you would come home after you
24 left State College, wouldn't you regularly go
25 see Mr. Sandusky at his home with Mrs. Sandusky

1 there?

2 A. Mrs. Sandusky was there. We would
3 attempt to make a breakfast or something like
4 that.

5 Q. Well, I understand, and that's what
6 I'm getting at. In other words, you'd go over
7 and visit the Sanduskys, Mr. and Mrs. Sandusky.
8 Mrs. Sandusky would usually cook?

9 A. Yep.

10 Q. And when you would go to the football
11 games, wouldn't you go over to Mr. and Mrs.
12 Sandusky's house to get the tickets?

13 A. Yep.

14 Q. And wouldn't they have food, like
15 almost like a tailgate-type thing at the house.
16 I know they didn't do that at the stadium
17 anymore after he retired, but didn't they have
18 food there and stuff and you would eat?

19 A. That's correct.

20 Q. And then go to the game?

21 A. Yep.

22 Q. Did you usually go to the game with
23 them?

24 A. Yes, there was a group of us that
25 would.

1 Q. A group?

2 A. Yeah.

3 Q. Now, was Dustin Struble a friend of
4 yours?

5 A. Yes, he is.

6 Q. And is he still a friend of yours?

7 A. Yes, he is.

8 Q. Have you and Dustin talked about this
9 situation prior to coming to court today?

10 A. We had not discussed what happened to
11 us at all. I didn't even know he was part of
12 this.

13 Q. You and Dustin never discussed it?

14 A. Never.

15 Q. Did you discuss it with any of the
16 other kids who turned out to be accusers in
17 this case, if you know?

18 A. To my knowledge, no, and I don't think
19 he would have. He was -- he didn't even want
20 to do this.

21 Q. Do you understand in this proceeding
22 this is a criminal case, that the Attorney
23 General's Office represents the witnesses and
24 alleged victims and complaining witnesses? Do
25 you understand that process?

1 A. (No response.)

2 Q. I think you have to say yes for the
3 record.

4 A. Oh, yes, to an extent.

5 Q. Do you have private counsel? Have you
6 gotten private counsel involved in your case?

7 A. Yes, recently I've obtained counsel.

8 Q. I'm sorry. When did that happen?

9 A. Are you talking about a psychologist?

10 Q. No, no, no, legal -- an attorney?

11 A. Oh, an attorney, Yeah. I've got --
12 that happened sometime after the November
13 events, maybe December, January. I think it
14 was January.

15 Q. And to your knowledge has Dustin
16 Struble had an attorney involved, a private
17 attorney?

18 MR. MCGETTIGAN: Objection, Your
19 Honor.

20 MR. AMENDOLA: If he knows, Judge.

21 THE COURT: If he knows.

22 THE WITNESS: I think he's got an
23 attorney.

24 BY MR. AMENDOLA:

25 Q. Now, have you paid your attorney any

1 money for the things he's done for you, your
2 private attorney?

3 A. Zero.

4 Q. Have you signed any sort of agreement
5 with him in terms of how he is to be paid?

6 A. I signed something to let him
7 represent me. I don't know legal stuff, so I
8 don't remember what was in that.

9 Q. You're not aware of the facts or the
10 circumstances behind that agreement?

11 A. No.

12 Q. How many times have you seen this
13 private attorney, about?

14 A. Maybe twice, maybe once.

15 Q. Is he in the building today?

16 A. I believe he is here.

17 Q. Now, in addition to the mission trip
18 that Mr. and Mrs. Sandusky helped financially
19 support you on, when you would come home on
20 weekends to visit after you left State College,
21 were there times when you would borrow their
22 car?

23 A. He offered me his car the one time to
24 get around.

25 Q. Okay. And how long ago was that?

1 A. I think that was this past summer.

2 Q. Last summer?

3 A. Last summer, yes.

4 Q. Okay. Just so I'm clear about this,
5 for the record, what year?

6 A. 2011.

7 Q. 2011. And when's the last time you
8 went to a football game with them or with their
9 tickets?

10 A. That was the Michigan game of 2010.

11 Q. And when you came home and borrowed
12 their car, did you ask them if you could borrow
13 their car or did you say you didn't have
14 transportation and they just offered you to --

15 A. He offered.

16 Q. And you used it for the weekend when
17 you were home?

18 A. What's that?

19 Q. You used it for the entire weekend?

20 A. I used it for a day, for, I believe, a
21 Saturday, and I gave it back to him right after
22 church.

23 Q. And is it also a fair statement that
24 last summer, the summer of 2011, that you met
25 Mr. and Mrs. Sandusky for lunch at a restaurant

1 in State College?

2 A. That's correct.

3 Q. And who else was there with you?

4 A. There was a boy named Allen.

5 Q. And he was another young man who Mr.
6 Sandusky had known also, as far as you knew?

7 A. Yes.

8 Q. And would you say that that luncheon
9 was very friendly?

10 A. Yeah, it was very light conversation,
11 just talking, just catching up.

12 Q. Did Mr. Sandusky mention anything
13 about the investigation which brings him to
14 court today?

15 A. No.

16 Q. And after that did Mr. Sandusky call
17 you at some point and ask you for information
18 about how to contact Dustin?

19 A. Yes.

20 Q. And in that conversation -- do you
21 recall when that was, about?

22 A. Do I recall when that was? Sometime,
23 I'm thinking, in the spring of 2011.

24 Q. And when he called you about trying to
25 locate Dustin, did he mention anything about

1 this investigation?

2 A. No. His tone was much different than
3 how -- when you normally leave a voice message
4 or when we talked. It was -- I just noticed a
5 difference.

6 Q. Would it be fair to say he sounded
7 concerned?

8 A. Yes.

9 Q. And at that point had you heard
10 anything about this investigation?

11 A. Had I heard anything?

12 Q. Yes.

13 A. Yes, I heard that it had resurfaced.

14 Q. It had been in the papers. Okay. And
15 so you had heard about it, correct?

16 A. Correct.

17 Q. Mr. Sandusky called you looking for
18 Dustin's information and he sounded concerned.
19 Is that a fair statement?

20 A. That's a fair statement.

21 Q. But he didn't discuss with you
22 anything about this investigation, did he?

23 A. No.

24 Q. He didn't ask you, if the police call,
25 don't talk to them or don't tell them anything?

1 A. No, sir.

2 Q. Would you periodically send Mr.
3 Sandusky messages on holidays wishing him well
4 and on days like Father's Day?

5 A. Yes, I did that to many people.

6 Q. If you recall, did you send Mr.
7 Sandusky a Thanksgiving Day note for
8 Thanksgiving 2009?

9 A. That's very possible.

10 Q. And do you recall saying in that text,
11 "Happy Thanksgiving. I'm glad God has placed
12 you in my life. You are an awesome friend.
13 Love you"?

14 A. That was -- yes -- that was what I
15 call a corporate text.

16 Q. Yes.

17 A. I just kind of go through my phone
18 book and --

19 Q. Yes.

20 A. -- reply that to everybody.

21 Q. But that was the text you --

22 A. That --

23 Q. -- sent?

24 A. Yeah. I sent -- I --

25 Q. "I'm glad God has placed you in my

1 life. You are an awesome friend. Love you.
2 From Zach." That's what you said?

3 A. If that's what -- can I see that?

4 Q. Oh, yes.

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

7 THE COURT: (Nodding head up and
8 down.)

9 MR. MCGETTIGAN: Mr. Amendola?

10 (Whereupon, a discussion was held
11 between Mr. Amendola and Mr. McGettigan off the
12 record.)

13 MR. AMENDOLA: And maybe I ought to
14 mark this as Defense Exhibit No. 2 just so we
15 don't lose track of it.

16 BY MR. AMENDOLA:

17 Q. Now, Mr. Konstas, I'm going to show
18 you what's been marked as Defense Exhibit No.
19 2, and can you tell me if you recognize that
20 document?

21 A. Yes, that's certainly -- certainly one
22 of the ones I would have sent out.

23 Q. And so what I've just read to you is
24 what -- accurately depicts what you said in a
25 text to Mr. Sandusky on Thanksgiving 2009?

1 A. "Happy Thanksgiving, bro. I'm glad
2 God has placed you in my life. You're an
3 awesome friend. Love you." Yes.

4 Q. And then I'm going to refer you to
5 another time, and this would be on Father's
6 Day, and I believe it appears to be the same
7 year. Can you look at this and tell me if you
8 recognize this text?

9 A. Yes.

10 Q. And can you read that to the jury --

11 A. Sure.

12 Q. -- from Father's Day 2009?

13 A. "Hey, Jerry, just wanted to wish you a
14 happy Father's Day. Great things are yet to
15 come."

16 Q. What happened between Father's Day and
17 Thanksgiving 2009 and today that now makes you
18 come to court and say that what you think
19 happened to you and Mr. Sandusky in that shower
20 back in 1998 was so bad?

21 MR. MCGETTIGAN: Objection, Your
22 Honor, I don't believe -- it misstates the
23 witness' testimony. He never said he thought
24 it was so bad or that it was so bad. He just
25 testified to what happened. That's a

1 mischaracterization.

2 MR. AMENDOLA: He said it was
3 inappropriate, Your Honor.

4 THE COURT: Are you alleging that
5 there was a crime committed or that there
6 wasn't a crime?

7 MR. MCGETTIGAN: It's not a question
8 of what I'm alleging. It's a question of what
9 the witness has said and counsel's
10 characterization of what he said.

11 THE COURT: Overruled.

12 MR. MCGETTIGAN: Thank you, Your
13 Honor.

14 BY MR. AMENDOLA:

15 Q. What happened between those texts in
16 2009, Mr. Konstas, and today?

17 A. What happened was, when I was
18 contacted in January of 2011, the state police
19 officer contacted me that this resurfaced, and
20 I told him I would cooperate with it. And he
21 said that he wanted me to think about what
22 happened in '98 again. And as I started to
23 think about it, as I started to go over it in
24 my mind, I quickly realized my perceptions
25 changed, thinking about it as an adult as

1 opposed to as an 11-year-old, that that was
2 inappropriate, what had happened to me.

3 Q. But apparently your perception hadn't
4 changed in 2009 on Father's Day or Thanksgiving
5 when you sent those texts?

6 A. Yeah.

7 Q. How old were you in 2009?

8 A. Twenty-two, 23.

9 Q. Certainly an adult, correct?

10 A. Yeah.

11 Q. You had been to college, correct?

12 A. Yeah. I hadn't thought about the
13 shower incident. That was put out.

14 Q. When you talked with the police in
15 this case, did the police tell you that there
16 were other kids that Mr. Sandusky had abused?

17 A. They made mention, but they wouldn't
18 give any details.

19 Q. And did your change in perception have
20 anything to do with hiring private counsel,
21 signing some agreement, the contents of which
22 you're not sure about, and perhaps looking for
23 some financial gain?

24 A. Can you repeat the first part?

25 Q. Yes. Did the change in your attitude,

1 your perception about what happened in that
2 shower back in 1998, have anything to do with
3 hiring an attorney, a civil attorney, and
4 thinking that there might be some financial
5 gain for you in this matter?

6 A. Zero.

7 Q. Zero?

8 A. Zero.

9 Q. It just has to do with the change in
10 your perception?

11 A. Just the change in my perception.

12 Q. After you were 22 years old and sent
13 those texts in 2009 to Mr. Sandusky telling him
14 what a great guy he was, he was awesome --

15 A. (Nodding head up and down.)

16 Q. -- and thank God -- thank God, God put
17 him in your life -- you're telling us after you
18 sent those messages your perception changed?

19 A. January of 2011.

20 MR. AMENDOLA: Thank you. That's all
21 I have.

22 MR. MCGETTIGAN: Briefly on redirect.

23 REDIRECT EXAMINATION

24 BY MR. MCGETTIGAN:

25 Q. After you got done, when you were 11

1 years old, talking to the police and Mr.
2 Seasock and a few other people, did you spend a
3 lot of time thinking about the time you took a
4 shower with Jerry Sandusky?

5 A. No.

6 Q. Okay. Did you go looking for somebody
7 to tell that you took a shower with Jerry
8 Sandusky?

9 A. No.

10 Q. Okay. Did you even think about it
11 between 1998 and 2008, '9, '10, '11, anything
12 like that?

13 A. I had moved on from it. No, I didn't
14 think about it.

15 Q. Was it a big deal when you were 11?

16 A. No, just the fact that I was
17 interviewed by a lot of cops.

18 Q. Okay. And I think Mr. Amendola --

19 THE COURT: I'm sorry. What was that?

20 MR. MCGETTIGAN: Interviewed by a lot
21 of cops, I think. Was that --

22 THE WITNESS: Yes.

23 BY MR. MCGETTIGAN:

24 Q. And I believe Mr. Amendola said now
25 all of a sudden you think it's such a bad

1 thing. Well, do you think it's inappropriate
2 for a middle-aged man to shower and pick up and
3 hug and --

4 MR. ROMINGER: Objection, Your Honor.

5 THE COURT: Sustained.

6 BY MR. MCGETTIGAN:

7 Q. Okay. Were you mad at Jerry Sandusky
8 from 1998 to 2009, 2010, 2011?

9 A. Not up until January of 2011.

10 Q. Are you really even mad now?

11 A. I feel violated. I've gone through a
12 lot of emotional roller coasters since then.

13 Q. Okay. Has anybody ever asked you to
14 say anything in particular about what happened
15 back in 1998?

16 A. No one has asked me to change my story
17 at all.

18 Q. Has anybody said say something worse
19 or say something more or say anything different
20 other than the truth?

21 A. No, not once.

22 Q. Okay. And did you speak with me?

23 A. Yes.

24 Q. Did I ever tell you to say anything
25 different?

1 A. You've always said to tell the truth.

2 Q. Did I ever tell you to remember
3 anything that didn't happen?

4 A. No.

5 Q. Or forget anything that did happen?

6 A. No.

7 Q. Did I ever tell you to say Mr.
8 Sandusky was a bad guy, a good guy, or any kind
9 of guy, or just tell the jury what he did and
10 what you did?

11 A. That's exact -- right.

12 MR. MCGETTIGAN: Thank you. I have
13 nothing further, Your Honor.

14 MR. AMENDOLA: Nothing.

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

17 MR. MCGETTIGAN: Next witness, Your
18 Honor?

19 THE COURT: (Nodding head up and
20 down.)

21 MR. MCGETTIGAN: Thank you. The
22 Commonwealth would call Ronald Schreffler,
23 please.

24 Whereupon,

25 RONALD L. SCHREFFLER

1 called as a witness and having been duly sworn,
2 was examined and testified as follows:

3 MR. MCGETTIGAN: Your Honor? May I,
4 Your Honor?

5 THE COURT: (Nodding head up and
6 down.)

7 DIRECT EXAMINATION

8 BY MR. MCGETTIGAN:

9 Q. Mr. Schreffler, could you say your
10 whole name and spell your last name for the
11 record, please?

12 A. Sure. Ronald L. Schreffler,
13 S-C-H-R-E-F-F-L-E-R.

14 Q. And Mr. Schreffler, how are you
15 employed presently?

16 A. The Department of Homeland Security.

17 Q. And in a law-enforcement capacity?

18 A. I teach explosive classes.

19 Q. Okay. Can you tell the ladies and
20 gentlemen of the jury how you were employed
21 back in 1998?

22 A. I was employed by Penn State Police as
23 a criminal investigator.

24 Q. And when did your career at the Penn
25 State Police Department begin and end, if you

1 could tell us?

2 A. 1972 to 2006.

3 Q. So that was your employment in 1998?

4 A. Yes, sir.

5 Q. Specifically in May of that year?

6 A. Yes, sir.

7 Q. Were you a detective, criminal
8 investigator, something like that?

9 A. Yes, sir.

10 Q. Okay. And I'd like to ask you if,
11 back in the early part of May of that year, you
12 had occasion to have a conversation with a
13 woman by the name of Deb McCord?

14 A. Yes, sir.

15 Q. Okay. Your first contact with her,
16 was that telephonic or in person, if you
17 recall?

18 A. Telephone.

19 Q. Okay. And what did Ms. McCord tell
20 you?

21 A. She had a concern with her son, that
22 her son had been in a shower with a staff
23 member from Penn State.

24 Q. Okay. And did you call her or did she
25 call you?

1 A. She called me.

2 Q. Did you know her when she called you?

3 A. No, sir.

4 Q. Okay. And did she tell you who the
5 person involved was?

6 A. Not at that time.

7 Q. Okay. And so what did you tell her,
8 if anything, over that telephone conversation?

9 A. I asked her to bring her son into the
10 police office.

11 Q. Okay. And did she do that?

12 A. Yes, sir.

13 Q. Okay. Her son, Zachary Konstas?

14 A. Yes, sir.

15 Q. Did you interview Zachary?

16 A. Yes, sir.

17 Q. Okay. Can you tell the ladies and
18 gentlemen of the jury what Zachary told you
19 when you talked to him that day?

20 A. He stated that he had met Jerry
21 Sandusky through The Second Mile program and
22 that Mr. Sandusky had contacted him about going
23 to the gym at Penn State University, and that
24 on one of the occasions that they were at the
25 locker room there was an occasion where they

1 were in the shower and that Mr. Sandusky was in
2 the shower with him, that there was -- well,
3 there was shampoo in his hair and Mr. Sandusky
4 held him up in the shower and washed the
5 shampoo out of his hair.

6 Q. Okay. Did he tell you about any other
7 -- anything else about the physical contact, if
8 any, that occurred between Mr. Sandusky and
9 Zach?

10 A. That they wrestled in the shower; that
11 Mr. Sandusky came up behind him, put him in a
12 bear hug, made the comment that he was going to
13 squeeze his guts out.

14 Q. Was there any other specific details
15 about -- that Zachary related to you about the
16 contact between himself and Mr. Sandusky, or
17 was that pretty much the extent of it?

18 A. Other than Mr. Sandusky picking him up
19 in the shower, that was about it.

20 Q. And do you remember -- you spoke with
21 Zach directly that day?

22 A. Yes, sir.

23 Q. Okay. Was his mother present or do
24 you recall?

25 A. His mother was present, because I

1 needed her permission to tape the interview.

2 Q. Okay. And did Zachary appear
3 particularly agitated when you spoke with him?

4 A. He was very laid back.

5 Q. Okay. During the whole time?

6 A. Yes.

7 Q. Okay. Was Mrs. McCord, his mother --
8 was she agitated?

9 A. Yes.

10 Q. Okay. And after you completed that
11 interview, did you take any other action in
12 regard to this particular inquiry? Did you
13 decide to make an inquiry?

14 A. Yes, sir, I did.

15 Q. Okay. And what was the next thing
16 that you did at that point?

17 A. I found out during the interview that
18 there was another individual that had been in
19 the shower with Mr. Sandusky. It was a friend
20 of Zach's. I also contacted Centre County
21 Children and Youth Services.

22 Q. Okay. When you say another individual
23 in the shower, you don't mean at the same time?

24 A. No, sir, at a different time.

25 Q. Okay. And now, at some point did you

1 go to Mrs. McCord's home, that is, where Zach
2 lived with his mother?

3 A. Yes, sir.

4 Q. Okay. And did you direct her to take
5 any action in regard to this defendant, Jerry
6 Sandusky, at that time?

7 A. Yes, sir, I did.

8 Q. What did you tell her?

9 A. Basically, in consultation with the
10 District Attorney's Office, it was decided that
11 Mrs. McCord would contact Mr. Sandusky and
12 attempt to solicit conversation about her son
13 being in the shower with him.

14 Q. And did she do so telephonically?

15 A. Actually, we set it up where Mrs.
16 McCord actually contacted him and had Sandusky
17 come to their residence.

18 Q. Okay. And how long after the shower
19 that the defendant (sic) took with Mr. Sandusky
20 was it that you had this conversation with Mrs.
21 McCord?

22 A. It was within a day or so.

23 Q. Okay. How long after that was the
24 time that Mr. Sandusky was supposed to come to
25 her home, if you recall?

1 A. There was a phone conversation back
2 and forth, and then it was decided that Mr.
3 Sandusky would come over with his understanding
4 that he was going to be picking Zach up.

5 Q. Okay. So that's the method by which
6 Mrs. McCord got Mr. Sandusky to come to the
7 home?

8 A. That's correct.

9 Q. Okay. Were you present when the
10 defendant came to the home?

11 A. Yes, sir, I was.

12 Q. Where were you and can you tell us
13 what happened?

14 A. Yes. There was myself and
15 Investigator Ralph Ralston from State College
16 Police. He was hiding in the restroom area. I
17 was in the bedroom area in an attempt to
18 overhear the conversation that was going on
19 between the mother and Mr. Sandusky.

20 Q. Okay. And did the defendant,
21 Sandusky, come to the home?

22 A. Yes, sir.

23 Q. And did he engage in conversation with
24 Mrs. McCord?

25 A. Yes.

1 Q. Okay. Did you hear it?

2 A. Yes, sir.

3 Q. Okay. Can you tell the ladies and
4 gentlemen what was said between Mrs. McCord and
5 Mr. Sandusky when he came there that day?

6 A. Without going in detail with my
7 report, there was basically -- Mrs. McCord
8 expressed some concern about her son coming
9 back, that she questioned him about his hair
10 being wet. She said about him being in the
11 shower naked with her son, that she didn't
12 think that was right; that Zachary was having
13 some difficulty sleeping. He just hadn't been
14 -- her remark was that he just hadn't been the
15 same. Mr. Sandusky went on to say, "Do you
16 want me to talk to Zach?" something to the
17 effect that he was very upbeat the last time I
18 saw him. He asked several times if he wanted
19 the mother to have him talk to Zach.

20 Q. Okay. And what did Mrs. McCord reply?

21 A. No, that she didn't think it was
22 appropriate at that time.

23 Q. Okay. Did they have any further
24 conversation at that time?

25 A. At that time, no, there was not.

1 Q. Okay. And did you do anything right
2 then? I mean, did you just listen to the
3 conversation or did you intervene or become
4 involved?

5 A. No, I -- after we were done there
6 talking to Mrs. McCord, contacted the DA's
7 office, gave them an update of what was going
8 on, and there was a subsequent plan to make
9 another phone call to Mr. Sandusky with the
10 intent of having him come back to the house to
11 solicit more conversation.

12 Q. Okay. And why were you in contact
13 with the District Attorney's Office at that
14 point?

15 A. I contacted them early on in the
16 investigation because of the allegations and
17 the fact that Karen Arnold was the Assistant
18 District Attorney that was handling child-
19 related cases, so I wanted to get them on board
20 right away.

21 Q. Okay. And I want to go -- just take a
22 step back a little bit. You interviewed Zach,
23 and to your knowledge did anyone else interview
24 Zach at or around the time that you interviewed
25 him?

1 A. He was interviewed by Alycia Chambers
2 and he was also interviewed by John Seasock.

3 Q. Okay. And who were those persons?
4 Are they criminal investigators or something
5 else?

6 A. Alycia Chambers is a psychologist, a
7 psychologist that Zach had been seeing, and
8 John Seasock was a counselor that was employed
9 or contracted by Centre County Children and
10 Youth Services.

11 Q. Was it your idea to have Zach
12 interviewed by either or both of those people?

13 A. We were totally against it. The
14 District Attorney did not want it. The police
15 did not want it.

16 Q. Whose idea was it?

17 A. Children and Youth Services and the
18 State Department of Welfare.

19 Q. Children and Youth Services from what
20 county?

21 A. Centre County.

22 Q. Okay. So moving forward again, after
23 this first conversation that had been arranged
24 at the home of Mrs. McCord, did you direct her
25 to take any other action or ask her to take any

1 other action in regard to --

2 A. I asked her to make another phone
3 call.

4 Q. Okay. To whom?

5 A. Mr. Sandusky.

6 Q. Okay. And did she do that?

7 A. Yes, sir.

8 Q. Okay. Were you present when she did
9 that or did you just tell her what to do?

10 A. I just told her to do it.

11 Q. Okay. As a result of that, were any
12 further arrangements made, if you know?

13 A. Yes, there was a subsequent meeting
14 scheduled at their residence.

15 Q. Okay. And what plan, if any, did you
16 have to involve yourself in this meeting?

17 A. Basically, giving her an outline or we
18 went over the type of questions or how to
19 engage him in conversation.

20 Q. And did the defendant come to the
21 home?

22 A. Yes, he did.

23 Q. Were you there when he came?

24 A. Yes, sir.

25 Q. Okay. Can you tell ladies and

1 gentlemen of the jury as best you can recollect
2 what happened, where you were, where all the
3 parties were, and what happened when he came?

