

IN THE COURT OF COMMON PLEAS
OF CENTRE COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH : NO. CP-14-CR-2421-2011
: NO. CP-14-CR-2422-2011
VS :

GERALD A. SANDUSKY :

TRANSCRIPT OF PROCEEDINGS
(Criminal Jury Trial)

BEFORE: John M. Cleland, Senior Judge

DATE: June 12, 2012

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

APPEARANCES:

FOR THE COMMONWEALTH:

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

FOR THE DEFENDANT:

Joseph Amendola, Esq.
Karl Rominger, Esq.

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(None)

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DEFENDANT :

(None)

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

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

4 Would you bring the jury in, please?

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

7 THE COURT: Good morning, ladies and
8 gentlemen. We're ready to proceed.

9 Mr. McGettigan.

10 MR. MCGETTIGAN: Your Honor, the
11 Commonwealth would call Aaron Fisher.

12 May I, Your Honor?

13 THE COURT: Let's swear him first.

14 Whereupon,

15 AARON FISHER

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

18 MR. MCGETTIGAN: May I, Your Honor?

19 Thank you.

20 DIRECT EXAMINATION

21 BY MR. MCGETTIGAN:

22 Q. Aaron, I'm going to call you Mr.
23 Fisher, okay? Can you state your full name?

24 A. Aaron Scott Fisher.

25 Q. I'm going to ask you to speak up a

1 little bit if you can. Can you move a little
2 closer to the microphone? State your full
3 name.

4 A. Aaron Scott Fisher.

5 Q. Okay. Can you spell your last name?

6 A. F-I-S-H-E-R.

7 Q. Aaron -- Mr. Fisher, how old are you?

8 A. Eighteen.

9 Q. What's your date of birth?

10 A. 11/9/93.

11 Q. And can you tell us where you live
12 now? Don't give us your address. Just tell us
13 what town you live in.

14 A. Lock Haven.

15 Q. And were you living there back in
16 2004, 2005?

17 A. Yes.

18 Q. Who did you live with?

19 A. My mom and brother and sister.

20 Q. Okay. Are your sister and brother
21 older or younger?

22 A. Younger.

23 Q. Okay. And back in 2004 you would have
24 been around 10 years old?

25 A. About that.

1 Q. Okay. And were you in school?

2 A. Yes.

3 Q. Where did you go to school at?

4 A. McGhee.

5 Q. Okay. And did you like school then?

6 A. Sort of.

7 Q. Okay. And when you lived in Lock
8 Haven, what did you live in, in a house, an
9 apartment, public housing? What did you live
10 in?

11 A. It was an apartment, like public
12 housing, apartment.

13 Q. Okay. And where was your dad?

14 A. I never knew him.

15 Q. You never met him?

16 A. Nope.

17 Q. Now, did you go to a camp called
18 Second Mile Camp?

19 A. Yes.

20 Q. Can you tell the ladies and gentlemen
21 of the jury how you got to Second Mile Camp, if
22 you know?

23 A. It was to my knowledge that the --
24 they sent out things to the school that wanted
25 to recruit kids that may have needed it, and to

1 my knowledge the school suggested me to it.

2 Q. Okay. And did you go to the camp?

3 A. Yes.

4 Q. Summertime?

5 A. Yep.

6 Q. Okay. Did you like it?

7 A. Yeah, it was fun.

8 Q. Did you stay overnight?

9 A. Yeah, for six days.

10 Q. Okay. And in that first year you went
11 there and stayed overnight, did you have a good
12 time? What kind of activities did you do? Do
13 you remember?

14 A. There was things like swimming, played
15 a few games, some other things. I don't
16 remember the first year that I want.

17 Q. Now I'm going to ask you -- do you
18 know the defendant, Jerry Sandusky?

19 A. Yes.

20 Q. Okay. When did you meet him? Do you
21 remember? Did you meet him at the first year
22 you went to the camp?

23 A. Not formally. He introduced himself
24 to everybody the first year that I went. It
25 was the second year that -- the third year that

1 I kind of got to know him a little bit more.

2 Q. Now, in the second year, do you
3 remember the first time you met him, just you?

4 A. Yeah. He came up and spoke to me
5 aside from the group I was with, about the
6 camp.

7 Q. Do you remember any of that
8 conversation?

9 A. Just about making it -- what fun I was
10 having, what could make it -- you know, what
11 could be more fun, just a general question
12 about the camp.

13 Q. And after that did you ever have an
14 occasion to see the defendant, Mr. Sandusky,
15 away from the camp?

16 A. Yes.

17 Q. Okay. Can you tell the ladies and
18 gentlemen when the first time it was that you
19 remember that you met him outside the camp?

20 A. It was a little bit after my second or
21 third year. He came down to Lock Haven with
22 two or three other kids and wanted to take me
23 out and do activities.

24 Q. And did you want to go?

25 A. At the time, yeah. It seemed it would

1 be real fun to do.

2 Q. And do you remember what you did?

3 A. I believe we went to the Blanchard
4 Dam, but that was the first thing, and I don't
5 really remember all of the things that we did.

6 Q. Okay. What's the Blanchard Dam,
7 swimming?

8 A. Yeah, and the playground.

9 Q. And now, did you have any physical
10 contact with the defendant there, at Blanchard
11 Dam?

12 A. Other than the occasional swimming,
13 throwing in the air, into the water, kind of
14 thing.

15 Q. Did you like it?

16 A. Yeah, it was -- it was fun.

17 Q. And did the defendant come to pick you
18 up again after that?

19 A. Yes.

20 Q. Okay. When was the first time -- how
21 long after the first time was it that the next
22 time happened, if you remember?

23 A. A rough estimate of about a month.
24 I'm not really positive. I don't really
25 remember.

1 Q. You were 10?

2 A. Yeah.

3 Q. Do you remember what you did that
4 time?

5 A. No. It was some activity. Many of
6 the times that I went with Mr. Sandusky, it was
7 -- we did activities together, alone, and
8 sometimes with one or two other people.

9 Q. Well, when you first started going
10 with the defendant, were usually alone or
11 usually with other kids?

12 A. It was usually with other kids. A
13 select few times was I alone with him.

14 Q. Pardon me?

15 A. It was usually with other kids, and
16 then, a select few times, I was alone with him.

17 Q. After a while, did you start going
18 more places with the defendant alone?

19 A. Yes.

20 Q. And was it the same kind of thing,
21 activities, things like that?

22 A. Yeah, football games, swimming.

23 Q. Anything else that you remember about
24 those activities besides football games and
25 swimming? Did you play any other sports or do

1 any other things?

2 A. I wrestled at the time, and he would
3 come to wrestling matches and take pictures.

4 Q. Oh, you were wrestling in grammar
5 school? Yeah?

6 A. Yeah.

7 Q. For your school?

8 A. They were individual tournaments.

9 Q. And you said the defendant came to
10 watch you in wrestling tournaments?

11 A. Yes.

12 Q. And took pictures of you?

13 A. Yes.

14 Q. Now, at some point did you go to the
15 defendant's home?

16 A. Yes.

17 Q. Okay. And whose idea was that, yours?

18 A. He brought it to the attention of my
19 mom. My mom didn't find anything wrong with
20 it. I didn't find anything wrong with it. So
21 it kind of just went.

22 Q. Now, do you know -- when you first
23 started going places for activities and to the
24 defendant's home, did your mom like that idea?

25 A. She didn't think anything was up. She

1 didn't think anything was wrong, so she was
2 okay with it.

3 Q. Okay. Did she encourage you to go or
4 tell you she didn't want you to go?

5 A. She kind of let me do my own thing.
6 She asked if I wanted to go and in some ways
7 she encouraged it. She said that maybe, hey,
8 it might be good if you go and do some stuff
9 with Jerry, and so I did.

10 Q. Okay. Is that why you went or did you
11 want to go, or both?

12 A. Both. I mean, it was -- it was fun,
13 the stuff that we did, and with her encouraging
14 me, I just thought, hey, this is -- I'm having
15 fun, so why not?

16 Q. Now, do you remember the first time
17 you stayed over at the defendant's house?

18 A. I do, but I don't remember a date.

19 Q. Just tell us what you remember about
20 it.

21 A. The first time I stayed over at his
22 house we ate lunch, ate supper, played some
23 various games in the basement. There was a
24 pool table or shuffleboard table, a dartboard,
25 and an air hockey table.

1 Q. And were you there alone or were there
2 other kids there?

3 A. I think there was two other ones there
4 the first time that I actually stayed. I don't
5 remember if they both stayed or not, though.

6 Q. Now, at that point had you gone a
7 bunch of places with the defendant already and
8 activities and things and stuff like that
9 before you stayed?

10 A. Yes.

11 Q. And are you pretty comfortable? Are
12 you okay?

13 A. Yeah.

14 Q. Had the defendant ever done anything
15 in his car when you were driving places that
16 made you uncomfortable?

17 A. Not that made me uncomfortable at the
18 time. He put his hand on my leg and just kind
19 of kept it there as he was driving. I didn't
20 really think anything of it.

21 Q. Had anybody else ever done that to you
22 before?

23 A. No.

24 Q. Did you say anything to him?

25 A. No.

1 Q. Now, at some point you stayed at the
2 defendant's house. Did you stay there just one
3 night or for a couple nights in a row the first
4 time, if you remember?

5 A. It was on a weekend, so it would have
6 been a night and then he brought me home on
7 Sunday.

8 Q. And was that okay with you?

9 A. Yeah, it was.

10 Q. Okay. Where did you sleep when you
11 stayed at the defendant's house?

12 A. If the -- let's see -- there was a
13 guest or a couple guest bedrooms upstairs, and
14 I slept there a few times. And then most of
15 the time it was down in the basement, on the
16 right-hand side.

17 Q. Well, when you first started staying
18 there, did you stay upstairs or downstairs as
19 you remember?

20 A. I believe it was upstairs the first
21 time.

22 Q. Okay. And did you stay at the
23 defendant's house a lot of nights?

24 A. At first it was the occasional
25 weekend, and then, after a while, it started

1 being -- in the summer it started being, like,
2 more than a couple days.

3 Q. Every week?

4 A. Yeah.

5 Q. Okay. Now, I'm asking you about
6 things that happened between 2005 and 2008.
7 Over that period of time, and you talked about
8 this, did you stay at the defendant's house 50
9 times or 100 times or more?

10 A. It was probably close to a hundred,
11 over.

12 Q. And how did you get to his house?
13 Were you able to get there by yourself?

14 A. No, he came and picked me up at my
15 house.

16 Q. And after you stopped staying upstairs
17 in the house, where else did you stay?

18 A. Downstairs in the basement room. It's
19 right off of the bottom of the stairs, to the
20 right, waterbed, TV.

21 Q. Now, at some point when you began
22 staying at the defendant's house, did he do
23 anything to you that made you feel
24 uncomfortable?

25 A. At first it was -- he would kiss me on

1 the forehead goodnight, and then it -- it came
2 to him kissing me on the cheek and then rubbing
3 my back and pulling me on top of him and
4 cracking my back.

5 Q. Did he do that once or more than once?

6 A. More than once.

7 Q. Now, the first time the defendant
8 kissed you on the cheek or kissed you on the
9 forehead, did you say anything to him?

10 A. No, I kind of thought that he sees me
11 as family and this is just what his family
12 does.

13 Q. Had a grown man ever kissed you on the
14 cheek before up to that point, other than your
15 grandfather?

16 A. No.

17 Q. So you didn't say anything. Did you
18 know what to say?

19 A. No.

20 Q. Did you like it?

21 A. I didn't have a real thought about it,
22 and, like I said, I thought maybe this is just
23 something his family does.

24 Q. And this is at bedtime or other
25 places?

1 A. This was always at bedtime. This was
2 always at night.

3 Q. Was there anybody else there when he
4 did this?

5 A. In the house, yes. In the same room
6 or close to the same room, no. His wife was
7 always upstairs.

8 Q. Now, you said he kissed you on the
9 forehead and the cheek and you said something
10 about cracking your back. Can you tell the
11 ladies and gentlemen of the jury what you mean
12 or what cracking your back meant to you?

13 A. Normally, before a match, my coach
14 would have me cross my arms and he'd lift me up
15 to crack my back. This was a little bit
16 different. He actually pulled me on top of him
17 so we're laying face-to-face and he would start
18 to rub my back, and then he would put his hands
19 together and pull me close and push up so my
20 back would crack.

21 Q. And did that make you feel
22 uncomfortable?

23 A. A little bit, but again I didn't think
24 anything of it.

25 Q. And how long was it in days or weeks

1 or months that he did these things?

2 A. It was every time that I stayed in the
3 basement, which was the majority of the time
4 that I was there, that I stayed at his house.

5 Q. And did he begin to kiss you on your
6 forehead and cheek every time you went to bed
7 there?

8 A. Not every single time, but a majority
9 of the time, yes.

10 Q. And crack your back?

11 A. Yes.

12 Q. And rub your back?

13 A. Yes.

14 Q. Did you say anything about that to
15 him? Did you like it or say, "Don't do that"?

16 A. I didn't say anything. I didn't
17 honestly think it was anything wrong. I didn't
18 know what to think.

19 Q. And when he cracked your back, were
20 you lying on top of him?

21 A. Yes.

22 Q. How is he dressed and how are you
23 dressed?

24 A. Just nighttime wear. I was wearing
25 shorts and a T-shirt. He was wearing shorts

1 and a T-shirt.

2 Q. And to crack your back, was the
3 defendant lying in the bed that you were going
4 to sleep in?

5 A. Yes.

6 Q. Did he ever stay for a longer period
7 of time in your bed with you than it took to
8 crack your back and rub your back?

9 A. He would sit on my left-hand side. I
10 was either laying or sitting there, and he
11 didn't really say much. After that, he would
12 -- he would roll on top of me and then just lay
13 there. And then, after a while, he rolled over
14 again so I was on top of him.

15 Q. Aaron, I have to ask you some
16 difficult questions. Do you need a drink of
17 water? Are you okay?

18 A. I'm okay.

19 Q. At some point after the defendant had
20 been cracking your back and laying on top of
21 you and kissing your forehead and cheek and
22 rubbing your shoulders, did he do anything else
23 in the way of having physical contact and
24 touching you? And tell us the first thing he
25 did.

1 A. He actually started -- after kissing
2 my forehead and cheek, he moved to my lips. He
3 kissed my lips, then he started rubbing my back
4 again and cracking my back, and then he began
5 to rub underneath my shorts in the back, and
6 that went on for a while. And then he -- then,
7 as he was laying on top of me after he cracked
8 my back, rubbed my back, kissed me on the
9 forehead and the lips and the cheek, he -- he
10 rolled back over so he was on top of me and
11 lifted up my shirt and blew on my stomach.

12 Q. When you say blew on your stomach, did
13 you ever do that to your little brother or
14 sister and make them laugh or something like
15 that? Is that what you mean?

16 A. Yeah, like you to do a little baby to
17 get them to laugh.

18 Q. What did you think when he did that?

19 A. I didn't know what to think. I had a
20 bunch of thoughts running through my mind, but
21 none that were actually bad, where the fight-
22 or-flight response kicked in.

23 Q. Did you ever say, "Don't do that"?

24 A. No.

25 Q. Now, how big were you then?

1 A. About 11, 12.

2 Q. Okay.

3 A. Not very tall.

4 Q. Were you as wide as you are now?

5 A. No, I was well under 100 pounds.

6 Q. Okay. Were you scared then or just
7 puzzled?

8 A. I was puzzled. I kind of just didn't
9 know what to think, mind running in different
10 directions.

11 Q. Did you ever tell your mom?

12 A. No.

13 Q. Did you think you should or didn't
14 that occur to you?

15 A. It never occurred to me. We never had
16 any talks about anything bad ever happening.

17 Q. She let you do your own thing?

18 A. Pretty much.

19 Q. Okay. And did you decide -- did you
20 ever say, "Oh, I don't want to go back over
21 there," or did you just --

22 A. No, I never said anything like that.
23 I mean, there was times that my friends would
24 come over and I'd go hang out with them, but
25 other than that, no.

1 Q. Was the defendant taking you to his
2 house once a week or more around then, when you
3 were like around 11, 12?

4 A. During the school year it was on and
5 off between every other week and every week.
6 And then, during the summer, I stayed there for
7 days, possibly weeks, until he brought me home.

8 Q. And your mom was okay with that?

9 A. My mom felt nothing was wrong with it.

10 Q. Now, you talked about the defendant
11 kissing you on the forehead and the cheeks and
12 lips and cracking your back. And you said, I
13 think, when you were in bed, he put his hand
14 underneath your pants. Did he touch your butt?

15 A. Yes.

16 Q. Did that make you uncomfortable?

17 A. A little bit, but I was still
18 extremely confused about what was going on,
19 didn't know what to think.

20 Q. Now, at some point after the defendant
21 blew on your stomach, did he do something else?
22 And can you tell the folks what he did after
23 that?

24 A. After rubbing and cracking my back and
25 rubbing his hand down the back of my shorts and

1 the blowing on the stomach, he put -- he put
2 his mouth on my privates.

3 Q. And what did you do the first time he
4 did that?

5 A. I spaced. I didn't know what to do.
6 With all the thoughts running through my head,
7 I just kind of blacked out and didn't want it
8 to happen.

9 Q. Did you say anything to him?

10 A. I couldn't. I was froze.

11 Q. Did he say anything to you?

12 A. No. He blew on my stomach, and then
13 it -- it just happened. I don't -- don't even
14 know.

15 Q. Aaron, I have to ask you this. Did he
16 put his mouth on your penis?

17 A. Yes.

18 Q. Can I ask you another question? Are
19 you okay?

20 A. Yeah.

21 Q. After he did that the first time, did
22 you tell your mom?

23 A. No.

24 Q. Did you tell anybody?

25 A. No.

1 Q. Did you tell him to stop?

2 A. No. I didn't know what to say. I was
3 embarrassed and confused and I didn't know what
4 to do.

5 Q. Did you tell your mom, "I don't want
6 to go back there"?

7 A. No. My mom felt it was -- it was --
8 she started feeling like I was doing stuff that
9 I -- that she couldn't -- she couldn't do with
10 me. She -- I mean, she kind of enjoyed the
11 fact that I had a role model, and it -- it -- I
12 couldn't just say no.

13 Q. After the first time happened -- are
14 you okay?

15 A. (Shaking head side to side.)

16 Q. Can I ask you another question, Aaron?
17 Are you ready to answer a question? Are you
18 okay?

19 A. Yeah.

20 Q. Did that happen again after the first
21 time that it happened?

22 A. Yes.

23 Q. Same place, at the defendant's home?

24 A. In the same spot, the basement, the
25 bedroom.

1 Q. Can you tell the jury what he would do
2 before he did it the next time and the time
3 after that?

4 A. It was always him -- it was the same
5 kind of routine of cracking my back, rubbing my
6 back, putting his hands down the back of my
7 shorts, and after that he -- it was always
8 after he blew on my stomach that it would
9 happen.

10 Q. And did he do that the first year that
11 you went to his home, that summer, that fall?

12 A. It was after the back cracking and
13 rubbing and blowing the stomach. It was
14 probably a couple months or so after I started
15 staying at his house that he started -- he
16 started doing that.

