

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS
OF CENTRE COUNTY, PENNSYLVANIA

IN RE SECOND MILE

ORPHANS' COURT NO. 14-12-0255

ANSWER AND OBJECTION OF JOHN DOE A AND GRAND JURY PRESENTMENT
VICTIM NUMBERS 3, 5 AND 7 TO THE PETITION FOR DISTRIBUTION OF
ASSETS OF THE SECOND MILE PENDING DISSOLUTION

John Doe A and Grand Jury Presentment Victims 3, 5 and 7, by and through their attorneys, hereby object to and answer the Petition for Distribution of Assets of The Second Mile ("TSM") Pending Dissolution, averring as follows:

OBJECTION TO DISTRIBUTION OF ASSETS

1. John Doe A is an adult male individual, formerly a citizen and resident of the Commonwealth of Pennsylvania and presently a citizen and resident of a state other than Pennsylvania. The identity of this Plaintiff is omitted from this pleading so as to protect his privacy and identity, as he was a victim of sex crimes when he was a minor. John Doe A has filed a civil action in the Philadelphia Court of Common Pleas against The Second Mile, Gerald Sandusky, in his individual capacity and his official capacity for The Second Mile, and The Pennsylvania State University. A copy of that Complaint is attached hereto as Exhibit "A". The identity of John Doe A will be made known to TSM by separate communication.

2. Grand Jury Presentment Victim 3 ("Victim 3") is an adult citizen and resident of the Commonwealth of Pennsylvania who can be contacted through his counsel. Victim No. 3's name and address are in good faith omitted from this pleading so as to protect his privacy and identity, as he was a victim of sex crimes when he was a minor. Victim 3 is denominated as such because he was so described in findings of a Statewide Investigating Grand Jury that led to *Commonwealth v. Gerald A. Sandusky*, Centre C.C.P., CP-14-CR-2421-2011; *Commonwealth v.*

FILED FOR RECORD
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KIMBERLY A. BARTON
REGISTER CLERK
OFFICE OF ORPHANS COURT
CENTRE COUNTY, PA

Gerald A. Sandusky, Centre C.C.P., CCP-14-CR-2422-2011; *Commonwealth v. Gary Charles Schultz*, Dauphin C.C.P., MJ-12303-CR-0000354-2011; and *Commonwealth v. Timothy M. Curley*, Dauphin C.C.P., MJ-12303-CR-0000353-2011. A copy of the Grand Jury's Presentment is attached hereto as Exhibit "B". The identity of Victim 3 will be made known to TSM by separate communication.

3. Grand Jury Presentment Victim 5 ("Victim 5") is an adult citizen and resident of the Commonwealth of Pennsylvania who can be contacted through his counsel. Victim No. 5's name and address are in good faith omitted from this pleading so as to protect his privacy and identity, as he was a victim of sex crimes when he was a minor. Victim 5 is denominated as such because he was so described in findings of a Statewide Investigating Grand Jury that led to *Commonwealth v. Gerald A. Sandusky*, Centre C.C.P., CP-14-CR-2421-2011; *Commonwealth v. Gerald A. Sandusky*, Centre C.C.P., CCP-14-CR-2422-2011; *Commonwealth v. Gary Charles Schultz*, Dauphin C.C.P., MJ-12303-CR-0000354-2011; and *Commonwealth v. Timothy M. Curley*, Dauphin C.C.P., MJ-12303-CR-0000353-2011. A copy of the Grand Jury's Presentment is attached hereto as Exhibit "B". The identity of Victim 5 will be made known to TSM by separate communication.

4. Grand Jury Presentment Victim 5 ("Victim 7") is an adult citizen and resident of the Commonwealth of Pennsylvania who can be contacted through his counsel. Victim No. 7's name and address are in good faith omitted from this pleading so as to protect his privacy and identity, as he was a victim of sex crimes when he was a minor. Victim 7 is denominated as such because he was so described in findings of a Statewide Investigating Grand Jury that led to *Commonwealth v. Gerald A. Sandusky*, Centre C.C.P., CP-14-CR-2421-2011; *Commonwealth v. Gerald A. Sandusky*, Centre C.C.P., CCP-14-CR-2422-2011; *Commonwealth v. Gary Charles*

Schultz, Dauphin C.C.P., MJ-12303-CR-0000354-2011; and *Commonwealth v. Timothy M. Curley*, Dauphin C.C.P., MJ-12303-CR-0000353-2011. A copy of the Grand Jury's Presentment is attached hereto as Exhibit "B". The identity of Victim 7 will be made known to TSM by separate communication.

5. TSM was and continues to be a non-profit organization authorized to conduct business and conducting business in the Commonwealth of Pennsylvania. TSM was founded in 1977 by Gerald Sandusky. It began as a foster home for troubled boys and grew into a charity dedicated to helping children with absent or dysfunctional fundraisers.

6. John Doe A and Victims 3, 5, and 7 participated in programs sponsored by TSM and met Sandusky through TSM. Sandusky groomed, coerced and sexually abused Victim 3, 5, and 7 as set forth in the Grand Jury's presentment and as proved at the recently concluded trial in *Commonwealth v. Sandusky*. He did the same with John Doe A as set forth in the attached Complaint.

7. On November 4, 2011, the news media widely reported on the Grand Jury's findings that Sandusky sexually abused numerous children that he met and groomed through his involvement with TSM, and that Sandusky had been indicted for this unlawful conduct.

8. According to TSM as stated in its Petition, the result of these disclosures was that donations to TSM "virtually ceased" and there is a "decided reluctance" among donors to continue financial support for TSM. Petition at ¶¶ 14-17. TSM has determined that it cannot continue to exist and should seek dissolution. *Id.* at ¶ 19. While TSM states an intention to dissolve, it seeks to continue certain of its programs by transferring approximately \$2.5 million to Arrow Child & Family Ministries, Inc. ("Arrow") and allowing Arrow to take over the programs in Arrow's name. *Id.* at ¶¶ 20-24.

9. In its Petition, TSM states that it currently possesses approximately \$6,220,000 in assets, including \$47,985 in cash, \$2,560,000 in real estate and equipment, \$43,627 in program restricted funds, \$487,045 in endowment, and \$3,081,004 in unspent contributions to a capital campaign.

10. Based on those figures, the \$2.5 million that TSM proposes to distribute to Arrow (in exchange for nothing of financial value in return) represents approximately 40% of all of TSM's assets.

11. On June 22, 2012, the jury convicted Sandusky on 45 of 48 charges, including on multiple charges relating to Victim 3,5, and 7 such as unlawful contact with minors, corruption of minors, endangering welfare of children.

12. Because Sandusky founded TSM and sexually abused minors such as John Doe A and Victims 3, 5, and 7 that he met and groomed through TSM, there is a legitimate basis to believe that TSM will incur substantial liabilities on account of its own negligence and/or its vicarious responsibility for Sandusky's actions. TSM has been sued by John Doe A. It is very likely that TSM will be named in forthcoming civil actions to be filed by victims such as Victim 3, 5, 7 who testified in the criminal trial and/or by others such as John Doe A who have come forward or have yet to come forward. These victims have suffered profound emotional and psychological injuries for which TSM may be found liable in the civil courts.

13. Given the suit by John Doe A and the anticipated suits by other victims, including Victim 3, 5, and 7, there is ample basis for believing that TSM will incur debts beyond its ability to pay. The debts from tort liability may readily exceed the total assets that TSM currently possesses.

14. This Court should not authorize the requested transfer of approximately \$2.5 million from TSM's accounts. Pennsylvania's Fraudulent Conveyance Act disapproves of monetary transfers where, *inter alia*, the debtor did not receive a "reasonably equivalent value in exchange for the transfer" and the debtor also "reasonably should have believed that the debtor would incur debts beyond the debtor's ability to pay as they became due." 12 Pa.C.S. § 5104(a)(2). Here, TSM's petition reveals that it would receive nothing of financial value in return for the distribution of \$2.5 million. At the same time, TSM has more than reasonable basis for believing that it will incur tort liabilities beyond its ability to pay – especially where TSM concededly has no ability to raise future funds. Under these circumstances, the Court's obligation is to preserve TSM's asset, not to allow their dissipation. At the outset, the Court should not even consider such distributions until it has a clear picture of TSM's total assets and the total claims asserted against those assets.

15. Principles of constructive trust further underscore the necessity for TSM to preserve assets rather dissipate them at the expense of TSM's actual and contingent creditors. *See generally Williams Township Bd. of Supervisors v. Williams Township Emergency Co., Inc.*, 986 A.2d 914 (Pa. Cmwlth. 2009) (reviewing basic principles of constructive trust).

16. TSM undoubtedly has helped children through the programs it would transfer to Arrow. However, the fundamental question is whether the Court should permit TSM to transfer nearly \$2.5 million (approximately 40% of its total assets) where there is ample reason to believe that TSM will incur liabilities well beyond its ability to pay even if the transfer does not take place. As TSM pursues dissolution, the Court's first priority must be to preserve TSM's assets to maximize TSM's ability to pay its current and future liabilities.

WHEREFORE, John Doe A and Grand Jury Presentment Victims 3, 5, and 7 object to the distribution of TSM's assets as proposed in the Petition for Distribution of Assets of The Second Mile Pending Dissolution.

ANSWER TO PETITION FOR DISTRIBUTION OF ASSETS

1-2. Admitted.

3-24. These averments contain factual allegations as to which John Doe A and Victims 3, 5 and 7 lack sufficient knowledge to respond, and are therefore denied. By way of further response, John Doe A and Victims 3, 5, and 7 object to the proposed distribution of funds for the reasons set forth in their Objection set forth above, which is incorporated in this paragraph as if fully restated herein.