4 A. Again, at that time we were hiding in
5 various locations in the residence. Mr.
6 Sandusky showed up again with the assumption
7 that he was going to be picking Zach up. There
8 was conversation again between the mother where
9 she said that Zach has really been acting
10 weird. During the course of the conversation,
11 Mr. Sandusky made the statement, "I wish I
12 could ask for forgiveness. I know I will not
13 get it from you. I wish I were dead."

14 Q. Okay. And you heard him say this?

15 A. Yes, sir, I did.

16 Q. And were you able to tell anything
17 from his tone or manner of speech? Did that
18 make any impression on you at all?

19 A. I noted in my report he was very
20 upbeat when he came in, and after the mother
21 confronted him --

22 MR. ROMINGER: Your Honor, I have an
23 open objection, if we can approach the bench.

24 THE COURT: What is your objection?

25 MR. FINA: I believe the *corpus*

1 *delicti* issue.

2 THE COURT: Overruled.

3 MR. MCGETTIGAN: May the witness
4 continue, Your Honor?

5 THE COURT: Yes.

6 THE WITNESS: I'm sorry. Would you
7 mind asking --

8 BY MR. MCGETTIGAN:

9 Q. You may continue.

10 A. Did you want to ask --

11 Q. I think I was asking you if there's
12 anything you noted about -- of the conversation
13 you overheard about the tone, manner, demeanor
14 of the defendant?

15 A. Right. Again, he was very upbeat when
16 he came in. In fact, after the mother advised
17 him that she didn't think it was a good idea
18 that Zach would go with her, Mr. Sandusky stood
19 at the door continually talking while she was
20 attempting to have him leave, so there was
21 somewhat of an extended conversation.

22 Q. Okay. And can you tell me -- I want
23 to make sure I have this right. The defendant
24 said -- can you repeat what the defendant said?
25 I want to make sure --

1 A. From my memory, without looking at my
2 report, he made -- something to the effect, "I
3 would ask forgiveness. I know I will not get
4 it from you. I wish I were dead."

5 Q. Okay. And at that time did this
6 expression of what seemed to be remorse cause
7 you to believe the defendant was sorry for an
8 inadvertent action or cause you to be more
9 suspicious that there was more that Zachary
10 hadn't told you that the defendant had done?

11 A. I felt there was more that Zachary
12 hadn't told me.

13 Q. Okay. Now, after that, were you ever
14 at the McCord household where Zach lived, and
15 did the defendant ever come there again in your
16 direction or to your knowledge?

17 A. No, sir, not that I'm aware of.

18 Q. Okay. Did you have further
19 consultations at that point with Ms. Arnold,
20 Mr. Gricar, or anybody else?

21 A. Yes, I had talked to Karen Arnold, I
22 would say, probably at least two or three
23 occasions and Mr. Gricar at least two
24 occasions.

25 Q. And the charges were not lodged at

1 that point?

2 A. That's correct.

3 Q. Or at any point, actually?

4 A. That's correct.

5 Q. Okay. Did you determine to take at
6 this point any additional action in regard to
7 this investigation that would include the
8 defendant in your presence?

9 A. Yes, sir, I did.

10 Q. Okay. Tell the ladies and gentlemen
11 of the jury about that, please.

12 A. I contacted Mr. Sandusky at that time
13 -- a few days later. I think it was on June
14 1st, along with Jerry Lauro from the State
15 Department of Welfare, and we went and
16 interviewed Mr. Sandusky.

17 Q. Now, Mr. Lauro, what was his role with
18 the State Department of Welfare?

19 A. He was the program representative. He
20 is the gentleman that, when I first contacted
21 Centre County Children and Youth Services, they
22 contacted the State Department of Welfare,
23 stating that the State Department of Welfare
24 was going to take over the investigation, and
25 then it went back to the county. There was

1 some confusion there.

2 Q. Do you know why DPW -- Department of
3 Public Welfare -- why they were involved as
4 opposed to Centre County?

5 A. I can only assume.

6 Q. Nobody ever told you why?

7 A. No.

8 Q. Would that have been a normal process
9 or would Children and Youth have stayed
10 involved?

11 A. Again, I'm not sure exactly what their
12 protocol is as far as how they do things when
13 -- so I can't answer that.

14 Q. So in any event you said you had Mr.
15 Lauro with you when you went to interview Mr.
16 Sandusky?

17 A. That's correct.

18 Q. Okay. Can you tell the ladies and
19 gentlemen of the jury your recollection of the
20 events that transpired when you went to
21 interview Mr. Sandusky, the defendant, with Mr.
22 Lauro in your company?

23 A. Yes, went there, identified myself and
24 Mr. Lauro, advised him that we were
25 investigating an allegation of an incident that

1 occurred on May 3rd between 7 and 9 p.m. and
2 started talking to him about Zachary. During
3 the course of the interview, asked him if he
4 had ever been in the shower with other young
5 boys. He stated that he had. He was asked if
6 there was anything sexual that took place. He
7 said not. He was concerned about the effect it
8 would have on Zach as far as if he did anything
9 to upset Zach. The interview as far as my
10 questioning probably was about 15 minutes. I
11 did say to him, "I would tell you not to shower
12 with young boys again," and he stated something
13 to the effect he did think maybe it was
14 inappropriate, that he wouldn't do it again.

15 Q. And did the interview last longer than
16 the 15 minutes during which you got to pose
17 questions?

18 A. Yes. Mr. Lauro interviewed him or
19 talked with little -- a bit longer about
20 various things.

21 Q. Okay. And you had said that the
22 defendant advised you that he had showered with
23 other boys?

24 A. That's correct.

25 Q. Okay. Did you make any further

1 inquiry on that in terms of number, ages, or
2 activities?

3 A. No, sir, I did not.

4 Q. Okay. And did the defendant volunteer
5 any of that information, like how many young
6 boys he showered with or what type of
7 activities he'd engaged in?

8 A. No, sir.

9 Q. He just said he showered with boys in
10 the past?

11 A. That's correct.

12 Q. Okay. And did you advise him that he
13 shouldn't do this?

14 A. Yes, sir, I did.

15 Q. Okay. Did he appear to understand
16 what you were saying?

17 A. Yes, sir.

18 Q. Okay. Did he respond when you said
19 don't do this again or you shouldn't do this
20 again? What did he say?

21 A. I think he stated something to the
22 effect that he -- he used the term bad
23 judgment.

24 Q. And what did he say about his future
25 plans about showering with young boys, if

1 anything?

2 A. Again, the best I recall was that he
3 would not do it again.

4 Q. Okay. Now, after this conversation
5 with this defendant, did you have further
6 consultation with Ms. Arnold from the District
7 Attorney's Office or Mr. Gricar?

8 A. Mr. Gricar.

9 Q. Okay. And were any charges lodged as
10 a result of that?

11 A. No, sir.

12 Q. Okay. At any point did you either
13 draft a document or make a recommendation the
14 charges be lodged, if you recall?

15 A. I felt there should be some charges,
16 something, but the DA didn't feel there should
17 be.

18 Q. The District Attorney made that
19 decision?

20 A. That's correct.

21 Q. Okay. And did you ever have any
22 further contact with the defendant?

23 A. No, sir.

24 Q. Okay. Or Zach Konstas, for that
25 matter?

1 A. No, sir.

2 MR. MCGETTIGAN: Thank you very much,
3 sir.

4 CROSS-EXAMINATION

5 BY MR. AMENDOLA:

6 Q. Mr. Schreffler, I don't have to tell
7 you who I am. It's nice to see you. Going
8 back to 1998, how long had you been a police
9 officer prior to that?

10 A. Well, '72 I started there.

11 Q. So a long time?

12 A. (Nodding head up and down.)

13 Q. And were all of those years with Penn
14 State?

15 A. Yes.

16 Q. And how many years had you been an
17 investigator?

18 A. Probably 28 years.

19 Q. And how would you categorize your
20 relationship with Mr. Gricar?

21 A. Very good. I enjoyed working with
22 him.

23 Q. Would you characterize Mr. Gricar as a
24 professional prosecutor?

25 A. Yes, sir.

1 Q. To your knowledge, in 1998, how long
2 had he been District Attorney in Centre County?

3 A. I really don't know.

4 Q. Over 10 years?

5 A. I would assume so, yes.

6 Q. To your knowledge, had he ever done
7 any sort of criminal defense work?

8 A. I think his primary jobs had been that
9 of a prosecutor.

10 Q. And it's your testimony today -- and
11 maybe I'll back up first and say I assume that
12 Mr. Gricar had all the information you and
13 other officers had gathered regarding this
14 case?

15 A. Yes, sir.

16 Q. And Mr. Gricar, with all of his years
17 of experience as a prosecutor, determined there
18 wasn't sufficient evidence to pursue criminal
19 charges, didn't he?

20 A. That's correct.

21 Q. Now, you had contact with Zach Konstas
22 as a result of this incident?

23 A. Yes.

24 Q. And you interviewed him?

25 A. Yes, sir.

1 Q. Have you had an opportunity to review
2 that interview -- well, let me ask it another
3 way. To your knowledge, was there a
4 transcription of that interview made?

5 A. Yes, sir.

6 Q. And have you had an opportunity to
7 review that interview prior to coming into
8 court today? because I realize 1998 is years
9 away.

10 A. I looked at it sometime ago, yes.

11 Q. And obviously you're probably not
12 going to remember questions and answers without
13 maybe taking a look at the document?

14 A. Correct.

15 MR. AMENDOLA: Your Honor, may I
16 approach the witness?

17 THE COURT: Yes.

18 MR. AMENDOLA: I have to keep my
19 place. It's a thick document, but I'm not
20 going to read the whole thing, Your Honor.

21 BY MR. AMENDOLA:

22 Q. Can you take a look at this just to
23 verify what this is?

24 A. That is a copy of the transcribed
25 interview of May 4, 1998, at 11:25 a.m.

1 Q. And who is the interviewer?

2 A. I am.

3 Q. And who is being interviewed?

4 A. Zachary Todd Konstas.

5 Q. Now again, at the risk of boring
6 everybody, I'm not going to read the whole
7 thing. I'm just going to ask you some
8 questions. On page 7 of that interview, you
9 asked the question, "Okay. Did he," referring
10 to Jerry Sandusky, "try to shampoo your hair or
11 anything?" Can you read -- K, I assume, stands
12 for Zachary?

13 A. Yes.

14 Q. Can you read the answer?

15 A. "No. He just gave me the bottle of
16 shampoo and I shampooed my hair and
17 everything."

18 Q. And then, on page 7 of the interview,
19 it looks like M asks a question, "Okay. At any
20 time in the shower, did Jerry's penis looked
21 like it was --" and Mr. Konstas said?

22 A. "No, no." That would have been Miller
23 asking the question.

24 Q. But you were there?

25 A. Correct.

1 Q. And "No, no," in answer to that
2 question. And then Mr. Miller asked another
3 question, "Not at all?" And what was Mr.
4 Konstas' answer?

5 A. No.

6 Q. So it seemed he was very definitely
7 saying no, Mr. Sandusky did not have an
8 erection?

9 A. That's correct.

10 Q. On page 9 of the interview, question
11 by K -- well, actually a question by Mr. Miller
12 again, "About four minutes. Okay. At what
13 point did Jerry then -- you explained to me --
14 what did he do to you then?" And K says?

15 A. "First -- first thing, like he was
16 pretending to try to squeeze my guts out. He,
17 like, -- after that he was, like, just trying
18 to get the shamp -- the soap out of my hair,
19 and he lifted me up. But he lifted me up
20 pretty high so, like, my feet were just around
21 his waist. My back was touching his chest."

22 Q. On page 13, at the bottom of page 13,
23 and Mr. Miller asked, "And are you telling me
24 that he never touched you any place that was
25 inappropriate?" And what does Mr. Konstas --

1 who, of course, was then a little boy -- but
2 what does he say?

3 A. "No, he did not."

4 Q. Mr. Miller asked, "Did he ever ask you
5 to touch him in any place inappropriate --" and
6 we have to move to the next page. And Mr.
7 Konstas said?

8 A. "No."

9 Q. At the bottom -- and that's on page 14
10 -- at the bottom of page 14, Mr. Miller asked,
11 "Okay. Do you know what a good touch is and a
12 bad touch is?" And going up to the top of page
13 15, Mr. Konstas said?

14 A. "Yes, I do."

15 Q. And Mr. Miller said, "What is a good
16 touch?" And Mr. Konstas said?

17 A. "A good touch is like shaking your
18 hand or something, and a hug, and a bad touch
19 is like touching something that you are not
20 supposed to touch."

21 Q. And Mr. Miller then asked Mr. Konstas,
22 "Okay, and I'm going to ask you -- you know
23 that this is real important -- but you tell me,
24 did Jerry ever touch you in a place that was
25 inappropriate?" And Mr. Konstas said?

1 A. "No, he did not."

2 Q. On the top of page 19 of this
3 interview, Mr. Miller asked, "Okay. This is
4 the last time I'm going to say this. Okay.
5 And I want you to know that it is very
6 important -- it is very important. See, we
7 don't want to get anybody that doesn't deserve
8 to be in trouble -- do you feel that Jerry
9 touched you in an inappropriate way when he
10 lifted you up?" And what does Mr. Konstas say?

11 A. No, I don't think so.

12 Q. Mr. Miller then asked on page 19, "Did
13 he ever touch you on your private parts?" And
14 Mr. Konstas said?

15 A. "No."

16 Q. Mr. Miller asked, "Did he ever ask you
17 to touch his private parts?" And Mr. Konstas
18 says?

19 A. "Definitely no. I wouldn't have done
20 it anyways."

21 Q. So at that point he seemed to be very,
22 very affirmative that even if he had been
23 asked, he wouldn't have done it? Was that your
24 impression from reading that?

25 A. Uh-huh.

1 Q. And then further -- and this goes on.
2 On page 20 of the interview, Mr. Miller again
3 says, "Okay. One last time --" and I guess
4 this was like the third last time -- "One last
5 time. Are you sort of not telling us
6 everything to protect -- I just -- look at
7 something here. Okay. Let me just look at
8 something here. All right." And Mr. Konstas
9 says?

10 A. "Well, I am just remembering this now,
11 like, the locker room, like, when we were doing
12 on the machine. I think I just remembered this
13 now, like he -- like, when I was done the first
14 time, when I was, like, done on the machines
15 and everything, he just said good job and
16 everything and then I like -- I could sort of
17 feel like -- he, like, kissed me once or twice
18 on the head, like you would kiss your child,
19 like, on the head. You know what I mean?"

20 Q. Like you would kiss your child? Is
21 that what he said?

22 A. That's what he said.

23 Q. Did he ever tell you that Mr. Sandusky
24 inappropriately touched him?

25 A. No, sir.

1 Q. And again, Mr. Gricar was a career
2 prosecutor, wasn't he?

3 A. Yes, sir.

4 Q. And he told you in your investigation
5 there wasn't enough evidence to pursue this
6 case, didn't he?

7 A. That's correct.

8 MR. AMENDOLA: Thank you. That's all
9 I have.

10 MR. MCGETTIGAN: Briefly on redirect.

11 REDIRECT EXAMINATION

12 BY MR. MCGETTIGAN:

13 Q. Mr. -- or excuse me -- Mr. Schreffler,
14 do you remember this question being asked of
15 Zach while you were present and his response?
16 The question by -- who was present with you?

17 A. John Miller.

18 Q. Mr. Miller was saying to Zach,
19 "Because I'm having a little bit of trouble
20 understanding you, okay? In part is because I
21 am a little tired and part is because I'm kind
22 of slow, okay? I just want to understand. Why
23 did you feel uncomfortable?" And Zach saying,
24 "It was a gut feeling." And Mr. Miller saying,
25 "Oh, okay, and sometimes gut feelings are

1 important. Tell me about that gut feeling."
2 And Zach saying, "It just said this feels
3 weird. My mind just said this feels weird."
4 "Okay. All right. "Has what -- has what you
5 told us tonight the truth?" "Yes." And then,
6 down lower, I think you asked the question,
7 "When did your water get turned on in the
8 shower?" And Zach saying, "When I came in, I
9 turned my own shower on, and he said, 'Now,
10 here, I already have a shower for you all ready
11 and everything,' because I think he said it
12 takes like -- sort of like a minute to get
13 warmed up and that one was already warmed up,
14 the one he put on for me. So I just took that
15 one instead." Do you remember yourself
16 actually asking that question and him giving
17 that answer?

18 A. Yes, sir.

19 Q. Yes, you remember that?

20 A. Yes, sir.

21 MR. MCGETTIGAN: And if I may just
22 have one moment, Your Honor?

23 BY MR. MCGETTIGAN:

24 Q. Did Zach tell you that the defendant
25 picked him up and hugged him?

1 A. Yes, sir.

2 Q. Off the ground?

3 A. Yes, sir.

4 Q. And do you remember him saying -- I'm
5 trying to find the right page here. I believe
6 Mr. Miller asked, "Okay. So which way -- show
7 me with an arrow which way he came over then to
8 do that, what he did." "He just picked me up,
9 like, sort of," was Zach's answer. And Mr.
10 Miller asked, "From the front?" Said, "No,
11 from the back. He said, 'Here, Zach, I'll get
12 your head out of the soapiness.'" And Mr.
13 Miller said, "Okay. So your butt was maybe
14 near his chest or something?" And Zach said,
15 "No, I said he lifted me up pretty high." Do
16 you recall that?

17 A. Yes, sir.

18 Q. And Mr. Miller saying, "I understand
19 that. Where did you -- and he lifted you
20 where?" And Zach saying, "Up. My feet were at
21 least like down by his penis. That's how far,
22 I think, and that's like --" and then it was
23 interrupted. "And how close do you think he
24 was?" And Zach saying, "Half an inch away, and
25 maybe part of my body touched his chest at that

1 time." Do you remember those questions and
2 answers?

3 A. Yes, sir, I do.

4 Q. And as for a bit on cross-examination,
5 you were asked by Mr. Amendola about your work
6 for some length of time with Mr. Gricar. You
7 worked for him for some period of time?

8 A. Yes, sir, I did.

9 Q. And you discussed these events. And,
10 well, it was your feeling that maybe some
11 charges should be lodged; is that correct?

12 A. Yes, sir.

13 Q. And Mr. Gricar who, as Mr. Amendola
14 points out, was a very experienced prosecutor
15 and had been in this business for a long time
16 -- and you and he disagreed?

17 A. Yes, sir.

18 Q. Okay. That happens sometimes?

19 A. Yes, sir.

20 Q. Okay. You did have a certain
21 advantage over Mr. Gricar in that you
22 interviewed both Zach and observed -- heard the
23 defendant not once, but twice, including his
24 comments and observed his demeanor and then
25 confronted him with what he had done with Zach.

1 You believed more had happened. In your
2 professional opinion, further activity, further
3 action on law enforcement's part, would have
4 been appropriate; is that correct?

5 A. Yes, sir.

6 MR. MCGETTIGAN: Thank you.

7 MR. AMENDOLA: Nothing further, Judge.

8 THE COURT: We will take a short
9 midmorning recess. We will remain seated while
10 the jury is taken out and we will reconvene at
11 10 minutes to 11.

12 (Whereupon, the jury exited the
13 courtroom.)

14 THE COURT: Ten minutes to 11.

15 (Whereupon, a recess was taken.)

16 THE COURT: You may be seated. We'll
17 be in session. Bring the jury in.

18 (Whereupon, the jury entered the
19 courtroom.)

20 THE COURT: Mr. McGettigan.

21 MR. MCGETTIGAN: Thank you, Your
22 Honor. May I have Jason Simcisko, please?

23 Whereupon,

24 JASON SIMCISKO

25 called as a witness and having been duly sworn,

1 was examined and testified as follows:

2 MR. MCGETTIGAN: May I, Your Honor?

3 THE COURT: (Nodding head up and
4 down.)

5 DIRECT EXAMINATION

6 BY MR. MCGETTIGAN:

7 Q. Jason -- Mr. Simcisko, can you state
8 your full name and spell your last name for us,
9 please?

10 A. Jason Simcisko, S-I-M-C-I-S-K-O. Mike
11 was my middle name. Excuse me.

12 Q. Mike is your middle name. Okay. Mr.
13 Simcisko, I'm going to ask you how old you are
14 today.

15 A. I am 25.

16 Q. Okay. Why don't you slide your chair
17 up a little bit?

18 A. Yeah.

19 Q. And if you'll bend the microphone
20 back?

21 A. My knees are kind of --

22 Q. Are you okay?

23 A. Yeah.

24 Q. Okay. And what's your date of birth,
25 please?

1 A. 1/1/87.

2 Q. Okay. And I'm going to ask you about
3 some events back in 1998, '99, and following,
4 but first let me ask you, how are you employed
5 now?

6 A. All right.

7 Q. Are you employed now?

8 A. What?

9 Q. Are you employed now?

10 A. Oh, no, I'm not. Oh, I'm in the Army
11 National Guard.

12 Q. Okay. And how long have you been in
13 the Guard?

14 A. Six years.

15 Q. Okay. And what type of job do you
16 have in -- what's your position in the National
17 Guard?

18 A. Infantry.

19 Q. Infantry. What's your rank?

20 A. Sergeant.

21 Q. Have you served in Iraq?

22 A. Yes.

23 Q. When was that, some years ago?

24 A. '08-'09.

25 Q. Now, back in 1998 and 1999, do you

1 remember where you were living?

2 A. At my mother's.

3 Q. What town you were living in?

4 A. Oh, Moshannon.

5 Q. Moshannon, here in Pennsylvania?

6 A. Yes.

7 Q. Okay. And who were you living with?

8 A. Andrea Simcisko -- well, Glace now, my
9 mother.

10 Q. Anybody else?

11 A. My little brother.

12 Q. Okay. Is he much younger than you,
13 same -- close in age?

14 A. He's 17.

15 Q. So he's eight years younger than you?

16 A. Yes.

17 Q. Okay. And where was your dad?

18 A. I don't know.

19 Q. Okay. When was the last time you saw
20 him?

21 A. I can't recall.

22 Q. And so he wasn't living with you in
23 1998?

24 A. No.

25 Q. Okay. Was anybody else living with

1 you and your mother and brother, or just you
2 three?

3 A. Just my mother and brother.

4 Q. And when you were in about fifth
5 grade, what school were you in?

6 A. Mountaintop Elementary.

7 Q. Okay. And did you hear of The Second
8 Mile program?

9 A. Yes.

10 Q. Did you ever go to it?

11 A. Yes.

12 Q. Okay. How did you end up getting
13 there? Can you tell the ladies and gentlemen
14 how you ended up in The Second Mile?

15 A. I believe it was the Big Brother Big
16 Sister program.

17 Q. You were in Big Brothers Big Sisters?

18 A. Yes.

19 Q. Okay. And if you can tell us just
20 generally, how was life and how was your
21 behavior back when you were in fifth grade?

22 A. I wasn't the best-behaved kid.

23 Q. Okay. And is that part of the reason
24 you end up in Second Mile?

25 A. Yeah.

1 Q. Okay. And did you go to a Second Mile
2 -- like just one-day events or did you go to a
3 camp?

4 A. I went to the camp.

5 Q. Okay. Overnight stays?

6 A. Overnight stays, yeah.

7 Q. And did you go to that more than one
8 summer?

9 A. Yes.

10 Q. Okay. And did you ever have occasion
11 to meet the defendant, Jerry Sandusky?

12 A. Yes.

13 Q. Okay. Can you tell the ladies and
14 gentlemen of the jury where you met Mr.
15 Sandusky? Tell us how that happened.

16 A. I met Jerry Sandusky Casino Night at
17 The Second Mile. One of the counselors brought
18 me up to him, introduced him -- introduced me
19 to him -- and we talked for a while. And then
20 he asked me if I wanted to go to his football
21 camp. I agreed.

22 Q. Was that the first year of the camp or
23 a following year?

24 A. It was the second year.

25 Q. Okay. And did the defendant ask you

1 to go to that football camp when you first met
2 him at that Casino Night or was it another
3 time?