17 Q. Did he do that when you were 12?

18 A. Yes.

19 Q. Did he do it when you were 13?

20 A. Yes.

21 Q. Did he do it every time you went to
22 his house?

23 A. It was a big majority, about 80 to 90
24 percent of the time. He would always blow on
25 my stomach, and as soon as he blew on my

1 stomach, that's when it would happen.

2 Q. Mr. Fisher, at some point after he did
3 this, did he do something else to you or cause
4 you to do something to him?

5 A. Yes.

6 Q. Okay. Can you tell the jury what he
7 did and how it happened?

8 A. It was pretty much like any normal
9 time with Jerry, you know. He took me out to
10 do stuff. We had fun activities. We came back
11 to the house. We ate. We played games. I'd
12 take a shower and get dressed and the routine
13 would start again, back cracking, rolling
14 around in bed, back massages. He put his hands
15 down the back of my shorts, the same thing,
16 except this time he -- he sat there and he
17 looked at me and said something along the lines
18 of, "It's your turn." And he -- he made me --
19 he made me put my mouth on his -- his privates.

20 Q. Was that at his house?

21 A. In the basement room.

22 Q. Were you 12 then?

23 A. Close to going onto 13.

24 Q. Did you want to do that?

25 A. No.

1 Q. How did you feel when he made you do
2 that?

3 A. I don't know. I can't -- I don't know
4 how to explain it. I froze like any other
5 time. My mind was telling me to move, but I --
6 I couldn't do it. I couldn't move.

7 Q. Now, did the defendant say anything to
8 you after he did his or before he did this?

9 A. He looked at me and walked away.

10 Q. Did he ever say anything about it at
11 other times, when you were doing other things,
12 about what he was doing to you?

13 A. No.

14 Q. Did you tell your mom when he did this
15 the first time?

16 A. No.

17 Q. Why not?

18 A. The embarrassment, I mean, the fact
19 that she might not believe me. There was a
20 million thoughts running around my mind. I
21 couldn't -- couldn't tell anybody.

22 Q. Now, after he did this the first time
23 to you, did he do it again?

24 A. Yes.

25 Q. Did he do it in 2005, '6, '7?

1 A. Yes. It wasn't an everyday occurrence
2 and it wasn't -- it was on and off. I never
3 knew when it was coming. I knew when he would
4 put his mouth on my private because he would
5 blow on my stomach, but again this was just
6 random. I didn't know when.

7 Q. Was there ever anybody else around
8 when he did this in the room with you?

9 A. Not the room. His wife was always
10 upstairs.

11 Q. Did you ever tell anybody right then,
12 when it was happening?

13 A. No.

14 Q. Now, I'm going to ask you an
15 uncomfortable question. You were staying at
16 home with your mom when you weren't staying at
17 the defendant's?

18 A. Yes.

19 Q. Okay. Did he ever take you anyplace
20 else and stay overnight that you remember?

21 A. There was a hotel. I don't remember
22 what the hotel was called, but I know we went
23 there. And we may have stayed at other hotels,
24 but I don't remember.

25 Q. Now I'm going to ask you -- okay. If

1 you remember, okay, when you were a little kid,
2 were you a pretty well-behaved kid for a while
3 when you were young?

4 A. Yeah. I'd get into arguments with my
5 mom here and there, brother and sister here and
6 there, but normal.

7 Q. During the time you started to stay
8 with the defendant, did you behave the same or
9 better or worse?

10 A. At the beginning of the camp it was
11 good, and then, after I started staying with
12 him, it changed noticeably. I acted out. I
13 started wetting the bed. I got into fights
14 with people, stuff I would never normally do.

15 Q. And were you still trying to be
16 involved in sports then? Were you wrestling or
17 running and stuff like that?

18 A. Yeah, I was still wrestling and I
19 believe at the time playing a little football,
20 and then I stopped playing football.

21 Q. Why did you stop playing football?

22 A. I -- it's not that I didn't enjoy it,
23 because I did. It was just the fact that I
24 just didn't want to see him anymore. He would
25 come around. He would talk to me about

1 football. He would take me to football camps.
2 I started to just fall away from it.

3 Q. Now, at some point did you go into
4 middle school? What middle school did you go
5 to?

6 A. Central Mountain.

7 Q. And did you ever see the defendant at
8 your school?

9 A. In middle school he came to, like,
10 football workouts and stuff, but he didn't ever
11 see me, like, in school-school.

12 Q. And where's the next school you went
13 to?

14 A. Central Mountain High School.

15 Q. Okay. And did you see the defendant
16 there?

17 A. Yes.

18 Q. And how would you see him there?

19 A. He was a -- kind of like a volunteer
20 coach for our football team. He would come
21 into school and ask the assistant principal,
22 who was also the head football coach, to pull
23 me out of class and to talk to me, and so the
24 principal did.

25 Q. Would you be in class and someone come

1 get you?

2 A. They would actually call over the
3 phone and the teacher would send me down to the
4 office.

5 Q. And did you want to go down to the
6 office?

7 A. Nobody wants to go to the office. It
8 signifies you're the troublemaker.

9 Q. And, in fact, what did your history
10 teacher think of you when you got called to the
11 principal's all the time?

12 A. It was a co-teacher. He thought I was
13 a bad kid and made kind of my ninth-grade
14 history year really bad. My grades dropped. I
15 normally got A's and B's, and then they went
16 down to C's and D's and F's.

17 Q. And when someone took you out of your
18 history class and you had to go down to the
19 principal's, who was there?

20 A. The principal and Jerry Sandusky.

21 Q. And what happened then?

22 A. The principal would leave and either
23 have us talk in the hallway in the open or he'd
24 put us in the conference room.

25 Q. Did you want to talk to the defendant

1 then, at school?

2 A. I was actually just trying to get my
3 work done and trying not to have my co-teacher
4 for history hate me and fail me.

5 Q. And after the defendant came to your
6 school to talk to you, did he take you home
7 with him or did he leave you in school?

8 A. There was one time that I tried to --
9 I tried not going. And then the next time I
10 went down, he kept me for even longer than --
11 the buses were waiting and they left. So he
12 asked the principal if he could just take me
13 home, and the principal said yes.

14 Q. Did he take you to your house or his
15 house?

16 A. He took me to mine.

17 Q. Now I'm going to ask you about if
18 anybody else ever saw you and the defendant
19 have physical contact with you -- who was your
20 wrestling coach when you were in little school,
21 you know, like elementary school?

22 A. We actually had a few, but the one
23 that saw Jerry rolling around with me on the
24 mat in the middle school weight room was Joe
25 Miller.

1 Q. Okay. Can you tell the jury -- how
2 did that happen? Where were you and what
3 happened?

4 A. We were in the middle school weight
5 room, lifting weights, and I decided I wanted
6 to go mess around on the rock wall. And I was
7 climbing around on it a little bit and he came
8 up behind me and just lifted me off the rock
9 wall, put me on the blue mat that was on the
10 bottom, and laid on top of me and had me roll
11 -- he rolled me so I was on top of him and he
12 was rubbing my back and cracking my back, and
13 he rolled back over on top of me and that's
14 when the door opened and Joe Miller walked in.

15 Q. Were you getting scared when that
16 happened?

17 A. Yes, and I felt kind of like a relief
18 that nothing was going to happen in a school.

19 Q. Now, during -- I have to ask you.
20 During the nights that you were staying at the
21 defendant's house downstairs and he put his
22 mouth on your penis and he put your mouth on
23 his penis, did this happen over a period of
24 months, years?

25 A. Yes.

1 Q. You didn't tell anybody?

2 A. No.

3 Q. At some point -- and I'm going to talk
4 about 2008 -- did you decide that you were
5 going to change, you were going to try and do
6 something different?

7 A. Yes.

8 Q. What did you decide to do?

9 A. I decided I was going to start
10 avoiding -- avoiding him.

11 Q. How did you do that?

12 A. It started off just -- when I would
13 stay at his house, I would hide underneath the
14 pool table, in closet spaces, trying just to
15 draw a time to where he just would want to go
16 upstairs or his wife would call him upstairs.

17 Q. And did you succeed in hiding very
18 well?

19 A. Once, and then after that it was --
20 there was no really -- really -- to hide.

21 Q. Now, by 2008 -- what grade were you in
22 2008? It would have been ninth grade or 10th
23 -- ninth grade?

24 A. Ninth grade.

25 Q. In the spring of ninth grade, did you

1 have a disagreement in public with the
2 defendant?

3 A. Yes.

4 Q. Okay. Can you tell us how that
5 happened?

6 A. I joined this local thing called the
7 Big Brother Big Sister. They pretty much did
8 the same things as The Second Mile, but it was
9 locally. They went swimming. They did games,
10 activities, and I started spending less and
11 less time with Mr. Sandusky. And he -- he
12 would call and try to make arrangements,
13 actually came to my home and argued with me.
14 It started out just a normal conversation, and
15 then he started yelling at me about making time
16 for him and spending more time with him and --

17 Q. Did anybody else come and participate
18 in that argument or discussion?

19 A. My mom actually called my grandfather,
20 and he came as well.

21 Q. Now, did there ever come a time when
22 you were on your way home from school and you
23 saw the defendant following you from school?
24 Can you tell us about that?

25 A. It was the day that he called -- that

1 I got called down to the office out of my
2 history class. I decided I was just going to
3 skip out on both, not go to the rest of history
4 class and just stay out. And when I went to
5 the last period, I skipped out on that as well
6 and just went right to the bus. And when I got
7 on the bus and we started going, I noticed a
8 car that looked like Jerry's and wasn't really
9 sure, didn't think anything of it. And I was
10 actually getting off at a friend of mine's stop
11 and he turned out not to be home. And so I
12 walked out on the street that connects onto my
13 street and Jerry's car pulled in this little --
14 this other side road -- and he hollered for me.
15 And I turned around and he was -- he was
16 talking about -- to me about why I'm not
17 spending time with him, why I'm, you know,
18 avoiding him, why I'm not answering his calls.
19 And I told him that I had other things to do in
20 the summer, have friends and the Big Brother
21 Big Sister program. And he yelled at me and
22 was yelling at me about scheduling, and I got
23 extremely, extremely scared. And he just kept
24 yelling at me, so I turned around and just
25 started walking away. And he was hollering at

1 me to get in the car, and I just kind of shook
2 my head and kept walking and he put his car in
3 reverse. He had one of those weird hybrid ones
4 that make a weird sound when they back up. And
5 after I heard that -- I had my backpack and
6 everything and I just -- I took off running.
7 And I went up this little alleyway and he sped
8 to the alleyway, stopped, looked up the
9 alleyway, and then went straight, and I was
10 actually on the road to my house. I started
11 walking up the hill and I saw his car with the
12 door opening. He's out there talking to my mom
13 or arguing with my mom, and I stayed behind a
14 little bush, and I don't know how he possibly
15 couldn't have seen me, because my mom waved for
16 me to go out the back, into the back door, so I
17 went around in the back door.

18 Q. And at some point did you decide you
19 weren't going to see the defendant anymore,
20 even if he came to get you out of school?

21 A. Yes. He kind of got the gist, left me
22 alone for a little bit, but then kept calling
23 and calling and calling.

24 Q. Okay. And had you told your mother or
25 anybody else what he had done to you at that

1 point when he tried calling you?

2 A. I didn't tell my mom or anybody, like,
3 right out. I actually asked my mom what a
4 website for people who do things to children,
5 the -- and my mom is like, "You mean Megan's
6 Law?" And she asked why I was looking at that
7 site, and I told her I wanted to see if Jerry
8 was on there, trying to give her a little gist
9 of what was going on. I don't think she
10 realized it.

11 Q. Well, then, after that -- well, did
12 you tell her more then or did you tell someone
13 else, or anybody?

14 A. My mom started feeling a little weird
15 about the whole -- him calling and trying to
16 get a hold of me and everything -- so she set
17 up a thing with the guidance counselor and had
18 me go in and talk to them. And we were talking
19 for a couple hours, and finally the guidance
20 counselor asked if -- if Jerry ever did
21 anything wrong to me, and I broke down and
22 cried and said yes, and they called my mom. My
23 mom came up and got me. They were talking, and
24 my mom said that we need to go to the police,
25 Children and Youth, something, and what they

1 said next is -- they --

2 Q. Go ahead.

3 A. They said that we needed to think
4 about it, and he has a heart of gold and he
5 wouldn't do something like that, so they didn't
6 believe me.

7 Q. After that, who did you go see?

8 A. I went to Children and Youth, and I
9 first met with a girl named Jessica.

10 Q. Okay. And did you tell her some --
11 none or some or all of what the defendant had
12 been doing to you?

13 A. In my mind I thought I was telling her
14 some, but I guess, what she got from it, I
15 didn't tell her very much of anything. She
16 asked about the bedwetting, and I said no to
17 that, and she actually asked my mom and my mom
18 said yes, so --

19 Q. Aaron, I'm going to ask you, as far as
20 the problem you had talking to Jessica, was it
21 because she was a girl?

22 A. Yeah.

23 Q. Okay. After that, did you talk to the
24 police?

25 A. I actually talked to a guy named Matt

1 next, and then I talked with Jessica. I
2 believe Matt was in the room, and then a police
3 -- the State Trooper.

4 Q. And did you tell Matt or Jessica or
5 even the police, the first time you talked to
6 them, everything that had happened to you?

7 A. No.

8 Q. Why not?

9 A. Embarrassment. I kind of just wanted
10 to forget it ever happened. I just -- I didn't
11 feel comfortable. I couldn't tell them
12 everything. I couldn't.

13 Q. Was your purpose in going to the
14 guidance counselor or the teacher or the
15 Children and Youth or the police to get him in
16 trouble or to get away from him?

17 A. My mom set up the thing with the
18 guidance counselor. I just thought that it
19 would keep him away from me.

20 Q. Okay. And when you talked to Jessica
21 at Children and Youth, did you tell her you
22 were scared?

23 A. (Nodding head up and down.)

24 Q. What were you scared of?

25 A. That, with the connections and all the

1 friends that he has, if he really thought that
2 I was going to say whatever happened, that he
3 could hurt me or somebody close to me.

4 Q. Now, do you remember after that
5 talking to people from the Attorney General's
6 Office and going in front of a grand jury?

7 A. I do. And before that I actually
8 talked to a Children and Youth psychologist,
9 Mike.

10 Q. Okay. And do you remember the first
11 time you talked to the grand jury?

12 A. I don't remember a date, but I do
13 remember talking to them.

14 Q. How did you feel when you talked to
15 the grand jury?

16 A. Words can't describe it. I mean, the
17 best way is I broke down. I couldn't move. I
18 couldn't tell them, but didn't really have a
19 choice.

20 Q. And how did you feel afterwards? Do
21 you remember?

22 A. Worse than when I said it. It was --
23 I completely broke down even more, and my mom
24 was holding me and it was just horrible.

25 Q. And did you even tell the grand jury

1 everything the first time you talked to them,
2 if you remember?

3 A. I believe that I told them the
4 majority of everything, and by the second time
5 I went to them, there was a new one. And I
6 said no to a question that they -- they asked a
7 question about, and after that I broke down and
8 cried again and had no other choice but to tell
9 them the truth.

10 Q. And, well, were you kind of mad at the
11 investigation?

12 A. Yes.

13 Q. Did you yell at anybody who is present
14 here today?

15 A. Yes.

16 Q. Who is that?

17 A. (Indicating.)

18 Q. Let the record reflect Mr. Fina.

19 A. (Nodding head up and down.)

20 Q. Did you want to go through an
21 investigation?

22 A. No, I just wanted it to be put behind
23 me and be gone. I didn't even want to think
24 about it.

25 Q. I'm going to ask you now -- did the

1 defendant put his penis in your mouth more than
2 25 times over the course of 2007, 2008?

3 A. It was -- yeah.

4 Q. And did he place his mouth on your
5 penis that many times or more during 2006, '7,
6 and '8?

7 A. More.

8 Q. My last question: Despite doing bad
9 in history, did you graduate from high school?

10 A. Yes.

11 Q. Okay. How long ago?

12 A. Thursday.

13 MR. MCGETTIGAN: Thanks. I have
14 nothing further, Your Honor -- Your Honor,
15 excuse me. May I approach the witness, Your
16 Honor?

17 THE COURT: Yes.

18 BY MR. MCGETTIGAN:

19 Q. Aaron, you have been handed a series
20 of pictures that have been numbered
21 Commonwealth's 39 through, I think, 54.

22 A. Yeah.

23 Q. Have you seen it before?

24 A. Yes.

25 Q. Okay. Do you recognize the person who

1 is in them?

2 A. Yep.

3 Q. Most of the persons are you. I'd like
4 you to take a look at the last three
5 photographs that are marked C-50 -- excuse me,
6 C-52 through C-54.

7 A. I think I'm on the right one.

8 Q. Do you recognize those also, 52, 53,
9 and 54?

10 A. Yeah.

11 Q. And can you tell us what they are?

12 A. If I'm on the right one, this is in a
13 box seat to -- I think it was a baseball game.

14 MR. MCGETTIGAN: Okay. Can I
15 approach, Your Honor?

16 THE COURT: Yes.

17 BY MR. MCGETTIGAN:

18 Q. Do you recognize those photographs?

19 A. Yes, I do.

20 Q. What are they?

21 A. This is the hotel close to Mr.
22 Sandusky's house that he frequently took me and
23 a few other kids swimming to.

24 Q. Did you go swimming at the pool there?

25 A. Yeah.

1 Q. And the other photographs that you
2 looked at, which I kind of took from you, that
3 are -- were they all pictures of you?

4 A. Yes.

5 Q. Okay. Who took the pictures, if you
6 know, someone --

7 A. Mr. Sandusky and some other people.

8 MR. MCGETTIGAN: Okay. Your Honor, I
9 have nothing further of the witness. May I
10 publish the photos to the jury, Your Honor?

11 MR. ROMINGER: Your Honor, we have an
12 objection to the relevance of the photos that
13 Mr. Sandusky didn't -- they just include Aaron.

14 THE COURT: Overruled.

15 (Whereupon, the photographs were
16 published to the jury.)

17 BY MR. MCGETTIGAN:

18 Q. Aaron, I'm going to ask you -- do you
19 remember that photograph? Do you remember
20 where you were when that was taken?

21 A. No, I don't remember where that was.

22 Q. And can you tell us what's in this
23 photograph?

24 A. The big duffel-bag-looking thing is a
25 thing of golf clubs. He gave that to me as a

1 gift. The other one is a shirt, shoes, some
2 dress pants, and then the blue one at the
3 bottom there is a dress shirt.