25-29. These averments contain characterizations of law as to which no answer is required. By way of further response, John Doe A and Victims 3, 5, and 7 object to the proposed distribution of funds for the reasons set forth in their Objection set forth above, which is incorporated in this paragraph as if fully restated herein.

30-67. These averments contain factual allegations as to which John Doe A and Victims 3, 5, and 7 lack sufficient knowledge to respond, and are therefore denied. By way of further response, John Doe A and Victims 3, 5, and 7 object to the proposed distribution of funds for the reasons set forth in their Objection set forth above, which is incorporated in this paragraph as if fully restated herein.

WHEREFORE, John Doe A and Grand Jury Presentment Victims 3, 5, and 7 object to the distribution of TSM's assets as proposed in the Petition for Distribution of Assets of The Second Mile Pending Dissolution.

Dated: June 25, 2012



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**IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS
OF CENTRE COUNTY, PENNSYLVANIA**

IN RE SECOND MILE

ORPHANS' COURT NO. 14-12-0255

CERTIFICATE OF SERVICE

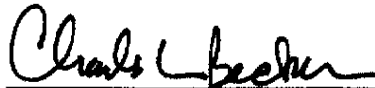
The undersigned counsel hereby certifies that a true and correct copy of the foregoing was served on the following persons in the manner noted and addressed below:

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Charitable Trust & Organizations Section
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Copies of the foregoing also are being served on all interested parties whose names appear on the Service List attached as Exhibit "C" by depositing such copies in the United States

Mail, postage prepaid.



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Dated: June 25, 2012

EXHIBIT "A"

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Plaintiff,

v.

THE SECOND MILE
1402 South Atherton Street
State College PA 16801
and
Gerald Sandusky
130 Grandview Road
State College, PA 16801-7011, in his individual
capacity and his official capacity for The Second
Mile,

and
THE PENNSYLVANIA STATE UNIVERSITY,
201 Old Main
University Park, PA 16802

Defendants.

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY,
PENNSYLVANIA

CIVIL ACTION

JURY TRIAL DEMANDED

TERM, 2011

NO.

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and judgment may be entered against you by

the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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Plaintiff,

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THE SECOND MILE
1402 South Atherton Street
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130 Grandview Road
State College, PA 16801-7011, in his individual
capacity and his official capacity for The Second
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and

THE PENNSYLVANIA STATE UNIVERSITY,
201 Old Main
University Park, PA 16802

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COURT OF COMMON PLEAS
PHILADELPHIA COUNTY,
PENNSYLVANIA

CIVIL ACTION

JURY TRIAL DEMANDED

TERM, 2011

NO.

PLAINTIFF'S COMPLAINT

And now Plaintiff, John Doe A, by and through his undersigned counsel, brings this
Complaint and sets forth as follows:

The Parties

1. Plaintiff, John Doe A, is an adult male individual, formerly a citizen and resident of the Commonwealth of Pennsylvania and presently a citizen and resident of a state other than Pennsylvania. The identity of this Plaintiff is not pleaded in this Complaint in order to protect the identity of the Plaintiff because the Plaintiff was a victim of sex crimes when Plaintiff was a minor. The identity of the Plaintiff will be made known to the Defendants by separate communication.

2. Defendant, The Second Mile ("Second Mile") was and continues to be a non-profit organization authorized to conduct business and conducting business in the Commonwealth of Pennsylvania with its principal place of business located at 1402 South Atherton Street, State College, Pennsylvania 16801. Second Mile does business throughout Pennsylvania, including in Philadelphia County. For example, in 2010 the Annual Report of The Second Mile reflects over 11,000 individuals served by The Second Mile in Philadelphia County, and one of the acts of sexual abuse as to the Plaintiff occurred in Philadelphia County. This Defendant is organized, exists and operates pursuant and by virtue of the laws of the Commonwealth of Pennsylvania.

3. Defendant Gerald Sandusky ("Sandusky"), also known as Jerry Sandusky, is the founder of, and a principal in, Second Mile. He is sued in both his individual capacity and in his official capacity as a principal in Second Mile. He is an adult male citizen and resident of the Commonwealth of Pennsylvania, and resides at 130 Grandview Road, State College, Pennsylvania 16801-7011. He is sued in Philadelphia County based on tortious acts he committed against the Plaintiff in Philadelphia County.

4. The Pennsylvania State University ("Penn State") is a private/public organization established by and operated by the Commonwealth of Pennsylvania, with its principal place of business at 201 Old Main, University Park, Pennsylvania 16802. Penn State conducts business in Philadelphia. It is sued in Philadelphia based on its contact with Philadelphia County and because one or more acts of sexual abuse between its employee Sandusky and the Plaintiff occurred in Philadelphia County.

Facts

5. Defendant Sandusky began his coaching career at Penn State in 1969, and was employed by Penn State for many years, primarily as defensive coordinator of its Division I football program.

6. In 1977, Sandusky founded "The Second Mile" in State College, PA. Second Mile began as a foster home for troubled boys and grew into a charity dedicated to helping children with absent or dysfunctional families. It operates statewide. Sandusky has been its primary fundraiser.

7. In 1992, John Doe A met Sandusky. He was 10 years old.

8. John Doe A participated in programs sponsored by Second Mile.

9. Sandusky met John Doe A through the Second Mile and recruited, groomed and coerced Plaintiff, showering him with gifts, travel, and privileges.

10. On many occasions, John Doe A stayed at Sandusky's home. On many occasions, John Doe A participated in activities at Penn State. On many occasions, John Doe A participated in activities of Second Mile. On occasion, Sandusky took John Doe A out of town to activities in Philadelphia County and other areas.

11. Between 1992 and 1996, Sandusky sexually abused John Doe A. John Doe A was too young to have given any consent, and Sandusky's abuse was in fact unwanted and has caused substantial harm to John Doe A. John Doe is presently under age 30.

12. Sandusky sexually abused John Doe A over one hundred times.

13. The sexual abuse occurred on multiple occasions and at multiple locations within Pennsylvania and outside of Pennsylvania; in the facilities of Penn State, particularly the football coach's locker room; at times within Philadelphia County; at facilities out of state connected with a Penn State bowl game; and at the Sandusky home.

14. Sandusky threatened Plaintiff and threatened to harm Plaintiff's family if Plaintiff told anyone about the abuse. This threat operated to silence Plaintiff and caused him to not be able to take any action until recently.

15. Plaintiff did not discover Penn State's or Second Mile's fraud until recently when the news of the grand jury report became public.

16. Penn State and Second Mile were each in a specialized position where each had knowledge that Plaintiff did not. Each was in a position to have this knowledge because it was Sandusky's employer and/or because each was responsible for Sandusky. Plaintiff on the other hand was a child. As a child, he was not in a position to have information about Sandusky's molestation of other children or Penn State's or Second Mile's knowledge of the danger Sandusky posed to children.

17. Sandusky molested multiple victims through his activities with Second Mile and Penn State, dating back to the 1970's. His molestation was enabled by the negligent oversight of Sandusky by Second Mile and Penn State.

18. On multiple occasions, Sandusky's interest in, among other things, showering with young boys, and secluding himself alone with boys to permit sexual access to the young boys, was known, or should have been known, to officials with Penn State and Second Mile.

19. Before 1992, it was illegal to sexually abuse a child, and it was generally known that organizations which provided services to children were exposed to the risk of individuals, such as Sandusky, who have a sexual interest in children. Second Mile and Penn State were each negligent in managing the risk posed to children by persons such as Sandusky.

20. Had Penn State and Second Mile not been negligent in managing the risk posed to children by persons, such as Sandusky, who have a sexual interest in children, Penn State and Second Mile each could have prevented many children, including the Plaintiff, from being sexually assaulted by Sandusky.

21. At any time prior to 2011 had Penn State or Second Mile acted responsibly, Plaintiff would have been earlier identified and services could have been provided to him to begin to address the harm to him from Sandusky's sexual assaults.

22. In 1998, an investigation was done into Sandusky's sexually improper conduct with children. A report in excess of 100 pages was produced. Sandusky admitted to showering naked with children at Penn State, admitted to having naked contact in the showers with children, and admitted it was wrong of him to do so. Another possible child victim was identified during the investigation. That child was not contacted, and reasonable actions were not taken.

23. In 1998, Sandusky took Victim 4, as described in the grand jury report, to the Outback Bowl. In 1999, Sandusky took Victim 4, as described in the grand jury report, to the Alamo Bowl.

24. In 1999, Sandusky retired from Penn State. From 1999 to 2011, Sandusky continued to hold *emeritus* status at Penn State, and retained an office and telephone in the Lasch Building. Sandusky was allowed access to all recreational facilities, including the showers, had a parking pass for a vehicle, had internet access through a Penn State account, was listed in the faculty directory, enjoyed faculty discounts at the bookstore, and enjoyed educational privileges for Sandusky and eligible dependents. As a retired football coach he had unlimited access to the football facilities, including the locker rooms.

25. In 2000, a Penn State janitor observed Sandusky in the showers of the Lasch Building with a young boy pinned up against the wall performing oral sex on the boy. The janitor immediately informed the janitorial staff. No action was taken by Penn State to investigate or to determine if Sandusky had molested others prior to 2000. Janitors with information about Sandusky's sexual misconduct with children were discouraged from reporting the incident further.

26. In 2002, a Penn State graduate assistant observed Sandusky raping a 10 year old in the shower at the Lasch Football Building on the University Park Campus.

27. The graduate assistant described the rape to head football coach Joe Paterno.

28. Joe Paterno called Penn State Athletic Director Tim Curley, his immediate superior, and reported to him that the graduate assistant had seen Sandusky in the Lasch Building showers fondling or doing something of a sexual nature to a young boy.