4 A. It was -- it was -- I think it was
5 that night.

6 Q. Okay.

7 A. I believe. It could have -- he could
8 have called afterwards, but I -- I can't
9 recall.

10 Q. Okay. And did you want to go to a
11 football camp?

12 A. Yes.

13 Q. Okay. Why?

14 A. I'd never been to a football camp
15 before.

16 Q. Okay. And did you go?

17 A. Yes.

18 Q. Okay. How did you get there? Can you
19 tell us how you ended up going to football camp
20 and where it was?

21 A. Jerry drove me. Jerry drove me, and
22 it was in Latrobe.

23 Q. Okay. Was that overnight or just one
24 day?

25 A. It was overnight.

1 Q. Okay. And when you say the defendant
2 drove you, did he drive you alone or with other
3 kids, or do you remember?

4 A. I can't recall if -- I think there
5 might have been a passenger in the back, but I
6 think it might have been on the way home the
7 passenger was with us, but not on the way down.

8 Q. Okay. And did you like football camp?

9 A. Yes.

10 Q. What did you do there?

11 A. Learned how to play football and stuff
12 like that. I don't know. Went through drills
13 and stuff like that. I don't know. It's hard
14 to recall.

15 Q. Was that the first time you'd ever
16 done anything like that?

17 A. Yes.

18 Q. Okay. Now, after that football camp
19 -- you enjoyed that whole time?

20 A. Yes.

21 Q. Okay. Anything that happened during
22 the whole time that made you feel uncomfortable
23 or upset or anything like that, or was it all
24 pretty much okay?

25 A. I think the hand on the knee thing

1 happened, like, right away. That was a big
2 thing for Jerry, rubbing the knee and the
3 inside of the leg and tickling me and stuff
4 like that, so...

5 Q. Well, you didn't like that, but was
6 everything else okay at that point?

7 A. I guess. Yeah. Yeah.

8 Q. Okay. Now, after that did you have --
9 soon after that did you have occasion to go
10 anyplace else with the defendant?

11 A. Yes, I went to a blue and white game.

12 Q. Okay. And tell the ladies and
13 gentlemen what a blue and white game is.

14 A. Penn State blue and white game. It's
15 where Penn State faces off against, like, each
16 other. It's just -- it's just a way to get the
17 crowd into it for the year, I guess. I don't
18 know. But that's what a Penn State blue and
19 white game is.

20 Q. Where is it?

21 A. It's in Penn State. It's at the big
22 stadium.

23 Q. Okay. And did you go to that game?

24 A. Yes.

25 Q. Right after the football camp?

1 A. Yes.

2 Q. Okay. And how did you like that, or
3 did you? Tell us.

4 A. It was -- it was awesome. I loved it.
5 I hadn't been to a Penn State blue and white
6 game before that. I hadn't been to any Penn
7 State game before that. That was my first Penn
8 State game.

9 Q. And where did you watch the game from?

10 A. I watched the game from the sidelines.

11 Q. Okay. Who were you with?

12 A. Jerry Sandusky.

13 Q. Okay. Was that pretty cool?

14 A. Yes.

15 Q. Okay. After that did you go anyplace
16 else that you remember with the defendant soon
17 after that or any period -- any period of time
18 after that?

19 A. After that I stayed at his house
20 pretty frequently, and we also went to
21 Syracuse, New York.

22 Q. What did you do in Syracuse?

23 A. He was there to give a motivational
24 speech, I believe, and he drove us up and we
25 stayed in the hotel.

1 Q. Now, was it just you and the defendant
2 or were there other people with you?

3 A. It was just me and him.

4 Q. Okay. And was that okay with your
5 mom? Did she ask -- did the defendant ask her
6 or do you even know?

7 A. I don't think -- I don't think Jerry
8 asked her. I think I asked her and I told her
9 that I was going with Jerry. I'm not sure if
10 my mom later called him or not, but...

11 Q. Okay. How were you getting along with
12 your mom then?

13 A. Not very well. I was getting in
14 trouble all the time, causing her a hard time.

15 Q. Now, did there come a time after that,
16 after you went to Syracuse and stayed in a
17 motel with the defendant, that you stayed at
18 his house?

19 A. Yes.

20 Q. Okay. Did you stay at his house once
21 or more than once?

22 A. I stayed at his house frequently, like
23 I would say 50 times over a three-year span.

24 Q. Okay. And how did that come about?
25 Did you invite yourself? Did the defendant

1 talk to your mother or did he just talk to you?

2 A. He just talked to me.

3 Q. Okay. And did you want to stay at his
4 house?

5 A. Yes.

6 Q. Why?

7 A. He was like a father to me.

8 Q. And where did you sleep in the house?
9 Did you stay overnight?

10 A. Downstairs. Yes, I stayed overnight.

11 Q. Now, when you were there, was it
12 during the week most of the time or on the
13 weekends, or can you recall?

14 A. It was during the week most of the
15 time.

16 Q. Okay. How would you get there? Tell
17 the ladies and gentlemen of the jury how it
18 happened that you would end up staying
19 overnight.

20 A. I would go to high school and then he
21 would pick me up -- well, it wasn't really high
22 school at the time. It was middle school, but
23 it was attached to the high school, so I went
24 to the middle school and he would pick me up
25 from there, drive me over to his place or the

1 gym or racquetball or Holuba Hall or wherever
2 we went at that time, and then he would drive
3 me back to his place. We'd have dinner and
4 then I would sleep over.

5 Q. Was there anybody else who stayed with
6 you when you slept over?

7 A. No, but maybe once or twice, but not
8 very often.

9 Q. Most of the time you were the only kid
10 there?

11 A. Yes.

12 Q. Okay. Was there anyone else in the
13 house that you knew of? Was the defendant --
14 did the defendant stay there?

15 A. Yes.

16 Q. Okay. Did anybody else stay besides
17 him?

18 A. Dottie.

19 Q. Okay. Dottie being his wife?

20 A. Dottie being his wife, yes.

21 Q. Okay. Did you ever sleep upstairs or
22 did you always sleep downstairs?

23 A. I always slept downstairs. Well, I
24 slept upstairs once whenever, I think, Matt was
25 home or something like that, Matt, his son.

1 Q. Okay. Where downstairs did you sleep?

2 A. In a room off to the right, like you
3 go downstairs and to the left there's, like,
4 pool tables and shuffleboard and stuff like
5 that, and then off to the right or straight
6 ahead, one or the other, but there's a room and
7 it has a big waterbed, and that's where I
8 slept.

9 Q. Okay. Did you like that?

10 A. Yes.

11 Q. Okay. Now, when you were at home with
12 your mom, did you have much going on in life?
13 Did you have a lot of stuff?

14 A. No, not really.

15 Q. And when you went to the defendant's,
16 you talked about football and pool tables -- or
17 pool table games. Did you play pool down
18 there?

19 A. We played shuffleboard. I wasn't
20 really into pool at the time.

21 Q. What else did you do downstairs?

22 A. That's pretty much it.

23 Q. Did you go to any other football
24 games?

25 A. Yeah, I went to a few.

1 Q. Okay. I'm going to ask you about a
2 three-year period, say, from '99 to 2000-2001.
3 Can you tell us how many games you think you
4 might have gone to during that period of time?

5 A. Four or five.

6 Q. Okay. That's all?

7 A. Yeah.

8 Q. Okay. And who took you to the games?

9 A. Normally family members. Jerry was a
10 coach at the time.

11 Q. Okay. And did you tailgate or
12 anything beforehand?

13 A. No, no.

14 Q. Okay. Now --

15 A. The blue and white game, I did.

16 Q. Oh, you've tailgated at the blue and
17 white game?

18 A. Yeah. Well, it wasn't really a
19 tailgate. It was like a -- it was like a
20 formal get-together of the players and coaches
21 and stuff like that, so it was kind of a
22 tailgate, but not really.

23 Q. Now, I'm going to go back to the
24 period of time I asked about in the beginning
25 of my questions, where you had met the -- after

1 you'd met the defendant at Casino Night and
2 gone to Latrobe to the football camp and then
3 gone to the blue and white game. Was it after
4 that that you stayed at the defendant's house
5 that you think?

6 A. Yes.

7 Q. Okay. That you began to?

8 A. Yes.

9 Q. Okay. And you slept downstairs. Did
10 you sleep alone or were there other kids
11 around?

12 A. I slept alone.

13 Q. Okay. Did the defendant ever come
14 downstairs when you were sleeping down there?

15 A. Yes.

16 Q. Okay. And did anything ever occur in
17 those first few times that you slept there that
18 made you feel uncomfortable or that you thought
19 was weird?

20 A. Yes. I didn't really think it was
21 weird at the time, until later on, but he would
22 come in and he would have his shirt off, and I
23 would be in all my clothes, and he would say to
24 me that -- or he would ask me why I would want
25 to sleep with all my clothes on. So eventually

1 I would strip down to my underwear. So I'd be
2 in my underwear to sleep in and he would be in
3 shorts and a -- not a T-shirt -- no shirt,
4 shorts and no shirt, and he would sit on the
5 edge of the bed and he would talk to me and
6 make me laugh or something like that. Whenever
7 he made me laugh, he got excited and jumped
8 into bed with me and started tickling me, and
9 he would start rubbing my stomach, blowing on
10 my stomach and pelvis. He would also -- at
11 times he would touch my penis.

12 Q. And did he do this the first time you
13 slept there, all these things?

14 A. It was frequent, pretty frequent.

15 Q. Now, I'm asking you about the first
16 time you stayed there, did he do all the things
17 that you told us about or did he start --

18 A. I'm not sure if it --

19 Q. -- with one or the other?

20 A. -- was the first -- I'm not sure if it
21 was the first time or every other time after
22 that. Like, I couldn't tell you -- I couldn't
23 tell you days, specific days that specific
24 things happened, but I could tell you that it
25 did happen.

1 Q. And I want to -- I have to go through
2 these one-by-one. You said that he tickled
3 you. Where on your body did he touch you when
4 he tickled you?

5 A. My stomach, anywhere really, the
6 inside of my leg. He had a -- he had a big
7 thing for grabbing your kneecap and tickling it
8 and then working his way up your thigh.

9 Q. And did this make you feel
10 uncomfortable?

11 A. Yes.

12 Q. Did you tell him to stop?

13 A. No.

14 Q. Why not?

15 A. I was enjoying the things that I was
16 getting too much and stuff like that.

17 Q. And other than tickling you said he
18 blew on your stomach. Can you describe what
19 you mean by that?

20 A. Like put his face down on my stomach
21 and blow on it, like you would blow on a little
22 kid's stomach.

23 Q. Now, did that make you laugh or --

24 A. Yeah.

25 Q. Did you say anything about that?

1 A. No.

2 Q. And what else did he do in terms of
3 physical contact or touching with you, if
4 anything?

5 A. He would rub my shoulders, kiss my
6 shoulders. That's about it.

7 Q. And did you do this on one occasion or
8 more than one occasion?

9 A. More than one occasion.

10 Q. Now, you said you stayed over there,
11 over at the defendant's house, at least 50
12 times over this three years. Did he do it on
13 some or most or all of those occasions, if you
14 remember?

15 A. Most.

16 Q. Okay. And did he touch any other
17 parts of your body when you were sleeping
18 there, and if so, can you tell us how?

19 A. No, not that I can recall.

20 Q. And did you ever go to any place else
21 with the defendant, the gym or any activities?

22 A. Yes.

23 Q. Did he take you out to dinner?

24 A. Here and there, yeah.

25 Q. Where did you go?

1 A. Sometimes -- sometimes we would --
2 most of the time we would just eat at -- eat at
3 the house. Dottie would have dinner ready by
4 the time we got back, but sometimes we'd go
5 out, like, to Olive Garden or Outback
6 Steakhouse or something like that.

7 Q. Did you ever go to the gym with the
8 defendant?

9 A. Yes.

10 Q. Okay. A bunch of times, a few times?
11 Do you remember how many times?

12 A. A few times.

13 Q. And what did you do at the gym?

14 A. I didn't like to do anything at the
15 time.

16 Q. Why not?

17 A. I wasn't into the gym at the time. I
18 never -- like, I don't know. I was -- I was
19 lazy, I guess.

20 Q. So you just sat around?

21 A. Yeah.

22 Q. What would the defendant do while you
23 were sitting around?

24 A. Well, actually, no, I didn't just sit
25 around. I'm sorry. Like, he would -- he would

1 get me to do some things at the gym, but he
2 would work out.

3 Q. After he worked out and you kind of
4 worked out or sat around --

5 A. Yeah.

6 Q. -- what happened then?

7 A. Then we would go back and get a
8 shower.

9 Q. And do you remember the first time
10 that happened?

11 A. Yes.

12 Q. Okay. Tell the ladies and gentlemen
13 of the jury what happened the first time you
14 took a shower.

15 A. The first time we took a shower, I got
16 -- I went into the shower room and I was
17 nervous because I had never showered with
18 another man, let alone a grown man, before, so
19 I was kind of nervous about taking off my
20 clothes and stuff like that, and he coaxed me
21 and forced me into taking off my clothes, and
22 he went over and turned on the showers. He
23 turned on his shower and one right next to him.
24 I came in and I turned on a different shower
25 that was further away from him because I was

1 kind of uncomfortable at the time. I didn't --
2 I'd never done that before. So I would come
3 in. I would turn on a showerhead further away
4 and he would make me feel bad about it, like --
5 like I didn't love him or like I was afraid of
6 him or something, that I was showering too far
7 away. And so he would get me to move closer to
8 him, where he would wash my shoulders, my butt,
9 my back. He would pick me up and bear-hug me,
10 like give me a real big hug while -- toss me in
11 the air both with my back to him and my front
12 to him. That's all I can recall.

13 Q. Did that happen once or more than
14 once?

15 A. Every time that we went to the gym.

16 Q. And did you like that?

17 A. No.

18 Q. Did you tell him not to do it?

19 A. No.

20 Q. Okay. Did you tell your mom or
21 anybody else what he was doing?

22 A. I didn't tell anybody.

23 Q. Now, during the course of the time
24 that you stayed at the defendant's house, did
25 anybody else ever come downstairs while you

1 were there alone with the defendant and he was
2 in bed, that you remember?

3 A. No.

4 Q. Okay. And in 1999 you were 12 years
5 old; is that right? You were born -- what's
6 your date of birth?

7 A. 1/1/87.

8 Q. Okay. So after January 1st of 1999,
9 you were 12. You were starting to grow up a
10 little bit?

11 A. Yes.

12 Q. Okay. Did you feel funny about the
13 things that were happening in bed with the
14 defendant?

15 A. Yes.

16 Q. Okay. Can you tell the ladies and
17 gentlemen of the jury if the defendant did
18 anything else to you while you were in bed that
19 made you feel funny as you were starting to
20 grow up here?

21 A. He touched my penis.

22 Q. Tell the ladies and gentlemen of the
23 jury what he did, what response you had and how
24 you felt about it.

25 A. He would touch me and rub me and grab

1 me, and he gave me an erection. And at that
2 time I would roll over and try to get away from
3 him, and that's -- that's pretty much where it
4 would stop. I wouldn't let it go any further.

5 Q. Why would you do that? Why would you
6 roll away from him? Did you know what was
7 happening to when you were that age?

8 A. Not really. I mean, I knew -- I knew
9 that I wasn't supposed to have one from a man.
10 I mean -- I mean, I was a kid. I'd obviously
11 saw, like, pornographic videos and stuff like
12 that, so I would know kind of what was going on
13 and that it wasn't natural for an older man
14 to --

15 Q. Did you want that to happen?

16 A. No.

17 Q. Did you ever tell him, "Don't get in
18 bed with me," or anything like that?

19 A. No.

20 Q. Why not?

21 A. Because he made me feel like I was a
22 part of something, like a family. He gave me
23 things that I had never had before. I just
24 didn't want to give any of it up.

25 Q. Well, did you go other places with the

1 defendant? Did you have fun?

2 A. Yes.

3 Q. Did you like spending time with him?

4 A. Yes.

5 Q. And most of the time did he treat you
6 nice?

7 A. Yes.

8 Q. In fact, did he treat you nice all the
9 time?

10 A. Yes.

11 Q. Did you like him?

12 A. I loved him.

13 Q. Did he ever tell you how he felt about
14 you?

15 A. Yes.

16 Q. What did he say?

17 A. That I was like extended family,
18 unconditionally loved

19 Q. And how did that make you feel?

20 A. Like a family, like -- like I was part
21 of a family.

22 Q. And did you feel like part of your own
23 family with your mother and your brother at
24 that time?

25 A. Not really.

1 Q. Now, did you continue to go to the
2 defendant's house and sleep with him during
3 1999 and 2000, into 2001?

4 A. Yes.

5 Q. Did you want to go, be in his company
6 and be around him and go places and do things?

7 A. Yes.

8 Q. Did you want him to do to you the
9 things he was doing to you in bed at night?

10 A. No.

11 Q. Okay. But you let him do it?

12 A. Yes.

13 Q. Okay. Jason, how were you doing in
14 school then?

15 A. Average, I guess. I had average
16 grades. I was getting in trouble, but not as
17 much.

18 Q. Did your behavior get better or worse
19 as you got a little bit older?

20 A. It worsened.

21 Q. Okay. And did there ever come a time
22 when you lived someplace when you weren't at
23 the defendant's? Did there come a time when
24 you weren't someplace -- when you weren't
25 living with your mother and your brother?

1 A. Yeah. The reason why I broke it off
2 with Jerry is because I had to go away. I got
3 sent away to a group home, to two different
4 group homes and then in foster care, where I
5 eventually graduated out of. I had no further
6 contact after that point.

7 Q. Well, you didn't really break it off
8 with the defendant, did you?

9 A. No, not really, but --

10 Q. When you went to foster care, were you
11 mad at your mother?

12 A. No -- well, a little bit, yeah,
13 because she had sent me there. I mean --

14 Q. Was there anybody else you were mad
15 at?

16 A. Jerry.

17 Q. Why?

18 A. He never contacted me, never -- my mom
19 never even heard from him to find out where I
20 was.

21 Q. And how long were you in the group
22 home and then in foster care?

23 A. I'd say about three years.

24 Q. And after you got out of foster care,
25 what did you do for a living?

1 A. I joined the Army.

2 Q. How did that work out for you? Okay?

3 A. Yeah.

4 Q. Okay. You've told us that you stayed
5 over at the defendant's house over 50 times
6 over the course of those years. Was it mostly
7 on school nights or weekends? Which, school
8 nights or weekends or both?

9 A. Oh, it was mostly on school nights.

10 Q. And how did you get from school to the
11 defendant's house?

12 A. He would come pick me up at school.

13 Q. And did he do -- on most or some or
14 none or all of the nights that you stayed at
15 his house, did he do the things that you've
16 told the ladies and gentlemen of the jury that
17 he did, that is, kiss you on the shoulders,
18 tickle you, rub your stomach, blow on your
19 stomach, and touch your penis?

20 A. Most, like practically all.

21 Q. Were you even mad then? Were you mad
22 at him then?

23 A. No.

24 Q. Are you mad at him now?

25 A. Yes, I'm infuriated right now.

1 Q. Are you just mad or is there something
2 else?

3 A. I'm mad. I'm enraged. I'm hurt.

4 Q. Why are you hurt?

5 A. Because he could just forget about me
6 like I was nothing after I got sent away. I
7 got sent away and that was it, no more Jerry.

8 Q. Did you still care about him when you
9 were in your group home?

10 A. Yes. I would pray he would call me
11 and maybe find a way to get me out of there,
12 adopt me or something. That never happened.

13 Q. Now, Jason, I want to just ask you a
14 few more questions. Did you go looking to tell
15 the police about what happened to you?

16 A. No.

17 Q. And did the police come to you?

18 A. Yes.

19 Q. And when they found you, did you want
20 to talk to them?

21 A. No.

22 Q. Did you tell them everything that
23 happened the first time you talked to them?

24 A. No.

25 Q. Why not?

1 A. I didn't want anyone to know. I
2 didn't -- I wanted nothing to do with this.

3 Q. And you ended up telling them some
4 stuff?

5 A. Yes.

6 Q. Did you testify before the grand jury?

7 A. Yes.

8 Q. Okay. Did you want to do that?

9 A. No.

10 Q. And do you recall when you met me?

11 A. Yes.

12 Q. Okay. And did you have a lawyer then
13 or was I it?

14 A. You were it.

15 Q. Okay. And sometime after that did you
16 end up with a lawyer?

17 A. Yes.

18 Q. Did you go looking for a lawyer?

19 A. No.

20 Q. Okay. Did a lawyer come looking for
21 you?

22 A. Yes.

23 Q. Okay. Would you rather have two
24 lawyers or one?

25 A. I'd rather have one.

1 Q. Which one?

2 A. You.

3 Q. Okay.

4 MR. MCGETTIGAN: Anyway, I have
5 nothing further of the witness at this time,
6 Your Honor,

7 THE COURT: Mr. Amendola.

8 MR. AMENDOLA: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. AMENDOLA:

11 Q. Mr. Simcisko, my name is Joe Amendola.
12 I represent Mr. Sandusky. I'm going to ask you
13 some questions. If you're not sure what I'm
14 asking you, and a lot of people get confused
15 sometimes about what I ask, but if you're not
16 sure, let me know. I'll ask it a different
17 way. Okay?

18 A. Okay.

19 Q. When were you involved in The Second
20 Mile, about?

21 A. '98 to 2001, I would say.

22 Q. Do you know Brett Swisher Houtz?

23 A. Yes.

24 Q. Did you know him back then in The
25 Second Mile during the time that you were in

1 The Second Mile?

2 A. Kind of. Like, I knew him -- like, I
3 never really knew him-knew him, like I knew of
4 him. I've seen him around and stuff like that.
5 He would go to the youth center that I went to
6 and stuff like that, but he was older than I
7 was, so I didn't spend much time with him.

8 Q. To your knowledge, have you and Brett
9 Swisher Houtz lived in close proximity to each
10 other recently?

11 A. Not recently, no.

12 Q. Well, when I say recently, between,
13 for example, 2010 and 2012, earlier this year?

14 A. No.

15 Q. Spring Brae Apartments, is that where
16 you lived?

17 A. Oh, yes.

18 Q. Pardon me?

19 A. I didn't -- yeah, I didn't know he
20 lived there. That was probably about four
21 years ago.

22 Q. Okay. Let me back up then. Did you
23 ever live at the Spring Brae Apartments?

24 A. Yes, I did.

25 Q. What's your recollection as to when

1 you lived at Spring Brae Apartments?

2 A. What's that?

3 Q. When did you live at Spring Brae
4 Apartments?

5 A. Before '08. I'd say '06 to '08.

6 Q. So not recently?

7 A. No, not recently.

8 Q. If records show that you lived there
9 recently, they would be incorrect?

10 A. That would be incorrect.

11 Q. Now, you indicated in response to a
12 question by Mr. McGettigan that when you were
13 first interviewed by the police, that you
14 didn't tell them that anything inappropriately
15 had gone on between you and Mr. Sandusky?

16 MR. MCGETTIGAN: Objection. That
17 misstates the question and answer, Your Honor.
18 My question was did he tell them everything, I
19 believe.

20 THE COURT: I'm sorry?

21 MR. MCGETTIGAN: My question was, I
22 believe, did he tell them everything, I
23 believe.

24 MR. AMENDOLA: I'll ask it another
25 way, Judge.

1 BY MR. AMENDOLA:

2 Q. Do you recall the first time you spoke
3 with police about this issue?

4 A. Yes.

5 Q. Do you recall it was in July of 2011,
6 the summer of 2011?

7 A. Somewhere around there.

8 Q. And do you recall who you spoke with?

9 A. Yes, Officer --

10 Q. Was it Mark Yakicic?

11 A. Yes.

12 Q. And I'm probably butchering the name.
13 I apologize, but --

14 A. Yes, him and his brother.

15 Q. Pardon me?

16 A. Yes, him and his brother.

17 Q. If you can just speak into the mic a
18 little bit. I'm having --

19 A. Yes, him and his brother.

20 Q. Robert? Bob?

21 A. I don't remember.

22 Q. Now, during that interview, did you
23 tell them that nothing inappropriate ever
24 happened between you and Mr. Sandusky?

25 A. Yes.

1 Q. Did you tell them that you could not
2 believe that charges were filed against him and
3 he was arrested?

4 A. No.

5 Q. Did you tell them that you hoped he
6 was found not guilty?

7 A. No.

8 Q. Did you tell them that Mr. Sandusky
9 had inappropriately touched you?

10 A. No.

11 Q. Did you tell them that anything
12 inappropriate had happened between you and Mr.
13 Sandusky?

14 A. No.

15 Q. Are you represented by an attorney
16 now, a civil attorney?

17 A. Yes.

18 Q. Do you understand that in a criminal
19 process it's the government attorneys who
20 usually, generally, represent complaining
21 witnesses, people who are witnesses for the
22 government?