4 Q. And is that the -- what is that
5 picture? Do you know, Aaron?

6 A. That is a weight room. I don't recall
7 or remember ever being in that weight room.

8 Q. Did you ever see it?

9 A. Yeah.

10 Q. Where is that?

11 A. In the hotel where we went swimming.

12 Q. Okay. And that?

13 A. Is the hotel where we went swimming,
14 and then at the bottom is the little hot tub.

15 Q. And did you ever go in the hot tub?

16 A. Yes.

17 Q. By yourself?

18 A. I did, and then Jerry joined me.

19 Q. Next one. And is that the pool?

20 A. The pool is up at the top there, and
21 then down at the bottom corner is the hot tub.

22 Q. Same place?

23 A. Yep.

24 MR. MCGETTIGAN: Thank you. Now I
25 have nothing further. I beg your pardon.

1 THE COURT: Mr. Sandusky -- Mr.
2 Amendola.

3 MR. AMENDOLA: My turn, Your Honor?

4 THE COURT: Yes.

5 CROSS-EXAMINATION

6 BY MR. AMENDOLA:

7 Q. Mr. Fisher, my name is Joe Amendola.
8 I represent Mr. Sandusky. I'm going to ask you
9 some questions, okay?

10 A. All right.

11 Q. If you're not sure what I'm asking,
12 just let me know and I'll try to ask it another
13 way. How old were you when you first got
14 involved in The Second Mile, about? I'm not
15 asking for an exact day of the year, but about.

16 A. Probably 10, 11, I think.

17 Q. Okay. That's fair enough. And can
18 you tell us how you got involved in The Second
19 Mile?

20 A. Like I said before, they sent out
21 things to schools. To my knowledge, that's
22 what they did. And then the school recommends
23 a student or so to the camp, and that's how I
24 got started.

25 Q. Were you having any difficulties at

1 school that might have triggered the school
2 recommending you?

3 A. To my knowledge it was because I
4 didn't have a father figure or somebody that
5 actually took me out and did things. My family
6 -- we went out and did things when we could,
7 but it wasn't always -- there -- I -- to say.

8 Q. And you lived with your mom?

9 A. Yes.

10 Q. And a brother and sister?

11 A. Yes.

12 Q. And they were younger than you?

13 A. Yes.

14 Q. Did they have any particular issues or
15 disabilities?

16 A. My sister was -- as well as the rest
17 of our family -- went through my mom's ex-
18 husband being very abusive. She developed a
19 case of being bipolar.

20 Q. And to your knowledge was Children and
21 Youth Services involved in your family life
22 before you got into The Second Mile?

23 A. No. I mean, my sister -- my mom has
24 called the police on my sister for acting out.
25 My mom has called -- some people called

1 Children and Youth because my sister was acting
2 out. And it was -- they knew it was moanly --
3 or, wow -- mainly from my sister acting out and
4 actually punching a cop in the face.

5 Q. The first year you got involved in The
6 Second Mile, where did you go? Do you
7 remember? What location?

8 A. Penn State's campus.

9 Q. I'm sorry. Where?

10 A. Penn State's campus.

11 Q. Penn State at University Park, in
12 State College?

13 A. I don't know. There was a bunch of
14 buildings with dormitories and --

15 Q. Okay. So you're not sure. You were
16 young. I understand that. And how long were
17 you there?

18 A. How long?

19 Q. How many days? A week?

20 A. Six days.

21 Q. And did you stay in the dorms?

22 A. For the first part of them, yes. When
23 you moved up into the next stage of The Second
24 Mile, which was Smile, you did camping stuff.
25 Instead, you stayed in tents and --

1 Q. Did you have any roommates or tent
2 mates?

3 A. Yeah, I actually had roommates and
4 people that hung out with me in the Smile camp
5 as well.

6 Q. Do you recall any of their names?

7 A. No. None of them were very close,
8 close friends.

9 Q. And did you meet Mr. Sandusky that
10 first camp?

11 A. Like I said, it wasn't formal. He
12 didn't come and, like, shake my hand. He was
13 talking in general to the group.

14 Q. So you saw him during that first camp?

15 A. Yeah.

16 Q. And did you have any contact with The
17 Second Mile program between that first camp and
18 the next time that you were involved in a
19 Second Mile program?

20 A. Just letters that they sent to my mom
21 saying that, you know, it's starting up again,
22 come back.

23 Q. And so you went back the second year?

24 A. Yeah.

25 Q. And now, where did you go that second

1 year?

2 A. Same spot in Penn State's campus.

3 Q. Did you stay in the dorms or did you
4 stay in a tent?

5 A. I stayed in the dorms.

6 Q. And did you have a roommate when you
7 stayed in the dorms?

8 A. Yeah, we had roommates. We had at
9 least one other person.

10 Q. Do you recall your roommate's name?

11 A. Sorry. I couldn't understand what you
12 said.

13 Q. Do you recall your roommate's name
14 that second year?

15 A. No, they weren't very close friends.
16 I mean, they're from all over the place.

17 Q. That second summer that you were in
18 The Second Mile Camp, did you meet Mr. Sandusky
19 then?

20 A. Yeah.

21 Q. Can you tell us again how that
22 happened?

23 A. It was a little bit more formal. He
24 -- it was -- he asked me about the camp, asked
25 if I was having fun, that sort of thing. I

1 assumed he asked that to everybody.

2 Q. And was that a six-day camp also?

3 A. Yep, they were all six-day camps.

4 Q. Did you do anything in particular with
5 Mr. Sandusky during that six-day camp?

6 A. Let's see. I do remember being thrown
7 by your client into the pool. I remember
8 talking to him. That's pretty much it until
9 after camp.

10 Q. And then, after that camp, when did
11 you start having one-on-one contact with Mr.
12 Sandusky?

13 A. That was after my -- end of second,
14 beginning or end of third.

15 Q. End of third. Okay. So the third
16 year you went to camp again?

17 A. Yeah.

18 Q. And you still hadn't had one-on-one
19 contact with Mr. Sandusky?

20 A. We actually went in groups a few times
21 to a bunch of places, and then he took me
22 one-on-one to a few places, football games --
23 well, his wife and whoever he was tailgating
24 with -- but myself, as a child, yeah, I was the
25 only one.

1 Q. I'm sorry. What was the last part of
2 that?

3 A. He took me to football games, and
4 besides the people and his wife that he was
5 tailgating with, that's -- I was the only other
6 child.

7 Q. So you were the only child. There
8 weren't any -- to your knowledge, there weren't
9 any other Second Mile kids that were doing
10 those things with his wife and his family and
11 tailgating?

12 A. No, there were -- just that was the
13 one specific thing that I did with him alone.

14 Q. Okay. When after that did you start
15 having contact with Mr. Sandusky, he started
16 taking you over to his home and things like
17 that?

18 A. After my third year, when I was about
19 11 or so, 11, 12.

20 Q. Do you recall what time of the year
21 that started, you started going over to his
22 house?

23 A. It began in the summer. He would
24 bring me home on Sundays. And then it went to
25 the school. He would still bring me home on

1 Sundays. And then, after a while, he would
2 bring me home. I'd pack for about a week and
3 he'd bring me home within three to six days.

4 Q. And I take it that was during the
5 summer?

6 A. Yeah.

7 Q. Because you wouldn't have been in
8 school?

9 A. Yeah.

10 Q. When did the first physical contact
11 take place? And I'm not saying a specific day
12 or even a month, but after the third summer
13 camp?

14 A. When I was about 11, maybe a little
15 early into 12.

16 Q. And where did that start occurring, at
17 his house?

18 A. It actually started with the hand on
19 the leg while we were driving in his car, and
20 after that it progressed to the basement of his
21 house. It didn't happen at all whenever I
22 slept upstairs, which was very rarely.

23 Q. And I believe you said earlier that it
24 evolved over time into actual sexual contact?

25 A. Yeah.

1 Q. And did that occur primarily at his
2 house?

3 A. That was the only place.

4 Q. So it didn't occur in the hotels?

5 A. He rubbed my back and cracked my back,
6 but the sexual part that you're talking about
7 didn't happen in hotels.

8 Q. How many times do you think you were
9 in hotels with Mr. Sandusky, ballpark?

10 A. I remember one, maybe at most three.
11 I don't honestly remember. I remember one,
12 because it was a bigger city. I don't remember
13 where, though.

14 Q. Did you stay overnight at the hotels
15 when you were at the hotels with Mr. Sandusky?

16 A. Yeah.

17 Q. Stayed in the same room?

18 A. Yeah.

19 Q. Did you sleep in the same bed?

20 A. They said that there was a cot thing
21 that they could have rolled out. It was like a
22 queen, double, queen-size bed. There was a
23 cot, and he said that he didn't really need a
24 cot, and I didn't ever see a cot. They said
25 there was one in the room to him, but I didn't

1 know. It was never out, so I slept in the same
2 bed, yeah.

3 Q. And rubbing and cracking your back
4 occurred on those occasions?

5 A. The rubbing and the cracking, yeah.

6 Q. But no oral sex?

7 A. No.

8 Q. And your testimony is that it only
9 occurred at his home?

10 A. Yeah.

11 Q. And was his wife home when this oral
12 sex was occurring at his home?

13 A. They primarily happened -- mostly all
14 the time happened at night and his wife was
15 upstairs. There was actually a time when he
16 stopped rubbing and cracking my back when his
17 wife called down to him, and that's actually
18 the one night that I got a decently (sic)
19 amount of sleep.

20 Q. So your testimony is this oral sex
21 event, these incidents, occurred how many times
22 at his home, ballpark?

23 A. Every time he blew on my stomach,
24 which was when he performed the oral sex on me.
25 It was about 80 to 90 percent of the time.

1 Q. Which, in your estimation, you were
2 there, what, every weekend at some point?

3 A. During the summer I was there quite a
4 bit, and it was -- I spent more time with your
5 client than I ever did with, you know, most of
6 my family at the time.

7 Q. Was anyone else ever around, any of
8 his children?

9 A. There was a time when other children
10 were there. Whether they stayed the night or
11 not, I have no idea. I remember sleeping
12 upstairs and there was two other kids, and I
13 don't know if he took one home or if he took
14 both home.

15 Q. But what you're saying is that
16 basically nine out of 10 times that you stayed,
17 that --

18 A. Yeah, I was the only one.

19 Q. And Mr. Sandusky engaged in oral sex
20 with you?

21 A. When he blew on my stomach, yeah, and
22 then he --

23 Q. And his -- go ahead.

24 A. And then he had me do it to him.

25 Q. And Mrs. Sandusky was in the house?

1 A. His wife was upstairs, I believe. She
2 could have went out somewhere. She was -- but
3 I -- to my knowledge, she was upstairs, doing
4 whatever she was doing.

5 Q. But she never saw anything or never
6 indicated that she --

7 A. She never came downstairs.

8 Q. Ever?

9 A. Not while he was doing all that other
10 stuff. And even when we were playing games in
11 his basement, she never came downstairs. I
12 never once saw her down in that basement.

13 Q. You mentioned a little while ago about
14 some of these presents that you got. I believe
15 the photograph showed golf clubs and some dress
16 clothes.

17 A. Yes.

18 Q. Did Mr. Sandusky give you golf clubs
19 because you liked golf?

20 A. He gave me golf clubs because he took
21 me out golfing, and I would just kind of hit
22 the ball. I didn't understand the rules or
23 anything else of golf. I just would hit the
24 ball as far as I could.

25 Q. Well, I understand. But he was trying

1 to get you involved in golf. Is that a fair
2 statement?

3 A. I would guess so, yeah.

4 Q. And he gave those golf clubs to you
5 for your birthday, didn't he?

6 A. I believe he did. It was either that
7 or it was a couple days after.

8 Q. Did he tell you that they had been
9 given to The Second Mile by a donor and he was
10 giving them to you so he could encourage you to
11 start playing a sport like golf?

12 MR. MCGETTIGAN: Your Honor --

13 THE WITNESS: No.

14 MR. MCGETTIGAN: Excuse me.

15 Objection.

16 MR. AMENDOLA: Well, if I may be
17 heard, Your Honor, the Commonwealth has shown
18 pictures of presents, and all I'm trying to do
19 is elicit information that these were
20 legitimate presents for a legitimate purpose.

21 MR. MCGETTIGAN: And my objection is
22 not to that question. It's the lengthy
23 preamble about someone else doing something
24 else.

25 THE COURT: Rephrase your question.

1 It's okay.

2 MR. MCGETTIGAN: Thank you.

3 BY MR. AMENDOLA:

4 Q. Did Mr. Sandusky express to you his
5 intent to try to get you interested in golf?

6 A. No, he just gave me golf clubs and
7 said pretty much, "Use them."

8 Q. Use them?

9 A. Well, that can mean any sort of thing.
10 I could go out to my back yard and drive golf
11 balls over my fence.

12 Q. Did he ever take you golfing?

13 A. Yeah, we went to a golf course, but I
14 never used those clubs. I just picked one out.

15 Q. And the clothes that the Commonwealth
16 showed, the clothes, the pants, the shoes, the
17 shirt --

18 A. Uh-huh.

19 Q. -- why did Mr. Sandusky get those for
20 you?

21 A. I actually wore the pants, the shoes,
22 and the shirt when he took me to church.

23 Q. Exactly. He got those for you so he
24 could take you to church with him and his wife;
25 isn't that true?

1 A. Yeah, but I wasn't a church -- I had
2 not gone to church before. I maybe went after
3 that, once after that, with a girlfriend, but
4 I'm not a church person. That was the first
5 time I ever went to, actually, a church.

6 Q. But Mr. Sandusky was trying to
7 introduce you to church, wasn't he?

8 A. I guess. It's something his family is
9 used to. It's something my family takes as
10 it's either you go or you don't.

11 Q. The incident you talked about at
12 school when Mr. Miller -- I guess Mr. Miller,
13 Joe Miller, is the wrestling coach?

14 A. He was like an assistant wrestling
15 coach.

16 Q. The night that that occurred --

17 A. It was the day.

18 Q. The day, okay, and correct me if I'm
19 wrong. I believe I thought Mr. Miller had said
20 it happened around six or 6:30 at night, but
21 that's fine.

22 A. It was still light out. I consider
23 that to be day.

24 Q. What is your recollection about what
25 time that occurred?

1 A. I don't know the time. I just know
2 that it was still decently bright out and it
3 wasn't -- it wasn't dark yet. It wasn't like
4 pitch black at night. That's my thing of
5 night, but continue.

6 Q. Can you describe the area where you
7 and Mr. Sandusky were seen by Mr. Miller? What
8 part of the school building was that?

9 A. That would have been in the auxiliary
10 gym weight room, actually.

11 Q. And can you tell us why you went back
12 there?

13 A. I'm sorry. Say that again.

14 Q. Can you tell us why you and Mr.
15 Sandusky were back in that area?

16 A. We were weightlifting. I decided I
17 wanted to crawl on the rock wall and he pulled
18 me off the rock wall when I was climbing on it
19 for a little bit. He laid on top of me. He
20 rolled me over on top of him, and then back on
21 top of me again he went, and then Joe Miller
22 walked in. He hopped up like a rabbit and
23 said, "Oh, I was just showing him some
24 wrestling moves." Joe Miller obviously didn't
25 think anything of it until now.

1 Q. So you were in that immediate area
2 where Mr. Miller saw you because -- is that the
3 weight room area?

4 A. It's actually in the rock wall area.
5 It's not a very big weight room. You walk in,
6 there's weights, and then you walk through this
7 little fence thing and then there's the rock
8 wall.

9 Q. And the rock wall was what you were
10 climbing and that was in that immediate area,
11 correct?

12 A. Yeah.

13 Q. And didn't you actually, when you were
14 climbing the rock wall, fall down?

15 A. Yeah, I have. I did, actually.

16 Q. Yeah. Okay. And didn't you start
17 laughing? Didn't you think that was funny?

18 A. Yeah. A little kid falling off of
19 something, landing on something, yeah, it's
20 going to be funny.

21 Q. In fact, you told the grand jury when
22 you testified about that, that when you fell
23 down you thought it was hilarious, didn't you?

24 A. I laughed. Of course.

25 Q. And isn't that when you and Mr.

1 Sandusky started wrestling or doing the thing
2 on the mat?

3 A. No. I -- like I said, I was climbing
4 on the rock wall. He was pretty much like a
5 spotter, and he took me -- he lifted me off the
6 rock wall and put me on the ground and then was
7 rolling around with me on the mat.

8 Q. But isn't it true you and Mr. Sandusky
9 didn't go back there to find a hiding place, to
10 find some secluded place to --

11 MR. MCGETTIGAN: Objection. That was
12 never testified to.

13 MR. AMENDOLA: Well, Your Honor, he
14 testified about the rock wall.

15 THE COURT: This is cross-examination.

16 MR. MCGETTIGAN: I understand, Your
17 Honor. Excuse me.

18 THE COURT: Go ahead.

19 MR. AMENDOLA: Thank you, Your Honor.

20 BY MR. AMENDOLA:

21 Q. Isn't it a fair statement, Mr. Fisher,
22 that you and Mr. Sandusky went back to that
23 area so you could climb the rock wall, not to
24 be hidden or not to be secluded?

25 A. We went back there to lift weights,

1 and I assumed that that's all we were going to
2 do.

3 Q. But you're the one who climbed the
4 rock wall?

5 A. Well, yeah, because I was a kid and I
6 wanted to do it.

7 Q. And that's my point, though. So
8 that's why you were there at that time?

9 A. Yeah. But, like I said before, nobody
10 asked him to get on top of me and roll around.

11 Q. I understand that. And then Mr.
12 Miller came in, correct?

13 A. He walked into the door and, like I
14 said, your client hopped up like a rabbit and
15 said we were just wrestling, and I believe
16 Joe's words were, "Is he putting the legs on
17 you?" And Jerry just kind of laughed, and
18 after that, we left.

19 Q. Okay. And your testimony today is
20 that when Mr. Miller walked in, Mr. Sandusky
21 jumped up like a rabbit as if he was startled
22 or surprised?

23 A. Yeah.

24 Q. But correct me if I'm wrong. There
25 wasn't any sexual activity going on at that

1 point, was there?

2 A. Other than him on top of me and me on
3 top of him and him rubbing my back.

4 Q. But that was it?

5 A. Yeah.

6 Q. You both had your clothes on?

7 A. Yeah.

8 Q. In October, I believe, of -- correct
9 me if I'm wrong -- 2009, did you make a report
10 to school officials that a man had approached
11 you in the bathroom of the school while you're
12 in school, said he was from The Second Mile and
13 asked you if you were who you are?

14 A. I did. I was also very startled and
15 confused. Throughout the whole school year I
16 did nothing but watch the entrances of the
17 school to make sure somebody wasn't going to
18 come into the school and talk to me and throw
19 me into an anxiety attack.

20 Q. And I'm sorry. I have to correct
21 myself. That would have been October of 2010,
22 so excuse me. But you went to school
23 officials. I believe you went to the
24 principal?

25 A. It was either that or the school

1 police officer.

2 Q. And said that a man had confronted you
3 in the bathroom and said he was from The Second
4 Mile. He was wearing a dark suit with dark
5 pants, but they looked worn, and that he asked
6 you basically if you were Aaron Fisher?

7 A. Yeah.

8 Q. And that wasn't true, was it?

9 A. I saw a man. He confronted me and it
10 startled me, and I think I honestly went home
11 that day.

12 Q. Are you aware that school officials
13 conducted an investigation and determined
14 nobody was in that building that fit anything
15 near your description? Are you aware of that?
16 Did they ever tell you that?