29. Athletic Director Curley called the graduate student to a meeting with Curley and Sr. Vice President of Finance and Business, Gary Schultz, to receive his report directly, and tell the graduate assistant they would look into it and determine what further action to take. The assurance that Curley and Schultz would look into it and determine what action to take was given

to the graduate assistant so as to discourage the graduate assistant from reporting the matter further, to law enforcement or otherwise.

30. Curley and Schultz determined to remove Sandusky's access to the locker room and represented they had reported the incident to Second Mile and to the Penn State President, Graham Spanier.

31. Neither Penn State nor Second Mile made any other report about the known sexual contact, and neither Penn State nor Second Mile took any other action to limit Sandusky's access to sexually exploit children, to report Sandusky to law enforcement or to ascertain if Sandusky had molested other children through either Penn State or Second Mile.

32. Had such an investigation been done competently, its results reported, and action taken, both Penn State and Second Mile would have learned (a) that Sandusky had been molesting children since at least the 1970's and (b) that many children after 2002 would not have been sexually assaulted by Sandusky.

33. In 2008, Sandusky was barred from the school district serving Clinton County High School due to a mother's report to Clinton County High School that Sandusky sexually assaulted her child.

34. Penn State knew, or should have known, about the action taken against Sandusky as a result of the reported sexual assault of a child.

35. Second Mile knew, or should have known, of the action taken against Sandusky as a result of the reported sexual assault of a child.

36. Neither Penn State nor Second Mile made any other report about the 2008 reported sexual assault by Sandusky, and neither Penn State nor Second Mile took any other action to limit Sandusky's access to sexually exploit children, to report to law enforcement

Sandusky's other known sexual assaults, or to ascertain if Sandusky had molested other children through either Penn State or Second Mile.

37. Had such an investigation been done competently, its results reported, and action taken, both Penn State and Second Mile would have learned (a) that Sandusky had been molesting children since at least the 1970's and (b) that many children after 2008 would not have been sexually assaulted by Sandusky.

38. In early 2009, an investigation into Sandusky was done by the Pennsylvania Attorney General through a grand jury.

39. In September 2010, Sandusky retired from day-to-day involvement with Second Mile, saying he wanted to spend more time with family and handle personal matters. Penn State officials, and Second Mile officials, knew or should have known of the 2009 investigation into Sandusky's sexual assaults of children.

40. In November 2011, Pennsylvania Attorney General Linda Kelly and State Police Commissioner Frank Noonan filed a grand jury report, and charged Sandusky with 40 counts of various sex crimes including involuntary, deviate sexual intercourse. On November 5, 2011, Sandusky was arrested and released on bail.

41. Curley and Schultz were charged with perjury, and failure to report Sandusky's alleged child abuse in 2002. Curley took administrative leave from Penn State. Schultz resigned from Penn State. Paterno was not charged, but his employment at Penn State was terminated.

42. Since its creation in 1977, Defendant Second Mile has had significant social and financial links to Penn State. Second Mile traded on Defendant Sandusky's affiliation with Penn State, its football program, and its revered coach Joe Paterno to increase awareness for its programs and to increase participation by youth. Penn State permitted Second Mile to trade on its

image, its reputation, its football program, and its facilities and resources, in order to enhance Second Mile's programs and base of donors. Second Mile's ability to market its ties to Penn State, to host functions and activities on Penn State's campus, and to collaborate with the Penn State football program, allowed Second Mile to grow the organization's financial resources. Second Mile's strong links to Penn State, its fans and alumni, have allowed it to grow into the most visible non-profit for at-risk youth in central Pennsylvania. Penn State voluntarily entered into a social and financial relationship with Defendant Second Mile and its founder, Defendant Sandusky. Head football coach Joe Paterno actively participated in fundraising for the organization. Second Mile board members have been top donors to the charity and to Penn State. Second Mile Board members have received lucrative contracts from Penn State University for building projects. Penn State has benefited from its affiliation with the Second Mile by reaping the public relations rewards of close ties to and participation, such as internships for Penn State football players, with a local charitable organization.

COUNT I - CHILDHOOD SEXUAL ABUSE AND VICARIOUS LIABILITY
Plaintiff, John Doe A v. Defendants Second Mile, Penn State, and Sandusky individually
and in his official capacity with Second Mile

43. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

44. Second Mile operates activities for children in cooperation with Penn State.

45. From 1992 to 1996, Defendant Sandusky engaged in unpermitted, harmful and offensive sexual conduct and contact upon the person of Plaintiff, in violation of Pennsylvania state law. Said conduct was undertaken while Defendant Sandusky was under the supervision and authority of Second Mile, as well as under the supervision and authority of Penn State. The conduct by Defendant Sandusky was committed during the course and scope of his employment

with Defendant Penn State, and during his activities for Defendant Second Mile.

46. Sandusky's sexual misconduct and travel with Plaintiff was ratified by Defendant Penn State.

47. Sandusky's sexual misconduct was ratified by Defendant Second Mile.

48. Prior to or during the abuse alleged above, Defendants Penn State and Second Mile, had reason to know, or should have had reason to know, that Defendant Sandusky posed a risk and would harm minors, including Plaintiff. Plaintiff was a minor at the time of his sexual abuse by Sandusky.

49. As a result of the above-described conduct, Plaintiff has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff John Doe A, demands judgment for compensatory and punitive damages against Defendants Penn State, Second Mile, and Sandusky, jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

COUNT II - NEGLIGENCE
Plaintiff, John Doe A v. Second Mile, and Penn State

50. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one was individually set forth within this Count.

51. Penn State and Second Mile each had a duty to protect the minor Plaintiff when

he was entrusted to their care by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody was temporarily entrusted to Penn State and Second Mile when Plaintiff attended functions sponsored by Penn State and Second Mile, and when on properties and premises operated by Penn State or Second Mile, and when traveling with Sandusky to football activities, including a Bowl game. Penn State and Second Mile solicited, and voluntarily accepted, the entrusted care of Plaintiff. As such, Penn State and Second Mile owed Plaintiff, a minor child, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care to protect children from harm that is owed them by adults supervising children in their care. Plaintiff was owed by each of Penn State and Second Mile a duty to be protected from harm inflicted upon the Plaintiff by Defendant Sandusky when Plaintiff attended the activities of Second Mile, when Plaintiff attended the activities of Penn State, when the Plaintiff was on the premises of Penn State, where Defendant Sandusky was assigned and served, and when Sandusky traveled for Penn State with Plaintiff.

52. Defendant Second Mile, by and through its agents, servants and employees, knew or reasonably should have known of Defendant Sandusky's dangerous and exploitive propensities and/or that Defendant Sandusky was an unfit agent because of his sexual interest in children. It was reasonably foreseeable that if Second Mile did not adequately exercise or provide the duty of care owed to children in its care, including but not limited to Plaintiff, the children entrusted to the care of Second Mile would be vulnerable to sexual abuse by Second Mile personnel, including Defendant Sandusky.

53. Defendant Penn State, by and through its agents, servants and employees, knew or reasonably should have known of Defendant Sandusky's dangerous and exploitive propensities and/or that Defendant Sandusky was an unfit agent because of his sexual interest in children. It

was reasonably foreseeable that if Penn State did not adequately exercise or provide the duty of care owed to children in its care, including but not limited to Plaintiff, the children entrusted to the care of Penn State would be vulnerable to sexual abuse by Penn State employees, including Defendant Sandusky.

54. Penn State and Second Mile each breached the duty of care owed to the minor Plaintiff by failing to protect the Plaintiff from foreseeable harm of the sexual misconduct of its employees or personnel, including Defendant Sandusky.

55. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff John Doe A, demands judgment for compensatory and punitive damages, jointly and severally, against each of Defendant Second Mile, against Defendant Penn State, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

COUNT III - NEGLIGENT SUPERVISION
Plaintiff, John Doe A v. Penn State and Second Mile

56. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

57. Penn State and Second Mile each had a duty to provide reasonable supervision of its employee and agent, Defendant Sandusky, when he interacted with children.

58. It was reasonably foreseeable that those employees and agents of Penn State or Second Mile who have a sexual interest in children, including Defendant Sandusky, would sexually abuse children, including the Plaintiff, unless properly supervised.

59. Penn State and Second Mile each, by and through its respective agents, servants and employees, knew, or reasonably should have known, of Defendant Sandusky's dangerous and exploitive propensities and/or that Defendant Sandusky was an unfit agent due to his sexual interest in children. Despite such knowledge, Defendant Penn State, and Defendant Second Mile, each breached its duty to provide reasonable supervision of Defendant Sandusky, and enabled Sandusky, who was in a position of trust and authority for each of Penn State and Second Mile, to commit the wrongful acts against the Plaintiff.

60. Said acts of sexual abuse occurred upon the premises of Penn State, during the course of activities of Penn State, and during the course of activities of Second Mile.

61. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff John Doe A, demands judgment jointly and severally for compensatory and punitive damages against each of Defendant Penn State and Second Mile, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

COUNT IV – PREMISES LIABILITY
Plaintiff, John Doe A v. Penn State and Second Mile

62. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

63. Defendants Penn State and Second Mile each owed a duty to Plaintiff.

64. By holding its premises or functions open to the public and inviting Plaintiff onto its premises or functions for the purposes of youth activities, Penn State and Second Mile each assumed a duty to Plaintiff.

65. By allowing Defendant Sandusky to utilize its image and trade on his affiliation with Penn State for the purpose of youth activities, Penn State assumed a duty to Plaintiff.

66. Penn State and Second Mile each assumed a duty to Plaintiff that each would take reasonable precaution against harmful third party conduct on its premises or at its functions that it could reasonably anticipate.