23 A. Yes.

24 Q. Can you tell us when you hired private
25 counsel?

1 A. I didn't really hire them. Well, they
2 approached me because they were representing
3 someone else.

4 Q. To your knowledge who were they
5 representing?

6 A. Dustin.

7 Q. Dustin Struble?

8 A. Dustin Struble, yes.

9 Q. And your testimony is they approached
10 you?

11 A. Yes, they approached me.

12 Q. What did they --

13 A. I was a witness for something or
14 another. They approached me, called me in, had
15 a talk with me, and then asked me if I would
16 like to be represented, and I said sure.
17 That's it.

18 Q. When did they approach you?

19 A. Later on after the -- after the
20 preliminary hearing or -- yeah, it was after
21 the preliminary hearing.

22 Q. Was it after that July 1st interview
23 in 2011 with the state troopers or the agents
24 from the Attorney General's Office?

25 A. I can't recall. It was -- it was a

1 while back, but I can't recall exactly when.

2 Q. You're not sure whether it was before
3 or after you made that first statement that
4 nothing happened between you and Mr. Sandusky?

5 A. It was before -- or it was after the
6 grand jury and it was after the preliminary
7 hearing.

8 Q. Now, which preliminary hearing was
9 that?

10 A. The one that was, like, kind of
11 canceled here. I was going to come here and
12 the -- for the -- I don't remember, but --

13 Q. How many times have you met with those
14 attorneys since they approached you about
15 representing you?

16 A. I met with them six times.

17 Q. And have you met with them?

18 A. Yes.

19 Q. Have they talked to you about your
20 testimony?

21 A. Yes.

22 Q. What you're going to say in court?

23 A. Yes.

24 Q. Have you paid them any money between
25 the first time that they approached you and

1 today?

2 A. What's that?

3 Q. Have you paid them any money? Have
4 they given you any fee statements and asked you
5 for money?

6 A. No.

7 Q. Have you signed any agreements with
8 them in terms of their representation?

9 A. Yes.

10 Q. Do you know what the agreement says,
11 what the conditions are of that agreement?

12 THE COURT: The answer was no.

13 BY MR. AMENDOLA:

14 Q. Oh. Oh, you haven't signed an
15 agreement. I'm sorry.

16 A. Oh, no.

17 Q. You -- just so I'm sure, is your
18 testimony you have not signed any agreement
19 with them?

20 A. I thought I saw -- or signed
21 something. I signed -- I signed the paper, but
22 I don't know. I don't remember what it was.

23 Q. You signed the paper?

24 A. Yes.

25 Q. Do you have a copy of that paper?

1 A. Yes, at home.

2 Q. Have you ever heard the phrase
3 "contingency fee agreement?"

4 A. What's that?

5 Q. Contingency fee agreement?

6 A. No.

7 Q. But your testimony is today you signed
8 some paper?

9 A. Yes.

10 Q. You have a copy a home?

11 A. Yes.

12 Q. And you've never paid these attorneys
13 any money?

14 A. I've never paid them, no.

15 Q. Are they in court today?

16 A. Yes.

17 Q. Now, today you indicated in your
18 testimony on direct examination by Mr.
19 McGettigan that Mr. Sandusky at times kissed
20 your shoulder?

21 A. Yes.

22 Q. Do you recall prior to today ever
23 telling anybody that information before?

24 A. No.

25 Q. That was new today?

1 A. It was just today -- well, I mean, I
2 told -- okay. I told my lawyers and I told
3 Joe, but no one else --

4 Q. When did you tell your lawyers and --

5 A. -- friends and family.

6 Q. -- Joe, meaning Mr. McGettigan, that?

7 A. What's that?

8 Q. How long ago did you tell Mr.

9 McGettigan and your lawyers that?

10 A. Like the first time we met.

11 Q. And when was that?

12 A. Back in January.

13 Q. I'm sorry. When?

14 A. Back in January, I think.

15 Q. Of this year?

16 A. February maybe.

17 Q. Of this year?

18 A. Yes.

19 Q. And today you indicated -- and again I
20 had some difficulty hearing you -- but
21 something about washing his butt in the shower?

22 A. Washing my butt.

23 Q. Mr. Sandusky washed your butt in the
24 shower?

25 A. Yes.

1 Q. Prior to today did you tell anybody
2 that information?

3 A. No.

4 Q. No?

5 A. Well, I'm -- yes, Joe. I told Joe and
6 I told my attorneys, but I had not told family
7 or friends. I've told -- everything that I've
8 said today, I've told him before.

9 Q. Back in January?

10 A. Yes.

11 Q. But before January had you told
12 anybody?

13 A. No, I had not told anybody.

14 Q. And in January you had these attorneys
15 who --

16 A. Well, I mean, I told them at the grand
17 jury.

18 Q. You told the grand jury that?

19 A. Yes.

20 Q. You're sure about that?

21 A. I told some of it to the grand jury,
22 what I recalled back then.

23 Q. And you told the attorneys who
24 approached you to represent you -- you told
25 them that, too?

1 A. Yes.

2 Q. Now, today I believe you said that you
3 were over at the Sanduskys' house 50 times or
4 so?

5 A. Somewhere around there.

6 Q. Do you recall testifying before the
7 grand jury in this matter?

8 A. (No response.)

9 Q. And the grand jury testimony would
10 have been on August 18, 2011.

11 A. Yes, I --

12 Q. And I'm -- yeah, I'm not asking you
13 for the exact date. I wouldn't remember it,
14 either.

15 A. I was at the grand jury, yes.

16 Q. Do you recall telling the grand jury
17 attorney from the Attorney General's Office
18 when asked how many times did you stay over at
19 the Sanduskys' house, you said upper 20s?

20 A. Yes, but then I thought about it more,
21 like, everything -- everything that's coming
22 out now is because I thought about it more. I
23 tried to block this out of my brain for years.

24 Q. Did you indicate -- and again I had
25 some difficulty hearing you at times, but --

1 and I apologize if I misheard you. Did you
2 indicate you were in counseling or something or
3 had had counseling when you were younger?

4 A. I had the Big Brother Big Sister
5 program.

6 Q. Okay. Prior to telling the police --
7 not on the first time, because the first time
8 in July of 2011 you said nothing happened
9 between you and Mr. Sandusky, but after that --
10 prior to telling the police or the attorneys
11 for the Commonwealth that something -- or your
12 attorneys -- that something had happened, had
13 you ever told anybody that Mr. Sandusky had
14 inappropriate contact with you?

15 A. No.

16 Q. When you were over at Mr. Sandusky and
17 Mrs. Sandusky's house, were other kids ever
18 there?

19 A. No, not usually. Maybe once or twice,
20 but that's it.

21 Q. So all the other 50 or so times it was
22 just you?

23 A. Just me and him.

24 Q. And during those 50 or so times, did
25 Mr. Sandusky and/or Mrs. Sandusky ever drive

1 you places, pick you up, take you home?

2 A. Yes.

3 Q. Take you to football games?

4 A. Yes.

5 Q. Did you ever see a silver-colored
6 convertible, them driving a silver-colored
7 convertible?

8 A. No.

9 Q. Well, you're making a face like that's
10 like a strange --

11 A. I can't -- I can't recall. I'm trying
12 to recall. I've never seen a silver-colored
13 convertible, no.

14 Q. Okay. All the times that you stayed
15 at the Sanduskys, did Mr. Sandusky ever ask you
16 to perform oral sex on him?

17 A. No.

18 Q. Did he ever perform oral sex on you?

19 A. No.

20 Q. It's just the kind of touching that
21 you're telling us about today?

22 A. Yes.

23 Q. Have you been in contact with Brett
24 Houtz at all recently?

25 A. No.

1 Q. I think you indicated earlier you're
2 currently at -- you're in the National Guard.
3 Is that a weekend thing? That's not a full-
4 time thing?

5 A. National Guard, just a weekend thing.

6 Q. What's it, one weekend a month?

7 A. One weekend a month and three weeks in
8 the summer.

9 Q. Summer. Yeah. I was there, too. I
10 remember.

11 MR. AMENDOLA: Thank you. That's all
12 I have.

13 MR. MCGETTIGAN: Very briefly on
14 redirect.

15 REDIRECT EXAMINATION

16 BY MR. MCGETTIGAN:

17 Q. You didn't get to go to Iraq one
18 weekend a month and a month in the summer, did
19 you?

20 A. No, no. I went to Iraq for a whole
21 year.

22 MR. MCGETTIGAN: Your Honor, may I
23 approach the witness?

24 THE COURT: (Nodding head up and
25 down.)

1 BY MR. MCGETTIGAN:

2 Q. And I told you I'd show you a picture.
3 Do you recognize the photograph there that's
4 been marked Commonwealth's C-75?

5 A. Yeah, that's me.

6 Q. How old were you there?

7 A. Probably around 13.

8 Q. Was that around the time that you were
9 spending time with the defendant?

10 A. Yes.

11 Q. Okay. And it's a black-and-white
12 picture?

13 A. Yeah.

14 Q. Do you remember me asking you if you
15 could get another picture for me?

16 A. Yeah, and I didn't -- I didn't find
17 any. I don't really have many pictures of me.
18 I avoided cameras. I hated them.

19 Q. No pictures?

20 A. No.

21 Q. Okay. Mr. Amendola asked about --
22 asked you about your meetings with your lawyers
23 and your meetings with me. Did I ever ask you
24 to say anything that wasn't true?

25 A. No.

1 Q. Ever?

2 A. No.

3 Q. Did I ever ask you to say anything
4 just because you said it before --

5 A. No.

6 Q. -- or just because I thought it was a
7 good thing or anything like that?

8 A. No.

9 Q. Okay. Did I ever ask you to say
10 anything that made the defendant look worse,
11 better, or different, or just ask you to say
12 what happened?

13 A. Just asked me to say what happened,
14 and that's all I've done.

15 Q. Is that what you've done?

16 A. Yes.

17 MR. MCGETTIGAN: Jason, thank you very
18 much.

19 I have nothing further, Your Honor.

20 MR. AMENDOLA: Nothing further, Your
21 Honor.

22 THE COURT: Thank you. You can step
23 down.

24 MR. MCGETTIGAN: May I see you at
25 sidebar, Your Honor?

1 (Whereupon, the following discussion
2 was held at sidebar:)

3 THE COURT: Which number is he?

4 MR. MCGETTIGAN: Three, I believe,
5 Your Honor, but I'm going to have the list --

6 THE COURT: No. 3.

7 MR. MCGETTIGAN: I'll promise I'll get
8 it before lunch.

9 MR. FINA: Yeah, he's No. 3, or I can
10 just go through and tell you, but --

11 MR. AMENDOLA: I'm not going to
12 object. If you're going to have him mark
13 things that you've marked as exhibits, I mean,
14 unless we've already objected to it, I'm not
15 going to object. We could even stipulate.

16 MR. FINA: No, there's other stuff. I
17 want to -- I don't --

18 MR. AMENDOLA: Okay.

19 MR. FINA: I would rather -- Your
20 Honor, could we go to lunch now? I didn't have
21 a chance to go through the exhibits that we're
22 going to do with the agent, and I just want to
23 be sure there's not going to be any issues
24 during his testimony. We only have two more
25 witnesses. We're definitely going to be done

1 today, so if we could just break now so I can
2 go through every exhibit with Joe and make sure
3 there's no problems and, if there are, we can
4 take care of them before the witness gets on
5 the stand. I just think that's the best way to
6 do this.

7 MR. AMENDOLA: And if we do it that
8 way, Your Honor, I think you could probably
9 tell the jury we have expectations that this
10 will be done --

11 THE COURT: That we have what?

12 MR. AMENDOLA: You could probably let
13 the jurors know that we have expectations we're
14 going to be done probably by late afternoon,
15 because if we stip -- if we can resolve these
16 exhibits.

17 THE COURT: That's fine.

18 MR. FINA: You know, I mean --

19 THE COURT: Do you want --

20 MR. FINA: -- if he's not going to --
21 I don't believe --

22 THE COURT: Do you want an extended
23 lunch hour or just --

24 MR. AMENDOLA: No, I don't think --

25 MR. MCGETTIGAN: That might be a

1 little bit convenient --

2 MR. AMENDOLA: So --

3 MR. FINA: Yeah --

4 MR. AMENDOLA: Oh, okay.

5 MR. FINA: Yeah, because I don't
6 believe that Agent Sassano would be more than
7 an hour, maybe an hour and 15 minutes, and
8 then --

9 MR. MCGETTIGAN: Then I have the
10 victim.

11 MR. FINA: Then we have the victim,
12 and that will be it.

13 MR. ROMINGER: We can deal --

14 MR. MCGETTIGAN: Then what?

15 MR. ROMINGER: We'll have to deal with
16 that --

17 MR. AMENDOLA: Unless Mr. Rominger
18 cross-examines him. It might be a little
19 longer, Judge.

20 THE COURT: We have to deal with --

21 MR. ROMINGER: With doing the tape,
22 the tape as well, that much.

23 MR. AMENDOLA: The tapes. He's
24 talking about the NBC --

25 THE COURT: Oh, the NBC tape. Okay.

1 MR. FINA: Well, that would give us --
2 I guess all of us -- time to consult with the
3 Court as well.

4 THE COURT: If you ask for a mistrial,
5 I think I might have to colloquy Mr. Sandusky
6 whether he wants to do that, because there are
7 potential appealable issues now in the case
8 that would be lost or potentially lost, and I
9 would want to make sure that he understands the
10 consequences of a new trial.

11 MR. AMENDOLA: Judge, believe me when
12 I say the last thing I want is a mistrial.
13 Then I'm caught between a rock and a hard spot.

14 THE COURT: No, I absolutely
15 understand. All I'm saying is if we're going
16 to do that, we'll have to build the time in for
17 me to do that.

18 MR. AMENDOLA: Well, we should plan --
19 we should at least plan on that, because that's
20 the indication we're getting.

21 THE COURT: Because we've got the --
22 well, I'm not going to go through the issues I
23 think are potential --

24 MR. MCGETTIGAN: May we excuse the
25 jury before Mr. Amendola has more to say?

1 THE COURT: Yeah.

2 (End of sidebar discussion.)

3 THE COURT: Ladies and gentlemen, what
4 we were just talking about here at sidebar is
5 how we can expedite this case, and I am going
6 to do another extended lunch hour today, and
7 we'll reconvene at one o'clock, and it is my
8 expectation that the Commonwealth will conclude
9 its case this afternoon, so they need --
10 counsel need a little bit of time to work out
11 what are called stipulations or agreements
12 about the admission of certain evidence that
13 you'll hear this afternoon. If they can work
14 that out, then there's a very good likelihood
15 that we will conclude the Commonwealth's case
16 this afternoon, and then I'll tell you about
17 the consequences of that afterwards if that
18 actually happens. Okay. So we'll remain
19 seated while you're taken out and we'll plan on
20 one o'clock to reconvene.

21 (Whereupon, the jury exited the
22 courtroom.)

23 THE COURT: We will be in recess until
24 one o'clock.

25 (Whereupon, a luncheon recess was

1 taken.)

2 THE COURT: You may be seated. Good
3 afternoon.

4 (Whereupon, the jury entered the
5 courtroom.)

6 THE COURT: There's a couple things
7 that I just need to explain. I think to put
8 some of this little background information
9 about how these trials work, some sort of
10 context for you, every once in a while you may
11 see me look to the back of the courtroom and
12 smile. There's a guy on a camera back there
13 that has a big sign that says, "Turn on your
14 microphone." And every once in a while I
15 forget to do it, because when the lawyers come
16 to the bench, I'm supposed to turn it off, and
17 then I forget to turn it back on. So that's
18 what that big orange sign means. That way --
19 there is another courtroom across the street
20 where some members of the media are working,
21 and they can hear. Otherwise, if I don't have
22 that microphone on, they can't hear. So that's
23 what that's all about.

24 The second is that there are things
25 that arise during the course of a trial that

1 are unexpected and unanticipated. These are
2 not scripted events. These are real people and
3 sometimes things happen that we don't plan and
4 anticipate. And the way I normally try to work
5 this out is to make sure that we are solving
6 these problems over the noon hour so that it
7 doesn't extend the day for you. Occasionally,
8 it happens that those problems can't be worked
9 out in an hour. Some things were worked out
10 over the noon hour regarding the admission of
11 exhibits, which will substantially speed things
12 along, but there was another issue that it was
13 important that we talk about and I want to
14 explain that to you now.

15 Yesterday afternoon you heard an audio
16 of a television interview. There were, in that
17 audio, some errors. And the Commonwealth
18 presented this in a way that they did not catch
19 that those errors were in that audio. So when
20 you go out to deliberate, there's going to be a
21 transcript of the correct version of that audio
22 that you heard. So it will be critically
23 important that you rely -- that your memory is
24 based on the transcript, the correct
25 transcript, rather than the audio, which was

1 erroneous. Okay. I'm not going to tell you
2 what the errors were. I'm not going to replay
3 it again. We're not going to do that. The
4 transcript is what you'll rely on. Okay. All
5 right.

6 Mr. McGettigan, go ahead.

7 MR. MCGETTIGAN: I'm going to defer to
8 my colleague, Mr. Fina.

9 THE COURT: Mr. Fina.

10 MR. MCGETTIGAN: Thank you, Your
11 Honor.

12 MR. FINA: Thank you, Your Honor. The
13 Commonwealth calls Anthony Sassano to the
14 stand.

15 Whereupon,

16 ANTHONY SASSANO

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

19 DIRECT EXAMINATION

20 BY MR. FINA:

21 Q. Are you ready?

22 A. I am.

23 Q. Can you state your name for the record
24 and can you spell it as well, your last name?

25 A. Anthony Sassano, S-A-S-S-A-N-O.

1 Q. And what is your current occupation,
2 sir?

3 A. I'm an agent with the Attorney
4 General's Office.

5 Q. And how long have you been so
6 employed?

7 A. Approximately 12 years.

8 Q. And before you were an agent with the
9 Office of Attorney General, what was your
10 employment?

11 A. I was employed with the City of
12 Altoona Police Department for 20 years, the
13 last 13 as a detective.

14 Q. Okay. And can you give us a brief
15 recitation of the type of cases and work you
16 did when you were an Altoona police officer?

17 A. Well, the first seven years, when I
18 was patrol, whatever radio call I got we
19 responded to, anything from a broken window to
20 a homicide. Auto accidents were in there, too,
21 burglaries, thefts, whatever. Whenever a
22 person called in 911 and needed assistance, I
23 responded to this. Subsequently, upon
24 promotion to the rank of detective, I conducted
25 follow-up investigations on similar crimes of

1 the Crimes Code, could be criminal mischief up
2 to criminal homicide.

3 Q. Did you investigate sexual assaults as
4 part of your police work with the Altoona
5 Police Department?

6 A. I did.

7 Q. And as an agent with the Office of
8 Attorney General, have you conducted various
9 forms of grand jury investigations?

10 A. Yes, I have, numerous ones.

11 Q. And various forms of complex
12 investigations?

13 A. Yes, sir.

14 Q. Now, before you were a cop, tell us
15 what your education was.

16 A. Altoona Area High School graduate and
17 a 1975 graduate of the Penn State University.

18 Q. Did there come a time in your
19 employment with the Office of Attorney General
20 that you were assigned to this matter?

21 A. Yes.

22 Q. Do you remember exactly -- do you
23 remember approximately when that was?

24 A. April, May of 2009, somewhere in that
25 area. I think May.

1 Q. Okay. And was this investigation
2 being conducted just by the Office of Attorney
3 General or was it being conducted jointly with
4 another law-enforcement agency?

5 A. It was a joint mutual investigation
6 with the Pennsylvania State Police.

7 Q. And has it remained joint and mutual
8 since that time?

9 A. It has, yes.

10 Q. Can you tell us how this case began,
11 what prompted this investigation?

12 A. The investigation was prompted on or
13 about December of 2008, I think December 12th,
14 at which time Trooper Joe Cavanaugh of the
15 Pennsylvania State Police Lamar Barracks, which
16 is up near Lock Haven, participated in an
17 interview of Aaron Fisher in which allegations
18 were made of sexual contact with that man right
19 there (indicating) with the gray hair, Jerry
20 Sandusky.

21 Q. Okay. And that's the same Aaron
22 Fisher who testified here in court?

23 A. Yes, it is.

24 Q. Did there come a time after Mr. Fisher
25 first came forward that this matter came to the

1 Office of Attorney General? Was it a case that
2 we automatically were involved in?

3 A. No, we didn't have primary
4 jurisdiction. The state police did. At least
5 it was believed that they did initially. The
6 offenses were learned to have been committed in
7 College Township here in Centre County, but the
8 state police nonetheless kept the case.

9 Q. And under a normal circumstance would
10 the Office of the District Attorney have
11 handled the sexual assault in Centre County?

12 A. Yes, they would have.

13 Q. But did something happen that resulted
14 in it coming to the Office of Attorney General?

15 A. Yes, the District Attorney at that
16 time had a conflict of interest with the case,
17 so it was transferred to our office for
18 prosecution.

19 Q. After it was transferred to our
20 office, did there come a time when it was
21 placed in the grand jury?

22 A. Yes.

23 Q. Do you remember approximately when
24 that was?

25 A. I believe the submission was the end

1 of April, beginning of May, at or about the
2 time I was assigned to the case, but I don't
3 think we testified for the first time until
4 June of 2009.

5 Q. So approximately six or eight months
6 later, after Mr. Fisher's initial allegations,
7 it went into the grand jury?

8 A. Yes, it did.

9 Q. Now, can you tell us, after it went
10 into the grand jury, whether or not a lead or a
11 discovery led you and other investigators to
12 Mr. McQueary?

13 A. Yes, there was something that broke
14 that led us to Mr. McQueary. Do you want me to
15 explain that.

16 Q. Yeah, can you describe that for us?

17 A. An anonymous e-mail was sent to Centre
18 County District Attorney Stacy Parks Miller.
19 She forwarded that to the trooper I was working
20 with at the time, Scott Rossman, and he
21 forwarded it to me. And essentially that e-
22 mail indicated from an anonymous individual
23 that -- reference to the Sandusky investigation
24 -- we needed to speak to Mike McQueary, that he
25 had some information.

1 Q. And did that subsequently occur?

2 A. It did.

3 Q. Can you briefly tell us what other
4 efforts were being made during the
5 investigation to identify other potential
6 victims?

7 A. Surveillance was conducted of Mr.
8 Sandusky at certain points in time.
9 Additionally, other doors were knocked upon to
10 try to find other victims that were in the
11 case. It was a daunting task to try to get
12 other victims to come forward.

13 Q. And why was that?

14 A. To get -- well, everyone here saw
15 these young men testify. Let's go back three
16 years. Aaron, for example, was 15. Another
17 individual who will testify later was 14, 15,
18 and to get them to admit to having been
19 sexually abused by a man and for them to
20 perform sex acts on that man was a daunting
21 task, to get them to admit to that. It's not
22 something -- it would be just like I wouldn't
23 want to sit here and discuss with you my sexual
24 experiences, and I'm sure none of you would
25 want to sit here and discuss your sexual

1 experiences.

2 Q. Well, what about the challenge posed
3 by even identifying names, of identifying
4 people to talk to?

5 A. That was difficult also, yes.

6 Q. And why was that?

7 A. This -- through the investigation we
8 determined that this had been going on for a
9 long period of time. It was kept very
10 secretive, of course, and people wanted to
11 maintain that secret, I believe.

12 Q. Well, let's talk a little bit about
13 The Second Mile. Can you give us a feel for
14 how many children were involved in The Second
15 Mile program over the years?

16 A. According to them, hundreds of
17 thousands per year. Now, they include whenever
18 they pass out these little football cards or
19 whatever as children being treated in the
20 program.

21 THE COURT: Counsel, could you
22 approach the bench, please?

23 (Whereupon, the following discussion
24 was held at sidebar:)

25 THE COURT: Let's not blow this case

1 at the end.

2 MR. FINA: Judge, I hear you.

3 THE COURT: Okay.

4 (End of sidebar discussion.)

5 THE COURT: Do you need to approach
6 your witness?

7 MR. FINA: Yes, certainly, Your Honor.
8 May I?

9 THE COURT: Sure. The mic is off.

10 (Whereupon, Mr. Fina conferred with
11 the witness.)