17 A. No, they didn't.

18 Q. So if someone from school comes in
19 here to this courtroom and says that they
20 investigated this and they informed you that
21 there was no evidence of a man in a dark
22 suit --

23 A. There was a man. When I walked to the
24 front of the school, he came in. He fit the
25 description and he didn't even walk to the

1 office.

2 Q. Okay.

3 A. And he walked right through the front
4 door. I looked right at him when I was
5 changing classes.

6 Q. Have you, and in the presence of your
7 mom, ever told anybody that you two were going
8 to become rich out of this deal?

9 A. I'm sorry. Repeat that. I don't
10 understand.

11 Q. Have you and your mom in your presence
12 -- in her presence and your presence -- ever
13 told anybody that you and she are going to
14 become rich out of this action with Jerry
15 Sandusky?

16 A. No.

17 Q. So if someone comes into court and
18 says that, that's not the truth?

19 A. If you find somebody, then no, it
20 wouldn't be the truth.

21 Q. Do you have an attorney, a civil
22 attorney, a private attorney?

23 A. My mom hired one.

24 Q. To represent you in this situation?

25 A. Actually, to keep the press away from

1 me. It was actually really hard. They were
2 putting things into the pickup truck I was
3 driving. They made life extremely hard for me.
4 So, yeah, I got one to keep away the people who
5 wanted to get my identity and oust me.

6 Q. Not to represent your family in a
7 civil action?

8 A. According to my mom's boss, who is
9 also a private investigator, he said to her
10 that it would be a good idea to get one because
11 they could help you with the press and put
12 Aaron's mind at ease.

13 Q. And I'm guessing you probably don't
14 know what type of financial arrangements have
15 been made with this attorney.

16 A. I don't know anything about that kind
17 of stuff. All I know is I'm here to tell the
18 truth about what happened to me, just like
19 everybody else.

20 Q. Do you realize that, in a criminal
21 case such as this, where you're a witness for
22 the Commonwealth, that, as a general rule, the
23 Commonwealth attorneys represent you, the
24 Attorney General's Office in this case? Are
25 you aware of that?

1 A. You're going to have to repeat that
2 again. I didn't understand that.

3 Q. Just so we're clear about this, is it
4 your testimony today that you never discussed
5 with anyone else -- or your mom in your
6 presence with anyone else -- that you were
7 going to wind up with a big house and cars and
8 be rich as a result of what's going on with
9 this case?

10 A. No. I have dreamed about living in a
11 big house. I have dreamed about driving nice
12 cars. I mean, doesn't everybody?

13 Q. But did you verbalize it to somebody?

14 A. No.

15 Q. Now, Mr. Fisher, when you first went
16 to Children and Youth Services after you
17 reported this situation --

18 A. Yes.

19 Q. -- the first time you spoke with those
20 folks, you didn't tell them that Mr. Sandusky
21 had done anything physically, sexually, with
22 you, did you?

23 A. No, I did not.

24 Q. And you told them your clothes were
25 on, correct?

1 A. I believe so.

2 Q. You told them Mr. Sandusky's clothes
3 were on, correct?

4 A. I believe so.

5 Q. And all you said was that he was lying
6 on top of you and/or back-cracking you?

7 A. Yeah. And if you would like an
8 explanation for that, it was also a woman who
9 was interviewing me. I also just got done with
10 telling a school counselor that somebody did
11 something bad to me. It was extremely hard. I
12 didn't want to talk about it. I don't believe
13 that anybody would want to talk about it.

14 Q. I understand. And you met with
15 Children and Youth Services the following day,
16 after that first meeting. Do you recall that?

17 A. I'm sorry. Repeat that one more time.
18 I didn't understand it.

19 Q. Yes. And I don't expect you to
20 remember the dates, but the records show that
21 on November 20, 2008, you met with Mrs.
22 Dershem, I guess, from Children and Youth
23 Services?

24 A. I believe so, if that's the date.

25 Q. And on that date you told her and you

1 told a representative that nothing sexual
2 occurred, correct?

3 A. Yeah, I even lied about wetting the
4 bed because I felt embarrassed.

5 Q. I understand. And the second day,
6 which would have been the next day according to
7 the records, you met again and again didn't
8 indicate that anything sexual had occurred. Is
9 that a fair statement?

10 A. Yeah.

11 Q. And on December 12th -- and again I
12 don't ask you -- I'm not asking you to remember
13 the dates. No one -- I wouldn't remember the
14 dates.

15 A. Okay.

16 Q. But at the very next meeting there was
17 now an interview with someone from CYS, a
18 trooper -- his name is Cavanaugh -- and a
19 Trooper Akers, and that meeting on December 12,
20 2008, you mentioned skin-to-skin contact, but
21 you said that Mr. Sandusky never touched you,
22 never touched your privates. Do you recall
23 that?

24 A. Yeah. Like I said before, it's a
25 tough subject to talk about. You don't --

1 Q. I understand, and I would be
2 embarrassed, too. I understand that. I'm just
3 asking factually if this is what occurred so I
4 understand.

5 A. Okay.

6 Q. Would it be fair to say that the first
7 time -- according to the records, the first
8 time that you mentioned oral sex was when
9 Trooper Scott Rossman -- do you know who
10 Trooper Rossman is?

11 A. I do.

12 Q. And according to the government's
13 records, the first time that oral sex was
14 mentioned was on June 8, 2009. Do you recall
15 telling for the first time Trooper Rossman that
16 oral sex had occurred?

17 A. I believe so, if that's the date. I
18 mean --

19 Q. Well, I'm not worried about the date.
20 I'm just saying -- do you remember telling
21 Trooper Rossman maybe that was the first time
22 that you mentioned oral sex? The dates aren't
23 important.

24 A. Okay. I told my psychologist that
25 something more happened when I first met with

1 him.

2 Q. Is that Mr. Gillum?

3 A. Yes, it is. And he believed that
4 something more did happen and we talked. I
5 just didn't feel comfortable telling him right
6 then and there, and it was either him or
7 Trooper Rossman that I told first.

8 Q. Well, and that leads to my next
9 question. That's an excellent point. Between
10 December of 2008 and June of 2009, Mr. Gillum,
11 your psychologist, was telling you that he
12 believed more occurred, correct?

13 A. I told him that more occurred. I just
14 didn't feel comfortable at that point in time
15 telling him.

16 Q. But for the first time you mentioned
17 the oral sex to Trooper Rossman in June of
18 2009, whenever date that was?

19 A. I guess so. That was also, you
20 know --

21 Q. Did you have an attorney? Did your
22 mom have an attorney for you at that point?

23 A. No.

24 Q. So you still didn't have an attorney?

25 A. No, because no criminal stuff or

1 anything like that. We --

2 Q. No, no. I mean the attorney that you
3 have today, the civil attorney that's been
4 helping you, did you have him in the case at
5 that point?

6 A. Nope.

7 Q. Do you know when he came on the scene?

8 A. When he started?

9 Q. Yes.

10 A. I was actually in my mom's boss's
11 office building and they said that we needed
12 one. I don't remember the date, but that's
13 what he said. He told my mom it would be, you
14 know, a good idea to get one for the press.

15 Q. Do you recall telling any of the
16 interviewers that these incidents with Mr.
17 Sandusky continued until a couple of months
18 after you turned 14, which would have been in
19 mid-December 2007 or January 2008?

20 A. I don't remember talking to any
21 reporters, but contact completely stopped in my
22 ninth-grade year.

23 Q. Do you recall telling Trooper Rossman
24 that the oral sex started in the summer of 2007
25 when you were 13 and continued for a year up

1 until about September 2008?

2 A. I believe so, yeah.

3 Q. Do you recall telling the Children and
4 Youth Services people that the oral sex started
5 around age 14 in November and continued until
6 the summer of 2008?

7 A. I think so. I don't remember dates of
8 when I told people anything. All I know is
9 that it happened to me. I honest -- I don't
10 even want to be here.

11 Q. I understand that.

12 A. But --

13 Q. But we're all here. I understand. Do
14 you recall testifying before a grand jury?

15 A. Yeah, three times.

16 Q. And on one of those occasions, which
17 would have been June 16th of 2009, do you
18 recall saying that you had no idea when the
19 oral sex started, it only happened during 2008,
20 going into 2009?

21 A. I recall saying that one of them
22 didn't happen, and then -- because of
23 embarrassment. It was new. It wasn't the same
24 people as before, and they asked a question
25 when they went on a break kind of thing, and

1 then I came back in and I completely broke down
2 on the stand. And, I mean, I had to tell them
3 the truth. I mean, I didn't want to, but
4 didn't really have a choice.

5 Q. In your discussions with Trooper
6 Rossman or any of the other troopers, maybe
7 Trooper Cavanaugh or Trooper Akers, did any of
8 the troopers say to you before you disclosed
9 the oral sex activity that there were other
10 people who had come forward or other people
11 were saying that Mr. Sandusky had engaged in
12 sexual activity with them as kids?

13 A. They didn't say that there was sexual
14 activity. They just said that there was more
15 kids.

16 Q. So they were telling you that there
17 were more kids?

18 A. They said that -- let's see. How did
19 it go? They said that I'm not alone.

20 Q. And that was as they were encouraging
21 you to say that something had gone on with Mr.
22 Sandusky, correct?

23 A. No, because something did go on
24 with --

25 Q. But they were trying to get you to say

1 it. Is that a fair statement?

2 A. No, they were just trying to put me at
3 ease, I guess.

4 Q. Well, and I guess my question is were
5 they trying to put you at ease because up until
6 that point you hadn't told them that anything
7 went on orally with Mr. Sandusky, did you?

8 A. I think so. The first person that I
9 told, you know, anything remotely close to what
10 happened to me was my psychologist. And he may
11 have told -- he may have told a trooper because
12 he felt like he had to or the trooper heard,
13 but I told -- I had a lot of state troopers
14 come in and out of being on this case. There
15 was at least four or five, so I don't remember
16 everything that I told all of them.

17 Q. I understand, and that's why I'm
18 asking these questions, because we're trying to
19 get that information out. Do you recall
20 telling the CYS folks that these incidents
21 occurred 30 or more times overall, with about
22 10 occurring in hotels?

23 A. I remember saying that the back
24 cracking and the rubbing happened in hotels.

25 Q. And correct me if I'm wrong, because

1 that could be an incident, so I'll accept that,
2 but correct me if I'm wrong. If 10 occurred in
3 hotels -- and again I could be wrong -- but
4 didn't you say earlier that you were only in a
5 hotel three or four times?

6 MR. MCGETTIGAN: Your Honor, I would
7 object and ask to see you at sidebar.

8 (Whereupon, the following discussion
9 was held at sidebar:)

10 MR. MCGETTIGAN: Your Honor, counsel
11 has no good-faith basis to ask that question.
12 It's an absolute misstatement of fact. I don't
13 believe there's any record that states what he
14 just said in cross-examination. It's one thing
15 to cross-examine. It's another thing to make a
16 mistake.

17 MR. AMENDOLA: We have records right
18 here, Judge.

19 MR. MCGETTIGAN: Show him. That's not
20 a record. That's something you generated.

21 MR. AMENDOLA: Page 20 of the Dershem
22 report.

23 MR. MCGETTIGAN: That's something you
24 generated. It's not something this witness
25 ever said. That's an absolute misstatement.

1 He's acting as if he said it in grand jury or
2 in a statement to the police, and that's not
3 the truth.

4 MR. AMENDOLA: Judge, we'll be here
5 all day. We drew this matrix off of the
6 information.

7 MR. MCGETTIGAN: Let's see the source
8 material.

9 MR. AMENDOLA: Do you want to get it,
10 the Dershem? Here, let me show you where it
11 is, if I may.

12 THE COURT: We'll be in recess until
13 five minutes to. We will remain seated again
14 while the jury is taken out.

15 (Whereupon, the jury exited the
16 courtroom.)

17 THE COURT: We'll be in recess. We'll
18 remain seated while the jury is taken out, and
19 then we will be in recess.

20 THE COURT: We will be in recess until
21 about five minutes to 11.

22 Do you want to approach the bench?

23 (Whereupon, the following discussion
24 was held at sidebar:)

25 MR. ROMINGER: Page 2 of the Dershem

1 report. About 10 of them were out of town.
2 That's where that came from.

3 MR. MCGETTIGAN: He said 30 times.

4 THE COURT: He said -- I think what
5 the question was -- did you tell CYS it
6 happened 30 or 40 times and about 10 of them
7 were in hotels? That's the note I made. Was
8 that the question?

9 MR. AMENDOLA: Yes, and then my backup
10 question was what you testified earlier. You
11 were only at a hotel with Mr. Sandusky three or
12 four times.

13 MR. ROMINGER: Aaron said these
14 incidents occurred --

15 THE COURT: Okay.

16 MR. MCGETTIGAN: Thank you, Your
17 Honor.

18 MR. AMENDOLA: Well, Your Honor, if we
19 need to start pulling stuff out, there's
20 volumes of material. We probably need some
21 time to do that. That's why we did this, to
22 save everybody time. If we have to do it --

23 MR. MCGETTIGAN: You know, and I'll
24 just say I am in error, Your Honor, and I was
25 perhaps sensitized when Mr. Amendola was off by

1 some years in the criminal conviction yesterday
2 with the admissibility of the --

3 MR. AMENDOLA: So we can continue with
4 this process rather than be pulling everything?

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

7 MR. AMENDOLA: Thank you, Judge.

8 THE COURT: You may be seated. We'll
9 bring in the jury.

10 (Whereupon, the jury entered the
11 courtroom.)

12 THE COURT: The objection is
13 overruled and we'll ask the reporter to read
14 back the last question.

15 (Whereupon, the court reporter read
16 back the last question.)

17 THE WITNESS: I was a little kid. I
18 don't recall how many hotels I was in, but I
19 know of and can recall of a few -- of a few.
20 It was a longer time ago than I honestly can
21 remember, and with everything that I was trying
22 to forget, it -- I just don't know how many
23 hotels I was actually in. I gave a rough
24 estimate.

25 BY MR. AMENDOLA:

1 Q. So when you said three or four, Mr.
2 Fisher, that was just a rough estimate?

3 A. Yes, an estimated jar guess, I guess.

4 Q. And again correct me if I'm wrong, but
5 didn't you testify that you were 13 or 14 when
6 this activity was going on?

7 A. When the hotels were going on or when
8 the whole thing?

9 Q. The oral sex part of it, the sexual
10 part of it.

11 A. Like I said, I don't remember what I
12 testified to. All I know is it happened.

13 Q. Well, let me ask it another way. If
14 you testified that on one occasion -- or you
15 gave a statement on one occasion that the oral
16 sex started in the summer of 2007, how old
17 would you have been then?

18 A. Thirteen, maybe 14, I think.

19 Q. Okay. And if you testified in another
20 forum another time that this occurred starting
21 in November, the oral sex, starting in November
22 and ended -- continued until the summer of 2008
23 -- how old would you have been then?

24 A. In 2008?

25 Q. Yes.

1 A. Thirteen, probably, 14.

2 Q. And how old are you today?

3 A. Eighteen.

4 Q. So that's four or five years ago,
5 correct?

6 A. I guess so.

7 Q. Now, do you recall telling CYS
8 officials, and this would have been back in
9 November of 2008, that these incidents occurred
10 10 or more times overall?

11 A. I guess. I don't remember all that I
12 testified to or what I said to -- I know that
13 as I talked to people and I felt comfortable
14 enough telling them, which was a bit of a
15 struggle for me, I told them. I may have
16 white-lied, you know, trying to cover the
17 embarrassment when I told these people, but I'm
18 here now telling the full truth to its fullest.

19 Q. And that's a fair statement. I
20 understand. Do you recall telling Trooper
21 Rossman in the interview that you had with him
22 in June of 2009 that the oral sex occurred 25
23 or more times in the course of a year,
24 sometimes -- several times during a single
25 week?

1 A. Like I said, I don't remember who all
2 I told to who. I had numerous amount of state
3 troopers who were on this case. Some didn't
4 last as long. Others did. I don't remember
5 who I told what to and what I told what to.

6 Q. And then later, which would have been
7 a little bit later, would have been June 16th
8 of 2009, again you appeared before the grand
9 jury. Do you recall telling the grand jury
10 that the oral sex occurred 20 or more times?

11 A. I guess. Like I said, they were rough
12 estimates to put my mind at ease, to make it
13 easier on myself to tell people. Twenty or
14 more times. That could be anywhere above 20.

15 Q. Do you recall testifying before the
16 grand jury in November of 2009 and telling the
17 grand jury on that occasion that the oral sex
18 occurred at least 12 times?

19 A. Whichever grand jury came first,
20 whichever date that you're telling me came
21 first, I told them the least amount to make it
22 easier on myself. The second time, when I met
23 with them, I had to -- I was told I had to tell
24 them, you know, what all happened. So again
25 I'm telling them in a rough estimate to put my

1 mind at ease. The third time I read from, you
2 know, a thing of paper that had all my
3 statements on it just so the grand jury knew,
4 so I didn't have to go through everything
5 again. That's what I did.

6 Q. Well, okay. Let's take what you just
7 said. If I were to tell you that at the June
8 16, 2009, grand jury hearing, that your
9 testimony was the oral sex occurred 20 times --
10 and I don't expect you to remember that, but if
11 I were to tell you that, that that's in the
12 record, but five months later, on November 16th
13 -- this is five months later, not earlier --
14 but later, on November 16, 2009, when you
15 appeared again before the grand jury, you
16 testified the oral sex occurred at least 12
17 times. Would you agree that 12 is less than
18 20?

19 A. Well, yeah, it is. But it was also a
20 new set of grand jury members. They were on
21 their last little bit of term whenever I first
22 went. The second time that I went, there was a
23 new one. I felt scared. I knew there were new
24 ones. I pretty much gave a rough estimate
25 again to put my mind at ease to tell them what

1 happened.

2 Q. Do you recall testifying at the June
3 16, 2009, grand jury proceeding that you had no
4 idea when the oral sex started, but it only
5 happened during 2008 going into 2009?

6 A. I do not recall that at all.

7 Q. Do you recall telling the grand jury
8 on June 16, 2009 -- and again I'm not asking
9 you to remember the date, but just to give you
10 a time frame -- that Jerry Sandusky did not
11 touch your penis with his hand, only his mouth?

12 A. If that was the day that I was asked a
13 question if he did perform oral sex on me and I
14 said no to, I was scared. I was embarrassed.
15 I was in a big building with numerous amount of
16 people, with press everywhere. I -- I don't --
17 I didn't know what to do. I was scared. And
18 when they -- like I said before, when they went
19 on a break to ask questions, they asked about
20 me saying before that it did. I broke down. I
21 cried when the question came out. I had to
22 tell the truth, and that's what I did. I told
23 the truth that it happened.

24 Q. On June 16th --

25 A. Whenever --

1 Q. -- at the grand jury proceeding I just
2 mentioned?

3 A. Whenever you're telling me that's when
4 it happened -- I don't remember dates. You're
5 pushing dates onto me and I don't remember
6 when.