67. Penn State and Second Mile each breached this duty when it failed to exercise reasonable care to discover that Defendant Sandusky was utilizing its premises and/or its public image and/or its functions to commit sexual abuse against minor children, and when it permitted Sandusky to travel for Penn State with Plaintiff.

68. Penn State and Second Mile each also breached this duty when it failed to exercise reasonable care in giving adequate warning to Plaintiff that Defendant Sandusky was a danger to children.

69. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's

daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff John Doe A, demands judgment jointly and severally for compensatory and punitive damages against each of Defendant Penn State and Second Mile, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

COUNT V – NEGLIGENT MISREPRESENTATION
Plaintiff, John Doe A v. Penn State and Second Mile

70. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

71. Penn State and Second Mile, through its officials, each represented to Plaintiff and his family that Sandusky did not have a history of molesting children. Penn State and Second Mile also represented to Plaintiff and his family that Sandusky was not a danger to children. Penn State and Second Mile also represented to Plaintiff and his family that each had taken reasonable precautions to ensure that children in its programs and on its premises would be safe.

72. Each of these representations were material.

73. In addition to the representations being made directly to Plaintiff, Penn State and Second Mile, through its officials, made these representations with knowledge and intent that they would be communicated to the minor Plaintiff through his parents'/caregivers' words and actions. Penn State and Second Mile also had reason to believe that the representations made to Plaintiff's parents/caregivers would influence Plaintiff and particularly that the representations would influence the amount and type of time spent alone with Sandusky, Sandusky's access to

Plaintiff, and Sandusky's ability to molest Plaintiff.

74. Penn State's and Second Mile's representations to Plaintiff and his parents/caregivers started in or before 1992 and were continuing representations that were made until 1996.

75. Sandusky did have a history of sexually molesting children. Sandusky was a danger to children. Penn State and Second Mile did not take reasonable precautions to ensure that children in its programs would be safe.

76. Penn State and Second Mile should have known that its representations were false.

77. Penn State and Second Mile owed a duty of care to Plaintiff because it should have known that Sandusky would have access to children including Plaintiff, should have known that Sandusky was a danger to children, should have known that Sandusky had molested children before he molested Plaintiff, and should have known that parents and children would place the utmost trust in Sandusky.

78. Penn State and Second Mile, through its officials, in acts separate from and before its representation, failed to use ordinary care in making the representation or in ascertaining the facts related to Sandusky. Penn State and Second Mile reasonably should have foreseen that its representation would subject Plaintiff to an unreasonable risk of harm.

79. Penn State and Second Mile failed to use ordinary care to determine Sandusky's history of molesting children and whether he was safe for work with children before it made its representation about Sandusky. Penn State and Second Mile's failures include but are not limited to: failure to ask Sandusky whether he sexually molested children, failure to ask Sandusky's co-workers whether he molested children or whether they had any concerns about

Sandusky and children, failure to investigate Sandusky's interest in children, failure to have a sufficient system to determine whether Sandusky molested children and whether he was safe, failure to train its employees properly to identify signs of child molestation by fellow employees, and failure to investigate warning signs about Sandusky when they did arise. Penn State and Second Mile failed to institute reasonable procedures and rules regarding when employees or agents could travel with children, and failed to ensure children traveling with Sandusky were safe.

80. Plaintiff believed and justifiably relied upon Penn State's and Second Mile's representations which caused him to be sexually molested by Sandusky and suffer the other damages described herein.

81. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff John Doe A, demands judgment jointly and severally for compensatory and punitive damages against each of Defendant Penn State and Second Mile, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

COUNT VI – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
Plaintiff, John Doe A v. Penn State and Second Mile

82. Plaintiff incorporates by reference all of the preceding paragraphs of this

Complaint as if each and every one were individually set forth within this Count.

83. By employing Sandusky, by choosing to place Sandusky in a position working unsupervised with children, by allowing Sandusky to use their facilities for youth activities, where he accessed and sexually abused numerous children, and caused Plaintiff to be sexually abused as a child, Penn State and Second Mile did by extreme and outrageous conduct intentionally or recklessly cause severe emotional distress and bodily harm to Plaintiff.

84. Penn State's and Second Mile's conduct in employing Sandusky, holding out its premises as a safe environment for children when it had reason to know it could be a dangerous place for children, and thereby causing Plaintiff to be raped by Sandusky constituted extreme and outrageous conduct that was atrocious and went beyond all bounds of decency such that it is conduct utterly intolerable in a civilized society.

85. Penn State and Second Mile acted intentionally or recklessly in employing Sandusky to work unsupervised with children and/or allowing him to use their facilities for youth functions thereby causing Plaintiff to be sexually abused by Sandusky, and in allowing him to take children like Plaintiff on trips to football events, including Bowl games.

86. Plaintiff suffered severe emotional distress, including severe mental anguish and horror, because of Penn State's and Second Mile's intentional or reckless, extreme and outrageous conduct.

WHEREFORE, Plaintiff John Doe A, demands judgment jointly and severally for compensatory and punitive damages against each of Defendant Penn State and Second Mile, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

COUNT VII – INTENTIONAL MISREPRESENTATION
Plaintiff, John Doe A v. Penn State and Second Mile

87. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

88. Penn State and Second Mile each affirmatively represented to Plaintiff and his family that its facilities and programs were safe environments for children.

89. Penn State and Second Mile each affirmatively represented to Plaintiff and his family that it had sufficient policies and procedures in place to ensure that children were safe in their facilities and programs.

90. Penn State and Second Mile affirmatively represented to Plaintiff and his family that Sandusky did not have a history of molesting children, that Penn State and Second Mile did not know or suspect that Sandusky had a history of molesting children and/or that Penn State and Second Mile did not know that Sandusky was a danger to children.

91. Each of the representations was material.

92. In addition to the representations being made directly to Plaintiff, Penn State and Second Mile, through its officials, made these representations with knowledge and intent that they would be communicated to the minor Plaintiff through his parents/caregivers words and actions. Penn State and Second Mile also had reason to believe that the representations made to Plaintiff's parents/caregivers would influence Plaintiff and particularly that the representations would influence the amount and type of time spent alone with Sandusky, Sandusky's access to Plaintiff, and Sandusky's ability to molest Plaintiff.

93. Penn State's and Second Mile's representation started in or before 1992 and were continuing representations that were made until 1996.

94. Sandusky did have a history of sexually molesting children. Penn State and Second Mile should have known that Sandusky had a history of sexually molesting children

and/or that he was a danger to children.

95. Penn State and Second Mile knew or should have known that its facilities and programs were not safe environments for children.

96. Penn State and Second Mile each knew that it did not have sufficient policies and procedures in place to ensure that children were safe in their facilities and programs.

97. Plaintiff justifiably relied upon Penn State and Second Mile's misrepresentations which caused him to be sexually molested by Sandusky and suffer the other damages described herein.

98. Penn State and Second Mile knew that its misrepresentations were false or at least were reckless without care of whether these representations were true or false.

99. Penn State and Second Mile made the misrepresentations with the intent to deceive Plaintiff and to induce him to act on the misrepresentations to his detriment.

100. Plaintiff's injuries were proximately caused by his reliance on the representations.

101. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff John Doe A, demands judgment jointly and severally for compensatory and punitive damages against each of Defendant Penn State and Second Mile, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and

any other appropriate relief.

COUNT VIII - CIVIL CONSPIRACY TO ENDANGER CHILDREN
Plaintiff, John Doe A v. Penn State, Second Mile and Sandusky

102. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

103. Defendants Penn State, Second Mile, and Sandusky, along with individuals at Penn State and Second Mile not presently named as defendants, acted with a common purpose, and conspired to endanger the welfare of children, including the Plaintiff, in violation of Pennsylvania law.

104. In Pennsylvania, there is an implied civil cause of action for endangering the welfare of children by a child whose welfare was endangered.

105. Also in Pennsylvania, there is a civil cause of action for negligence per se for violation of the statute against endangering the welfare of children.

106. Plaintiff has standing to bring this claim because he was one of the children who was sexually abused as a result of this conspiracy to endanger the welfare of children.

107. Individuals at Penn State and Second Mile, and Sandusky, each had or should have had information about Sandusky's sexual interest in children but maintained silence, along with Sandusky, so as to enable Sandusky to act on his sexual interest in children.

108. Individuals at Penn State and Second Mile each had information or should have had information that its facilities and programs were not safe environments for children and that they did not have adequate measures in place to protect children. Despite this, each maintained silence.

109. The collective silence of various individuals in addition to the Defendants were overt acts committed in pursuance of the common purpose to endanger the welfare of children.

110. Defendants each concealed from Plaintiff Sandusky's sexual interest in children, its unsafe environment, and/or its inadequate measures to protect children.

111. This concealment directly injured Plaintiff because Penn State's and Second Mile's unsafe environment and inadequate measures, prior incidents of sexual abuse by Defendant Sandusky, and the risk Sandusky represented, were hidden from Plaintiff and his family, and Defendant Sandusky was able to gain unsupervised access to Plaintiff to engage in numerous acts of sexual abuse as a result. This concealment also directly injured Plaintiff because the concealment by the Defendants and third persons created a false public impression that Sandusky was a safe person to be around children, when he, in fact, was not. It also created the impression that Penn State and Second Mile were safe environments with adequate measures to protect children. This active concealment caused the Plaintiff and his family to allow Defendant Sandusky to gain unsupervised access to the Plaintiff and ultimately sexually abuse the Plaintiff.

112. When reports about Sandusky sexually abusing children were made, the reports were ignored, and no adequate investigation was done by Penn State or Second Mile to ascertain if Sandusky had other victims of sexual misconduct.