12 MR. FINA: Thank you, Judge.

13 BY MR. FINA:

14 Q. Agent Sassano, did the Office of
15 Attorney General and the Pennsylvania State
16 Police obtain lists of the children who had
17 attended Second Mile camps?

18 A. Yes, we did.

19 Q. And what kind of measures were taken
20 to identify who on those lists would be
21 approached and spoken to by law enforcement?

22 A. At one point in time what we did was
23 narrowed targets -- not targets, but people we
24 would go talk to -- down to within an hour of
25 State College, basically do a circle around it

1 and divided those individuals up and divided up
2 the interviews, and we went out and interviewed
3 all those people.

4 Q. Can you tell us what efforts were made
5 through photographic means?

6 A. Well, at one point in time we obtained
7 the book *Touched*, and in that book there are
8 several photographs, and from those photographs
9 we were able to identify a couple individuals
10 and eventually got to interview those
11 individuals.

12 Q. And what is that book?

13 A. That's -- I think it's an
14 autobiography. It's definitely a book written
15 by Mr. Sandusky.

16 Q. Okay. And that book contained
17 photographs?

18 A. Yes, numerous photographs, yes.

19 Q. And is it my understanding that law-
20 enforcement identified the -- tried to identify
21 the other people, specifically the children in
22 the photographs with the defendant?

23 A. That's correct.

24 Q. And then, after they would be
25 identified, interviews would be attempted?

1 A. Yes, that's correct.

2 Q. Was that same type of effort performed
3 with other photographs that were acquired?

4 A. It was, yes.

5 Q. And where would other photographs be
6 acquired from?

7 A. Chronologically -- well, the various
8 kids who are now young men that we talked to
9 had photographs. They would provide us with
10 information, who the kids were, the other kids
11 were, in the photographs. Eventually, a search
12 warrant was obtained. We obtained photographs
13 from Mr. Sandusky's house. Additionally, not
14 too long ago, actually, we obtained a bunch of
15 photographs from the Pennsylvania State
16 University which were kept in a storage room
17 that had Mr. Sandusky's abandoned office
18 supplies.

19 Q. Were leads developed that led you to,
20 for example, the janitors, to interview
21 janitors?

22 A. Yes.

23 Q. Can you describe that for us?

24 A. Well, after McQueary we decided to see
25 if there were any other events that occurred on

1 Penn State property, so we went to The
2 Pennsylvania State University Police Department
3 and asked them to do a search of their records,
4 and that led us to the Zach Konstas report.
5 What was the rest of your question?

6 Q. Janitors?

7 A. Janitors. We all sat down and
8 brainstormed about it and who would be in the
9 building on off-hours. We saw two events with
10 Constance and with McQueary that happened on
11 nonpeak hours in the Lasch Building or the East
12 Area Locker Building. They were in the
13 evening. No one was around, so who would be
14 around typically? Janitors. So we started
15 going to the janitors, plus Mr. Petrosky called
16 in, and we canvassed quite a few janitors who
17 we were able to determine worked in the East
18 Area Locker Room. Now, once again, in order to
19 obtain the employee's names, we issued
20 subpoenas to Penn State. And Penn State, to be
21 quite frank, was not very quick in getting us
22 our information.

23 Q. Would information also be acquired
24 from word-of-mouth? When an interview would be
25 conducted of a young man, would he lead you to

1 other leads?

2 A. Yes, it would be. Jason Simcisko
3 comes to mind with that. I interviewed an
4 individual in the Port Matilda area and he
5 indicated nothing happened to him, but he
6 suggested we go talk to Jason Simcisko.

7 MR. ROMINGER: Objection. That's
8 hearsay.

9 MR. FINA: It's not being offered for
10 the truth, just --

11 THE COURT: Overruled.

12 THE WITNESS: He suggested we talk to
13 Jason Simcisko because he said Jason spent a
14 lot of time with Mr. Sandusky.

15 BY MR. FINA:

16 Q. And was that fairly common in the
17 course of this investigation?

18 A. It was. It wasn't always fruitful,
19 but it was common that would happen and we'd
20 follow up on those leads.

21 Q. Let's talk a little bit about the
22 Lasch Building and the locker that's been the
23 subject of a great many of the discussions
24 here.

25 A. Okay.

1 Q. Have you been in that building in the
2 course of your investigation?

3 A. I have, numerous times.

4 Q. Okay. Can you describe for us briefly
5 the locker room in question in this case?

6 A. There's two -- there's three locker
7 rooms, one for the football players, but that's
8 completely out of play in this discussion. The
9 other two are the coaches' locker room and the
10 staff locker room. Whenever you enter the
11 front door of that building, which is all
12 enclosed in glass, you walk through double-
13 doors. The first locker room -- and there's a
14 long corridor down the middle of the building.
15 The first locker room on your left is the
16 coaches' locker room. That's where all the --
17 even assistants -- well, they're mostly all
18 assistants except for the head coach -- so all
19 the coaches have their lockers in there.

20 The next locker room you run into is
21 the assistant or the staff locker room. I
22 apologize for that. It's a staff locker room
23 in which people like the equipment manager,
24 trainers, graduate assistants, staff such as --
25 that are affiliated with the program but aren't

1 coaches out on the field -- that's where they
2 have a locker. So if they choose to work out,
3 they can change there.

4 Q. And the shower that is contained in
5 that locker room, can you tell us approximately
6 how big it is?

7 A. Thirteen feet by nine feet -- or, I'm
8 sorry, by six feet. It's not very big. It has
9 three showerheads on the back wall and one
10 showerhead on each side wall.

11 Q. And we've seen photographs of that
12 shower and that locker room, but let me ask
13 you, in terms of its size and visibility, if
14 someone were to stand, say, in front of that
15 shower, not within the shower, but in front of
16 it, could that person see anybody else in that
17 locker room?

18 A. Yes, they could. The shower -- the
19 pictures sort of didn't do it justice. The
20 shower is extremely bright. It has multiple
21 lights all over the place. Basically, the
22 floor and the walls are essentially light-
23 colored, white with blue trim. It's very
24 bright in there.

25 Q. The players' locker room, just for a

1 point of comparison, what would be the size
2 differential? And I'm not asking for a square
3 footage, but --

4 A. The players' locker room is huge. The
5 players -- there's 100 players, approximately,
6 on the football team, and each of them have a
7 locker. So I don't know if it's 100 feet by 50
8 feet. I could be wrong on that, but it's very,
9 very big compared to this locker room, which is
10 basically a T. You walk through the double-
11 doors, then it expands right and left maybe 30
12 feet, maybe a little bit bigger than that, but
13 it's made for a much smaller group of people,
14 10 to 12 people.

15 Q. Now let me ask you about the Sandusky
16 residence. In the course of this
17 investigation, did you have cause to be within
18 the Sandusky residence?

19 A. Yes, sir.

20 Q. And where was that located?

21 A. 130 Grandview Road, State College, PA,
22 in College Township.

23 Q. And can you describe for the jury the
24 layout of that house, again --

25 A. Yes.

1 Q. -- without square footage or anything,
2 just a description of the home?

3 A. It's a two, two-and-a-half story
4 house. I would call it colonial. Whenever you
5 walk into the front door, immediately to your
6 left there's a bedroom and then there's a long
7 corridor back to the kitchen, and off to your
8 right is the living room. They used to call
9 it, in my day, a parlor. I don't know what
10 they call it now, sort of a seating area up
11 towards the front. The kitchen is in the back,
12 and attached to the kitchen in the back is a
13 family room or a rec room, basically a den or a
14 lounge, something like that. In other words
15 there was a couch there, a TV, a fireplace.
16 Off to your left also is a two-car garage.
17 Also, when you enter -- there's a bathroom down
18 there also -- and when you enter, the steps are
19 in front of you, a little off to your left, and
20 you go upstairs. I believe there's four
21 bedrooms upstairs and I know at least one bath,
22 maybe two. I'm not real clear on that.

23 Q. Did you go down into the basement?

24 A. Yes.

25 Q. Can you describe that?

1 A. Yes. When you go into that front
2 door, you walk the whole way to the back of the
3 house where the kitchen is, and then there's a
4 set of steps, which typical houses have one set
5 of steps that goes up to the basement and ones
6 go -- are in the same direction, but could go
7 the opposite way. So that set of steps from
8 the kitchen goes towards the front of the
9 house. And if I went down the last step of the
10 house, the front wall of the house is here
11 (indicating), and I believe there's a utility
12 room off to my right. If I were to circle
13 around to my left -- which I can't go further
14 to the front -- if I circled around to my left,
15 you're basically in an arcade or a family room.
16 There's a couch there and there's a lot of
17 games for people to play, video games, things
18 of that nature. If you were to sort of circle
19 back around again over to my right, which I
20 hope you can follow me on all this, is a
21 bedroom with a waterbed in it.

22 Q. Let me ask you about the search
23 warrant -- well, let me ask you this. Did you
24 conduct a search warrant at the home of the
25 defendant?

1 A. Yes, we did.

2 Q. And approximately when did that take
3 place?

4 A. June 21, 2011.

5 MR. FINA: Your Honor, may I approach?

6 THE COURT: Yes.

7 BY MR. FINA:

8 Q. Now, sir, I want to go through some of
9 the materials that were recovered from the
10 defendant's home.

11 A. Okay.

12 Q. If you look under the first green tab
13 there, there's a group of documents.

14 A. Paper-clipped together?

15 Q. I believe so. I believe so.

16 A. Okay.

17 Q. Now, were photographs found at the
18 defendant's home?

19 A. Yes.

20 Q. And without describing all of them,
21 were some of them victims in this case?

22 A. They were, yes.

23 Q. And looking at C-39 through, I
24 believe, C-47, what can you tell us about those
25 photographs?

1 A. They're photographs of Aaron Fisher at
2 various sporting events and in a residence I
3 believe to be Mr. Sandusky's residence.

4 Q. And these were all recovered from his
5 home?

6 A. Yes.

7 MR. FINA: Your Honor, may I publish
8 these?

9 THE COURT: Yes. These are all
10 exhibits that you've agreed on are not
11 problematic, correct, Mr. Amendola?

12 MR. AMENDOLA: Yes, Your Honor.

13 MR. FINA: That's Commonwealth's 39,
14 Commonwealth's 40.

15 (Whereupon, the exhibits were
16 published to the jury.)

17 BY MR. FINA:

18 Q. Is that picture within the Sandusky
19 home, sir?

20 A. It appears to be Aaron with wet hair,
21 the dog, and Mr. Sandusky in this residence,
22 yes.

23 Q. Forty-one?

24 A. It appears to be at a wrestling match.

25 Q. Forty-two?

1 A. Aaron and another individual I know
2 with an adult that I don't know seem to be at a
3 stadium, most likely a football game.

4 Q. Forty-three?

5 A. Aaron at a wrestling match.

6 Q. Forty-four?

7 A. Aaron competing in the high jump at a
8 track meet.

9 Q. Do you know -- was this photograph in
10 an album or was this on the defendant's
11 computer? Do you know?

12 A. Photo album. It could have been on
13 his computer, too, a duplicate, but these were
14 in a photo album.

15 Q. Forty-five?

16 A. Same thing, Aaron at a track meet.

17 Q. Forty-six.

18 A. Once again, Aaron at a track meet.

19 Q. And 47?

20 A. Aaron and a dog, I believe at Mr.
21 Sandusky's residence.

22 Q. Do these photographs account for all
23 of the photographs of Mr. Fisher that were
24 found at the defendant's home?

25 A. No.

1 Q. Do you recollect approximately how
2 many photographs of Mr. Fisher there were found
3 at the defendant's home?

4 A. I don't recall a number. Quite a few,
5 but I can't give you a specific number.

6 Q. Were there photographs of other
7 alleged victims found at Mr. Sandusky's home?

8 A. I believe there were, yes.

9 Q. The next document there, sir, can you
10 identify that for us, after the photographs?

11 A. Exhibit 78?

12 Q. Yes, sir.

13 A. No.

14 THE COURT: Seventy-eight? Is that
15 one that we had discussed earlier?

16 MR. FINA: No, Your Honor.

17 THE COURT: I'm sorry. That was 99.
18 Thank you.

19 MR. FINA: I can assure you those have
20 all been extracted.

21 THE COURT: Okay.

22 BY MR. FINA:

23 Q. Can you identify Commonwealth's 78,
24 sir?

25 A. Yes. I'm just looking through it

1 right now.

2 Q. Sure.

3 A. These are what have been identified to
4 me as camper lists. That's a list of kids who
5 participated in Second Mile camps, I believe,
6 at Penn State University. It says "University
7 Park, Boys, Week 1." There's no date on that
8 one list. And the second list is "University
9 Park, Boys, Week 2, July 31st to August 5,
10 2005."

11 Q. Starting with the first -- where was
12 this document found, sir?

13 A. In Mr. Sandusky's -- or I'm sorry,
14 this is from the search warrant at his
15 residence.

16 Q. Was this found on a computer? Was it
17 electronic data or was it found as a copy?

18 A. It was a paper copy found in a closet,
19 I believe, in a briefcase or with other
20 documents.

21 MR. FINA: Your Honor, may I publish?

22 THE COURT: Yes.

23 (Whereupon, the exhibit was published
24 to the jury.)

25 BY MR. FINA:

1 Q. Sir, is this the first page of the
2 document?

3 A. Yes, it is.

4 Q. And is it a simple listing of names,
5 alphabetically, with addresses?

6 A. Yes, but there's a little more.

7 Q. If we can go to, I think, page 6, on
8 page 6 of the document, sir, is there a
9 particular name that is noteworthy?

10 A. A name that what?

11 Q. That is noteworthy?

12 A. Yes, Sabastian Paden, the top middle.

13 Q. And who is that?

14 A. He'll be testifying next.

15 Q. There's handwritten markings next to
16 that name, correct?

17 A. Yes, there's stars or asterisks, two
18 of them, right beside that name.

19 Q. If you would then go to AF-9, sir,
20 page 9, and is this another list that was
21 found?

22 A. Yes.

23 Q. And what's the date on this one?

24 A. July 31st to August 5th of 2005.

25 Q. And if I can refer you to the next

1 page, is there a name on that page that's
2 noteworthy?

3 A. Yes, top left-hand corner, Aaron
4 Fisher is highlighted by a star or asterisk.

5 Q. If I can then direct you to the next
6 list, sir --

7 THE COURT: Just for purposes of
8 clarification, I think the original document
9 doesn't actually have it highlighted in yellow,
10 correct? It's just a star --

11 MR. FINA: That is --

12 THE COURT: -- but the document
13 itself --

14 MR. FINA: That is correct, Your
15 Honor. There it is without the highlight, Your
16 Honor.

17 BY MR. FINA:

18 Q. Do you see the next list, sir?

19 A. Yes, I do.

20 Q. And where was this list found?

21 A. Once again a search warrant, Mr.
22 Sandusky's residence.

23 Q. Now, about halfway down through this
24 list, if we may enlarge it, Your Honor, so it
25 can be read. I'll get out of his way. Is the

1 name Sabastian Paden on this list, on page 2?

2 A. On AF9-010, yes, it is.

3 Q. And is there just a small marking next
4 to that name?

5 A. Yes, there's a dash beside that name.

6 Q. Now, at the top of the page, is there
7 a handwritten name?

8 A. Yes, Sabastian Paden, and in
9 parentheses, Angela. I know Angela to be his
10 mother. And then his phone number at that time
11 is also written there.

12 MR. FINA: Go to the next page, Mark.

13 BY MR. FINA:

14 Q. Sir, going to the next page on this
15 list, the fourth name from the bottom --

16 A. Yes, I see Aaron Fisher's name there
17 with a dash beside it.

18 Q. And if you move across that row, was
19 that his address at the time?

20 A. I believe so, yes.

21 Q. And then is there a name written in?

22 A. On the far right-hand corner, his
23 mother's name is Dawn, and I believe that says
24 Dawn.

25 Q. Now, if you'll go to the last page of

1 that exhibit, is there handwriting in the lower
2 right-hand portion of that document?

3 A. Yes, sir.

4 Q. And what does it look to be? What
5 does it look to say?

6 A. Up in the top of that -- where the
7 handwriting section is -- in the bottom right-
8 hand corner is the name Sabastian, medium, 9
9 shoes. And then if we go down three more names
10 -- I'm sorry -- yeah, to the fourth name, so go
11 down three names to the fourth name, Aaron,
12 medium, 9, and there's other names written in
13 there also.

14 Q. Sir, if we can go to the next
15 document, in the course of the investigation,
16 were you led to look at a Sports Illustrated
17 magazine?

18 A. Yes.

19 Q. Can you tell us about that?

20 A. Brett Swisher Houtz had told us he was
21 in a Sports Illustrated magazine with Mr.
22 Sandusky from the time period in which he was
23 in a lot of contact with Mr. Sandusky. He had
24 the copy of that at his residence and he
25 provided it to us for safekeeping, and these

1 are photographs of the cover of the magazine
2 and items inside the magazine -- or an article
3 inside the magazine.

4 Q. Is this the cover of that magazine?

5 A. Yes, it is.

6 Q. Next page.

7 A. And that's dated December 20, 1999.

8 Q. Is this a copy of the first page of
9 the article therein?

10 A. Yes, it is.

11 Q. And is there handwriting or any kind
12 of notation on this article?

13 A. Yes.

14 Q. Is the notation signed by Jerry
15 Sandusky?

16 A. Yes.

17 Q. Next page.

18 A. This is a photograph. I believe this
19 one also appeared in the book *Touched*, a black-
20 and-white copy, I know -- I think -- and
21 immediately to the front, in the gold or
22 yellow-colored jersey, is Brett Swisher Houtz
23 -- Houtz. I'm sorry.

24 Q. Is this the type of photograph that
25 investigators would use additionally to try to

1 identify other children?

2 A. Yes, this is a typical example.

3 Q. Move to the next document, sir. Can
4 you tell us what this is? It's marked
5 Commonwealth 14.

6 A. Bear with me a second. What this is
7 -- either -- on November 4th of 2011, when it
8 was announced in the media that we were going
9 to arrest Mr. Sandusky, I went home after work
10 that day and was watching Channel -- the WTAJ
11 Channel 10 News, and they talked about the
12 arrest and they showed this highlight clip of
13 Mr. Sandusky on the sideline. And as it
14 flashed through the screen, which I rec --
15 anyway, when it flashed through the screen, I
16 recognized Brett Fisher Houtz -- Swisher Houtz
17 -- standing right along the sideline at a game
18 immediately behind Mr. Sandusky. Now, in all
19 fairness, Mr. Sandusky was to the right, and in
20 the video clip he was moving to the left, so
21 initially he wasn't in front of Mr. Swisher
22 Houtz, and I was able to determine that this
23 was at the 1999 Alamo Bowl in San Antonio,
24 Texas. I believe the actual date of the game
25 was December 26th.

1 Q. Was a copy of that clip obtained?

2 A. Yes, via subpoena we obtained a copy
3 of the clip and were able to make -- take one
4 picture, which is before us here today.

5 Q. This is a still --

6 A. From that clip.

7 Q. -- from that clip?

8 A. Yes, it's a still from the clip. I
9 believe Mr. Swisher Houtz is highly
10 recognizable.

11 Q. Was other evidence acquired showing
12 that Mr. Swisher Houtz had attended both the
13 Alamo Bowl and the Outback Bowl with Mr.
14 Sandusky?

15 A. Yes, it was.

16 Q. Can you tell us how those efforts were
17 pursued?

18 A. We obtained copies of e-mails, various
19 individuals at Penn State's computers, and one
20 of those individuals is -- I believe he was
21 titled Director of Football Operations at the
22 time. His name is Tom Venturino. He has since
23 been moved to another employment capacity. And
24 anyway, on his computer was the itinerary for
25 both the 1999 Outback Bowl and the 1999 Alamo

1 Bowl that I just referred to in that photograph
2 -- or by that photograph.

3 Q. The document before you marked as
4 Commonwealth's Exhibit 80, are those the copies
5 of both those itineraries?

6 A. Yes, they appear to be the copies of
7 the itineraries off Mr. Venturino's computer.

8 Q. I'm now displaying -- is that the
9 first page of the itinerary for the Outback
10 Bowl?

11 A. Yes.

12 Q. And it reads 1998-1999 Outback Bowl?

13 A. Yes, it does, departure itinerary.
14 Mr. Venturino has it down -- a bus from
15 football building to the airport, the airport
16 plane list. If you're going to go through
17 everything, which I assume you are, you'll see
18 he has a it pretty well documented.

19 Q. We'll just show some samples here,
20 sir. I'd take you to page 8.

21 A. Okay. Mr. Sandusky's name is there
22 approximately in the middle, to the left.

23 Q. If you go across from his name, what
24 is the notation in the far right column?

25 A. He was requesting a cot for his room

1 at the game -- or in the hotel in Florida.

2 Q. Jump ahead to page 13. This is
3 entitled "Bus Passenger List" from the Outback
4 Bowl, correct?

5 A. Yes, sir.

6 Q. Going down the first column --

7 A. Approximately in the middle of the
8 page.

9 Q. Do you see the names Dottie Sandusky
10 and Brett Swisher?

11 A. I do.

12 Q. Next page is the plane list, Mr.
13 Swisher again listed as the 13th passenger
14 there?

15 A. He is, and Dottie is No. 12.

16 Q. And are there similar documents and
17 lists contained in the Alamo Bowl documents?

18 A. Yes.

19 Q. The Alamo Bowl was in 1999, in
20 December of 1999, correct?

21 A. Yes, it was.

22 Q. Go to the next document. Was there an
23 investigation conducted, sir, as to the date
24 that Mr. McQueary allegedly observed what he
25 observed in the Lasch Building?

1 A. Yes.

2 Q. Can you describe for us one of the
3 efforts that was made regarding what Mr.
4 McQueary alleged he was watching on television
5 that night?

6 A. Yes, Mr. McQueary advised he was
7 watching a television program on one of the
8 cable channels, definitely he indicated not a
9 video or -- I guess there were DVDs back then.
10 I'm not sure. Not a VHS tape, definitely a
11 television program, and he indicated he was
12 watching the movie *Rudy*, which got him, in his
13 words, quote, "fired up," and he went into
14 work.

15 Q. So what did you do to try to track
16 this down, to try to verify what the date might
17 have been?

18 A. I bought 20 television guides,
19 basically 10 covering February through March of
20 2001, then another 10. Of course, they bleed
21 over a little bit -- another 10 from February
22 to March of 2002, and I searched through those,
23 looking for the movie *Rudy* on a cable network
24 channel as opposed to a CBS or NBC affiliate.

25 Q. In Commonwealth's Exhibit 82, which TV

1 *Guide* is this?

2 A. That's the one with the date of
3 February 3rd through February 9th of 2001.
4 That's a Saturday through the following Friday.

5 Q. And on page -- I believe it's 234 of
6 that *TV Guide* --

7 A. At 8:05 p.m. on TBS is the movie *Rudy*,
8 and it lasted two hours and 40 minutes, and the
9 date is February 9, 2001.

10 Q. What day of the week was that?

11 A. Friday.

12 Q. What did you find in looking, for
13 example, in March of 2002 at the *TV Guides*?

14 A. Other movies other than *Rudy*.

15 Q. You did not find *Rudy* on a Friday
16 evening in March of 2002?

17 A. That's correct.

18 Q. What about February of 2002?

19 A. No, it was not listed. Of the 20 that
20 I had, this was the only one listing *Rudy* as a
21 movie.

22 Q. And what other efforts did you make to
23 try to triangulate or target a date for Mr.
24 McQueary?

25 A. In conversations with Mr. McQueary, he

1 indicated that, as I heard him testify, he
2 called Coach Paterno. Coach Paterno said he
3 didn't -- was not going to get the job or the
4 position. Mr. McQueary turned over to us
5 documents indicating that there were two
6 openings after the 2000 season. Of course, the
7 2000 football season would have been over in
8 December of 2000, and getting into February of
9 2001, the vacancies existed. Al Golden left
10 the staff for Virginia and I'm not sure who the
11 other coach was who left the staff. But
12 subsequently in 2001, earlier in that year,
13 Kenny Carter was hired as a coach for the Penn
14 State University football team, and I don't
15 recall what position, and Ron Vanderlin -- or
16 Vanderlinden, I believe, is the actual
17 pronunciation -- was hired as the linebacker
18 coach. So those are the two openings that Mr.
19 McQueary referred to. Those two individuals
20 filled those openings in 2001, early in the
21 year.