7 Q. Five months later, at the grand jury
8 proceeding on November 16, 2009, do you recall
9 telling the grand jury members that Jerry
10 Sandusky would touch your private parts with
11 his hands?

12 A. I believe so. I don't -- he did, and
13 I remember all the stuff he did. You're asking
14 me about dates and you're saying that they're
15 not important.

16 Q. I'm not asking about the dates of the
17 proceedings. What I'm saying to you is, on two
18 separate occasions -- forget the dates, but on
19 two separate occasions -- at one time you said
20 Mr. Sandusky did not touch your penis. On the
21 other occasion you said he did touch your
22 private parts with his hands.

23 A. And again --

24 Q. I'm not asking you about the dates?

25 A. And again I will tell you

1 embarrassment. I didn't want to be ridiculed.
2 I didn't want anything bad to happen. I will
3 honestly admit that I just wanted to, you know,
4 stop everything that I was doing and just
5 forget it ever happened. I didn't want to go
6 through that.

7 Q. I understand.

8 A. But I didn't have a choice, and you're
9 asking on two separate occasions on why I did
10 that? Because I was scared.

11 Q. But would you agree that they are two
12 very different statements? On the one hand,
13 Mr. Sandusky did touch my penis with his hands,
14 and then five months later saying Mr. Sandusky
15 didn't touch my penis with his hands. Would
16 you agree they're very different statements?

17 A. Yes. And I will stress to you again
18 that I was scared when I was testifying. I
19 broke down and cried. I -- you know, there was
20 -- there was a lot of stress and me not wanting
21 to say what happened, that I -- I broke down.
22 I couldn't -- and again that's why. And I do
23 -- I will say that they were two separate --
24 two separate statements -- but I was scared for
25 one and the other one I knew what I had to do.

1 Q. But if you were scared and what you're
2 telling us today is that you weren't being
3 truthful on one of those occasions with the
4 grand jury, aren't you?

5 A. I did tell the truth after I said
6 that.

7 Q. Were you aware now --

8 A. You --

9 Q. Go ahead. I didn't mean to cut you
10 off, if you want to go on.

11 A. You -- I said what I said because I
12 was scared.

13 Q. Which time were you scared?

14 A. The one when I said it didn't happen,
15 when I said he didn't touch it. Now, I figured
16 that I knew one way or the other I was going to
17 -- I was going to be stuck with this. There
18 was no getting rid of it. And I have -- if I'm
19 going to, you know, grow up and leave this all
20 behind me, I have to tell the truth. And
21 that's everything that was stressed to me, that
22 the truth has to be told, and that's what I
23 did.

24 Q. But I suspect, knowing the
25 professionalism of the Attorney General staff,

1 their attorneys, didn't they tell you before
2 you went into the grand jury on June 16th --
3 that's the first time. Forget the date. I'm
4 not asking you to remember the date -- but the
5 first time, when you said that Mr. Sandusky
6 hadn't touched your penis with his hands,
7 didn't they tell you ahead of time to tell the
8 truth?

9 A. They said that -- they said to me that
10 all you have to do is tell the truth and not to
11 lie.

12 Q. And you didn't tell the truth on that
13 occasion, is what you're telling us today?

14 A. I was scared. You -- you can't expect
15 a young man to come out with this to new people
16 every single day.

17 Q. Were you aware -- were you aware of
18 the fact that a grand jury proceeding is
19 secret?

20 A. Yeah.

21 Q. Did again --

22 A. I wasn't supposed to talk about it.

23 Q. And there's no media, no press
24 present, when you were testifying before then?

25 A. Present?

1 Q. Press, media, newspapers --

2 A. No, when you --

3 Q. -- television?

4 A. -- said present, what do you mean?

5 Q. No. Were you aware that the media,
6 the newspaper folks, the television folks, the
7 radio folks, weren't present in that room when
8 you testified?

9 A. They weren't in the room. They were
10 downstairs in -- off the escalator in all of
11 the buildings. There may have been one. There
12 may have been more. I -- I just know I recall
13 there being one there, and a very, very
14 persistent reporter, and I just didn't want
15 that.

16 Q. Do you recall in an interview -- and
17 again I'm not asking you for a date -- but do
18 you recall talking to Trooper Rossman and
19 telling Trooper Rossman that you performed oral
20 sex on Jerry Sandusky a number of times,
21 multiple times?

22 A. Yes, but not by choice.

23 Q. Do you recall telling the grand jury
24 -- and again the date is June 16th of 2009, but
25 that's not important -- but do you recall

1 telling the grand jury that you only performed
2 oral sex on Mr. Sandusky once?

3 A. I do, and I will stress to you again,
4 being a kid, being scared of embarrassment,
5 ridicule, I said that because it put my mind at
6 ease. It helped -- it helped give myself, not
7 an estimated number, but a real -- a real
8 number to be able to base my mind off of.

9 Q. Okay. That's fair. From the first
10 time you met with Children and Youth Services
11 back on November 20th of 2008 until today, can
12 you give us just an idea, not a specific, exact
13 number, but just an idea of how many times you
14 had interviews or appeared before grand juries
15 involving your testimony today in this case?

16 A. You're going to have to repeat that.
17 I did not understand it.

18 Q. How many times were you interviewed by
19 the police or CYS folks or the Attorney
20 General's Office about your testimony today,
21 what you're telling us today?

22 A. Let's see.

23 Q. Ballpark. I'm not saying you have to
24 count 11 or --

25 A. Well, I know, but I'm going to make it

1 easier so you don't have to keep asking me the
2 same question. The police, the state police,
3 interviewed me with a number of different state
4 troopers, Trooper Rossman being one of them,
5 Lear being another one, or however you
6 pronounce his name. There was a guy that
7 actually looked like Adam Sandler that came up
8 and talked to me. There was so many of them,
9 and then, when I went to CYS --

10 Q. And Dr. Gillum.

11 A. Huh?

12 Q. And Mr. Gillum, too?

13 A. He's not a state trooper.

14 Q. No, I know.

15 A. He's a psychologist.

16 Q. But I'm just adding him in as another
17 person.

18 A. He works for CYS.

19 Q. I understand.

20 A. Then at CYS I talked to a girl named
21 Jessica, a man named Matt, a state trooper who
22 I don't really remember what his name is, and
23 then I talked to Mike Gillum, who I've been
24 talking to for quite some time now.

25 Q. Well, let me ask it another way. Do

1 you feel that you have talked to all these
2 people combined, not just individually, but
3 between state troopers, and I know there were
4 three or four or five of them, CYS people,
5 including Dr. Gillum, Mr. Gillum -- I'm not
6 sure if he's a Ph.D. -- grand jury testimony,
7 Attorney General staff, would you say that you
8 spoke with these people, together, totally,
9 over 20 times between November 20 of 2008, and
10 today?

11 A. Yeah, if I put Mike in there, because
12 I go and see him every Thursday.

13 Q. I'm sorry. Pardon me?

14 A. Mike Gillum, my psychologist. If he's
15 thrown in there, he'd make that number go way
16 up, because I talk to him every Thursday.

17 Q. And as time progressed, each time you
18 spoke with these folks who were trying to help
19 you, would it be fair to say that you became
20 less scared to tell them the truth about what
21 happened?

22 A. It would be fair, yeah, but --

23 Q. Okay.

24 A. -- it was still hard and I still gave
25 myself estimates, and --

1 Q. And the reason I'm asking you that is
2 because again, going back to your grand jury
3 testimony on the 16th of June of 2009 -- and
4 again I'm not asking you about the date -- but
5 that would have been the first time you
6 appeared before the grand jury?

7 A. Uh-huh.

8 Q. You told the grand jurors that you
9 performed oral sex on Jerry Sandusky only once?
10 Do you recall saying that?

11 A. I do. New people. All right. That's
12 -- that's my answer to why, if that's your next
13 question. I'm not assuming, but I'm going to
14 tell you when a new person steps in to try to
15 get my story out, to try to get me to tell them
16 everything, it takes a little bit. I don't
17 just come right out and, you know, "Hey, yeah,
18 this absolutely happened to me, and this, this
19 and this." No, it takes a while.

20 Q. I understand that. But that was
21 after, according to government records, you had
22 met with Trooper Rossman on June 8th -- that's
23 eight days before the grand jury started on
24 June 16th -- and said that you performed oral
25 sex on Mr. Sandusky multiple times, eight days

1 before that. Can you account for that
2 difference?

3 A. Again, I will tell you one more time
4 that new people came into the ballgame. You're
5 -- oh, my God. It's hard enough for me to
6 tell, you know, these folks on the jury what
7 happened, let alone, you know, the size of this
8 room or more people. I'm sorry, but you're
9 asking me the same exact questions over and
10 over again, and I'm going to give you the same
11 answer every single time. There was new people
12 in the ballgame.

13 Q. Five months after that first grand
14 jury proceeding -- do you want to take a break,
15 Mr. Fisher?

16 A. I'd like you to stop asking me the
17 same question.

18 Q. No, I'm asking actually a different
19 question.

20 A. You're re-wording them.

21 THE COURT: This is not an argument.
22 Just answer the questions. If you need a
23 break, we'll take a break.

24 BY MR. AMENDOLA:

25 Q. Five months after the June 16, '09,

1 grand jury appearance, where you said that you
2 performed oral sex on Jerry Sandusky only once,
3 you appeared on November 16, 2009, and told the
4 grand jury on that date you never performed
5 oral sex on Jerry Sandusky. Do you remember
6 that?

7 A. Again, I was scared. I don't -- there
8 was so much going on. I didn't want to tell
9 anybody regardless of what happened. I didn't
10 care who they were. I didn't want to, but I
11 didn't have a choice. I was scared. I didn't
12 know what to do.

13 Q. Okay. But you're telling us -- what
14 you're telling us today -- you're telling
15 everyone in this room that what you're saying
16 today, this is the truth?

17 A. Yes.

18 Q. Did Mr. Sandusky ever take your
19 brother and sister with you and do things?

20 A. There was a time that I remember at
21 Hanna Park there in Mill Hall -- or, I'm sorry,
22 Lock Haven, by the Lock Haven college, my
23 little brother and sister -- or I believe my
24 little sister, I believe, was present, because
25 she's in a picture.

1 Q. And during the time frame that you
2 started breaking away from Mr. Sandusky, wasn't
3 there a situation that occurred outside your
4 house when he came to pick you up to help out
5 in a Second Mile event and you told him you
6 didn't want to go?

7 A. I believe so. I don't remember.

8 Q. And -- you don't remember that at all?

9 A. I remember numerous amount of times
10 when he came to my house. I remember a big
11 argument we had whenever I told him that I
12 wanted -- I was in the Big Brother Big Sister
13 program and he got very upset with me, and my
14 grandfather actually had to come and --

15 Q. And didn't he talk to you at that
16 point about you made a commitment and that's
17 why you should go and help out at The Second
18 Mile event?

19 A. Yeah, I do remember that.

20 Q. Did you help out at the Big Brother
21 Big Sister event?

22 A. I was in the Big Brother Big Sister.
23 I was part of it, like I was a kid in it.

24 Q. Did Mr. Sandusky ever say to you,
25 "Aaron, don't tell anybody what we're doing"?

1 A. No.

2 Q. Did he ever threaten to hurt you if
3 you told anybody what you told us today you
4 were doing?

5 A. No.

6 Q. And your testimony today for sure is
7 that you've never talked about being in a
8 position to buy a nice car and to live in a big
9 house because of what's happening in this case?

10 A. No, I haven't said that, if that's
11 what you're -- if that is what you're asking.

12 MR. AMENDOLA: That's what I'm asking.
13 Thank you. That's all I have.

14 THE COURT: Mr. McGettigan.

15 MR. MCGETTIGAN: Thank you, Your
16 Honor.

17 REDIRECT EXAMINATION

18 BY MR. MCGETTIGAN:

19 Q. Aaron -- Mr. Fisher -- before you
20 testified you met with me a number of times.

21 A. Yes.

22 Q. Did I or anyone else ever ask you to
23 say anything other than the absolute truth?

24 A. You --

25 Q. Did anybody ever ask you to say

1 anything that wasn't true?

2 A. No.

3 Q. Did anybody ask you to say anything
4 just because you said it before?

5 A. No.

6 Q. Did I ever ask you to read your grand
7 jury testimony and say this?

8 A. No.

9 Q. Did I ever ask you to read your police
10 reports and say just this?

11 A. No.

12 Q. Did I even ever ask you to read the
13 police report or the grand jury report?

14 A. No.

15 Q. How many times were you told to tell
16 the truth by me?

17 A. More than I can count, numerous
18 amount.

19 Q. Have you done that?

20 A. Yes.

21 Q. Did you ever meet me before you
22 testified before the grand jury?

23 A. No.

24 Q. And when you went to your teacher and
25 then the CYS worker and the police, 2008 -- the

1 first time you went to your teacher at school,
2 was that 2008, in November?

3 A. Yeah, I think so, 2009 --

4 Q. As best as you recall, at that time
5 did you have a lawyer?

6 A. Nope.

7 Q. Were you thinking about making money?

8 A. No.

9 Q. Were you thinking about a big house or
10 a nice car?

11 A. No, but every teenager thinks they can
12 -- wants a nice car.

13 Q. Okay. When you went to your teacher,
14 to CYS, were you thinking about anything but
15 having the defendant leave you alone, stop
16 molesting you?

17 A. Yes -- or no, sorry. I just wanted it
18 to stop.

19 Q. And Mr. Amendola asked you about the
20 defendant taking you to church.

21 A. Uh-huh.

22 Q. You went to church with him and his
23 wife. Were there other people with you
24 sometimes?

25 A. His -- his son, his -- one or two of

1 his sons maybe.

2 Q. Was it usually just you and the
3 defendant's wife and the defendant when you
4 went to church?

5 A. Yes.

6 Q. Okay. And sometimes were you wearing
7 those shoes that he bought you?

8 A. I wore those shoes all the time. It's
9 what he gave me to wear to church.

10 Q. And you're wearing the shirt that he
11 gave you sometimes?

12 A. The blue one that was on that picture,
13 yeah.

14 Q. And on a Saturday night, before he
15 took you to church on Sunday mornings wearing
16 the clothes that he bought you, had he
17 performed oral sex on you and made you perform
18 it on him?

19 A. Before we went to church, I don't --

20 Q. On the nights before you went to
21 church, did you stay at his house?

22 A. Yes.

23 Q. And on some of those nights, before he
24 took you to church in the clothes he bought,
25 had he done those sexual things you talked

1 about to you?

2 A. Yes.

3 MR. MCGETTIGAN: I have nothing
4 further.

5 MR. AMENDOLA: We have nothing, Your
6 Honor.

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

9 MR. MCGETTIGAN: Donald Fisher,
10 please.

11 THE COURT: Before you sit down, Mr.
12 Fisher, would you please stand, raise your
13 right hand, and take the oath?

14 Whereupon,

15 DONALD FISHER

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

18 THE COURT: You may be seated, sir.
19 Thank you.

20 MR. MCGETTIGAN: May I, Your Honor?
21 Thank you.

22 DIRECT EXAMINATION

23 BY MR. MCGETTIGAN:

24 Q. Mr. Fisher, how are you today?

25 A. I'm fine. Thank you.

1 Q. Okay. And can you tell us how you're
2 related to Aaron Fisher?

3 A. I'm his grandfather.

4 Q. Okay. And back in 2004 and up until
5 2008 and beyond, were you living in Lock Haven
6 then?

7 A. Yes.

8 Q. Okay. And can you tell us where, to
9 your knowledge, Aaron was living back in 2008
10 and just in the years just before that?

11 A. He was living in Lock Haven.

12 Q. Okay. And with whom did he live?

13 A. His mother.

14 Q. Anybody else in his family?

15 A. Brother and sister.

16 Q. Okay. Father not with the family?

17 A. No.

18 Q. And what kind of housing did they live
19 in at the time?

20 A. It was public housing.

21 Q. And did you have some activities with
22 Aaron from time to time?

23 A. Yeah, ever since he was in
24 kindergarden, I took him everywhere with me, to
25 wrestling tournaments. He wrestled and

1 baseball and everything.

2 Q. Do you know the defendant, Jerry
3 Sandusky?

4 A. Yes.

5 Q. Okay. And did you see the defendant,
6 Jerry Sandusky, back in 2005 through 2008? Did
7 you see him at all in company or in connection
8 with Aaron at all?

9 A. Yes.

10 Q. Where did you see him and on what
11 occasions, what type of events, if you can tell
12 us?

13 A. Well, I seen him come pick up Aaron
14 and take him with him the one day. He would
15 come to also the different, like, wrestling
16 tournaments and stuff of Aaron's.

17 Q. And did you ever talk to the defendant
18 at all?

19 A. Yeah, he actually sat down with -- on
20 the bleachers by me or -- and if my son,
21 Brandon, if he happened to be with me.

22 Q. Lengthy conversation or just hi and
23 how you doing?

24 A. Not really lengthy conversations. I
25 mean, we'd talk about -- a little bit about

1 Aaron's wrestling or something like that or --
2 but nothing.

3 Q. Did he seem to take an interest in
4 Aaron?

5 A. Yes.

6 Q. Did you know that Aaron was staying at
7 his house on many occasions, staying overnight
8 during the week and during the school year
9 then?

10 A. Yeah, he eventually was. Yeah.

11 Q. And now, did there come a time when
12 your daughter called you and asked you to come
13 to her house to talk with Aaron and Mr.
14 Sandusky?

15 A. Yes, she called me on the phone and
16 asked if I would come up because Aaron wanted
17 to back out. Jerry wouldn't leave. He'd been
18 there for about an hour. They were arguing and
19 stuff and asked me if I would come up, so I
20 said yeah, I'll be up.

21 Q. And when you got there, who was there?

22 A. My daughter and Jerry was in the front
23 yard, and I'm not positive, but I think Aaron
24 was in the house at the time.

25 Q. What was the argument about? Could

1 you hear?

2 A. What's that?

3 Q. What was the argument about?

4 A. Well, I asked Aaron -- I asked Donna
5 to have Aaron come out, and Aaron come out, and
6 then he wanted Aaron to give him a schedule for
7 the summer, where he was, what he was going to
8 be doing and stuff so that he'd be able to take
9 Aaron with him.

10 Q. And did Aaron want to do that?

11 A. No, Aaron kept telling him he didn't
12 know what his schedule was going to be for the
13 summer.

14 Q. And what was the defendant's response
15 to that? What was he doing?

16 A. He kept telling him why he needed to
17 know, because, "I have to make plans and
18 everything, so I need to know what it is." And
19 Aaron kept telling him, well, he didn't know
20 for sure what his plans were. Aaron would go
21 with me different times in the summer to -- he
22 would go to wrestling camp and he wrestled in
23 the Keystone Games. I would take him down to
24 stuff like that.

25 Q. Now, when you were there, had your

1 daughter asked the defendant to leave, Mr.
2 Sandusky? Had she told him to go away?

3 A. I can't remember if my daughter asked
4 him or not. I know eventually when we was
5 getting nowhere, I told Aaron to go back in the
6 house and I told -- told him -- said, "Hey, if
7 he don't want to go with you, don't worry about
8 it. Just get somebody else, one of the other
9 kids that, you know, that you're mentoring and,
10 you know, take him or something."