113. Instead of protecting children, including Plaintiff, from sexual abuse by Sandusky, Defendants Penn State, Second Mile, and third persons shielded Sandusky from criminal detection, shielded the hierarchy and the leadership of Penn State and Second Mile from scandal, attempted to shield Penn State and Second Mile from financial liability, and attempted to protect their reputations rather than protecting, and helping, children. These acts of shielding directly injured Plaintiff because Defendants' unsafe environment, inadequate child protection measures, and prior incidents of sexual abuse by Defendant Sandusky were hidden from Plaintiff

and Defendant Sandusky was able to gain unsupervised access to Plaintiff as a result. In addition, Plaintiff's status as a victim of Sandusky was concealed, and no assistance or compensation was provided to the Plaintiff. The concealment by the Defendants and others created a false public impression that Second Mile and Penn State were safe activities for children, when they, in fact, were not. This caused the Plaintiff and his family to allow Defendant Sandusky to gain unsupervised access to the Plaintiff and ultimately sexually abuse the Plaintiff.


114. Said acts were committed with malice and with the intention that the welfare of children within Penn State and Second Mile be endangered.

115. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff John Doe A, demands judgment for compensatory and punitive damages against Defendants Second Mile, Penn State, and Sandusky, jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

Dated: 11/30/14

BY:


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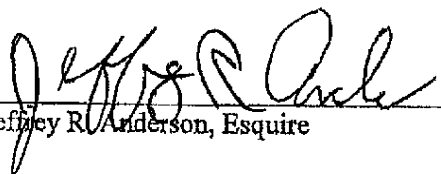
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Attorneys for Plaintiff John Doe A

VERIFICATION

I, Jeff Anderson, Esquire, verify that I am the attorney for the Plaintiff and that the facts set forth in the foregoing Plaintiff's Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.



Jeffrey R. Anderson, Esquire

Dated: November 30, 2011

EXHIBIT "B"

INTRODUCTION

We, the members of the Thirty-Third Statewide Investigating Grand Jury, having received and reviewed evidence regarding violations of the Crimes Code occurring in Centre County, Pennsylvania, and elsewhere pursuant to Notice of Submission of Investigation No. 1, do hereby make the following findings of fact and recommendation of charges.

FINDINGS OF FACT

The Grand Jury conducted an investigation into reported sexual assaults of minor male children by Gerald A. Sandusky ("Sandusky") over a period of years, both while Sandusky was a football coach for the Pennsylvania State University ("Penn State") football team and after he retired from coaching. Widely known as Jerry Sandusky, the subject of this investigation founded The Second Mile, a charity initially devoted to helping troubled young boys. It was within The Second Mile program that Sandusky found his victims.

Sandusky was employed by Penn State for 23 years as the defensive coordinator of its Division I collegiate football program. Sandusky played football for four years at Penn State and coached a total of 32 years. While coaching, Sandusky started "The Second Mile" in State College, Pennsylvania, in 1977. It began as a group foster home dedicated to helping troubled boys. It grew into a charity dedicated to helping children with absent or dysfunctional families. It is now a statewide, three region charity and Sandusky has been its primary fundraiser.¹ The Second Mile raises millions of dollars through fundraising appeals and special events. The mission of the program is to "help children who need additional support and would benefit from positive human interaction." Through The Second Mile, Sandusky had access to hundreds of boys, many of whom were vulnerable due to their social situations.

¹ Sandusky retired from The Second Mile in September 2010.

VICTIM 1

The Grand Jury conducted an investigation into the reported sexual assault of a minor child, Victim 1, by Sandusky, when Victim 1, a Second Mile participant, was a houseguest at Sandusky's residence in College Township, Centre County, Pennsylvania. During the course of the multi-year investigation, the Grand Jury heard evidence that Sandusky indecently fondled Victim 1 on a number of occasions, performed oral sex on Victim 1 on a number of occasions and had Victim 1 perform oral sex on him on at least one occasion.

Victim 1 testified that he was 11 or 12 years old when he met Sandusky through The Second Mile program in 2005 or 2006. As with the remaining victims, Victim 1 only came to Sandusky's attention during his second year in the program, when the boy attended The Second Mile's camp on the Penn State University Park campus. During the 2007 track season, Sandusky began spending time with Victim 1 weekly, having the boy stay overnight at his residence in State College, Pennsylvania. Sandusky took Victim 1 to professional and college sporting events, such as Philadelphia Eagles games, or pre-season practices at Penn State. When Victim 1 slept at the Sandusky residence, he would sleep in a finished bedroom in the basement. Occasionally, other boys would also stay overnight at Sandusky's home but usually it was only Victim 1. Sandusky also encouraged Victim 1 to participate in The Second Mile as a volunteer. Sandusky gave Victim 1 a number of gifts, including golf clubs, a computer, gym clothes, dress clothes and cash. Sandusky took the boy to restaurants, swimming at a hotel near Sandusky's home, and to church.

Victim 1 testified that Sandusky had a practice of coming into the basement room after he told Victim 1 that it was time to go to bed. Victim 1 testified that Sandusky would "crack his back." He described this as Sandusky getting onto the bed on which Victim 1 was already lying

and rolling under the boy. With Victim 1 lying on top of him, face to face, Sandusky would run his arms up and down the boy's back and "crack" it. The back-cracking became a ritual at bedtime. Victim 1 said that after Sandusky had cracked his back a number of times, he progressed to rubbing Victim 1's backside while they lay face-to-face on the bed. Victim 1 testified that this began to occur during the summer of 2005 or 2006, before he entered sixth or seventh grade. Sandusky then began to blow on Victim 1's bare stomach. Eventually, Sandusky began to kiss Victim 1 on the mouth. Victim 1 was uncomfortable with the contact and would sometimes try to hide in the basement to avoid Sandusky. Victim 1 testified that ultimately Sandusky performed oral sex on him more than 20 times through 2007 and early 2008. Sandusky also had Victim 1 perform oral sex on him one time and also touched Victim 1's penis with his hands during the 2007-2008 time period. Victim 1 did not want to engage in sexual conduct with Sandusky and knew it was wrong. Victim 1 stopped taking Sandusky's phone calls and had his mother tell Sandusky he was not home when Sandusky called. This termination of contact with Sandusky occurred in the spring of 2008, when Victim 1 was a freshman in high school.

Before Victim 1 ceased contact with Sandusky, Sandusky routinely had contact with him at a Clinton County high school where the administration would call Victim 1 out of activity period/study hall in the late afternoon to meet with Sandusky in a conference room. No one monitored these visits. Sandusky assisted the school with coaching varsity football and had unfettered access to the school.

Victim 1 testified about an incident that occurred one evening at the high school when he and Sandusky were alone in the weight room where there was a rock climbing wall. After Victim 1 fell off the wall a few times, Sandusky lay down on top of him, face to face, and was

rolling around the floor with the boy. No one was able to see Victim 1 and Sandusky because of the configuration of the room. Sandusky was lying under Victim 1 with his eyes closed. Suddenly a wrestling coach, Joe Miller, unexpectedly entered the room and Sandusky jumped up very quickly and explained that they had just been wrestling.

Joseph Miller testified that he was head wrestling coach for the elementary wrestling program for that school district. He knew Victim 1, who had wrestled for him. Miller corroborated that one evening in 2006 or 2007, he returned to the high school to retrieve something he had forgotten. He saw a light on in the weight room which should have been turned off and when he went in, he discovered Victim 1 and Sandusky, lying on their sides, in physical contact, face to face on a mat. He said both Victim 1 and Sandusky were surprised to see him enter the room. He recalls that Sandusky jumped up and said, "Hey Coach, we're just working on wrestling moves." Sandusky was not a wrestling coach. Miller found the use of that secluded room odd for wrestling because the bigger wrestling room right outside the weight room had more room to wrestle and more mats. He had seen Victim 1 with Sandusky frequently before the weight room incident. He saw them together after school and before athletic practice time.

Steven Turchetta testified that he was an assistant principal and the head football coach at the high school attended by Victim 1. He testified that Sandusky was a volunteer assistant football coach. Sandusky also worked with children in the Second Mile program in that school district. Turchetta described the Second Mile as a very large charitable organization that helped children who are from economically underprivileged backgrounds and who may be living in single parent households. Turchetta first met Sandusky in 2002 when Sandusky attempted to assist some Second Mile members who were on Turchetta's football team. Sandusky's

involvement grew from there. In the 2008 season, Sandusky was a full-time volunteer coach. Turchetta said it was not unusual for him, as assistant principal, to call a Second Mile student out of activity period at the end of the day, at Sandusky's request, to see Sandusky. He knew of several students who were left alone with Sandusky, including Victim 1. Turchetta characterized Sandusky as very controlling within the mentoring relationships he established with Second Mile students. Sandusky would often want a greater time commitment than the teenagers were willing to give and Sandusky would have "shouting matches" with various youths, in which Turchetta would sometimes be the mediator. Turchetta would also end up being Sandusky's point of contact for a youth whom he had been unable to reach by phone the previous evening. Turchetta testified that Sandusky would be "clingy" and even "needy" when a young man broke off the relationship he had established with him and called the behavior "suspicious." Turchetta became aware of Victim 1's allegations regarding sexual assault by Sandusky when the boy's mother called the school to report it. Sandusky was barred from the school district attended by Victim 1 from that day forward and the matter was reported to authorities as mandated by law.

Office of Attorney General Narcotics Agent Anthony Sassano testified concerning phone records that establish 61 phone calls from Sandusky's home phone to Victim 1's home phone between January 2008 and July 2009. In that same time, there were 57 calls from Sandusky's cell phone to Victim 1's home phone. There were four calls made from Victim 1's home phone to Sandusky's cell phone and one call from Victim 1's mother's cell phone to Sandusky's cell phone. There were no calls made to Sandusky's home phone by Victim 1 during that time period.