22 Q. Did you also acquire information from
23 Dr. Dranov?

24 A. I did. I spoke to Dr. Dranov and he
25 indicated it could have been 2002 that this

1 incident occurred in which he was called over
2 to the John McQueary residence, but he believed
3 it was 2001, and he believed that because he
4 recalled it being a Friday night, and on
5 Saturday he recalled he had to go to Boston for
6 two parts -- or for two purposes. I'm sorry.
7 One, to see his daughter up there, and the
8 other was to attend a conference for continuing
9 education credits at Harvard. And he had his
10 diploma, which indicated he attended that on
11 February 12, 2001, which is on Monday.

12 Q. Were you also able to confirm travel
13 records?

14 A. I don't recall travel records, no, but
15 he provided me with his certificate for that
16 course that he attended on February 12, 2001.

17 Q. Did there come a time, sir, where
18 records were recovered from Penn State
19 University that were permanent to Mr.
20 Sandusky's office?

21 A. Yes, sir.

22 Q. Can you describe that for us?

23 A. After a lengthy period of time, we
24 were finally able to search a building or
25 search a room in the East Area Locker that we

1 were advised was abandoned property,
2 essentially since 2008, by Mr. Sandusky.
3 Basically, it was a desk, a little bit of
4 office furniture, and approximately 18 boxes of
5 paperwork or other items that he had in his
6 office. And on --

7 Q. What is --

8 A. -- on April 12th --

9 Q. Referring to Commonwealth's 83, sir,
10 before you, what is that?

11 A. That's a photograph I took of the door
12 that contained all of these articles -- or
13 these 18 boxes.

14 Q. And this is a door in the East Area
15 Locker Room?

16 A. Yes, Room 134.

17 Q. And the next page?

18 A. That's a shot inside this very small
19 room, and you'll see the boxes up top there on
20 the cabinets.

21 Q. Next page?

22 A. I said 18. There might -- I saw the
23 number 20 on one of those boxes. Maybe there
24 were 20 boxes instead of 18. But definitely,
25 if you look at the other -- this is over on the

1 other wall. You can see the name on the one
2 box, the second down from the top, far right.
3 It's hard to read up there, but on mine, yeah,
4 it says Sandusky.

5 Q. Some of the boxes were marked with he
6 name Sandusky?

7 A. Yes, sir.

8 Q. And can you generally describe for us
9 the type of materials that you found in these
10 boxes?

11 A. Videotapes, basically videotapes and
12 documents, paper documents, and that trophy
13 that Brett ident -- Brett Swisher Houtz
14 identified earlier in the week.

15 Q. Well, let me ask you this. Were the
16 materials that you found in these boxes
17 consistent with them being owned or related to
18 Mr. Sandusky?

19 A. Yes.

20 Q. I'll show you Commonwealth's 38.

21 A. Yeah, that's a makeshift trophy that
22 we found in one of the boxes at the East Area
23 Locker Room that Mr. Swisher Houtz referred to.

24 Q. It has the name Brett on it?

25 A. It does. Brett Williams, it says on

1 the top line.

2 Q. Were there photographs found in these
3 boxes?

4 A. Yes, there were a number of
5 photographs found.

6 Q. Was this one of the photographs?

7 A. Yes.

8 Q. And who is depicted in this
9 photograph?

10 A. Brett Swisher Houtz is depicted in
11 that photograph in the No. 11 uniform, which is
12 -- or at that time was that of college
13 superstar, I guess, basically, LaVar Arrington.

14 Q. And do you know where this photograph
15 was taken?

16 A. East Area Locker Room.

17 Q. Commonwealth's 85?

18 A. Brett Swisher Houtz and Mr. Sandusky.

19 Q. Also in the East Area Locker Room?

20 A. Yes, sir, same -- all of these are in
21 the same room.

22 Q. Also recovered from these boxes?

23 A. Yes, sir.

24 Q. Commonwealth's 86?

25 A. Brett once again, in front of the

1 lockers.

2 Q. Commonwealth's 87?

3 A. Once again, Mr. Swisher Houtz.

4 Q. Eighty-eight?

5 A. Same thing, Mr. Swisher Houtz in the
6 LaVar Arrington uniform.

7 Q. Eighty-nine?

8 A. Brett Swisher Houtz again.

9 THE COURT: For clarification, I
10 believe the witness identified himself as Brett
11 Houtz. Am I correct?

12 MR. FINA: I believe you are correct,
13 Your Honor.

14 THE COURT: Then --

15 MR. FINA: For the record --

16 THE COURT: -- to clarify who it is
17 he's talking about.

18 MR. FINA: Yes. For the record, all
19 references to Swisher or Swisher Houtz would be
20 Brett Houtz as he utilized on the stand, and
21 we'll --

22 THE WITNESS: Yes.

23 MR. FINA: -- we'll use that name.

24 THE WITNESS: Okay. Brett Houtz.

25 BY MR. FINA:

1 Q. Commonwealth 90?

2 A. Brett Houtz once again.

3 Q. Now, was there a tape recovered from
4 these boxes that involved linebacker training?

5 A. There was.

6 Q. Can you describe that?

7 A. There was a -- I don't recall the name
8 of the company. I tracked it down to Colorado.
9 They are no longer in existence. It was dated
10 1999 and it was an instructional linebacker
11 video. It appeared to be, if you were to
12 listen to it, one in a series of various
13 position -- football position tapes that were
14 made. This particular one was -- involved Mr.
15 Sandusky. Coach Paterno is in that video
16 briefly, giving a little speech, and Coach Tom
17 Osborne from Nebraska is in it, giving a little
18 speech, but the emphasis of it is drills or
19 linebacker play techniques.

20 Q. Was there somebody recognizable in
21 that video beyond the coaching staff?

22 A. Yes.

23 Q. And who was that?

24 A. Brett Houtz.

25 Q. And were stills made from that video?

1 A. Yes.

2 Q. Commonwealth's 16 is now being
3 displayed. Who is that?

4 A. That's Brett Houtz.

5 Q. And Commonwealth's 17?

6 A. Once again, on the far left of the two
7 youthful individuals, the far left, No. 2, is
8 Brett Houtz.

9 Q. And that videotape again was from
10 1999?

11 A. Yes.

12 Q. If I could refer you to Commonwealth's
13 93, what is that document?

14 A. Ninety-three is information from The
15 Second Mile, from their summary challenge
16 database on Jason Simcisko.

17 Q. And where was this found?

18 A. In Mr. Sandusky's office -- boxes in
19 the office he abandoned in the East Area Locker
20 Room.

21 Q. And how do you recognize this as being
22 from The Second Mile?

23 A. I've looked at their database. Summer
24 Challenge is one of the names on the program.
25 The thing that really gave it away -- it says

1 Second Mile on it, on the top.

2 Q. One of those lawyer questions. And is
3 there handwriting? Is there anything in
4 handwritten form on this?

5 A. Yes, there appears to be a phone
6 number up top and a phone number in the middle
7 -- two phone numbers. I'm sorry.

8 Q. If you go to Commonwealth's 94, what
9 is this document?

10 A. Just as in the search warrant with the
11 two camper lists from The Second Mile, one
12 undated, saying first week, and one dated July
13 28th to August -- whatever the day would have
14 been -- 2005, this is a camper list from 1995,
15 same type on it, the kids, the various
16 attendees names with some handwriting on some
17 of the documents.

18 Q. At the top it says "1995 Camper
19 Address List," and the names, they're
20 alphabetical like the other ones?

21 A. Yes.

22 Q. Will you go to page 4, middle of the
23 page? Is there a name there relevant to this
24 case?

25 A. The middle of the page to the right,

1 there's an asterisk name or starred name,
2 Dustin Struble, and it has written in there --
3 it looks like to me to be "first house."

4 Q. Were there a number of these camper
5 lists recovered?

6 A. Yes.

7 Q. Going to Commonwealth's 95, is that
8 another one?

9 A. Yes, it is.

10 Q. And what's the date on that?

11 A. July 26th through July 31st of 1998.

12 Q. Moving ahead to page 3 of that
13 document, the first column, is the name Ryan
14 Rittmeyer there with an asterisk next to it?

15 A. Yes, the second name down was Ryan
16 Rittmeyer with an asterisk.

17 Q. Moving down that column
18 alphabetically, Jason Simcisko --

19 A. Yes, Jason --

20 Q. Also with an asterisk?

21 A. Yes.

22 Q. Were there also writings found in
23 those boxes?

24 A. Yes, there were a variety of writings
25 or letters.

1 Q. Commonwealth's Exhibit 1, was that
2 found in the East Area Locker Room?

3 A. It was.

4 Q. And this is an exhibit previously
5 reviewed by Mr. Houtz, correct?

6 A. Yes, sir.

7 Q. Commonwealth's 24, another writing,
8 also to Mr. Houtz and also reviewed by Mr.
9 Houtz?

10 A. Yes, sir.

11 MR. ROMINGER: Your Honor, can we have
12 a point of clarification, where these were
13 found? I'm not sure I'm clear on that.

14 BY MR. FINA:

15 Q. Where were these documents found, sir?

16 A. East Area Locker Room, 134, the office
17 boxes abandoned by Mr. Sandusky.

18 MR. ROMINGER: Thank you.

19 BY MR. FINA:

20 Q. Commonwealth's 29, another letter to
21 Mr. Houtz?

22 A. Another letter to Mr. Houtz?

23 Q. Yes.

24 A. Yes.

25 Q. Also found in those boxes?

1 A. Yes, it was, same as the previous
2 ones.

3 Q. Commonwealth's 96?

4 A. Found in those boxes just like the
5 previous letters were.

6 Q. Now, Mr. Houtz also identified some
7 program contracts when he testified. Were you
8 present for that testimony?

9 A. I was.

10 Q. And those contracts, where were those
11 found or copies of those found?

12 A. Same location, Room 134, East Area
13 Locker Room.

14 Q. I'm now showing Commonwealth's 98.
15 What is this document, sir?

16 A. It's purported to be a Second Mile
17 positive action program document, agreement,
18 January 7, 1999, to June 15, 1999, an agreement
19 between Brett Swisher Houtz and Jerry Sandusky,
20 in parentheses, The Second Mile.

21 Q. And if we scroll down to the bottom of
22 this document, this is not signed, correct?

23 A. Yes, you're correct.

24 Q. But was there a signed version of this
25 document found, if you look at Commonwealth's

1 31?

2 A. I have to find 31.

3 Q. It's the next document.

4 A. Mine is 98.

5 Q. After 98.

6 A. Okay. Yes, there is a signed version.

7 Q. Now, are they the same? If I can
8 refer you to the rewards section?

9 A. Yes, they're the same, paying \$26 per
10 week.

11 Q. Looking at 31, under the rewards?

12 A. I am, yes -- I'm sorry, 31? I
13 apologize for that. I was still on 98.
14 Thirty-one is different from 98 in that the
15 money being paid -- and that's not the one on
16 the screen -- 31 pays \$60 a week instead of 26.

17 Q. Is this consistent with a drafting
18 effort or an effort to create these documents?

19 A. Yes.

20 Q. Now, 31, that is signed, correct?

21 A. Yes, you're correct.

22 Q. And this was also recovered from those
23 boxes?

24 A. It was, Room 134.

25 Q. The next document is Commonwealth's

1 25. This was also identified by Mr. Houtz.
2 Where was this found?

3 A. Same location, in a box, Room 134.

4 Q. Sir, can I ask you to read this
5 document?

6 A. Yes. The title of the document is
7 "The B-J Story:" Very few people know about
8 this story and probably less care. I guess
9 that I'm writing it for me. I'm Jer. Brett is
10 a young man that came into Jer's life. It was
11 a difficult time for Jer because he had lost
12 his dad. Jer and his dad shared so many -- or
13 I'm sorry -- shared so much, did many things
14 together. Brett comes along and he and Jer
15 seemed to enjoy the same experiences. Both
16 seemed to be in need. They loved playing
17 games, competing, singing, laughing, sharing
18 experiences, just being themselves. Jer
19 remembers driving Brett home. Brett would say,
20 quote, "Tell me another story Jer," unquote,
21 Jer, of course, being filled with them, would
22 come up with one. Jer remembers how he didn't
23 want those rides to end.

24 Jer became attached to Brett and
25 always will be. Brett loved justice and

1 Staush, S-T -- I can't make it out -- A-U-S-H.
2 I think it's Staush -- and love him. He and
3 Jer played Polish soccer, wrote papers
4 together, rode Brett's four-wheeler even though
5 Jer was scared to death, studied in the
6 playground, roller-skated, ice-skated, jet-
7 skied, went to a bowl game, spent days at the
8 football and soccer camp, canoed, traveled, and
9 more. He met and did things with Penn State
10 football players and spent many hours with them
11 and Jer. It wasn't Brett, Jer, LaVar, Mac,
12 Courtney, David, Anthony, Josh, et cetera. It
13 was "we," in quotation. Times were not always
14 perfect. There were ups and downs. There were
15 arguments, fights. They cared. No matter
16 what, there was a connection that would help
17 them last through these difficult times. There
18 was always a sensitive, caring feeling deep
19 inside. Jer had learned through many
20 experiences that life isn't perfect, even with
21 someone he considers to be his best friend --
22 in parentheses, his best friend.

23 Life is far from perfect at this
24 stage. Something or things have come to
25 Brett's life that appear to have taken him

1 over. It's powerful, a cloud of smoke that has
2 engulfed him. For Jer, it has been a dark
3 cloud. Brett seemed to fight it, coming over,
4 trying to do hockey, but couldn't pull it off.
5 He seems to be losing these battles more and
6 more. Inch by inch, the cloud has choked him
7 and taken over. This smothers -- it has
8 smothered sensitivity and love, taken away his
9 caring and enthusiasm. His enthusiasm has been
10 replaced by sleep, his caring replaced by
11 apathy, closed -- or parentheses, no concern.
12 Quotation, "Tell me another story, Jer," end of
13 quotation, has been replaced by, quotation, "I
14 don't care," end of quotation. This cloud has
15 destroyed soccer and hockey, choked smiles and
16 laughter. There is fear that it has reached
17 his insides, killing his feelings. Jer
18 believes that there will always be something
19 special inside Brett. He hopes that it will
20 last, return, if it has left. The players miss
21 him. They say, quotations -- or -- "Come back,
22 Brett," quotations, "Stay with us, Brett." Jer
23 would love to have the good times back. The
24 players shout, parentheses -- or quotations --
25 "Be with us to the end." Jer would love to

1 hear, quotations, "Tell me another story, Jer,"
2 end of quotations. Jer may not be worthy, but
3 he needs to be -- needs a, quotations, "best
4 friend." It doesn't feel -- it doesn't look
5 real good.

6 Jer understands life and its changes.
7 He's proud, too proud, to beg for a friend,
8 extended family member. The story will end the
9 way Brett wants it to -- or the way Brett wants
10 it. Jer wants to be there to the end, but
11 that's Brett's call. If Brett ever needs him,
12 he'll come.

13 Regardless, they have had an
14 experience that others won't. Jer will not
15 forget and always care.

16 Q. The next document, sir, is
17 Commonwealth's 23. Was that also recovered
18 from the East Area Locker Room?

19 A. Yes, sir.

20 Q. And these photographs are hard to make
21 out. What are they images of?

22 A. The originals that we obtained were
23 hard to make out. It appears to me to be three
24 individuals basically standing there, dressed
25 in some kind of costumes, I believe. It is

1 difficult to be 100 percent certain on that.

2 Q. And then what is the text?

3 A. Up top it says "The Great Pretenders."
4 The paragraph says: Yes, I am a, quote, "Great
5 Pretender," unquote. I pretend that I can
6 sing. I pretend about many things. However, I
7 can't pretend about my feelings. I want you to
8 always remember that I care. Not always a
9 great pretender, Jer, in parentheses.

10 Q. Not always a pretender, Jer, right?

11 A. Pardon me? Not always a pretender,
12 Jer.

13 Q. And this was also identified by Mr.
14 Houtz, correct?

15 A. Yes, it was.

16 Q. Going to the next documents, did you
17 have cause to get brochures from The Second
18 Mile?

19 A. Yes, I did.

20 Q. And why was that done?

21 A. Just to get some documentation from
22 them to see what programs they had, et cetera,
23 what documents may be laying down -- laying
24 around -- additional photographs that they may
25 have.

1 Q. Was it also part -- yeah, exactly.
2 Was it part of the effort to get photographs
3 and potentially identify some of the minors
4 that were accompanying Mr. Sandusky?

5 A. Yes, it was.

6 Q. And what is Commonwealth's 48?

7 A. Forty-eight is one of those pamphlets
8 that I obtained from The Second Mile -- or it's
9 a copy of the pamphlet.

10 Q. And does it have a picture of Aaron
11 Fisher?

12 A. Yes, in the center, a little south of
13 center, there's a picture of Aaron, and Mr.
14 Sandusky is on the far right. Aaron is sort of
15 front and center.

16 MR. FINA: That's all I have, Your
17 Honor. Thank you.

18 THE COURT: Any cross?

19 MR. AMENDOLA: Just briefly, Your
20 Honor

21 CROSS-EXAMINATION

22 BY MR. AMENDOLA:

23 Q. Agent Sassano, in reviewing the
24 records for the Outback Bowl and the Alamo
25 Bowl, I believe they were Commonwealth's

1 Exhibits 80 and 81 that had the itineraries and
2 who was on the trip. Did you discover that
3 Matt Sandusky also went on both of those bowl
4 trips?

5 A. If I may look at them, I remember
6 seeing his name, but I don't know if it was one
7 or both off the top of my head.

8 Q. Thank you.

9 A. Do you want me to look at them or
10 bring them up?

11 Q. Well, either one.

12 A. Okay.

13 Q. I can show them to you.

14 A. Oh, okay. That's cool.

15 MR. AMENDOLA: If I may approach, Your
16 Honor?

17 THE COURT: You may.

18 BY MR. AMENDOLA:

19 Q. And I'll first show you what's been
20 marked as Commonwealth Exhibit 80, which is the
21 1998-99 Outback Bowl, and again just referring
22 you to -- and you can identify this, which
23 appears on page 8, if you want to take a look
24 at that. Do you have everything?

25 A. I've got it, yeah. 1999 Outback Bowl,

1 and No. 19 from the bus passenger list from the
2 Wyndham to the airport is Matt Sandusky, yes.

3 Q. And then in regard to the 1999 Alamo
4 Bowl --

5 A. Okay.

6 Q. -- looking again at what was marked as
7 Commonwealth Exhibit No. 81, can you identify
8 on what appears to be page BS-12-015, whether
9 or not Matt Sandusky's name appears on that?

10 A. That's the plane list, and No. 19
11 listed on there is -- yes, you're correct --
12 Matt Sandusky.

13 Q. Thank you. Now, you mentioned finding
14 a number of exhibits that you brought over, a
15 number of Commonwealth exhibits, in boxes in
16 East -- it's the East Locker Room? Is that
17 what it's called?

18 A. I think it's actually East -- the East
19 Area Locker Building, but it's commonly
20 called --

21 Q. Can you tell --

22 A. -- at least in my brief experience --

23 Q. I'm sorry.

24 A. -- at Penn State, locker room also.

25 Q. Can you tell us how many boxes you

1 found in that area that had Jerry Sandusky
2 materials in them?

3 A. All of them, we believe, are Mr.
4 Sandusky's, and I initially indicated 18, but
5 when I looked at the pictures, there was one
6 with a number 20 on it, so I would assume the
7 Penn State staff numbered them chronologically
8 and there were 20 boxes there. So, to answer
9 your question, 18 to 20, I believe, would be
10 approximate.

11 Q. And were they all filled with
12 materials?

13 A. They were, yes.

14 Q. And I know you pointed out a number of
15 pictures today identifying certain individuals.
16 Were there a number of other pictures of other
17 participants in The Second Mile?

18 A. I believe we retained all the pictures
19 that we found in there, once again possibly to
20 identify new individuals who may have been
21 involved in this matter. Brett came to -- I
22 knew Brett. Brett came to mind right away. It
23 seemed like there were an awful lot of
24 documents concerning Brett. So, to answer your
25 question, there could have been other pictures

1 there, but I can't tell you that off the top of
2 my head.

3 Q. And in terms of brochures, did you
4 find a lot of brochures of Second Mile material
5 in the boxes?

6 A. I believe there were some. I don't
7 know that I would say a lot.

8 Q. Some meaning -- can you give us an
9 idea?

10 A. Well, I don't know if you're referring
11 to these agreements here, which are -- purport
12 to be Second Mile, but -- which would have been
13 testified to aren't Second Mile documents, so I
14 believe there were some items in there from The
15 Second Mile.

16 Q. One of the exhibits, and I missed it.
17 I don't know whether -- it might have been
18 Commonwealth Exhibit 25, the one that had The
19 Great Pretenders --

20 A. Yes.

21 Q. -- caption, and I'm not sure if that
22 was Exhibit 25. Is that what it is?

23 A. I'm looking. No.

24 MR. FINA: Twenty-three.

25 THE WITNESS: Twenty-five is the B-J

1 Story.

2 BY MR. AMENDOLA:

3 Q. Twenty-three. Mr. Rominger has my
4 exhibits.

5 A. Okay. I'm looking at that one.

6 Q. Did you see other documents with that
7 heading in any of the boxes that you found?

8 A. What heading, The Great Pretender?

9 Q. With The Great Pretender. In other
10 words --

11 A. It comes to mind there was another --
12 there was something else that said Great
13 Pretenders. I believe it was some singing
14 group or skit, group, that Mr. Sandusky
15 participated in or was a member of, I believe.

16 Q. If I told you that every young person
17 who participated in The Second Mile camp got
18 that very -- got that very document, would that
19 surprise you?

20 A. No, that wouldn't surprise me.

21 Q. So you realize that maybe this was a
22 form-type piece of document or a piece of
23 paper?

24 A. It appears it could be, yes.

25 Q. And that when one of the kids or all

1 the kids completed The Second Mile camp, they
2 got one of these?

3 A. Oh, it could be, because there were
4 other documents or forms in there that appeared
5 to be mass -- or produced for mass
6 distribution.

7 Q. Now, I believe earlier you testified
8 you found a number of things in Mr. Sandusky's
9 residence; is that accurate?

10 A. A number of things?

11 Q. A number of pictures and things like
12 that.

13 A. A number of pictures and some
14 documents, yes, and three computers.

15 Q. Did you find pictures of other kids
16 also in those materials?

17 A. I believe there were other pictures of
18 kids other than -- what other kids? You mean
19 other than Aaron, I'm assuming is what you
20 mean. Yes, I believe so.

21 Q. So not just the kids that we talked
22 about today?

23 A. You're correct.

24 Q. Do you recall how many albums of
25 pictures that you took from Mr. Sandusky's

1 home?

2 A. I do not. Several, I believe, but I
3 don't recall the number.

4 Q. And they contained a number of
5 pictures, I take it?

6 A. Yes, sir.

7 Q. Of a number of kids?

8 A. Yes, sir.

9 MR. AMENDOLA: Thank you. That's all
10 I have.

11 MR. FINA: No redirect, Your Honor.

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

14 MR. MCGETTIGAN: May we see you at
15 sidebar again, Your Honor?

16 THE COURT: (Nodding head up and
17 down.)

18 (Whereupon, the following discussion
19 was held at sidebar:)

20 MR. MCGETTIGAN: Your Honor, I'd love
21 to take a break, at the very least because I
22 have to go to the bathroom.

23 MR. AMENDOLA: You need a cigarette.

24 MR. MCGETTIGAN: No, bathroom.

25 THE COURT: Is this your last witness?

1 MR. MCGETTIGAN: It is my last
2 witness, Your Honor, and I would anticipate
3 even with my direct and his cross, counsel's
4 cross, we would be done before the five o'clock
5 hour.

6 MR. AMENDOLA: Unless I get tired and
7 let Mr. Rominger --

8 THE COURT: And then I do want to do
9 motions. Are you prepared to do that?

10 MR. AMENDOLA: I have Mr. Rominger
11 working on those, Judge.

12 THE COURT: Okay. Okay. Yeah, I'll
13 announce it.

14 MR. MCGETTIGAN: Fifteen to 20
15 minutes, Your Honor?

16 THE COURT: Yes.

17 MR. MCGETTIGAN: Thank you, Your
18 Honor.

19 (End of sidebar discussion.)