11 Q. And what did the defendant say to
12 that?

13 A. I can't really remember much except
14 for, "Oh, I just needed to know what his
15 schedule was going to be." And then finally he
16 got in his car then and left.

17 MR. MCGETTIGAN: I have nothing
18 further, Your Honor.

19 THE COURT: Cross.

20 MR. MCGETTIGAN: Thank you, Your
21 Honor.

22 CROSS-EXAMINATION

23 BY MR. AMENDOLA:

24 Q. Mr. Fisher, my name is Joe Amendola.
25 I represent Jerry Sandusky. I'm going to ask

1 you some questions. If you're not sure what
2 I'm asking, just let me know and I'll ask it
3 another way. Did you ever have phone
4 conversations with Mr. Sandusky about Aaron?

5 A. Did you say phone conversations?

6 Q. Would you call, for example, Mr.
7 Sandusky and encourage him to take Aaron to
8 events?

9 A. No, I would not.

10 Q. Pardon me?

11 A. No.

12 Q. No. Wrestling tournaments, things
13 like that?

14 A. No, I have always took Aaron since he
15 was in first grade, I think. We used to go to
16 wrestling tournaments all the time. Him and I
17 would go. Jerry would be there different
18 times. According to my daughter he would call
19 her and call Aaron every night and want to
20 know.

21 Q. At the time that this situation
22 occurred that you have just described to us on
23 -- your daughter's, I guess, in the front yard
24 with Aaron and Jerry -- at that time did you
25 know there were any allegations that Jerry had

1 done some inappropriate things with Aaron?

2 A. No.

3 Q. You found out afterwards that there
4 were allegations made?

5 A. Yeah, later on. I don't know when for
6 sure, but --

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

9 MR. MCGETTIGAN: Thank you, Your
10 Honor.

11 THE COURT: Thank you, sir. You can
12 step down.

13 MR. MCGETTIGAN: Ms. Musser, Mandy
14 Musser, please.

15 (Pause.)

16 MR. MCGETTIGAN: Wrong witness, Your
17 Honor.

18 Ms. Dershem -- no. We called for Ms.
19 Musser, not Ms. Dershem. I'm sorry. I
20 apologize.

21 THE COURT: Apparently, there is going
22 to be a minute while the witness gets here. If
23 you want to just stand and stretch, you'll be
24 able to do that, the same with anyone in the
25 courtroom. If you want to stand and stretch

1 for a minute, that would be fine.

2 MR. MCGETTIGAN: I'm sorry, Your
3 Honor.

4 (Pause.)

5 MR. MCGETTIGAN: There we go. Your
6 Honor, the witness has arrived.

7 THE COURT: We'll be back in session.
8 You can be seated, please.

9 MR. MCGETTIGAN: May I, Your Honor?
10 Whereupon,

11 MANDY MUSSER

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

14 DIRECT EXAMINATION

15 BY MR. MCGETTIGAN:

16 Q. Ms. Musser, am I saying the name
17 right?

18 A. Yeah.

19 Q. How are you employed?

20 A. I work at Hilton Garden Inn.

21 Q. Okay. And for how long have you
22 worked there?

23 A. Ten years.

24 Q. Okay. So back in 2004, 2005, you were
25 employed there at the time?

1 A. Yeah.

2 Q. Okay. And what is your position and
3 what was your position back then?

4 A. I'm currently the front office manager
5 and I was the front office manager.

6 Q. And by any chance do you know the
7 defendant, Jerry Sandusky?

8 A. He was pointed out to me once.

9 Q. Okay.

10 MR. MCGETTIGAN: And may I approach
11 the witness, Your Honor?

12 THE COURT: Yes.

13 MR. MCGETTIGAN: Thank you.

14 BY MR. MCGETTIGAN:

15 Q. Ms. Musser, you have been handed three
16 documents that have already been identified,
17 photographs. I think they're 52, 53, and 54.

18 A. Uh-huh.

19 Q. Do you recognize what is depicted on
20 those photographs?

21 A. Absolutely.

22 Q. Can you tell the ladies and gentlemen
23 of the jury what that is?

24 A. The first picture would be our fitness
25 center and the other two pictures are of our

1 pool area and hot tub area.

2 Q. Okay. And are they in those
3 photographs as they were then and are now?

4 A. Yeah.

5 Q. Okay. And did you have anything to do
6 with that fitness center, that pool, and the
7 defendant, Jerry Sandusky?

8 A. I was instructed to issue Mr. Sandusky
9 a key to our pool and fitness center for him to
10 bring Second Mile children over to swim.

11 Q. And did you do so?

12 A. Yes, not personally. I instructed my
13 staff at the front desk to do so. When he came
14 there, they were instructed to give him a key
15 to the pool and fitness center for his use.

16 Q. And to your knowledge was that done?

17 A. Yes.

18 MR. MCGETTIGAN: Nothing further, Your
19 Honor.

20 THE COURT: Cross.

21 MR. AMENDOLA: Thank you

22 CROSS-EXAMINATION

23 BY MR. AMENDOLA:

24 Q. Ms. Musser, good morning. My name is
25 Joe Amendola. I represent Mr. Sandusky.

1 A. Uh-huh.

2 Q. I'm going to ask you some questions,
3 just a few. If you don't understand what I'm
4 asking, let me know and I'll ask it a different
5 way, okay?

6 A. Okay.

7 Q. During the time that you worked at the
8 Hilton, did anyone ever complain that they saw
9 Mr. Sandusky using the pool with young kids and
10 acting in an inappropriate way?

11 A. Not to my knowledge.

12 Q. The pool, I take it, from what I've
13 seen from the government's reports, has a video
14 camera hooked up in the vicinity of the pool?

15 A. Yes. Yes, but -- my "but" on that is
16 that the viewing of it is not very clear.

17 Q. Do you know, for example, does anyone
18 routinely review the videotape before they
19 record, re-record, over it?

20 A. It would depend on the time frame that
21 you are referring to. If we're talking about
22 2000, you know, '2, '3, '4, '5, something like
23 that, there was a time that we just used a VCR
24 tape and re-recorded over it every week. We
25 had seven tapes. We would re-record over it.

1 Since then we now have a digital system, which
2 holds a lot more, but, in terms of reviewing
3 it, not unless there was an issue reported to
4 us. You know, if someone had said something
5 was stolen from the pool area, then we would
6 have, you know, reviewed the tape.

7 Q. Or, I take it, if something had
8 occurred that was maybe unusual or
9 inappropriate, you might review it, too, I
10 suspect?

11 A. I would suspect, yes.

12 Q. And I take it, to your knowledge, that
13 was not done with anything involving Mr.
14 Sandusky's use of the pool?

15 A. To my knowledge there was never
16 anything reviewed.

17 MR. AMENDOLA: Thank you. That's all
18 I have, Your Honor.

19 MR. MCGETTIGAN: Just one on redirect.

20 REDIRECT EXAMINATION

21 BY MR. MCGETTIGAN:

22 Q. If a little child had come and
23 complained that the defendant had touched him
24 inappropriately, you would have reviewed tapes
25 if you could have, but no little child came to

1 you, did they?

2 A. No.

3 MR. MCGETTIGAN: Okay. Thanks very
4 much.

5 May the witness be excused, Your
6 Honor?

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

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

11 MR. AMENDOLA: Yes. Yes, Judge.

12 MR. MCGETTIGAN: Ms. Burns, please.

13 Whereupon,

14 CYNTHIA BURNS

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

17 THE COURT: Maybe you should get those
18 exhibits before they get lost.

19 MR. MCGETTIGAN: Oh, actually, I'm
20 going to --

21 THE COURT: Oh, oh, all right. I'm
22 sorry. Okay.

23 MR. MCGETTIGAN: No. Thank you, Your
24 Honor.

25 THE COURT: All right.

1 DIRECT EXAMINATION

2 BY MR. MCGETTIGAN:

3 Q. Could you tell the ladies and
4 gentlemen of the jury your full name?

5 A. Cynthia Burns.

6 Q. Okay. And can you tell the jury where
7 you work?8 A. I work at the Hilton Garden Inn in
9 State College.10 Q. And for how long have you been working
11 there?

12 A. Ten years.

13 Q. And what position do you have?

14 A. I am the director of housekeeping.

15 Q. And you've been the director of
16 housekeeping then since 2004, at least?

17 A. For 10 years.

18 Q. Okay. And I'd like to ask you to take
19 a look at the pictures that are sitting in
20 front of you. I think they're marked, what is
21 it, 52, 53, 54?

22 A. Yes.

23 Q. Okay. And do you recognize those
24 photographs?

25 A. Yes, I do.

1 Q. Okay. What are they?

2 A. That's our fitness center and our
3 indoor pool and spa, and just a different look
4 at it.

5 Q. Okay. And back in 2004, 2005, did you
6 know who the defendant, Jerry Sandusky, was?

7 A. At the time, no.

8 Q. Okay. You know who he is now?

9 A. Yes, I do.

10 Q. Okay. But did you ever have occasion
11 to come in contact with him back in 2004, 2005,
12 that you recall now?

13 A. One time, yes.

14 Q. Okay. And tell us about that.

15 A. One Sunday afternoon I had my
16 grandchildren, who were 10 and 11 at that time.
17 I took them to the pool -- to the hotel, to the
18 pool, to swim, and at that time a gentleman and
19 a child came in to swim. I personally didn't
20 have a clue. My grandchildren did, because
21 they're big football fans. So they knew right
22 away who he was. So that's how my interaction
23 with him, you know, was that afternoon at the
24 pool.

25 Q. Your grandchildren, girls or boys or

1 one of each?

2 A. Both boys.

3 Q. Okay. And they knew who the defendant
4 was?

5 A. Oh, they knew who he was.

6 Q. And they pointed him out to you?

7 A. Yes, they did.

8 Q. And what did you do?

9 A. They were very, very excited. To me,
10 it meant nothing, you know. I'm not a football
11 fan, but they were very excited.

12 Q. And so the only thing you noted that
13 day is the defendant was there with a little
14 boy?

15 A. He was there with a child around their
16 age and they threw a football around for a
17 while in the swimming pool.

18 MR. MCGETTIGAN: Okay. Thanks very
19 much.

20 THE WITNESS: You're welcome.

21 MR. MCGETTIGAN: Nothing further, Your
22 Honor.

23 CROSS-EXAMINATION

24 BY MR. AMENDOLA:

25 Q. Hi, Mrs. -- is it Mrs. Burns?

1 A. Yes.

2 Q. My name is Joe Amendola. I represent
3 Mr. Sandusky. I'm just going to ask you a few
4 questions, okay?

5 A. Okay.

6 Q. If you're not sure what I'm asking,
7 let me know and I'll ask it a different way.

8 A. Okay.

9 Q. On the one occasion that you saw Mr.
10 Sandusky with the young boy who looked around
11 the age of your grandkids, did you see anything
12 inappropriate going on?

13 A. Not -- not at that -- not that day,
14 no.

15 Q. Well, was there another day when you
16 saw --

17 A. No. I'm sorry, no.

18 Q. -- anything inappropriate? Just so
19 we're clear about that.

20 A. Yeah.

21 Q. Because you said not that day. And as
22 I understand it from the report, that Mr.
23 Sandusky and the young boy were throwing the
24 football around?

25 A. Yes.

1 Q. Were your grandkids involved in that,
2 too?

3 A. Yes, they were.

4 Q. So basically the three kids and Mr.
5 Sandusky?

6 A. Yes.

7 Q. Were they in the pool?

8 A. Yes.

9 Q. Kind of looking like they're having a
10 good time?

11 A. Yes.

12 MR. AMENDOLA: Thank you. That's all
13 I have, ma'am.

14 MR. MCGETTIGAN: Just one other
15 question.

16 REDIRECT EXAMINATION

17 BY MR. MCGETTIGAN:

18 Q. At that time you didn't have daily
19 duties with the pool. You just oversaw
20 everything, right?

21 A. Correct.

22 Q. Okay. So you wouldn't have been in a
23 position to know who was in the pool every day.
24 It was just when you went swimming?

25 A. Just when I was there.

1 MR. MCGETTIGAN: Okay. Great. Thanks
2 very much.

3 THE WITNESS: You're welcome.

4 MR. MCGETTIGAN: Nothing further.

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

7 MR. MCGETTIGAN: Ms. Dershem now.
8 Your Honor, I just want to let the Court know
9 Ms. Dershem will probably be a lengthier
10 witness for cross and direct. I'm going to try
11 and get through direct.

12 THE COURT: Well, we'll get the first
13 20 minutes.

14 MR. MCGETTIGAN: Thank you, Your
15 Honor.

16 MR. FINA: Your Honor, may I approach
17 with the exhibits?

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

20 Whereupon,

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

24 MR. MCGETTIGAN: May I, Your Honor?

25 THE COURT: (Nodding head up and

1 down.)

2 DIRECT EXAMINATION

3 BY MR. MCGETTIGAN:

4 Q. Could you say your name spell your
5 last name for the record, please?

6 A. Jessica Dershem, D-E-R-S-H-E-M.

7 Q. Ms. Dershem, how are you employed?

8 A. I'm a caseworker with Clinton County
9 Children and Youth.

10 Q. And back in 2008, were you in that
11 same position?

12 A. Yes.

13 Q. Okay. I'm going to ask you
14 specifically about some activities that began
15 on the 20th of November of 2008. What was your
16 particular -- what were your particular duties
17 or job title at that point?

18 A. I was a caseworker.

19 Q. Okay. And as a result of working for
20 Clinton County Children and Youth as a
21 caseworker on the 20th of November of 2008, did
22 you have occasion to come in contact with Aaron
23 Fisher?

24 A. Yes.

25 Q. Okay. And can you tell us how that

1 contact came about from your end? How did you
2 know about it?

3 A. The agency received a referral from
4 Karen Probst, who was the principal at Central
5 Mountain High School, concerning inappropriate
6 contact between Mr. Sandusky and Aaron Fisher.

7 Q. And who advised you of that?

8 A. The director, Gerry Rosamilia.

9 Q. Okay. And did you know the name?
10 Sandusky didn't mean anything to you at the
11 time?

12 A. I had heard it, but I didn't have any
13 idea of what he was connected with or anything
14 like that.

15 Q. And did you know Aaron Fisher before
16 that date?

17 A. No.

18 Q. And did you meet Aaron Fisher on that
19 day?

20 A. Yes.

21 Q. Okay. Was he alone or was someone
22 else with him?

23 A. His mom was with him.

24 Q. Okay. And do you recall her name?

25 A. Dawn Daniels.

1 Q. Okay. Did you speak with anyone --
2 THE COURT: I'm sorry. What is his
3 mother's name?

4 MR. MCGETTIGAN: Dawn Daniels.

5 THE WITNESS: Dawn --

6 MR. MCGETTIGAN: I'm sorry, Your
7 Honor.

8 BY MR. MCGETTIGAN:

9 Q. Did you speak with anyone at the
10 school either telephonically or in person about
11 their contact with Aaron that day, before he
12 came to see you?

13 A. No, I didn't.

14 Q. Did anyone else in your agency speak
15 with someone at the school?

16 A. Yes, the caseworker, Hannah Thompson,
17 was the one that took the intake phone call.

18 Q. Okay. Did you speak with any of the
19 school officials at a later date about this
20 event?

21 A. I talked with Karen Probst at one
22 point to see if she had had any further contact
23 with Mr. Sandusky, in which she had stated that
24 he had called to see if he could participate in
25 the football banquet, and he was told that he

1 was not permitted to do so.

2 Q. Now, after you met Aaron Fisher for
3 the first time, did you speak with him at any
4 length? Did you interview him?

5 A. Yes.

6 Q. Okay. Did you interview him alone or
7 in the company of another person, or more than
8 one?

9 A. It was in the company of another
10 caseworker by the name of Matt Allegretto.

11 Q. Okay. And how did Aaron present
12 himself? What was his appearance or demeanor
13 when you first spoke with him?

14 A. Aaron was very shy, kind of backward,
15 but he was very polite in talking with us.

16 Q. And during the course of the interview
17 did you ask him what contact and what complaint
18 he had about the contact that he had had with
19 the defendant, Jerry Sandusky?

20 A. Yes.

21 Q. Okay. And was he very willing and
22 agreeable to speaking comfortably about that?

23 A. You could tell he was very nervous in
24 talking about it. At the end of the interview,
25 I felt that he had still had more to talk

1 about, but just wasn't ready to do so at that
2 time.

3 Q. How long did your interview last?

4 A. I believe it was about an hour.

5 Q. Okay. And what was your purpose, your
6 professional purpose, in conducting this
7 interview?

8 A. The interview was to get Aaron -- to
9 have him talk about what the allegations were,
10 to determine whether or not we had enough
11 information to consider it child abuse.

12 Q. Okay. And after you conducted the
13 interview with Aaron, did you reach a
14 conclusion?

15 A. Yes.

16 Q. And your conclusion was?

17 A. The conclusion at the end of the first
18 interview was that we felt that Aaron had some
19 more stuff to talk about. However, at the
20 second interview, we felt that there was enough
21 to indicate.

22 Q. Okay. You used the term indicate.
23 What does that mean?

24 A. That means that we feel that there is
25 enough information to meet the definition of

1 child abuse, child sexual abuse.

2 Q. And when you say it was indicated or
3 you said -- excuse me. You said you thought
4 Aaron had more to tell you. Did you believe he
5 was lying to you, making something up, or
6 merely withholding and failing to fully
7 disclose?

8 A. Just withholding because he was
9 uncomfortable talking about the incidents.

10 Q. Okay. Now, after you concluded your
11 interview with Aaron on that day, did you
12 conduct another interview with him at a later
13 time?

14 A. Yes.

15 Q. Okay. Was that alone or in the
16 company of others?

17 A. That was in the company of Trooper
18 Akers from the Montoursville State Police and
19 also Trooper Cavanaugh with the Lamar barracks
20 of the state police.

21 Q. How is it that the state police became
22 involved in the interview process, because you
23 work for a social services agency?

24 A. Yes.

25 Q. Okay. Why did the state police become

1 involved?

2 A. Any time we get a referral for sexual
3 abuse we have to make a police report. It's,
4 you know, required by law that we do so.

5 Q. Okay. And I take it -- did you do
6 that on the day that you spoke with Aaron?

7 A. No, I did that the following day, on
8 the 21st of November, 2008.

9 Q. Okay. And to your knowledge did you
10 know then that the defendant, Jerry Sandusky,
11 was involved with the program The Second Mile?

12 A. I had heard of a conversation that the
13 director from Children and Youth, Gerry
14 Rosamilia, had with another member of The
15 Second Mile program concerning severing the
16 ties of Clinton County with The Second Mile
17 program.

18 Q. Okay. Was that, in fact, done?

19 A. Yes.

20 Q. That day?

21 A. I believe so, yes.

22 Q. And after the second interview did you
23 participate with Aaron and the state police --
24 are there any steps that you're required to
25 take professionally, in the course of your

1 duties, in terms of advising the defendant
2 about this complaint?