Another youth, F.A., age fifteen, testified that Sandusky had taken him and Victim 1 to a Philadelphia Eagles football game and that Sandusky had driven. He witnessed Sandusky place

his right hand on Victim 1's knee; Sandusky had also done this to F.A. on more than one occasion when they were in Sandusky's car. F.A. was uncomfortable when Sandusky did this and moved his leg to try to avoid the contact. Sandusky would keep his hand on F.A.'s knee even after F.A. tried to move it. F.A. also testified that Sandusky would reach over, while driving, and lift his shirt and tickle his bare stomach. F.A. did not like this contact. F.A. also witnessed Sandusky tickling Victim 1 in similar fashion. Sandusky invited F.A. to stay over at his house but F.A. only stayed one time when he knew Victim 1 was also staying over, after returning from the Philadelphia Eagles game. F.A. confirmed that Victim 1 slept in Sandusky's basement room when F.A. stayed there. F.A. testified that he stayed away from Sandusky because he felt he didn't want to be alone with him for a long period of time, based on the tickling, knee touching and other physical contact. Victim 1 confirmed that Sandusky would drive with his hand on Victim 1's leg.

VICTIM 2

On March 1, 2002, a Penn State graduate assistant ("graduate assistant") who was then 28 years old, entered the locker room at the Lasch Football Building on the University Park Campus on a Friday night before the beginning of Spring Break. The graduate assistant, who was familiar with Sandusky, was going to put some newly purchased sneakers in his locker and get some recruiting tapes to watch. It was about 9:30 p.m. As the graduate assistant entered the locker room doors, he was surprised to find the lights and showers on. He then heard rhythmic, slapping sounds. He believed the sounds to be those of sexual activity. As the graduate assistant put the sneakers in his locker, he looked into the shower. He saw a naked boy, Victim 2, whose age he estimated to be ten years old, with his hands up against the wall, being subjected to anal

intercourse by a naked Sandusky. The graduate assistant was shocked but noticed that both Victim 2 and Sandusky saw him. The graduate assistant left immediately, distraught.

The graduate assistant went to his office and called his father, reporting to him what he had seen. His father told the graduate assistant to leave the building and come to his home. The graduate assistant and his father decided that the graduate assistant had to promptly report what he had seen to Coach Joe Paterno ("Paterno"), head football coach of Penn State. The next morning, a Saturday, the graduate assistant telephoned Paterno and went to Paterno's home, where he reported what he had seen.

Joseph V. Paterno testified to receiving the graduate assistant's report at his home on a Saturday morning. Paterno testified that the graduate assistant was very upset. Paterno called Tim Curley ("Curley"), Penn State Athletic Director and Paterno's immediate superior, to his home the very next day, a Sunday, and reported to him that the graduate assistant had seen Jerry Sandusky in the Lasch Building showers fondling or doing something of a sexual nature to a young boy.

Approximately one and a half weeks later, the graduate assistant was called to a meeting with Penn State Athletic Director Curley and Senior Vice President for Finance and Business Gary Schultz ("Schultz"). The graduate assistant reported to Curley and Schultz that he had witnessed what he believed to be Sandusky having anal sex with a boy in the Lasch Building showers. Curley and Schultz assured the graduate assistant that they would look into it and determine what further action they would take. Paterno was not present for this meeting.

The graduate assistant heard back from Curley a couple of weeks later. He was told that Sandusky's keys to the locker room were taken away and that the incident had been reported to The Second Mile. The graduate assistant was never questioned by University Police and no other

entity conducted an investigation until he testified in Grand Jury in December, 2010. The Grand Jury finds the graduate assistant's testimony to be extremely credible.

Curley testified that the graduate assistant reported to them that "inappropriate conduct" or activity that made him "uncomfortable" occurred in the Lasch Building shower in March 2002. Curley specifically denied that the graduate assistant reported anal sex or anything of a sexual nature whatsoever and termed the conduct as merely "horsing around". When asked whether the graduate assistant had reported "sexual conduct" "of any kind" by Sandusky, Curley answered, "No" twice. When asked if the graduate assistant had reported "anal sex between Jerry Sandusky and this child," Curley testified, "Absolutely not."

Curley testified that he informed Dr. Jack Raykovitz, Executive Director of the Second Mile of the conduct reported to him and met with Sandusky to advise Sandusky that he was prohibited from bringing youth onto the Penn State campus from that point forward. Curley testified that he met again with the graduate assistant and advised him that Sandusky had been directed not to use Penn State's athletic facilities with young people and "the information" had been given to director of The Second Mile. Curley testified that he also advised Penn State University President Graham Spanier of the information he had received from the graduate assistant and the steps he had taken as a result. Curley was not specific about the language he used in reporting the 2002 incident to Spanier. Spanier testified to his approval of the approach taken by Curley. Curley did not report the incident to the University Police, the police agency for the University Park campus or any other police agency.

Schultz testified that he was called to a meeting with Joe Paterno and Tim Curley, in which Paterno reported "disturbing" and "inappropriate" conduct in the shower by Sandusky upon a young boy, as reported to him by a student or graduate student. Schultz was present in a

subsequent meeting with Curley when the graduate assistant reported the incident in the shower involving Sandusky and a boy. Schultz was very unsure about what he remembered the graduate assistant telling him and Curley about the shower incident. He testified that he had the impression that Sandusky might have inappropriately grabbed the young boy's genitals while wrestling and agreed that such was inappropriate sexual conduct between a man and a boy. While equivocating on the definition of "sexual" in the context of Sandusky wrestling with and grabbing the genitals of the boy, Schultz conceded that the report the graduate assistant made was of inappropriate sexual conduct by Sandusky. However, Schultz testified that the allegations were "not that serious" and that he and Curley "had no indication that a crime had occurred." Schultz agreed that sodomy between Sandusky and a child would clearly be inappropriate sexual conduct. He denied having such conduct reported to him either by Paterno or the graduate assistant.

Schultz testified that he and Curley agreed that Sandusky was to be told not to bring any Second Mile children into the football building and he believed that he and Curley asked "the child protection agency" to look into the matter. Schultz testified that he knew about an investigation of Sandusky that occurred in 1998, that the "child protection agency" had done, and he testified that he believed this same agency was investigating the 2002 report by the graduate assistant. Schultz acknowledged that there were similarities between the 1998 and 2002 allegations, both of which involved minor boys in the football showers with Sandusky behaving in a sexually inappropriate manner. Schultz testified that the 1998 incident was reviewed by the University Police and "the child protection agency" with the blessing of then-University counsel Wendell Courtney. Courtney was then and remains counsel for The Second Mile. Schultz confirmed that University President Graham Spanier was apprised in 2002 that a report of an

incident involving Sandusky and a child in the showers on campus had been reported by an employee. Schultz testified that Spanier approved the decision to ban Sandusky from bringing children into the football locker room and the decision to advise The Second Mile of the 2002 incident.

Although Schultz oversaw the University Police as part of his position, he never reported the 2002 incident to the University Police or other police agency, never sought or reviewed a police report on the 1998 incident and never attempted to learn the identity of the child in the shower in 2002. No one from the University did so. Schultz did not ask the graduate assistant for specifics. No one ever did. Schultz expressed surprise upon learning that the 1998 investigation by University Police produced a lengthy police report. Schultz said there was never any discussion between himself and Curley about turning the 2002 incident over to any police agency. Schultz retired in June 2009 but currently holds the same position as a senior vice president with Penn State, on an interim basis.

Graham Spanier testified about his extensive responsibilities as President of Penn State and his educational background in sociology and marriage and family counseling. He confirmed Curley and Schultz's respective positions of authority with the University. He testified that Curley and Schultz came to him in 2002 to report an incident with Jerry Sandusky that made a member of Curley's staff "uncomfortable." Spanier described it as "Jerry Sandusky in the football building locker area in the shower [] with a younger child and that they were horsing around in the shower." Spanier testified that even in April, 2011, he did not know the identity of the staff member who had reported the behavior. Spanier denied that it was reported to him as an incident that was sexual in nature and acknowledged that Curley and Schultz had not indicated any plan to report the matter to any law enforcement authority, the Commonwealth of

Pennsylvania Department of Public Welfare or any appropriate county child protective services agency. Spanier also denied being aware of a 1998 University Police investigation of Sandusky for incidents with children in football building showers.

Department of Public Welfare and Children and Youth Services local and state records were subpoenaed by the Grand Jury; University Police records were also subpoenaed. The records reveal that the 2002 incident was never reported to any officials, in contravention of Pennsylvania law.

Sandusky holds emeritus status with Penn State. In addition to the regular privileges of a professor emeritus, he had an office and a telephone in the Lasch Building. The status allowed him access to all recreational facilities, a parking pass for a vehicle, access to a Penn State account for the internet, listing in the faculty directory, faculty discounts at the bookstore and educational privileges for himself and eligible dependents. These and other privileges were negotiated when Sandusky retired in 1999. Sandusky continued to use University facilities as per his retirement agreement. As a retired coach, Sandusky had unlimited access to the football facilities, including the locker rooms. Schultz testified that Sandusky retired when Paterno felt it was time to make a coaching change and also to take advantage of an enhanced retirement benefit under Sandusky's state pension.

Both the graduate assistant and Curley testified that Sandusky himself was not banned from any Penn State buildings and Curley admitted that the ban on bringing children to the campus was unenforceable.

The Grand Jury finds that portions of the testimony of Tim Curley and Gary Schultz are not credible.