20 THE COURT: Ladies and gentlemen,
21 despite our extended lunch hour, we're still on
22 track to get the Commonwealth's case wrapped up
23 this afternoon, but we are going to take a
24 short recess before we do that. There is a
25 technical problem that we have to address

1 again, so we'll be in recess. We will remain
2 seated while the jury is taken out and we will
3 reconvene at 3:20. I'm advised that they're
4 having trouble in the auxiliary courtroom with
5 the exhibits. Okay.

6 (Whereupon, the jury exited the
7 courtroom.)

8 THE COURT: We are in recess until
9 3:20.

10 (Whereupon, a recess was taken.)

11 THE COURT: Counsel, would you
12 approach the bench?

13 MR. MCGETTIGAN: Yes, Your Honor.

14 (Whereupon, the following discussion
15 was held at sidebar:)

16 THE COURT: I have just been
17 approached by counsel for the Commonwealth with
18 a very unusual request for an ex parte
19 conference, and I don't know that I am in a
20 position to reveal the substance of that right
21 now. However, I am not going to -- it involves
22 possible new evidence. I'm not going to
23 require the Commonwealth to rest its case after
24 this witness to give the Commonwealth an
25 opportunity to investigate this. I have

1 directed that Mr. Fina contact you tonight,
2 hopefully.

3 MR. MCGETTIGAN: Maybe later, but
4 we'll be here for a while, so --

5 THE COURT: Yeah. As soon as they are
6 able to confirm the -- as soon as they are able
7 to confirm the veracity and reliability of this
8 information.

9 MR. AMENDOLA: So we'll have to sit on
10 the edge of our seats, Your Honor?

11 THE COURT: Yes. I will say that I am
12 very sensitive, as are counsel for the
13 Commonwealth, about the ex parte meeting.
14 Given the very superficial explanation that I
15 was given, because I didn't want to know very
16 much more, I do believe it is appropriate that
17 their request be granted, but I also have
18 directed them that they confirm with you at the
19 earliest time, preferably tonight, what that
20 information is.

21 MR. MCGETTIGAN: Certainly, Your
22 Honor. We will.

23 THE COURT: Okay. Fair enough?

24 MR. AMENDOLA: Thank you, Your Honor.

25 THE COURT: Do you want to ask any

1 questions or ask me to --

2 MR. AMENDOLA: It lets us have
3 something exciting to look forward to since
4 we're not in court tomorrow.

5 THE COURT: Yeah. But about this
6 meeting, is there anything -- I mean, if you
7 want to put anything on the record about this,
8 now is the time to --

9 MR. AMENDOLA: No, Your Honor. And,
10 Your Honor, we trust you. We trust --

11 MR. MCGETTIGAN: We'll be --

12 MR. AMENDOLA: -- Mr. Fina.

13 MR. MCGETTIGAN: -- again after court
14 closes for the day, in any event, and counsel
15 can --

16 THE COURT: Okay.

17 MR. MCGETTIGAN: Thank you, Your
18 Honor.

19 THE COURT: All right. Okay.

20 (End of sidebar discussion.)

21 THE COURT: Would you bring the jury
22 in, please?

23 (Whereupon, the jury entered the
24 courtroom.)

25 THE COURT: I think we're ready to

1 proceed, Mr. McGettigan.

2 MR. MCGETTIGAN: Your Honor, if I may,
3 as we walked back here, counsel -- Mr. Amendola
4 and I discussed a brief stipulation regarding
5 Mr. Petrosky's testimony. And if the Court
6 will permit, I will offer it to the jury or I
7 can provide it to the Court to offer.

8 THE COURT: I'll explain what a
9 stipulation is and you can offer it.

10 MR. MCGETTIGAN: Thank you, Your
11 Honor.

12 THE COURT: Ladies and gentlemen,
13 there's lots of ways that evidence is presented
14 to you. You've seen a number of them. You've
15 seen from the witness stand. You've seen
16 physical objects and exhibits displayed to you.
17 You've heard the testimony played for you. The
18 other way is simply by agreement of counsel.
19 The lawyers agree that if a witness were to be
20 called to testify, he would say a certain
21 thing, and they agree that the witness would
22 say that. So counsel -- in order to avoid
23 calling that witness back, in order to save
24 time for all of us, counsel have reached a
25 certain stipulation about a particular fact,

1 which Mr. McGettigan will now state for the
2 record.

3 MR. MCGETTIGAN: Thank you, Your
4 Honor. Your Honor, may it please the Court,
5 and thank you, counsel. Ladies and gentlemen
6 of the jury, there's been a stipulation entered
7 into, an agreement, as the Court has defined to
8 you, between counsel for the defendant, the
9 defendant, and counsel for the Commonwealth,
10 and that is that if Ronald Petrosky, the
11 witness who was called yesterday, were to be
12 recalled to the witness stand, that he would
13 testify in a fashion that was consistent with
14 the testimony that he provided before the grand
15 jury when asked about his estimate of the age
16 of the young boy that he had seen with the
17 defendant in the Lasch Building leaving that
18 night, the night he testified to -- about --
19 with Mr. Calhoun, and that Mr. Petrosky, if
20 called, would testify that his estimate of the
21 age of the young man that he saw with the
22 defendant that night was between 11 and 13
23 years of age. So stipulated, counsel?

24 MR. AMENDOLA: That's fine.

25 MR. MCGETTIGAN: Thank you, Your

1 Honor.

2 THE COURT: To clarify my previous
3 explanation of a stipulation, they're agreeing
4 that if the witness was called, that's what he
5 would say. It's up to you to decide whether
6 you want to believe it, okay, based on other
7 things that the witness said or other testimony
8 in the case. They're not agreeing that that's
9 true, only that if the witness was called, he
10 would say so.

11 All right. Go ahead.

12 MR. MCGETTIGAN: Thank you, Your
13 Honor. Your Honor, may I call my witness, Your
14 Honor?

15 THE COURT: Yes.

16 MR. MCGETTIGAN: Thank you. Sabastian
17 Paden, please.

18 MR. FINA: Your Honor, may I approach?

19 THE COURT: Thank you. This is just a
20 list of numbers of victims.

21 MR. AMENDOLA: I trust Your Honor and
22 I trust Mr. Fina.

23 MR. FINA: I gave him copies.

24 MR. MCGETTIGAN: May I, Your Honor?

25 THE COURT: Yes.

1 Whereupon,

2 SABASTIAN PADEN

3 called as a witness and having been duly sworn,
4 was examined and testified as follows:

5 MR. MCGETTIGAN: May I, Your Honor?

6 THE COURT: (Nodding head up and
7 down.)

8 MR. MCGETTIGAN: Thank you.

9 DIRECT EXAMINATION

10 BY MR. MCGETTIGAN:

11 Q. Can you state your full name, please,
12 nice and loud?

13 A. Sabastian Ryan Paden.

14 Q. I'm going to ask you to lean forward,
15 Sabastian. Can you do that?

16 A. Yeah.

17 Q. Okay. Can you pull the microphone
18 down a little closer to you?

19 A. Better?

20 Q. Yes. Thank you. Okay. The first
21 thing I want to ask you is what's the matter
22 with your eye?

23 A. I got an abrasion in it.

24 Q. Okay. Are you're okay?

25 A. Yeah.

1 Q. Sabastian, I'm going to call you Mr.
2 Paden today. Is that okay with you, too?

3 A. Yeah.

4 Q. Okay. Can you tell us your date of
5 birth?

6 A. 7/29/93.

7 Q. Okay. And that makes you how old now?

8 A. Eighteen.

9 Q. Okay. And have you graduated from
10 high school?

11 A. Yes.

12 Q. How long ago?

13 A. This year.

14 Q. How long ago this year?

15 A. Like a few weeks ago.

16 Q. Okay. Now, Sabastian, I'm going to
17 ask you about some events that started in 2004,
18 2005, okay? Do you understand?

19 A. Yeah.

20 Q. Okay. First of all, do you remember
21 talking to the police?

22 A. Yeah.

23 Q. About what happened to you?

24 A. Yeah.

25 Q. Do you remember talking to a grand

1 jury?

2 A. Yeah.

3 Q. Okay. And you understand that you're
4 here today not just to repeat what you said
5 some other time? Do you understand that?

6 A. Yes.

7 Q. What are you here today to do? Do you
8 know?

9 A. Speak the truth.

10 Q. Are you going to do that?

11 A. Yeah.

12 Q. Well, back in 2004, 2005, when you
13 were -- oh, let's see. You would have been in
14 fourth or fifth grade. Can you tell the ladies
15 and gentlemen of the jury where you were
16 living?

17 A. In McClure, with my mom.

18 Q. Say again.

19 A. McClure, like between Lewistown and
20 McClure.

21 Q. Who did you live with?

22 A. My mother.

23 Q. And did you live in a house, an
24 apartment? What did you live in?

25 A. A trailer.

1 Q. Okay. And where was your dad?

2 A. I don't know. He wasn't around.

3 Q. Okay. At that time did you remember
4 the last time you'd seen him?

5 A. No, I didn't.

6 Q. Was there ever anybody else living in
7 the house with you back in -- when you were in
8 fourth and fifth grade?

9 A. My mom's boyfriend.

10 Q. What was his name, first name?

11 A. Dave.

12 Q. Did he stay with you for a long time
13 or just awhile?

14 A. Between. Between. Like, he had his
15 own place and my mom --

16 Q. And now, before you lived in that
17 trailer near McClure with your mom, had you
18 been living with anybody else?

19 A. No.

20 Q. Did you live in any other kind of
21 setting, though, besides with your mom?

22 A. No.

23 Q. Did you ever live in foster care?

24 A. Yeah.

25 Q. Was that --

1 A. But that was after.

2 Q. Oh, okay. How old were you then?

3 A. I can't remember.

4 Q. Now, do you remember what The Second
5 Mile program was?

6 A. Yes.

7 Q. Okay. Did you ever go to it?

8 A. Yes.

9 Q. Three or four times, three or four
10 summers?

11 A. Yeah.

12 Q. And did you like it?

13 A. Yes.

14 Q. What did you like about it?

15 A. It was -- it was fun. I mean --

16 Q. Are you nervous?

17 A. Yeah, a little bit.

18 Q. Now, at one of those Second Mile
19 camps, did you have occasion to meet the
20 defendant, Jerry Sandusky?

21 A. Yes.

22 Q. Okay. Can you tell the ladies and
23 gentlemen of the jury how you met him, if you
24 remember?

25 A. In the pool.

1 Q. Well, what happened in the pool that
2 caused you to meet him?

3 A. He was playing with the kids in the
4 pool and I went over there, started playing
5 with the kids and him, and he started talking
6 to me, asking me if I wanted to hang out
7 outside the camp, and I gave him my mom's
8 number and stuff, and then he called my mom.
9 They talked, and I started going over to his
10 house.

11 Q. Well, when you first met him and he
12 asked you if you wanted to hang out, that
13 seemed like a good idea to you?

14 A. Yeah.

15 Q. Why?

16 A. Because he's a well-known guy and he
17 seemed nice.

18 Q. Okay. And where's the first place you
19 went, if you remember -- that you went with the
20 defendant?

21 A. His house and football games.

22 Q. Okay. Now, the first time, the first
23 year that you met him, did you go to football
24 games that year?

25 A. Yeah.

1 Q. Do you remember any of the ones you
2 went to?

3 A. I went to the home games.

4 Q. Did you go to one or more than one, or
5 do you remember?

6 A. More than one.

7 Q. Okay. The very first year you met
8 him, you went to more than one?

9 A. Yeah.

10 Q. Okay.

11 A. More than one.

12 Q. How long after you met the defendant
13 was it that you stayed at his house for the
14 first time, if you remember?

15 A. A few weeks, I think, a few weeks.

16 Q. Okay. Now, I'm going to ask you how
17 long -- over how long a period of time did you
18 stay at the defendant's house, more than a
19 couple years?

20 A. Yeah, like three, four years.

21 Q. When was the last time you stayed at
22 his house, if you remember what year that might
23 have been?

24 A. I was 15, so I was --

25 Q. You were 15?

1 A. Yeah.

2 Q. Would that have been 2008 into 2009?

3 A. Yeah, I think so.

4 Q. Is that correct?

5 A. Yeah, I think.

6 Q. And how old were you when you met him,
7 if you remember?

8 A. I was 12.

9 Q. Well, did anything happen to you when
10 you first went to the defendant's house that
11 made you feel uncomfortable?

12 A. Not really, no. At first he was nice
13 and stuff.

14 Q. Did you like going there the first
15 time?

16 A. Yeah.

17 Q. What did you do?

18 A. I played games, went to games, went
19 out to eat and stuff.

20 Q. Did the defendant give you any gifts?

21 A. Yeah.

22 Q. Like what?

23 A. He got me a running suit,
24 racquetballs, and a tennis racket, and I can't
25 remember anything else.

1 Q. Okay.

2 A. And some shoes.

3 Q. Some shoes?

4 A. Yeah.

5 Q. Shoes or sneaker?

6 A. Sneakers.

7 Q. Okay. And at some point when you're
8 staying at his house, did he do something to
9 make you feel uncomfortable?

10 A. Yeah.

11 Q. I'm sorry?

12 A. Yeah.

13 Q. What's the first thing -- Sabastian --
14 Mr. Paden, what's the first thing that happened
15 to you that made you feel uncomfortable?

16 A. He would come to the bedroom with me
17 when I would go to bed and start rubbing my
18 stomach and stuff and cracking my back and
19 hugging me and kissing me all over and stuff.

20 Q. And did you like that?

21 A. No.

22 Q. Did you say anything to him that day?

23 A. Yeah.

24 Q. What did you say?

25 A. I told him to stop.

1 Q. And did you tell your mom?

2 A. Yeah.

3 Q. What did you tell your mom?

4 A. I told her that he was a touchy-feely
5 type of person, but other than that, nothing.

6 Q. You just told her he's touchy-feely?

7 A. Yeah.

8 Q. Did your mom want you to go to Mr.
9 Sandusky's house?

10 A. Yes.

11 Q. Why? Do you know? Did she tell you?

12 A. No. She just thought it would be a
13 good idea for me.

14 Q. Do you know where your mom was working
15 then?

16 A. The Major League.

17 Q. Okay. What kind of business was it?

18 A. It was a -- it's a bar.

19 Q. Okay. Now, after the defendant
20 started hugging you and stuff in bed, did he do
21 anything else? What's the first thing beyond
22 that, if anything, that he did after he started
23 hugging you?

24 A. Before that?

25 Q. After that.

1 A. After that? Telling me he loves me
2 and stuff and he wants the best for me, and
3 started taking me to the pool and stuff, and
4 the gym, and we would be -- like, if we were in
5 the pool, he would never let go. Like, he
6 would always have his arms around me and
7 hugging me.

8 Q. Did you like that?

9 A. No.

10 Q. Did you ever say anything about that?

11 A. Yeah.

12 Q. Now, Mr. Paden, I'm going to ask you,
13 you're getting kind of tall now. How big were
14 you when you first met the defendant?

15 A. I was like 67 pounds. I was probably
16 like five foot, I think. I don't know.

17 Q. You weren't that big.

18 A. I was small. I'm five-eleven right
19 now.

20 Q. You said the defendant would hug you,
21 and did he kiss you?

22 A. Yeah.

23 Q. Where?

24 A. At first, on the cheeks.

25 Q. Did he kiss you anyplace else?

1 A. Yeah.

2 Q. Where?

3 A. On the lips.

4 Q. What else did he do after he did that?

5 A. He started getting physical, like had
6 me touch his penis and stuff.

7 Q. Did you want to do that?

8 A. No.

9 Q. Now, after he hugged you and kissed
10 you and made you touch his penis, did you want
11 to keep going back to his house?

12 A. No.

13 Q. Why did you keep going?

14 A. Because I was just -- my mom wanted me
15 to go.

16 Q. Did you tell her he was doing any of
17 these things?

18 A. No.

19 Q. Why not?

20 A. How are you supposed to tell your mom
21 something like that?

22 Q. Is that why you didn't say anything?

23 A. Yeah.

24 Q. Did you say anything to anybody else
25 growing up at the time?

1 A. No.

2 Q. After the defendant hugged you and
3 kissed you and made you touch his penis, what's
4 the next thing he did that made you feel
5 uncomfortable? Can you tell us?

6 A. He made me give him a -- oh, how do
7 you -- suck his penis, is how you put it.

8 Q. I told you I'd have to ask these
9 questions, didn't I?

10 A. Yeah.

11 Q. Are you going to answer them?

12 A. Yeah.

13 Q. Okay. Sabastian, how did that happen
14 the first time?

15 A. He came into the room, pulled his
16 pants down, laid on top of me, kind of forced
17 it in.

18 Q. Did he say anything?

19 A. Yeah, he said suck -- suck my penis,
20 is how you'd have to put it.

21 Q. Did you want to do that?

22 A. No.

23 Q. The first time it happened, did you
24 try not to do it?

25 THE COURT: Wait. I think the jury is

1 having a little trouble.

2 MR. MCGETTIGAN: Hearing the witness?

3 THE WITNESS: I can't bend it any
4 more.

5 BY MR. MCGETTIGAN:

6 Q. Why don't you slide up a little
7 closer? The first time it happened, did you
8 want to do that?

9 A. No.

10 Q. Did you want to do it any time it
11 happened?

12 A. No.

13 Q. The first time it happened, what did
14 you say, if anything, or did you say anything?

15 A. No. What was I going to do? I mean,
16 look at him. He's a big guy. He was bigger
17 than me at the time, way bigger than me.

18 Q. Did he ever touch your penis?

19 A. No.

20 Q. Never?

21 A. No.

22 Q. After the first time that the
23 defendant made you suck his penis, did he ever
24 do it again?

25 A. Yeah.

1 Q. How many times did you stay at the
2 defendant's house over the course of about
3 three years, between 2005 and into 2008, 2009?

4 A. Every weekend from Friday to Saturday,
5 so over --

6 Q. Every weekend, almost every weekend?

7 A. Almost every weekend.

8 Q. Do you know how many times that was?

9 A. No.

10 Q. More than 20?

11 A. More -- more than that, between 150
12 maybe, maybe 100. I don't know.

13 Q. And did the defendant kiss you on all,
14 some, none, or all of those occasions?

15 A. All of those occasions.

16 Q. Did he make you suck his penis on some
17 of those occasions, none of those occasions, or
18 most of those occasions, or all?

19 A. Some of the -- some of those
20 occasions.

21 Q. And where did you sleep when you
22 stayed overnight at the defendant's house?

23 A. In the basement.

24 Q. Was anybody else ever down there with
25 you?

1 A. No, just Jerry. Sometimes he would
2 have another kid with us, but that was on
3 different occasions.

4 Q. Did anybody ever sleep downstairs with
5 you?

6 A. No.

7 Q. Did the defendant ever sleep the whole
8 night downstairs with you or would he just come
9 down and be in bed?

10 A. Just come down and be in bed.

11 Q. How long would this take?

12 A. I don't know, awhile.

13 Q. How were you dressed?

14 A. Sweatpants and a T-shirt.

15 Q. And was the defendant dressed the same
16 way every time or different ways?

17 A. Usually khakis and a T-shirt.

18 Q. Did he do anything else to your body
19 that you haven't told us about yet?

20 A. He put his penis in my butt. That's
21 how you'd have to put it.

22 Q. Do you remember how old you are when
23 -- the first time he did that?

24 A. No.

25 Q. Do you remember approximately -- do

1 you know what approximately means? Do you
2 know? Do you have an idea how old you were?

3 A. Maybe 13 and 14, maybe 15, between
4 them, a few years.

5 Q. Tell the jury what happened the first
6 time he did that.

7 A. He came in. I sucked his penis, and
8 then he got real aggressive and just forced me
9 into it, and I just went with it. There was no
10 fighting against it.

11 Q. Did you want to do that?

12 A. No.

13 Q. Did you do anything to try and get
14 away?

15 A. Yeah.

16 Q. What?

17 A. Sometimes scream, sometimes tell him
18 to get off me, but other than that, who was
19 there? You were in the basement. No one can
20 hear you down there. You're always down there.

21 Q. Now, did you ever call your mom when
22 you were at the defendant's house?

23 A. One time.

24 Q. Tell us what happened that time.

25 A. It was the last time I stayed at his

1 house. I called my mom and I told her to come
2 pick me up. I didn't tell her why or for what.
3 I just told her to come pick me up and she came
4 and picked me up.

5 Q. Why did you want her to come pick you
6 up?

7 A. Because he was trying to be physical
8 with me and I had enough of it, and I kind of
9 just called my mom, because I had a cell phone
10 finally, and I called my mom and told her to
11 come pick me up, and she came down to State
12 College, to his house, and picked me up.

13 Q. Now, Mr. Paden, when you used to go
14 over to the defendant's house, where would he
15 pick you up, at the trailer or at school or
16 both or neither?

17 A. Both.

18 Q. Okay.

19 A. Sometimes it would be at the trailer
20 or at school.

21 Q. Okay.

22 A. It just depended on what we were doing
23 at the time.

24 Q. And you said you stayed most of the
25 time on weekends?

1 A. Yes.

2 Q. Did you stay more than a couple days
3 or was that the most you ever stayed?

4 A. More than -- sometimes, like, if I had
5 school and we had, like, holidays for Monday or
6 something, I would stay, but other than that,
7 mostly weekends.

8 Q. And besides what was happening to you
9 at night in bed, was the defendant nice to you
10 at other times?

11 A. Yeah.

12 Q. Did he buy you stuff?

13 A. Yeah.

14 Q. Take you places?

15 A. Yeah.

16 Q. Give you gifts?

17 A. Yeah.

18 Q. Did he ever tell you how he felt about
19 you?

20 A. Yeah.

21 Q. Tell the folks what he said.

22 A. He told me he loved me and he wished
23 the best for me and he wants no harm towards me
24 and stuff like that.

25 Q. What did you think about that?

1 A. It was creepy, but I was -- I was a
2 kid, so what would I know?

3 Q. Mr. Paden, after the defendant put his
4 penis in your butt that one time, did he ever
5 do it again?

6 A. Yeah.

7 Q. Once or more than once after that?

8 A. More than once.

9 Q. A lot?

10 A. No, just a few times. I got to the
11 point after that to where I had enough of it.
12 I just quit going. My mom would try to tell me
13 to go and I would just tell her no and get real
14 bullheaded and stubborn.

15 Q. Did you start acting out a little bit?

16 A. Yeah.

17 MR. MCGETTIGAN: May I have one --
18 just one moment, Your Honor, please?

19 BY MR. MCGETTIGAN:

20 Q. Did you ever go to a gym or swimming
21 with the defendant?

22 A. Yeah.

23 Q. Where did you go swimming?

24 A. I think it's called the Holiday Inn.

25 Q. And where was that? Do you remember?

1 A. Right down the street from his house.

2 MR. MCGETTIGAN: May I approach the
3 witness, Your Honor?

4 THE COURT: Yes.

5 BY MR. MCGETTIGAN:

6 Q. Can you see it with your one eye?

7 A. Yeah.

8 Q. You can hold it. So, Mr. Paden, you
9 have been handed two photographs that have been
10 marked Commonwealth's 102 and 103. Can you see
11 them with your one eye there?

12 A. Yeah.

13 Q. Okay. And who are they? Well, who is
14 the first one, 102?

15 A. That's me.

16 Q. Okay. How old were you there, Seb?

17 A. I don't know.

18 Q. Well, let's look at the date
19 underneath here and see how good your math is.

20 A. 2006. My math is really bad.

21 Q. And I'm going to ask you to take a
22 look at the next one, at 103, and can you tell
23 us who all was in that photograph?

24 A. The kid that usually came to the
25 football games with us and Jerry and me.

1 Q. Okay. And do you know how old you
2 were in that picture?

3 A. No.

4 Q. You're not sure?

5 A. No.

6 Q. Okay. Sabastian, at some point did
7 you stop going to the defendant's house?

8 A. Yeah.

9 Q. How come?

10 A. Because I just grew balls and started
11 becoming bad not listening to my mom, just quit
12 going because I just didn't like being there.
13 I didn't like the things that happened there.

14 Q. Did the defendant call you on the
15 phone after you stopped coming and try and get
16 you to come?

17 A. Yeah.

18 Q. What did you do?

19 A. Came up with some kind of excuse not
20 to go.

21 Q. Were you behaving right with your mom
22 then?

23 A. No.

24 Q. Now, eventually you talked to the
25 police?

1 A. After my mom called the cops.

2 Q. Tell us how that happened.

3 A. I woke up in the middle of the
4 morning, at nine o'clock, and the cops were on
5 their way to my house and I didn't know why,
6 and my mom told me because of Jerry.