3 A. Yes, we are required to send out what
4 we call a rights letter, and it just explains
5 the process of a child abuse investigation.

6 Q. Okay. And did you do that
7 immediately, like right after that first or
8 second interview with Aaron?

9 A. No, we -- the agency decided to hold
10 off on sending out the letter because there was
11 concern that there would be some retaliation
12 against Aaron.

13 Q. Okay. And so you didn't send out a
14 letter right away?

15 A. Right.

16 Q. Do you have a period of time within
17 which you must by rule or law send out a
18 letter?

19 A. The general rule is within 24 hours.
20 However, after talking with DPW, it was -- we
21 were told that we could hold off on sending it
22 due to the fear of retaliation.

23 Q. Okay. Did you eventually send such a
24 letter?

25 A. Yes.

1 Q. Okay. And did you receive a reply or
2 contact regarding that letter sent to Mr.
3 Sandusky from Mr. Sandusky?

4 A. Yes, I had called Mr. Sandusky on the
5 2nd of January, 2009, wanting to set up a time
6 for an interview for us to meet. He didn't
7 answer, so I left him a voicemail. He later
8 returned my phone call that same day. I
9 explained to him the process of the ChildLine
10 investigation, went over the allegations
11 briefly, and he had mentioned -- he had asked
12 if he needed an attorney present for the
13 interview, in which I had said that was his
14 choice if he chose to do so.

15 Q. Okay. And after that did you speak
16 with Mr. Sandusky on the telephone or did the
17 next time you spoke to him occur in person?

18 A. The next time I spoke with him was on
19 the 6th of January, 2009, in which he had
20 called and wanted to know when or where the
21 interview was going to be and if there had been
22 a date set up.

23 Q. And what did you say?

24 A. At the time Mr. Sandusky's attorney
25 and Clinton County Children and Youth's

1 attorney were playing phone tag, trying to get
2 something arranged for everybody's schedule.

3 Q. Okay. And at some point did you meet
4 with the defendant, Jerry Sandusky, in person?

5 A. Yes.

6 Q. Okay. Where was that?

7 A. At Clinton County Children and Youth.

8 Q. Okay. And who else was present, if
9 you recall?

10 A. It was myself, Clinton County Children
11 and Youth's attorney, Michael Angelelli, Mr.
12 Sandusky and his attorney, Joe Amendola.

13 Q. Okay. And did you conduct an
14 interview that included the defendant, Jerry
15 Sandusky?

16 A. Yes.

17 Q. Okay. And how long an interview was
18 it, if you recall?

19 A. I'm going to say at least a good hour.

20 Q. Okay. And did you ask the defendant
21 questions?

22 A. Yes.

23 Q. And did he answer them?

24 A. Yes.

25 Q. And did you take contemporaneous

1 notes, notes at the same time that the
2 defendant was talking?

3 A. Yes.

4 Q. Okay. And was his lawyer sitting
5 there next to him?

6 A. Yes.

7 Q. And you had the CYS lawyer there, too?

8 A. Yes.

9 Q. Okay. And I'm going to ask you, do
10 you have some -- a fairly good recollection of
11 the interview that you took of the defendant,
12 Jerry Sandusky?

13 A. Yes.

14 Q. But did you take, as I said, notes,
15 and did you bring those notes with you today?

16 A. Yes, I did.

17 Q. Okay. Did you ask the defendant about
18 his relationship with Aaron Fisher?

19 A. Yes.

20 Q. Did you ask him how long a, quote,
21 "relationship" he had had with Aaron?

22 A. Yes.

23 Q. Okay. What did he tell you?

24 A. About three years.

25 Q. And did he tell you some of the

1 activities that he used to engage in with
2 Aaron?

3 A. Yes.

4 Q. What were they?

5 A. He had taken Aaron to some
6 Philadelphia Eagles games, taken Aaron to some
7 away Penn State games, Penn State Big 33 game,
8 as well as The Second Mile outings, a golf
9 tournament.

10 Q. And did he offer anything about how he
11 viewed Aaron?

12 A. Yes.

13 Q. What did he say?

14 A. He viewed Aaron as an extended family
15 member, kind of like a son.

16 Q. And did he tell you that he tried to
17 help Aaron out, to help him do things
18 academically and athletically?

19 A. Yes.

20 Q. Okay. And at some point did he
21 express frustration with Aaron's recent
22 behavior?

23 A. Yes.

24 Q. Okay. Tell the ladies and gentlemen
25 of the jury what he said about that as best you

1 can recall, what words and expressions the
2 defendant used.

3 A. He had asked Aaron for some assistance
4 with a Second Mile event, in which Aaron had
5 stated that he did not want to help him out
6 with. Mr. Sandusky indicated to Aaron that he
7 felt used because of this.

8 Q. And the defendant told you that he had
9 said to Aaron that he felt used?

10 A. Yes.

11 Q. Now, did you ask the defendant at some
12 point about his taking Aaron out of school?

13 A. Yes.

14 Q. And did he admit to having taken Aaron
15 out of school?

16 A. He admitted -- he did not admit to
17 taking him out of class. He admitted to having
18 Aaron called out of an assembly to talk to him
19 about The Second Mile golf tournament that he
20 had wanted Aaron's help for.

21 Q. And what did he do because he wanted
22 Aaron's help?

23 A. He had had him pulled out of an
24 assembly that was going on during school by one
25 of the principals.

1 Q. Okay. At that point did you know that
2 Aaron had been taken out of his class many
3 times by the defendant?

4 A. That was reported, yes, that he had
5 been taken out of classes.

6 Q. Okay. And the defendant, however,
7 admitted only taking him out of class one time?

8 A. Yes.

9 Q. Okay. Did you ask the defendant at
10 some point about Aaron's staying at overnights
11 at his house?

12 A. Yes.

13 Q. Did the defendant admit that Aaron
14 stayed overnights at his house?

15 A. Yes.

16 Q. And how many times did he tell you
17 Aaron stayed overnight at his house?

18 A. Seven to eight times.

19 Q. That was it?

20 A. Yes.

21 THE COURT: I'm sorry. How many,
22 seven or eight?

23 THE WITNESS: Seven to eight, yes,
24 seven or eight.

25 BY MR. MCGETTIGAN:

1 Q. Okay. And did you ever confront him
2 with what you considered to be discrepancies
3 between what Aaron had told you and what he had
4 told you, or just let him say what he said?

5 A. I just let him talk.

6 Q. Okay. Now, did you ask him about
7 physical contact between he and Aaron?

8 A. Yes.

9 Q. Okay. And could you tell the ladies
10 and gentlemen of the jury -- I'll let you tell
11 as best you can recollect -- of all the
12 different types of physical contact that the
13 defendant admitted to having with Aaron when
14 you spoke with him that day?

15 A. Mr. Sandusky admitted to blowing
16 raspberries on Aaron's stomach. He admitted to
17 having Aaron lay on top of him to crack his
18 back, admitted to rubbing Aaron's back
19 underneath his shirt. When asked if his hands
20 ever went below the waistline of his -- Aaron's
21 pants -- he had stated he can't honestly answer
22 whether or not his hands went below his pants.
23 He admitted to kissing Aaron on the forehead,
24 however, then said that he couldn't recall if
25 he did, but it wasn't anything unusual for him

1 to kiss other children on the forehead.

2 Q. And did you ever ask him about whether
3 he kissed him anyplace else?

4 A. No, I don't believe I asked him that,
5 specifically.

6 Q. And did you mention that Aaron had
7 told you that he had kissed him other places?

8 A. I believe so, yes.

9 Q. And what was the defendant's response
10 to that, if anything?

11 A. He denied that he had any sexual
12 contact with Aaron or that there was ever any
13 sexual intent in his dealings with Aaron.

14 Q. Did he tell you how long that Aaron
15 would be lying on top of him when he would
16 crack his back?

17 A. I believe it was five to 20 minutes.

18 Q. And did you find this somewhat
19 unusual?

20 A. Yes.

21 Q. And did you ask Mr. Sandusky why he
22 would have a small child lying on top of him?

23 A. I don't believe I asked him that
24 direct question.

25 Q. And did he tell you why he wanted to

1 be involved with Aaron and had been involved
2 these three years?

3 A. He had wanted to be involved with
4 Aaron. He knew that Aaron's father was not
5 involved in his life.

6 Q. And did he tell you what he hoped to
7 achieve by spending this time with Aaron?

8 A. On two occasions he stated he wanted
9 to make Aaron feel important and significant,
10 and on another occasion he stated he wanted
11 Aaron to feel important and he wanted to
12 connect with Aaron.

13 Q. He wanted to connect with him?

14 A. Yes.

15 Q. And did you ask the defendant about
16 following Aaron's bus home from -- school bus
17 -- home from school?

18 A. Yes.

19 Q. And what did the defendant have to say
20 about that?

21 A. He stated that he did not follow
22 Aaron's bus home from school. He went in the
23 direction that he thought the bus went.

24 Q. And then?

25 A. And then he had stated that, when he

1 located Aaron, he asked Aaron to get in the car
2 and talk with him concerning their argument
3 after he pulled him out of the assembly, in
4 which they talked about it for a little bit.
5 Aaron got frustrated and got out of the car and
6 left.

7 Q. And did the defendant tell you why he
8 happened to be in the vicinity of Aaron's
9 school bus when they ran into each other? Did
10 he have a story about it?

11 A. No.

12 Q. He just said he happened to be there?

13 A. He said that he just went in the
14 direction that he thought the bus went to talk
15 to Aaron.

16 Q. Okay. And why did he say he wanted to
17 talk with Aaron? I'm sorry if I asked that
18 question.

19 A. Oh, because he had felt bad about the
20 argument that they had had when he pulled Aaron
21 out of the assembly concerning the golf outing
22 that he had wanted Aaron's help for.

23 Q. And did he tell you anything about
24 gifts he had given to Aaron?

25 A. Yes, he had given Aaron a set of golf

1 clubs, a computer, and had made him a homemade
2 birthday card with a picture of Aaron from one
3 of his track meets.

4 Q. Who made a homemade birthday card?

5 A. Mr. Sandusky.

6 Q. Okay. With a picture of Aaron?

7 A. Yes.

8 Q. Okay. And did he tell you who took
9 the picture?

10 A. No. It was from a newspaper article.

11 Q. And during this entire conversation
12 the defendant was accompanied by counsel, was
13 he not?

14 A. Yes.

15 Q. Okay. After he related things about
16 this physical contact, did you have any further
17 questions that you posed to him that he didn't
18 answer or anything you asked him to explain?

19 A. I believe our attorney, Michael
20 Angelelli, had asked him about the back-
21 cracking and whether or not Aaron had been
22 laying on him vertically or horizontally, in
23 which Mr. Sandusky admitted that he would have
24 him lay on him both ways.

25 Q. Were there any additional follow-up

1 questions that were asked?

2 A. No.

3 Q. That you recall. And did Clinton
4 County have any -- was Clinton County aware --
5 at that time were you aware that the defendant
6 had adoptive children himself?

7 A. No.

8 Q. Did you ask the defendant when his
9 last contact with Aaron had been?

10 A. Yes.

11 Q. And when did he tell you?

12 A. On Aaron's birthday, November 9th of
13 2008.

14 Q. And did he advise you that he called
15 him since or did he not respond to that at all?

16 A. Did not respond to that.

17 Q. Okay. And did the defendant ask you
18 any questions?

19 A. No, not that I can recall.

20 Q. Now, you had said before that as a
21 result of your first interview with Aaron, that
22 sexual abuse was indicated. After your contact
23 with the defendant, did you have to do anything
24 else, confirm, change, or do anything different
25 with your earlier opinion as expressed by

1 indicated?

2 A. No, we still believed that the report
3 would be indicated, because there was a lot of
4 consistencies between Aaron, what he had talked
5 about and what Mr. Sandusky admitted to. We
6 had to just turn in the CY-48, which is the
7 report we send back to ChildLine letting
8 ChildLine know whether or not the report would
9 be indicated or unfounded.

10 Q. Okay. And did you have any further
11 involvement with Mr. Sandusky after that date?

12 A. Not directly with Mr. Sandusky. There
13 was an appeal letter that we received from the
14 state concerning an appeal for the indicated
15 report. That was February 27th of 2009.

16 Q. And when you say an appeal letter,
17 that means somebody says you found that sexual
18 abuse is indicated and I say it's not? Is
19 that --

20 A. Correct.

21 Q. Okay. Was that appeal pursued or
22 withdrawn?

23 A. It was withdrawn.

24 Q. By the defendant?

25 A. Yes.

1 MR. MCGETTIGAN: Okay. Thank you very
2 much. I have nothing further, Your Honor. Oh,
3 excuse me. I'm sorry. I always forget. May
4 I, Your Honor, briefly? May I approach the
5 witness, Your Honor?

6 THE COURT: Yes.

7 BY MR. MCGETTIGAN:

8 Q. Ms. Dershem, you've been handed two
9 documents that have been marked Commonwealth's
10 55 and 56, and do you recognize those items?

11 A. Yes.

12 Q. Okay. Can you tell the ladies and
13 gentlemen of the jury what they are?

14 A. They are receipts from two hotel stays
15 in which Mr. Sandusky's attorney had faxed to
16 the Children and Youth agency.

17 Q. Okay. And did you ask Mr. Sandusky or
18 do you know what those represent?

19 A. This represents -- the two that are
20 here show that there were two -- one room had
21 two double beds in it and the other room had a
22 king-size bed with a pullout sofa.

23 Q. Okay. And who stayed in those rooms,
24 if you know?

25 A. Mr. Sandusky and Aaron Fisher.

1 Q. Okay. And did you ask the defendant
2 about that?

3 A. Yes.

4 Q. And did he admit he stayed with Aaron
5 on at least those occasions?

6 A. He admitted that he had stayed in
7 hotel rooms with Aaron, yes.

8 Q. Did he say on how many occasions or do
9 you recall?

10 A. I don't recall how many occasions he
11 had said.

12 MR. MCGETTIGAN: Okay. Thanks very
13 much.

14 THE COURT: We'll take a recess now
15 until one o'clock. We'll remain seated while
16 the jury is taken out.

17 (Whereupon, the jury exited the
18 courtroom.)

19 THE COURT: We will reconvene at one
20 o'clock.

21 MR. MCGETTIGAN: May we see you for
22 one moment, Your Honor, with counsel? It's
23 nothing urgent, just a scheduling issue.

24 THE COURT: Record?

25 MR. MCGETTIGAN: Pardon me?

1 THE COURT: Record?

2 MR. MCGETTIGAN: Oh, no, no, no, no.
3 This is just about scheduling a witness for
4 this afternoon, Your Honor.

5 THE COURT: Oh, okay.

6 (Whereupon, a discussion was held at
7 sidebar off the record.)

8 (Whereupon, a luncheon recess was
9 taken.)

10 THE COURT: You may be seated.

11 Counsel, would you approach the bench,
12 please?

13 You can bring the jury in.

14 (Whereupon, the jury entered the
15 courtroom.)

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

18 THE COURT: I just wanted to double-
19 check one thing. You mentioned you were going
20 to serve a subpoena on --

21 MR. MCGETTIGAN: I'm sorry. I didn't
22 hear.

23 THE COURT: You served a subpoena --
24 served a subpoena on Andre -- I can never say
25 the name.

1 MR. AMENDOLA: Andreozzi, I believe,
2 Judge.

3 THE COURT: If you're going to examine
4 him about the conversation I had with him, I
5 just want to talk to you about it before you do
6 that.

7 MR. AMENDOLA: No.

8 THE COURT: Okay.

9 MR. MCGETTIGAN: Well, that's going to
10 be in your case anyway. We'll ask for an offer
11 of proof and then we'll --

12 THE COURT: Well --

13 MR. AMENDOLA: Oh, yeah.

14 THE COURT: -- but I just wanted to do
15 a heads up.

16 MR. MCGETTIGAN: Andreozzi, Victim --

17 MR. FINA: Four

18 THE COURT: -- 4's attorney, yeah. I
19 just wanted to make sure we didn't get into any
20 of that sort of thing. Okay.

21 MR. MCGETTIGAN: Just so you know, we
22 added another witness for this afternoon, and
23 that would be John McQueary, whose testimony, I
24 assume, would be relevant after --

25 MR. AMENDOLA: You had mentioned that,

1 yeah.

2 MR. MCGETTIGAN: -- after cross-
3 examination of Mike McQueary.

4 MR. AMENDOLA: Yeah, you mentioned
5 that.

6 THE COURT: Okay.

7 MR. MCGETTIGAN: And we can always
8 count on technical glitches to eat up some
9 time. That's me.

10 THE COURT: Okay.

11 (Sidebar discussion was ended.)

12 THE COURT: We'll be in order. And
13 Mr. Amendola, go ahead.

14 MR. AMENDOLA: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. AMENDOLA:

17 Q. Good afternoon, Ms. Dershem.

18 A. Good afternoon.

19 Q. You may remember me. I was with Mr.
20 Sandusky when we --

21 MR. AMENDOLA: I want to make sure
22 this mic is working, Your Honor. It's going to
23 be tough enough going through this right after
24 lunch. People may be tempted to take a nap.
25 They usually do when I'm speaking.

1 BY MR. AMENDOLA:

2 Q. But in any event then, Ms. Dershem,
3 you may recall that I was with Mr. Sandusky
4 when we visited your office a while ago. It's
5 hard to believe that's in 2009, but in any
6 event I'm going to ask you questions. If
7 you're not sure about what I'm asking, please
8 let me know and I'll ask it another way, okay?

9 A. (Nodding head up and down.)

10 Q. Your records indicate that the first
11 contact you had with Aaron Fisher was on
12 November 20, 2008?

13 A. Yes.

14 Q. And when you get somebody in who is
15 making a complaint, a child or a family of a
16 child, is it routine for you to fill out what
17 they call an intake worksheet?

18 A. Yes.

19 Q. Did you do that in this case?

20 A. Not myself. Caseworker Hannah
21 Thompson, who took the report, did, yes.

22 Q. And do you have a copy of that
23 document with you today?

24 A. Yes. It's not in the courtroom, but
25 it is with me today.

1 Q. But you don't have it in the
2 courtroom?

3 A. No.

4 Q. Okay. I guess I'm going to have to do
5 it the hard way.

6 MR. AMENDOLA: Your Honor, if I may
7 approach? because I have the documents and
8 apparently Ms. Dershem doesn't.

9 THE COURT: Yes, you may.

10 MR. AMENDOLA: Thank you.

11 BY MR. AMENDOLA:

12 Q. And if I may -- and I'll keep my voice
13 up, because when I leave the mic, probably
14 people back there can't hear, but I'm going to
15 show you a document. If you can identify this
16 for me?

17 A. Yes, that is the intake sheet that
18 Hannah Thompson had wrote up concerning the
19 phone calls from Karen Probst at the high
20 school.

21 Q. And Karen Probst is the principal at
22 the high school?

23 A. Yes.

24 Q. And she had basically referred this
25 matter to your office?

1 A. Yes.

2 Q. And is it routine in a case like this
3 that this intake worksheet would be filled out?

4 A. Yes.

5 Q. I'm going to refer you to what would
6 be the second page and ask you, under
7 "Allegations," if you can read what the
8 allegations were during that first instance?