The Grand Jury concludes that the sexual assault of a minor male in 2002 should have been reported to the Pennsylvania Department of Public Welfare and/or a law enforcement agency such as the University Police or the Pennsylvania State Police. The University, by its senior staff, Gary Schultz, Senior Vice President for Finance and Business and Tim Curley, Athletic Director, was notified by two different Penn State employees of the alleged sexual exploitation of that youth. Pennsylvania's mandatory reporting statute for suspected child abuse is located at 23 Pa.C.S. §6311 (Child Protective Services Law) and provides that when a staff member reports abuse, pursuant to statute, the person in charge of the school or institution has the responsibility and legal obligation to report or cause such a report to be made by telephone and in writing within 48 hours to the Department of Public Welfare of the Commonwealth of Pennsylvania. An oral report should have been made to Centre County Children and Youth Services but none was made. Nor was there any attempt to investigate, to identify Victim 2 or to protect that child or any others from similar conduct, except as related to preventing its re-occurrence on University property. The failure to report is a violation of the law which was graded a summary offense in 2002, pursuant to 23 Pa.C.S. §6319.²

The Grand Jury finds that Tim Curley made a materially false statement under oath in an official proceeding on January 12, 2011, when he testified before the 30th Statewide Investigating Grand Jury, relating to the 2002 incident, that he was not told by the graduate assistant that Sandusky was engaged in sexual conduct or anal sex with a boy in the Lasch Building showers.

Furthermore, the Grand jury finds that Gary Schultz made a materially false statement under oath in an official proceeding on January 12, 2011, when he testified before the 30rd Statewide Investigating Grand Jury, relating to the 2002 incident that the allegations made by the

² The grading of the failure to report offense was upgraded from a summary offense to a misdemeanor of the third degree in 2006, effective May 29, 2007.

graduate assistant were "not that serious" and that he and Curley "had no indication that a crime had occurred."

VICTIM 3

Victim 3, now age 24, met Sandusky through The Second Mile in the summer of 2000, when he was between seventh and eighth grade. The boy met Sandusky during his second year in the program. Sandusky began to invite Victim 3 to go places with him. Victim 3 was invited to Sandusky's home for dinner, to hang out, walk the family dogs and to go to Penn State football games and to Holuba Hall and the gym. When Victim 3 went to the gym with Sandusky, they would exercise and then shower. He recalls feeling uncomfortable and choosing a shower at a distance from Sandusky. Sandusky then made him feel bad about showering at a distance from him, so Victim 3 moved closer. Sandusky initiated physical contact in the shower with Victim 3 by patting him, rubbing his shoulders, washing his hair and giving him bear hugs. These hugs would be both face to face and with Sandusky's chest to Victim 3's back. Victim 3 said that on at least one occasion, Sandusky had an erection when he bear hugged Victim 3 from behind. He also recalled that when he slept over at Sandusky's residence, he slept in the basement bedroom. He testified that Sandusky would come into the bedroom where he was lying down. He sometimes said he was going to give Victim 3 a shoulder rub; sometimes he would blow on Victim 3's stomach; other times he tickled Victim 3. Sandusky would rub the inside of Victim 3's thigh when he tickled him. On two occasions Victim 3 recalls that Sandusky touched Victim 3's genitals through the athletic shorts Victim 3 wore to bed. Victim 3 would roll over on his stomach to prevent Sandusky from touching his genitals.

Victim 3 knew Victim 4 to spend a great deal of time with Sandusky.

VICTIM 4

The investigation revealed the existence of Victim 4, a boy who was repeatedly subjected to Involuntary Deviate Sexual Intercourse and Indecent Assault at the hands of Sandusky. The assaults took place on the Penn State University Park campus, in the football buildings, at Toftrees Golf Resort and Conference Center ("Toftrees") in Centre County, where the football team and staff stayed prior to home football games and at bowl games to which he traveled with Sandusky. Victim 4, now age 27, was a Second Mile participant who was singled out by Sandusky at the age of 12 or 13, while he was in his second year with The Second Mile program in 1996 or 1997. He was invited to a Sandusky family picnic at which there were several other non-family members and Sandusky's adopted children. Victim 4 described that on that first outing, Sandusky had physical contact with him while swimming, which Victim 4 described as testing "how [Victim 4] would respond to even the smallest physical contact." Sandusky engaged Victim 4 in workouts or sports and then showered with him at the old East locker rooms across from Holuba Hall, the football practice building. Sandusky initiated physical contact with Victim 4 by starting a "soap battle"--throwing a handful of soap at the boy and from there, the fight turned into wrestling in the shower. Victim 4 remembers indecent contact occurring many times, both in the shower and in hotel rooms at Toftrees.

Victim 4 became a fixture in the Sandusky household, sleeping overnight and accompanying Sandusky to charity functions and Penn State football games. Victim 4 was listed, along with Sandusky's wife, as a member of Sandusky's family party for the 1998 Outback Bowl and the 1999 Alamo Bowl. He traveled to and from both bowl games with the football team and other Penn State staff, coaches and their families, sharing the same accommodations. Victim 4 would frequently stay overnight at Toftrees with Sandusky and the football team prior to home

games; Sandusky's wife was never present at Toftrees when Victim 4 stayed with Sandusky. This was where the first indecent assaults of Victim 4 occurred. Victim 4 would attend the pre-game banquet and sit with Sandusky at the coaches' table. Victim 4 also accompanied Sandusky to various charity golf outings and would share a hotel room with him on those occasions.

Victim 4 stated that Sandusky would wrestle with him and maneuver him into a position in which Sandusky's head was at Victim 4's genitals and Victim 4's head was at Sandusky's genitals. Sandusky would kiss Victim 4's inner thighs and genitals. Victim 4 described Sandusky rubbing his genitals on Victim 4's face and inserting his erect penis in Victim 4's mouth. There were occasions when this would result in Sandusky ejaculating. He testified that Sandusky also attempted to penetrate Victim 4's anus with both a finger and his penis. There was slight penetration and Victim 4 resisted these attempts. Sandusky never asked to do these things but would simply see what Victim 4 would permit him to do. Sandusky did threaten to send him home from the Alamo Bowl in Texas when Victim 4 resisted his advances. Usually the persuasion Sandusky employed was accompanied by gifts and opportunities to attend sporting and charity events. He gave Victim 4 dozens of gifts, some purchased and some obtained from various sporting goods vendors such as Nike and Airwalk. Victim 4 received clothes, a snowboard, Nike shoes, golf clubs, ice hockey equipment and lessons, passes for various sporting events, football jerseys, and registration for soccer camp. Sandusky even guaranteed Victim 4 he could be a walk-on player at Penn State. Victim 4 was in a video made about linebackers that featured Sandusky, and he appeared with him in a photo accompanying an article about Sandusky in Sports Illustrated.

The Penn State football program relocated to the Lasch Football Building in 1999 and that facility had a sauna. Victim 4 reported that after the move, most of the sexual conduct that did not occur in a hotel room occurred in the sauna, as the area is more secluded.

Victim 4 remembers Sandusky being emotionally upset after having a meeting with Joe Paterno in which Paterno told Sandusky he would not be the next head coach at Penn State and which preceded Sandusky's retirement. Sandusky told Victim 4 not to tell anyone about the meeting. That meeting occurred in May, 1999.

Eventually, Victim 4 began to intentionally distance himself from Sandusky, not taking his phone calls and at times even hiding in closets when Sandusky showed up at Victim 4's home. Victim 4 had a girlfriend, of whom Sandusky did not approve. Sandusky tried to use guilt and bribery to regain time with Victim 4. Victim 4 had begun to smoke cigarettes and had Sandusky buy them for him. Victim 4 also said that Sandusky once gave him \$50 to buy marijuana at a location known to Victim 4. Sandusky drove there at Victim 4's direction and Victim 4 smoked the marijuana in Sandusky's car on the ride home. This was when Victim 4 was trying to distance himself from Sandusky because he wanted no more sexual contact with him.

VICTIM 5

Victim 5, now age 22, met Sandusky through The Second Mile in 1995 or 1996, when he was a 7 or 8 year old boy, in second or third grade. Sometime after their initial meeting at a Second Mile camp at Penn State, Sandusky called to invite the boy to a Penn State football game. Victim 5 was thrilled to attend. Sandusky picked him up at home and then Sandusky drove to pick up Victim 6. There were a couple of other kids in the car. The boys were left at Holuba Hall by Sandusky. They attended the Sandusky family tailgate and the football game. This

became a pattern for Victim 5, who attended perhaps as many as 15 football games as Sandusky's guest. Victim 5 also traveled with Sandusky to watch other college football games. Victim 5 remembers that Sandusky would often put his hand on Victim 5's left leg when they were driving in Sandusky's car, any time Victim 5 was in the front seat.

Victim 5 was taken to the Penn State football locker rooms one time by Sandusky. Sandusky put his hand on Victim 5's leg during the ride to the locker room. To the best of his recollection, this occurred when he was 8 to 10 years old, sometime during 1996-1998. The locker room was the East Area Locker rooms, next to Holuba Hall. No one was present in the locker rooms. Victim 5 was sweaty from a brief period of exercise and then Sandusky took him in the sauna and "pushed" Victim 5 "around a little bit". Looking back on it as an adult, Victim 5 says it was inappropriate. Sandusky would press his chest and body up against Victim 5's back and then push him away. All the contact was initiated by Sandusky. Then Sandusky said they needed to shower. Victim 5 was uncomfortable because he had never been naked in front of anyone who wasn't a family member. So he turned his back to Sandusky and chose a shower that was a distance away from where Sandusky was showering. Victim 5 looked back over his shoulder and saw that Sandusky was looking at him and that Sandusky had an erection. Victim 5 did not understand the significance of this at the time but still averted his gaze because he was uncomfortable. The next thing he knew, Sandusky's body touched Victim 5 from behind and Sandusky was rubbing Victim 5's arms and shoulders. Victim 5 crept forward and so did Sandusky. Victim 5 then took another step, this time to the right, and Sandusky pinned Victim 5 up against a wall in the corner. Sandusky then took Victim 5's hand and placed it on his erect penis. Victim 5 was extremely uncomfortable and pulled his hand away and slid by Sandusky.