7 Q. And did you want to talk to anybody?

8 A. No.

9 Q. Why not?

10 A. Who would believe you? I mean, he's
11 an important guy. Everybody knows him and he's
12 a football coach. Like, for real, who would
13 believe kids?

14 Q. Well, did you tell the first cops you
15 talked to everything that had happened to you?

16 A. No.

17 Q. Why not?

18 A. Because I didn't trust them.

19 Q. And did you want to be involved in the
20 investigation?

21 A. No.

22 Q. And did you tell the grand jury
23 everything that happened to you?

24 A. Yeah.

25 Q. Are you sure? The grand jury, do

1 remember talking to the grand jury?

2 A. Yeah -- no. You're the first person I
3 told everything to.

4 Q. Well, do you have a lawyer now?

5 A. No.

6 Q. Did you ever go looking for a lawyer?

7 A. No.

8 Q. Did your mom tell you she was going to
9 get a lawyer?

10 A. No, you're my lawyer.

11 Q. Are you going to pay me?

12 A. Yeah, I'm going to try.

13 Q. Are you working now, Mr. Paden?

14 A. No.

15 Q. Okay. Did anybody tell you to say
16 anything other than the truth?

17 A. No.

18 Q. Did I ever tell you to say anything in
19 particular?

20 A. No. You just told me to tell you the
21 truth.

22 Q. Did anybody force you to come here
23 today?

24 A. No.

25 Q. Did you want to?

1 A. No.

2 Q. Just one more question: Can you do
3 something right now, Sabastian? Can you point
4 out the man in this courtroom who placed his
5 penis in your mouth and placed his penis in
6 your butt?

7 A. (Indicating.)

8 Q. Can you look at him?

9 A. I won't look at him.

10 Q. You can't point out a person unless
11 you can look at them.

12 A. (Indicating.)

13 Q. Who are you pointing at?

14 A. Jerry.

15 MR. MCGETTIGAN: Thank you. I have
16 nothing further, Your Honor.

17 THE COURT: Mr. Amendola.

18 MR. MCGETTIGAN: Thank you, Your
19 Honor.

20 CROSS-EXAMINATION

21 BY MR. AMENDOLA:

22 Q. Mr. Paden, my name is Joe Amendola. I
23 represent Mr. Sandusky. I'm going to ask you
24 some questions. If you're not sure what I'm
25 asking you, let me know, okay? and I'll try to

1 ask you a different way.

2 A. All right.

3 Q. When did you get involved in The
4 Second Mile? Do you recall what year it was?

5 A. I don't know the year, but I was,
6 like, 12 or 13.

7 Q. You were 12 or 13?

8 A. Yeah.

9 Q. And how long were you in The Second
10 Mile? Do you remember?

11 A. A few years.

12 Q. Did you continue to see Mr. Sandusky
13 after you stopped your involvement in The
14 Second Mile?

15 A. Yeah.

16 Q. For how long, how many more years?

17 A. Until I was 16, I think. I --

18 Q. And when did the first sexual contact
19 take place, not the exact day, but was it --
20 not even the exact month -- but was it that
21 first year you were in The Second Mile, the
22 second year, the third year?

23 A. Second year.

24 Q. So that would have been 2005, if your
25 first year was 2004?

1 A. Yeah.

2 Q. Yes?

3 A. Yes.

4 Q. And where did that take place?

5 A. At his house.

6 Q. And when that took place at his house,
7 do you recall, was it a weekend? Was it a
8 weekday?

9 A. It was a weekend.

10 Q. It was a weekend?

11 A. Yes.

12 Q. Was it a Friday or Saturday? Do you
13 recall?

14 A. That was -- I don't --

15 Q. I'm sorry. What?

16 A. I don't remember.

17 Q. Was it at night?

18 A. Yes.

19 Q. Was anybody else home?

20 A. His wife, but she was upstairs.

21 Q. And once you started going to Mr.
22 Sandusky's house, would that have been in about
23 2005?

24 A. In the summer between 2000 and --
25 yeah, because I just started going to his house

1 in the summer between 2004 and 2005.

2 Q. In the summer?

3 A. Yes.

4 Q. So that would have been one of those
5 years. So would it be reasonable to say it was
6 2005, in the summer of 2005 you started going?

7 A. In between the summer of 2004 and
8 2005.

9 Q. Okay. So in between. Do you recall
10 whether it was cold? Was it wintertime or
11 spring?

12 A. It was probably winter.

13 Q. Were you in school?

14 A. Yeah.

15 Q. And so how would you get over to his
16 house? Would Mr. Sandusky pick you up?

17 A. He would pick me up.

18 Q. And drive you back?

19 A. Yes.

20 Q. And once that process started, once
21 you started going to Mr. Sandusky's house
22 between 2004 and 2005, how often did you --
23 well, on average, how often did you go to his
24 house, weekly or monthly?

25 A. Every weekend of the month.

1 Q. So every weekend. Did you stay the
2 whole weekend?

3 A. Yeah.

4 Q. So when you started between 2004 and
5 2005, once you started going to Mr. Sandusky's
6 house, you went every weekend?

7 A. (Nodding head up and down.)

8 Q. And you have to say yes just for the
9 court reporter.

10 A. Yes.

11 Q. And you would stay from Friday night
12 till Sunday?

13 A. Yes.

14 Q. And this continued for how long, how
15 many years?

16 A. Till I was 16, 15 or 16.

17 Q. And in 2005 how old were you?

18 A. In 2005 I was -- I was 12 whenever I
19 started going to The Second Mile camp.

20 Q. So you're telling us today that
21 between the time that you were 12 in 2005 and
22 the time that you stopped going to Mr.
23 Sandusky's in what would have been when you
24 were 16, which would have been four years
25 later, I guess, 2009, your testimony is you

1 were there virtually every weekend?

2 A. Yes.

3 Q. Friday to Sunday?

4 A. Yes.

5 Q. Did you see any other young kids
6 there?

7 A. Yes.

8 Q. Do you remember any of the names?

9 A. No. That's been a long time.

10 Q. Were other young kids there all the
11 time?

12 A. Sometimes, like -- like, sometimes it
13 would -- like, this one time we went to a
14 donation, a golf tournament, donation, and this
15 kid in the picture went with us to that
16 donation and we played golf and stayed in a
17 hotel room. And then there was another boy
18 that would come, which I think he was from
19 Mount Union, and I don't remember his name.

20 Q. Were any of those other kids that
21 you're talking about -- were any of those other
22 kids there almost all the time like you were?

23 A. No.

24 Q. So they were just there once in a
25 while?

1 A. Yeah.

2 Q. Would you say you were there on those
3 weekends during 2005 and 2009 usually by
4 yourself, no other kids?

5 A. Yes, usually by myself.

6 Q. Okay. And did you usually sleep
7 downstairs in the basement?

8 A. Yes.

9 Q. In the room that had the -- I guess
10 the small TV?

11 A. At the time it didn't have a TV.

12 Q. Did it have a waterbed?

13 A. Yes, it had a waterbed.

14 Q. So that's the bed you slept in?

15 A. Yes.

16 Q. Did you ever sleep upstairs?

17 A. Once.

18 Q. Just once?

19 A. Yes.

20 Q. Out of all those times?

21 A. Yes.

22 Q. Now, you mentioned that Mr. Sandusky
23 did a lot of things, but one of the things I
24 think you said to Mr. McGettigan was that Mr.
25 Sandusky had anal sex with you?

1 A. Yes.

2 Q. And by that you mean that he inserted
3 his penis in your butt?

4 A. Yes.

5 Q. Did you ever need medical attention
6 for that?

7 A. No.

8 Q. Did you ever bleed?

9 A. Yes.

10 Q. Did -- you never sought --

11 A. I just dealt with it.

12 Q. I'm sorry. What?

13 A. I just dealt with it. I have a
14 different way of coping with things.

15 Q. You never sought medical attention for
16 any sort of injury to your butt?

17 A. No.

18 Q. And you were, what, about 10 years old
19 at the time, 11, 12?

20 A. I never told anybody. I didn't even
21 tell my own mom.

22 Q. Did your mom wash your clothes when
23 you were at home?

24 A. Yes.

25 Q. Did she ever see blood on your

1 underwear?

2 A. No.

3 Q. Now, did I hear correctly that you
4 said on one occasion, when you were with Mr.
5 Sandusky in the basement, you screamed?

6 A. Yes.

7 Q. And you believe -- you said that Mrs.
8 Sandusky was home?

9 A. Yes.

10 Q. And she didn't come to your aid?

11 A. I think the basement is soundproof. I
12 don't know.

13 Q. You think the basement is soundproof?

14 A. Yes. It's a big basement.

15 Q. And you mentioned that you were always
16 forced to stay downstairs?

17 MR. MCGETTIGAN: Excuse me.
18 Objection.

19 THE COURT: Sustained. Being forced
20 is the --

21 MR. AMENDOLA: I apologize, Your
22 Honor.

23 BY MR. AMENDOLA:

24 Q. You stayed downstairs?

25 A. Yes.

1 Q. And who directed you, if anyone
2 directed you, downstairs?

3 A. Jerry.

4 Q. Were you alone on those occasions?

5 A. Yes.

6 Q. So Mr. Sandusky told you to go
7 downstairs and stay there by yourself?

8 A. No, like, I would go down there and
9 play games and stuff because down the basement
10 he has, like, a pool table, an air hockey
11 table, one of them shuffleboards and a TV, a
12 couch, a dartboard, a bathroom and then a
13 bedroom, and there's games and stuff down
14 there.

15 Q. Did you ever come upstairs for dinner
16 or for lunch?

17 A. No, I never really ate there.

18 Q. So your food was brought downstairs,
19 too?

20 A. I never really ate there.

21 Q. You never ate anything?

22 A. Not really.

23 Q. You stayed there every weekend for
24 about four years and you never ate anything?

25 A. I would -- if he took us out, like, if

1 he would take me out somewhere, we would get
2 something to eat going out somewhere, but we
3 really never ate at his house.

4 Q. And other kids were never there when
5 you were there except for the times you've told
6 us a little while ago?

7 A. Excuse me?

8 Q. I said other kids were never
9 downstairs with you other than the times that
10 you have just told us a few minutes ago.

11 A. I mean, like, if he had -- like, this
12 kid was with us. He would come down to play
13 games with me, but, like, if one kid stayed
14 with us, one would sleep upstairs and one would
15 sleep downstairs. They would switch if another
16 kid stayed with us.

17 Q. Did Mr. Sandusky continue to have sex
18 with you until you broke off this situation?

19 A. Yes.

20 Q. All kinds of sex that you described
21 previously?

22 A. Yes.

23 Q. And you were 16 when you stopped going
24 there?

25 A. Yes.

1 Q. So you were well beyond puberty,
2 correct, at that point? In other words, you
3 were turning into a young man?

4 A. Yes.

5 Q. And your testimony is Mr. Sandusky
6 still continued to have sex with you?

7 A. Yes.

8 Q. He didn't lose interest because you
9 had gotten older?

10 A. I mean --

11 MR. MCGETTIGAN: Objection, Your
12 Honor.

13 THE WITNESS: I didn't hear what he
14 said.

15 MR. MCGETTIGAN: Excuse me. Excuse
16 me. Objection to the form of the question.
17 He's saying Mr. Sandusky didn't lose interest.
18 The construction of the question is confusing
19 to me.

20 THE COURT: I understood the question.
21 Go ahead.

22 MR. AMENDOLA: Pardon me, Your Honor?

23 THE COURT: Go ahead.

24 MR. AMENDOLA: Thank you.

25 THE COURT: The objection is

1 overruled. If the witness is confused by the
2 question, then --

3 BY MR. AMENDOLA:

4 Q. I'll ask it another way. Did Mr.
5 Sandusky lose interest in you because you had
6 gotten older?

7 A. I don't know

8 Q. Now, when did you find out that Mr.
9 Sandusky was being accused of sexually abusing
10 kids?

11 A. I didn't find out. My mom did. I
12 never watched the news. I was -- I was
13 sleeping when the cops came and I woke -- I was
14 woke up by my mom saying the cops are here to
15 talk to you. And I said for what? And they
16 said for the Jerry Sandusky thing.

17 Q. And do you recall when that was? Was
18 that last year or the year before?

19 A. I don't know when it was. It was the
20 last time he -- he called me, actually. It was
21 -- that was the last time.

22 Q. Did you ever discuss with anyone, your
23 mom or someone else, any articles in the
24 newspaper that came out a couple of years ago
25 about Mr. Sandusky being investigated for

1 abusing young kids?

2 A. I didn't hear about that.

3 Q. Do you recall a phone call between you
4 and Mr. Sandusky in the spring of 2010, when
5 you told Mr. Sandusky you had heard -- and I'm
6 sorry, 2011, so that would have been a year
7 ago, in the spring of 2011, that you heard that
8 he was being investigated for abusing kids?

9 A. Yes.

10 Q. And did you tell Mr. Sandusky in that
11 conversation you couldn't believe he did that
12 because he was such a nice guy?

13 A. No, I don't.

14 Q. You never told him that?

15 A. No, I -- the last time he called me,
16 he called me and asked me to -- like, if
17 anybody comes and asks me questions, to, like,
18 stick up for him, like --

19 Q. He asked you to help him, correct?

20 A. Yeah.

21 Q. Now, by that time, that was after he
22 was arrested, wasn't it?

23 A. I don't know. I think. I'm not sure.

24 Q. Do you recall the first time you spoke
25 with police about this situation?

1 A. The first time, I -- I remember, but I
2 don't remember the day.

3 Q. And I understand that. But if I told
4 you the records indicated the first police
5 report indicating you were interviewed was
6 November 9, 2011?

7 A. It was -- it was last year. I know
8 that.

9 Q. Was it late last year?

10 A. Yeah, it was -- actually, it might
11 have been mid.

12 Q. Are you --

13 A. I'm not sure.

14 Q. Are you good with computers? I'm
15 sorry. I didn't mean to cut you off. Go
16 ahead.

17 A. I'm not sure. Like, I don't remember.
18 It was -- it was pretty cold out. I do
19 remember it was chilly out, so it was probably
20 either like late --

21 Q. Well --

22 A. -- of last year.

23 Q. -- go ahead.

24 A. (No response.)

25 Q. If an officer were to testify at some

1 point in this trial that the first contact he
2 had with you was November 9, 2011, you wouldn't
3 disagree with that, would you?

4 A. No, I -- I -- like I said, I don't
5 remember when they came to talk to me. Like, I
6 was sleeping, and then my mom told me she
7 called the cops and they all just started
8 coming in, one after another, and talking to
9 me, asking me questions.

10 Q. Are you computer literate, Mr. Paden?

11 A. No, I'm not good with computers.

12 Q. Do you get the paper back home where
13 you live, your mom?

14 A. Yeah, but I don't read it.

15 Q. Were you over to see Mr. Sandusky
16 anytime in the last couple of years?

17 A. One time I seen him at a football --
18 he took me to a football game and I had a
19 friend with me.

20 Q. In fact, that football game was last
21 fall, wasn't it?

22 A. Yeah.

23 Q. In September, wasn't it?

24 A. I think it was the Illinois game, I
25 think.

1 Q. And did you call Mr. Sandusky and ask
2 if he could get you tickets to go to the game?

3 A. I don't -- no, no.

4 Q. Well, how did the game come up?

5 A. He called me up the one day and he
6 said, "I have a couple tickets. Would you want
7 to go to a game, you and your mom?" And I said
8 my mom couldn't go, but I have a friend that
9 could come with me.

10 Q. And did he -- go ahead?

11 A. He agreed that he would take me and my
12 friend.

13 Q. And, in fact, he went to the town
14 where you lived and picked you up, didn't he?

15 A. Yeah.

16 Q. And your friend?

17 A. Yes.

18 Q. And took you to the game?

19 A. Yes.

20 Q. And your friend at halftime decided he
21 had to leave, right?

22 A. Yes, his daughter --

23 Q. And Mr. -- go ahead.

24 A. His daughter was in the hospital. He
25 had a kid, like, at -- he had a kid

1 Thanksgiving of that year, the day before
2 Thanksgiving, actually, and she was having
3 problems, and he got a call that his daughter
4 was rushed to the hospital.

5 Q. And he took you and your friend home
6 at halftime, didn't he?

7 A. Yes.

8 Q. Now, do you know Todd Reed?

9 A. Who?

10 Q. Todd Reed.

11 A. Yes, I know Todd.

12 Q. And was Todd around during that game?

13 A. Yeah.

14 Q. Did you go back to Mr. Sandusky's
15 house later that day, that night?

16 A. No.

17 Q. Are you sure about that?

18 A. Yes. My friend did, but I didn't.

19 Q. But you didn't. Now, in September of
20 2011, this was after all these terrible things
21 had happened, wasn't it, all the things that
22 you've described to us today that Mr. Sandusky
23 did to you?

24 A. Can you ask that question again?

25 Q. I'm sorry. What?

1 A. Can you ask that question again?

2 Q. Yes. I'm saying when you were picked
3 up by Mr. Sandusky, you and your friend, taken
4 to the Penn State football game -- I believe
5 you said against Illinois last September 2011
6 -- that was pretty much a long time after Mr.
7 Sandusky had done all of these horrible things
8 to you, wasn't it?

9 A. Yes. The only reason I went was
10 because --

11 Q. Including, as I recall --

12 MR. MCGETTIGAN: Excuse me. Excuse
13 me, Your Honor. I think the witness has more
14 to his answer.

15 MR. AMENDOLA: I'm sorry.

16 THE WITNESS: The only reason I went
17 that time was because I had a friend with me,
18 and my friend didn't like him at the time
19 anyway. And, like, if anything went down, my
20 friend had my back at the time. And he wanted
21 -- my friend had never been to a football game,
22 and I -- I -- he -- I had -- Jerry said he
23 would take me to a football game and a friend
24 of mine. And my friend had never went -- been
25 to a football game. So we went up to Subway

1 and met up with him there at the square in
2 Lewistown, and after that we went to the
3 football game. And at -- and then the halftime
4 came and he had to go back to the hospital
5 because his daughter was having problems.

6 Q. But that was after all the terrible
7 things you told us about today occurred, right?

8 A. Yes.

9 Q. Did you ask your friend to give Mr.
10 Sandusky a picture that night when he came back
11 after the football game, of you?

12 A. No.

13 Q. You're sure about that?

14 A. Yeah. My friend just forgot his bag
15 in the car. He had a backpack with him and he
16 forgot it in the car, and that's why my friend
17 went back to his house.

18 Q. And you're certain today that the
19 various times that Mr. Sandusky had anal sex
20 with you, that you never required any sort of
21 medical treatment?

22 A. I'm positive.

23 Q. And your mother never noticed anything
24 wrong with your underwear?

25 A. Like I said, I -- I handle things

1 differently than a lot of people.

2 Q. And she washed your clothes, right?

3 MR. MCGETTIGAN: Objection. That's
4 asked and answered, I think, Your Honor.

5 THE COURT: Overruled.

6 BY MR. AMENDOLA:

7 Q. She washed your clothes, correct?

8 A. Yes.

9 MR. AMENDOLA: Thank you. That's all
10 I have.

11 MR. MCGETTIGAN: Very briefly on
12 redirect, Your Honor.

13 THE COURT: (Nodding head up and
14 down.)

15 REDIRECT EXAMINATION

16 BY MR. MCGETTIGAN:

17 Q. Mr. Paden, I think -- I just want to
18 make sure I understood some of the questions
19 that Mr. Amendola asked and you answered. Did
20 you meet the defendant, Jerry Sandusky, the
21 first year that you were at Second Mile or the
22 second year?

23 A. The first -- no, second year.

24 Q. Okay. And the football game that you
25 told -- said you went to with your friend?

1 A. Yes.

2 Q. Did you call the defendant or did he
3 call you?

4 A. He called me.

5 Q. Okay. And that was last year
6 sometime?

7 A. Yes.

8 Q. Okay. And that was after he had begun
9 -- or he knew he was being investigated, so --
10 and he called you?

11 A. Yes.

12 Q. Okay. And did he want you to bring a
13 friend or did he want you to come alone?

14 A. He said he had two tickets.

15 Q. And when he called you on the phone
16 after that, that was after he was being
17 investigated, too, or do you know?

18 A. I wasn't keeping up with it. My mom
19 was.

20 Q. Okay. Did he ask you to stick up for
21 him?

22 A. Yes.

23 MR. MCGETTIGAN: Okay. I have nothing
24 further, Your Honor.

25 MR. AMENDOLA: If I may just have one

1 or two more questions in light of Mr.
2 McGettigan's questions, Your Honor?

3 RECROSS-EXAMINATION

4 BY MR. AMENDOLA:

5 Q. Mr. Paden, isn't it true that you and
6 your family went to football games as the guest
7 of Mr. Sandusky the last three years, last
8 year, 2010, 2009?

9 A. Me and my mom went to a football game
10 -- I don't know when -- with him the one year,
11 and I took -- and he took my dad, too, but that
12 was a while ago.

13 Q. So if there was evidence that Mr.
14 Sandusky took you and/or members of your family
15 to football games in 2009, 2010, 2011, you're
16 not disputing that, are you?

17 A. No, but I can't remember when, though.
18 I don't know if it was at that time. I do
19 remember him taking my mom and I to a football
20 game. Then the one year he took me and my dad
21 to a football game.

22 Q. And this was after and at the end of
23 the terrible things you've told us he did
24 today, right?

25 A. After, yes.

1 MR. AMENDOLA: Thank you. That's all
2 I have.

3 REDIRECT EXAMINATION

4 BY MR. MCGETTIGAN:

5 Q. Sabastian, Mr. Amendola asked you a
6 lot of questions about things you did with the
7 defendant before and after the defendant did
8 things to you.

9 A. Yeah.

10 Q. Okay. Could you tell the jury -- did
11 he do the things to you that you said he did?

12 A. Yes, he did.

13 Q. And that -- well, I'll leave it at
14 that.

15 MR. MCGETTIGAN: Thank you, Your
16 Honor.

17 MR. AMENDOLA: It's over, Judge.
18 Thank you.

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

21 Is that it for today?

22 MR. MCGETTIGAN: For today, yes, Your
23 Honor.

24 THE COURT: Ladies and gentlemen,
25 that's going to conclude the testimony for

1 today and we are not going to hold court
2 tomorrow. On Monday, we, of course, will
3 resume, but I don't know yet what time. The
4 court administrator, when you go into the jury
5 room, will give you a phone number that you
6 will be able to call and we'll set the time
7 then. I may have some matters I will have to
8 take care of with the attorneys, and so there's
9 no sense having you sit around in the jury room
10 if we're not going to start till 10 o'clock as
11 opposed to having you here at nine or some
12 other time. So that number they will give to
13 you, and then that will fix the time that we're
14 going to start the trial on Monday morning.
15 Now, between now and then we've got three days
16 of temptation. I can't tell you, although I've
17 tried to express any number of times, how
18 important it is that you not talk, text, tweet,
19 watch television, let anybody talk to you about
20 it, share any information, particularly share
21 any opinions about what you think may be going
22 on in the case. It's better to say absolutely
23 nothing, because it is, as I've explained so
24 many times, so critically important that at the
25 end of the day nobody can say they heard

1 something from you during the trial or said
2 something to you during the trial, because that
3 could throw everything into chaos, okay?

4 So, with that admonition, I will
5 excuse you for the week with my thanks and
6 appreciation, and we'll see you sometime Monday
7 morning. Okay.

8 Now, you have some stuff for me yet.

9 We will remain seated until the jury
10 is taken out.

11 (Whereupon, the jury exited the
12 courtroom.)

13 THE COURT: As I have explained to the
14 jury, I don't know what time we're going to
15 start on Monday morning. There are some
16 matters that I will have to take care of, but
17 that will be posted on the county's website as
18 soon as a firm date has been set. That would
19 be the best way that we will be able to
20 communicate that. With that, we are in recess.

21 Thank you.

22 THE COURT: Counsel, can you approach
23 the bench, please?

24 (Whereupon, a discussion was held at
25 sidebar off the record.)

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(Whereupon, the proceedings were
recessed, to resume on June 18, 2012.)

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 Thomas C. Bitsko, CVR-CM
 Official Court 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, having been reviewed and approved by all counsel, is hereby approved and directed to be filed.

Date John M. Cleland, Senior Judge