Victim 5 walked out of the shower and dried himself off and got dressed. Sandusky never touched him again. Victim 5 thinks that he did not get invited to any football games after that.

VICTIM 6

Victim 6, who is now 24 years old, was acquainted with Victim 5 and another young boy in The Second Mile program, B.K.; their interaction with Sandusky overlapped. Victim 6 was referred to the Second Mile program by a school counselor. He met Sandusky at a Second mile picnic at Spring Creek Park when he was seven or eight years old, in 1994 or 1995. After Sandusky interacted with Victim 6 after a skit at the picnic, Sandusky telephoned to invite Victim 6 to tailgate and attend a football game with some other boys. He was picked up by Sandusky. Victim 5, B.K., and other boys were present. They went to Holuba Hall, a football practice building on the Penn State campus, and were left there by Sandusky. They threw footballs around until it was time for them to walk to the tailgate hosted by Sandusky's family and then attended the football game. Victim 6 recalls this pattern repeating many times.

Victim 6 recalls being taken into the locker room next to Holuba Hall at Penn State by Sandusky when he was 11 years old, in 1998. Sandusky picked him up at his home, telling him he was going to be working out. As they were driving to the University, Sandusky put his right hand upon Victim 6's left thigh several times. When they arrived, Sandusky showed Victim 6 the locker rooms and gave him shorts to put on, even though he was already dressed in shorts. They then lifted weights for about 15 or 20 minutes. They played "Polish bowling" or "Polish soccer", a game Sandusky had invented, using a ball made out of tape and rolling it into cups. Then Sandusky began wrestling with Victim 6, who was much smaller than Sandusky. Then Sandusky said they needed to shower, even though Victim 6 was not sweaty. Victim 6 felt awkward and tried to go to a shower some distance away from Sandusky but Sandusky called him over, saying

he had already warmed up a shower for the boy. While in the shower, Sandusky approached the boy, grabbed him around the waist and said, "I'm going to squeeze your guts out." Sandusky lathered up the boy, soaping his back because, he said, the boy would not be able to reach it. Sandusky bear-hugged the boy from behind, holding the boy's back against his chest. Then he picked him up and put him under the showerhead to rinse soap out of his hair. Victim 6 testified that the entire shower episode felt very awkward. No one else was around when this occurred. Looking back on it as an adult, Victim 6 says Sandusky's behavior towards him as an 11 year old boy was very inappropriate.

When Victim 6 was dropped off at home, his hair was wet and his mother immediately questioned him about this and was upset to learn the boy had showered with Sandusky. She reported the incident to University Police who investigated. After a lengthy investigation by University Police Detective Ronald Shreffler, the investigation was closed after then-Centre County District Attorney Ray Gricar decided there would be no criminal charges. Shreffler testified that he was told to close the investigation by the director of the campus police, Thomas Harmon. That investigation included a second child, B.K., also 11, who was subjected to nearly identical treatment in the shower as Victim 6, according to Detective Schreffler.

Detective Schreffler testified that he and State College Police Department Detective Ralph Ralston, with the consent of the mother of Victim 6, eavesdropped on two conversations the mother of Victim 6 had with Sandusky on May 13, 1998, and May 19, 1998. The mother of Victim 6 confronted Sandusky about showering with her son, the effect it had on her son, whether Sandusky had sexual feelings when he hugged her naked son in the shower and where Victim 6's buttocks were when Sandusky hugged him. Sandusky said he had showered with other boys and Victim 6's mother tried to make Sandusky promise never to shower with a boy

again but he would not. She asked him if his "private parts" touched Victim 6 when he bear-hugged him. Sandusky replied, "I don't think so...maybe." At the conclusion of the second conversation, after Sandusky was told he could not see Victim 6 anymore, Sandusky said, "I understand. I was wrong. I wish I could get forgiveness. I know I won't get it from you. I wish I were dead." Detective Ralston and the mother of Victim 6 confirm these conversations.

Jerry Lauro, an investigator with the Pennsylvania Department of Public Welfare, testified that during the 1998 investigation, Sandusky was interviewed on June 1, 1998, by Lauro and Detective Schreffler. Sandusky admitted showering naked with Victim 6, admitted to hugging Victim 6 while in the shower and admitted that it was wrong. Detective Schreffler advised Sandusky not to shower with any child again and Sandusky said that he would not.

The Grand Jury was unable to subpoena B.K. because he is in the military and is stationed outside the United States.

VICTIM 7

Victim 7, now 26 years old, met Sandusky through the Second Mile program, to which he was referred by a school counselor at about the age of 10, in 1994. When Victim 7 had been in the program for a couple of years, Sandusky contacted Victim 7's mother and invited Victim 7 to a Penn State football game. He would also attend Sandusky's son's State College High School football games with Sandusky. Victim 7 enjoyed going on the field at Penn State games, interacting with players and eating in the dining hall with the athletes. Victim 7 would stay overnight at Sandusky's home on Friday nights before the home games and then go to the games with him. Sometimes they would go out for breakfast and would attend coaches meetings. Victim 6 was also a part of this group of boys. He knew B.K. and several other boys that were in Sandusky's circle.

Victim 7 testified that Sandusky made him uncomfortable when he was a young boy. He described Sandusky putting his hand on Victim 7's left thigh when they were driving in the car or when they would pull into his garage. Victim 7 eventually reacted to this by sitting as far away from Sandusky as he could in the front seat.

He also described more than one occasion on which Sandusky put his hands down the waistband of Victim 7's pants. Sandusky never touched any private parts of Victim 7. Victim 7 would always slide away because he was very uncomfortable with Sandusky's behavior. Victim 7 described Sandusky cuddling him when he stayed at his home, lying behind him with his arm around the boy. Sandusky also bear-hugged Victim 7 and cracked his back. He also took Victim 7 to Holuba Hall to work out and then to the East Area Locker rooms to shower. Victim 7 was very uncomfortable with this shared showering. Sandusky would tell Victim 7 to shower next to him even though there were multiple other showerheads in the locker room. Victim 7 testified that he has a "blurry memory" of some contact with Sandusky in the shower but is unable to recall it clearly. Victim 7 had not had contact with Sandusky for nearly two years but was contacted by Sandusky and separately by Sandusky's wife and another Sandusky friend in the weeks prior to Victim 7's appearance before the Grand Jury. The callers left messages saying the matter was very important. Victim 7 did not return these phone calls.

VICTIM 8

In the fall of 2000, a janitor named James "Jim" Calhoun ("Jim") observed Sandusky in the showers of the Lasch Building with a young boy pinned up against the wall, performing oral sex on the boy. He immediately made known to other janitorial staff what he had just witnessed.

Fellow Office of Physical Plant employee Ronald Petrosky was also working that evening and recalls that it was football season of 2000 and it was a Thursday or Friday evening,

because the football team was away for its game. Petrosky, whose job it was to clean the showers, first heard water running in the assistant coaches' shower room. He then saw that two people were in the assistant coaches' shower room. He could only see two pairs of feet; the upper bodies were blocked. Petrosky waited for the two persons to exit the shower so he could clean it. He later saw Jerry Sandusky exit the locker room with a boy, who he described as being between the ages of 11 and 13. They were carrying gym bags and their hair was wet. Petrosky said good evening and was acknowledged by Sandusky and the boy. He noted that the hallway in the Lasch building at that point is long and that Sandusky took the boy's hand and the two of them walked out hand in hand. Petrosky began to clean the shower that Sandusky and the boy had vacated. As he worked, Jim approached him. Petrosky described Jim as being upset and crying. Jim reported that he had seen Sandusky, whose name was not known to him, holding the boy up against the wall and licking on him. Jim said he had "fought in the [Korean] war....seen people with their guts blown out, arms dismembered...I just witnessed something in there I'll never forget." And he described Sandusky performing oral sex on the boy. Petrosky testified that Jim was shaking and he and his fellow employees feared Jim might have a heart attack. Petrosky testified that all the employees working that night except Witherite were relatively new employees. In discussions held later that shift, the employees expressed concern that if they reported what Jim had seen, they might lose their jobs. Jim's fellow employees had him tell Jay Witherite what he had seen.

Jay Witherite was Jim's immediate supervisor. Witherite testified that Jim was "very emotionally upset", "very distraught", to the point that Witherite "was afraid the man was going to have a heart attack or something the way he was acting." Jim reported to Witherite that he had observed Sandusky performing oral sex on the boy in the showers. Witherite tried to calm Jim,

who was cursing and remained upset throughout the shift. Witherite told him to whom he should report the incident, if he chose to report it.

Witherite testified that later that same evening, Jim found him and told him that the man he had seen in the shower with the young boy was sitting in the Lasch building parking lot, in a car. Witherite confirmed visually that it was Sandusky who was sitting in his car in the parking lot. Witherite says that this was between 10:00 p.m. and 12:30 a.m. Petrosky also saw Sandusky drive very slowly through the parking lot about 2 to 3 hours after the incident was reported to him by Jim, at approximately 11:30 p.m. to 12:00 a.m. Petrosky recognized Sandusky in his vehicle. Petrosky testified that Sandusky drove by another time, about two hours later, again driving by very slowly but not stopping. The second drive-by was between 2:00 and 3:00 a.m. Petrosky testified that Sandusky did not enter the building either time. The area is well lit and the coaches' cars were known to Petrosky.

Jim was a temporary employee at the Lasch Building, working there for approximately 8 months. No report was ever made by Jim Calhoun. Jim presently suffers from dementia, resides in a nursing home and is incompetent to testify. Victim 8's identity is unknown.

EXHIBIT "C"

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