9 MR. MCGETTIGAN: Your Honor, I'd
10 merely object because this witness did not fill
11 out the document nor did she take the report.
12 That witness is available to counsel.

13 MR. AMENDOLA: Well, Your Honor, if we
14 have to go that way, we can certainly try to
15 qualify it in several ways. One is, is this a
16 business record kept in the ordinary due course
17 of business?

18 MR. MCGETTIGAN: I'm just not sure why
19 this particular witnesses is being confronted
20 with a document she neither generated nor had
21 anything to do with.

22 MR. AMENDOLA: If I may, Your Honor,
23 the Commonwealth has cross-examined or directly
24 examined this witness concerning the
25 allegations, concerning interviews with Aaron

1 Fisher and also with Mr. Sandusky. I'm simply
2 now asking questions about those interviews and
3 what was said.

4 THE COURT: You're using the document
5 that she used as part of her process?

6 MR. AMENDOLA: Yes, Your Honor.

7 THE COURT: Go ahead. Overruled.

8 MR. MCGETTIGAN: I just didn't hear
9 that question. I'm sorry if you asked that.

10 THE COURT: Overruled. Go ahead.

11 BY MR. AMENDOLA:

12 Q. And you agree this is your document?

13 A. Yes.

14 Q. From the office?

15 A. Yes.

16 Q. And, under "Allegations," can you read
17 what the allegations are?

18 A. It says: Aaron told Karen Probst,
19 Central Mountain High School principal, that
20 there has been inappropriate conduct by Jerry
21 Sandusky. Aaron has stated it has been
22 occurring for three years. Aaron reports that
23 he and Jerry have slept in the same bed and has
24 had contact over clothes. This has occurred in
25 multiple environments, including hotels and

1 Jerry's home.

2 Q. Would you agree there's no mention of
3 oral sex or any other type of sexual activity
4 in that allegation?

5 A. Yes.

6 Q. Now, referring you to the November 20,
7 2008, interview of Aaron Fisher, were you
8 involved in that interview?

9 A. Yes.

10 Q. And did you prepare this report?

11 A. Yes.

12 Q. I'm going to refer you to the part of
13 that interview which I have marked as page 2,
14 although your pages are unnumbered. I just did
15 it for simplicity purposes so we wouldn't get
16 confused. But you see that there is a sentence
17 that's highlighted?

18 A. Yes.

19 Q. Can you read that sentence that's
20 highlighted for us?

21 A. Aaron stated that he and Mr.
22 Sandusky's clothes were always on.

23 Q. And a little bit further down in the
24 next paragraph, there's another sentence on
25 page -- I marked it as page 2, Mr. McGettigan,

1 but it's the second page of this report. A
2 little bit further down in the next paragraph
3 there's another highlighted sentence that I
4 have marked as No. 2. Can you read that
5 highlighted sentence?

6 A. Aaron shared that these incidents
7 occurred over 30 times altogether and about 10
8 of them were out of town at hotels.

9 Q. Okay. So he mentioned there were 30
10 incidents of this touching above the clothing
11 and about 10 of those occurred at hotels out of
12 town?

13 A. Yes.

14 Q. And I'm going to ask you to maybe read
15 the entire sentence where I've marked it No. 3,
16 starting with, "When asked."

17 A. When asked where the incident was in
18 Maryland -- is that where you're talking about?

19 Q. No, no, "When asked."

20 A. When asked where he would sleep when
21 he would be out of town with Mr. Sandusky,
22 Aaron shared that sometimes there would be one
23 bed and sometimes there would be two beds in
24 the hotel rooms.

25 Q. Well, on what I've marked as page 3,

1 it's the third page of your report on the
2 November 20th interview of 2008. Can you read
3 the highlighted part of that particular
4 paragraph, starting with "Workers"?

5 A. Workers asked Aaron if there was
6 anything else Mr. Sandusky did or any other
7 actions that made him feel uncomfortable, and
8 Aaron denied that there was anything else.

9 Q. And the next sentence?

10 A. Workers asked this question several
11 times throughout the interview, and each time
12 Aaron gave the same response.

13 Q. Now, there was another interview on
14 November 21st, correct?

15 A. November 12th.

16 Q. The first one was the 20th?

17 A. Yes, was the 20th.

18 Q. The second one was November 21st?

19 A. With Aaron?

20 Q. Yes.

21 A. No, the second interview with Aaron
22 was December 12, 2008.

23 Q. And who was present -- well, I'm
24 sorry. Is this -- you had an interview with
25 Mr. Gillum that day?

1 A. I talked with Mr. Gillum that day,
2 yes.

3 Q. I understand. So the next interview
4 with Aaron Fisher was on December 12th?

5 A. Yes.

6 Q. And who was present at that interview?

7 A. It was myself, Trooper Cavanaugh from
8 Lamar Barracks State Police, Trooper Akers from
9 Montoursville State Police, and Aaron.

10 Q. And can you read the section of that
11 particular page that starts with, "Worker
12 stated"?

13 A. Worker stated that she would like to
14 videotape the interview again. Trooper
15 Cavanaugh stated that worker could do this at
16 the end of his part of the interviews. He
17 stated that he doesn't like doing taped
18 interviews as they help out the defense
19 lawyers.

20 Q. Did he explain to you how taped
21 interviews of a witness or a potential victim
22 helps out defense lawyers?

23 A. No, he didn't explain that.

24 Q. During this interview did Aaron Fisher
25 tell you or Trooper Cavanaugh or anyone else

1 that Jerry Sandusky had had oral or any other
2 sort of sexual activity with him?

3 A. No.

4 Q. I take it, though, during this
5 interview he did start talking about kissing
6 and blowing on his stomach and rubbing his back
7 and things of that nature?

8 A. Yes.

9 Q. And again would it be fair to say that
10 either you or Trooper Cavanaugh or one of the
11 other troopers asked Aaron Fisher during this
12 interview whether or not Mr. Sandusky had
13 performed any sort of sexual acts on him?

14 A. Can you repeat that?

15 Q. Yes. Would it be fair to say that
16 during this interview on December 12, 2008,
17 either you or Trooper Cavanaugh, somebody in
18 that interview who was leading the interview,
19 asked Aaron Fisher if Jerry Sandusky had
20 committed any sort of sexual acts on him?

21 A. Yes.

22 Q. And the answer was?

23 A. He had talked about the blowing on his
24 stomach and things like that, and the kissing
25 and touching his buttocks underneath his -- his

1 pants.

2 Q. Is he talking about oral sex?

3 A. No.

4 Q. Is he talking about anal sex?

5 A. No.

6 Q. On what I've marked as page 7 just
7 because it's numerically the next page in terms
8 of the numbering, there is a part that's
9 highlighted in which Aaron says that this back-
10 cracking would last for anywhere from five to
11 20 minutes?

12 A. Yes.

13 Q. And that the kissing would progress?

14 A. Yes.

15 Q. And also does he indicate here -- I'm
16 pointing out the area where Aaron said that
17 this occurred about three or four times on an
18 out-of-town trip --

19 A. Yes.

20 Q. -- when he was at a hotel with Mr.
21 Sandusky?

22 A. Yes.

23 Q. Now, referring you to the highlighted
24 area, what I have marked as page 8 -- it would
25 be the next numerical page -- as a result of

1 this interview, did Trooper Cavanaugh say or
2 tell you that he felt there was enough to
3 charge Mr. Sandusky with indecent assault?

4 A. Yes.

5 Q. To your knowledge, was Mr. Sandusky
6 charged at that time?

7 A. No.

8 Q. Now, on January -- and I'm going to
9 leave this here, so maybe I'd better stay, too,
10 although I'd prefer to sit down -- on
11 January --

12 A. I have a copy of this.

13 Q. You do have --

14 A. I do have a copy --

15 Q. You have that with you?

16 A. -- of the front couple pages, yes.

17 Q. Then I'll return to my seat. Thank
18 you. On January 15, 2009, Ms. Dershem, Jerry
19 Sandusky came to your office with me?

20 A. Yes.

21 Q. And that was as a result of a letter
22 he received in the mail?

23 A. Yes.

24 Q. And would it be fair to say he was not
25 required to come to your office?

1 A. Yes.

2 Q. And, in fact, had he not come to your
3 office, your office would have done it's due
4 diligence and made a determination as to
5 whether this incident was founded or unfounded?

6 A. Yes.

7 Q. But Jerry Sandusky showed up, didn't
8 he?

9 A. Yes.

10 Q. And he showed up to explain to you
11 that he was not guilty of these allegations,
12 didn't he?

13 MR. MCGETTIGAN: Objection, Your
14 Honor. That's a characterization, I think.

15 THE COURT: Sustained.

16 MR. AMENDOLA: Thank you.

17 BY MR. AMENDOLA:

18 Q. Jerry Sandusky showed up to explain to
19 you his actions?

20 MR. MCGETTIGAN: Objection once again,
21 Your Honor.

22 MR. AMENDOLA: Your Honor, I'm --

23 MR. MCGETTIGAN: He's saying what his
24 client did, putting his -- it's just -- it's a
25 matter of form, Your Honor, and I just feel

1 compelled, and I will sit down now.

2 MR. AMENDOLA: I'll do it another way.

3 THE COURT: It is a matter of form,
4 but the answer is so obvious that I'm going to
5 let it go.

6 MR. MCGETTIGAN: Thank you, Judge.

7 BY MR. AMENDOLA:

8 Q. And your answer?

9 A. I'm sorry. Can you repeat the
10 question again?

11 Q. He came into your office to give you a
12 statement?

13 A. Yes.

14 Q. He didn't have to?

15 A. Correct.

16 Q. Do you have a copy of his full
17 statement? I know you read part of it.

18 A. Yes.

19 Q. Can you read his full statement that
20 you prepared that he made that day?

21 MR. MCGETTIGAN: Objection, Your
22 Honor.

23 BY MR. AMENDOLA:

24 Q. And I'm going to ask you to speak into
25 the mic.

1 MR. MCGETTIGAN: Objection, Your
2 Honor.

3 THE COURT: Because?

4 MR. MCGETTIGAN: It's the defendant's
5 statement. I think if the defendant's
6 statement is to be read, it should not be by
7 this person, Your Honor.

8 MR. AMENDOLA: Your Honor --

9 MR. MCGETTIGAN: -- just because it's
10 part of this document. That's hearsay.

11 MR. AMENDOLA: Your Honor, the
12 Commonwealth asked about this.

13 MR. MCGETTIGAN: Absolute hearsay.
14 His explanation of the statement, of the
15 portions the Commonwealth wishes to use, is not
16 for this person to give, and I'll just make --
17 that's my brief argument, Your Honor. I'll sit
18 down.

19 MR. AMENDOLA: Your Honor, my
20 recollection is --

21 THE COURT: Overruled.

22 MR. MCGETTIGAN: Thank you, Judge.

23 THE WITNESS: You want me to read from
24 start to finish?

25 BY MR. AMENDOLA:

1 Q. Where he starts -- where he starts and
2 where he ends.

3 A. Okay. I'll just begin with, "Worker,
4 Attorney MA," which is for Mike Angelelli: Mr.
5 Sandusky and his attorney, Mr. Amendola, met on
6 this date for an interview with Mr. Sandusky.
7 Worker began the interview --

8 THE COURT: Wait, wait, wait, wait.
9 Our court reporter has to be able to get this
10 down, so --

11 THE WITNESS: Sorry.

12 THE COURT: Don't read it too fast or
13 he can't keep up with you.

14 THE WITNESS: Okay. Worker began the
15 interview by asking Mr. Sandusky to tell her
16 how he met Aaron and how long he has known him.
17 Mr. Sandusky stated that he's known Aaron for
18 about three years. He shared that he met Aaron
19 through The Second Mile program. He stated
20 that he's also a volunteer coach and Aaron used
21 to play football. He stated that Aaron is very
22 active in sports and enjoys playing them. Mr.
23 Sandusky stated that he had spent a lot of time
24 with a lot of children. He stated he became
25 wrapped up in Aaron as in being his extended

1 family member. He stated that Aaron has gone
2 with him to Penn State and Philadelphia Eagles
3 games. He shared that he wanted to make Aaron
4 feel significant and important. According to
5 Mr. Sandusky, he attempted to try to help Aaron
6 academically and he would often attend his
7 sporting events. Mr. Sandusky stated that at
8 times Aaron's mom and grandfather would call
9 and invite him to Aaron's sporting events. He
10 stated that he has even bought things for Aaron
11 to help him academically, such as a computer.
12 He has taken all three of Ms. Daniels' children
13 to a baseball game and that there was a golf
14 outing this past summer that he asked Aaron to
15 help him with. Mr. Sandusky stated that Aaron
16 didn't want to help him with this, and he
17 eventually became frustrated with Mr. Sandusky.
18 Mr. Sandusky told Aaron that he felt used
19 because of this. Mr. Sandusky reported that
20 this past August, he wanted Aaron to help him
21 with a golf outing and had asked several times,
22 but never got an answer. He stated that there
23 was a time where there was an assembly at
24 school and he requested that Mr. Turchetta
25 request Aaron to be pulled from the assembly.

1 Mr. Sandusky reported that this did not make
2 Aaron happy and he was quite upset about it.
3 He stated that he asked Aaron again if he was
4 interested in helping him with the event.
5 According to Mr. Sandusky, Aaron became more
6 upset and walked away from him. Before this he
7 stated that there was a gentleman who had a set
8 of golf clubs and didn't want them, so he
9 offered them to Aaron. Mr. Sandusky stated
10 that Aaron wanted them, so he gave them to
11 Aaron. He stated that he picked up Aaron from
12 school and gave him the golf clubs. Mr.
13 Sandusky stated that he later called Aaron
14 about three to four times one night about going
15 to a game. He stated that he typically doesn't
16 leave a message, but that he did that time,
17 asking him if he wanted to go to the Penn
18 State-Michigan State game on November 22nd. He
19 stated that there was one other time that he
20 saw Aaron, and that was to give him a clipping
21 from a newspaper about his track meet and to
22 give him a homemade birthday card for Aaron's
23 birthday.

24 In the fall of 2007, Mr. Sandusky
25 reported that there were football games that

1 Aaron went to with him. He stated that it was
2 also in the fall of 2007 that Aaron began
3 spending the night at his home in State
4 College. He stated Aaron would sleep
5 downstairs in the finished basement where there
6 was a bedroom that used to be used for when his
7 children would come home from out of town. He
8 stated that they have gone to Philadelphia
9 Eagles games several times. He shared that
10 Aaron helped him with -- Aaron helped him work
11 at two football camps. One of them was in
12 Westchester and the other one was at Muhlenberg
13 College. Muhlenberg College is apparently in
14 Allentown. He stated that football camp in
15 Westchester was in May or early June and the
16 other was on Memorial Day.

17 In 2008 Mr. Sandusky reported that
18 Aaron attended the Big 33 Penn State game and
19 golf outing in Hershey and they went to Hershey
20 Park. He stated they didn't always stay in
21 hotels every time they went out of town. He
22 stated that one time for an Eagles game they
23 stayed at his son's home. For the football
24 camps, he shared that they would typically
25 leave on a Friday and stay overnight because

1 the camps began at eight o'clock in the morning
2 and they would return home Saturday sometime.
3 When questioned how many beds were in the hotel
4 rooms, Mr. Sandusky stated that there was
5 always two beds. He stated that sometimes
6 there was one bed and a pullout couch. Mr.
7 Sandusky denied ever sleeping in the same bed
8 as Aaron.

9 Worker asked Mr. Sandusky if there was
10 ever a time in which he took Aaron out of class
11 at school. Mr. Sandusky stated that he would
12 sometimes take Aaron home from school, but
13 never took him out of class. He shared again
14 about the incident where he had the principal
15 ask to pull him out of an assembly, but denied
16 ever getting him out of class. Mr. Sandusky
17 stated that things became tense with him and
18 Aaron when he did this and that's when he later
19 gave Aaron the newspaper article, because this
20 is when he told Aaron that he felt used and he
21 felt bad about it. He stated that he later
22 spoke with Aaron about the football game and
23 wanted him to go and found out that Aaron
24 didn't want to go because the football game was
25 on his birthday. He stated there was only one

1 other time after that that he saw Aaron, and
2 that was on his birthday, 11/9 of 2008, to give
3 Aaron a homemade card with a picture of Aaron
4 during a track meet on the front of the card.
5 He stated that he stopped him in the hallway at
6 school between classes to give this to him. He
7 shared that he would often take Aaron home from
8 school, but never took him out of any classes.

9 When asked if there was ever anyone
10 else home with him on the outings him and Aaron
11 went on, Mr. Sandusky stated that it varied.
12 He shared that sometimes it was him and Aaron
13 and other times there were other children there
14 or other people. He stated that when Aaron
15 would help him out with the football camps,
16 that it was just him and Aaron that would go.
17 Mr. Sandusky also reported that there were
18 several times that he and his wife would play
19 games with Aaron as well as do family things
20 together. He reiterated the fact that he
21 wanted Aaron to feel significant and important.
22 He stated that Aaron really liked his dog.

23 Worker then began to reveal the
24 allegations to Mr. Sandusky and stated that
25 Aaron reported that there were times when they

1 would wrestle around with each other, then Mr.
2 Sandusky would pull him on top of him and crack
3 his back. Mr. Sandusky admitted to doing this.
4 He admitted that he would also hug him and ask
5 Aaron if he would feel comfortable being an
6 extended family member or a son. He stated
7 that he never received any feedback from Aaron
8 that would indicate to him that he was
9 uncomfortable. He shared that when he would
10 crack Aaron's back, it was typically his upper
11 and lower back. He stated there was never any
12 sexual acts towards Aaron on his part. He
13 stated he would only ask for a hug. When asked
14 about rubbing Aaron's back underneath his shirt
15 and moving down his pants to his buttocks, Mr.
16 Sandusky replied by saying, "I can't honestly
17 answer if my hands were below his pants."

18 Worker then discussed the allegations
19 of Mr. Sandusky giving Aaron raspberries, which
20 is where he would blow on Aaron's stomach. Mr.
21 Sandusky again admitted that he did do this,
22 but he never went below Aaron's waistline.
23 Worker next mentioned that Aaron disclosed that
24 Mr. Sandusky would kiss him on the cheek and as
25 time progressed he later kissed him on the

1 lips. Mr. Sandusky denied doing this and
2 stated that he may have kissed Aaron on the
3 forehead or cheek, but never kissed him on the
4 lips. He said there may even be a possibility
5 that he never even kissed him on the forehead.
6 Again Mr. Sandusky stated that there were
7 always two beds in hotel rooms and that his
8 wife was at -- his wife was at his home when
9 Aaron would visit. According to Mr. Sandusky,
10 Aaron knows his wife, Dottie, quite well and
11 that his wife would play games with him and
12 Aaron when he would visit.

13 Worker then asked Mr. Sandusky about
14 the incident that Aaron reported that happened
15 at Central Mountain Middle School. Mr.
16 Sandusky confirmed Aaron's story about them
17 being there, but stated that he probably had
18 him there for a workout and was wrestling
19 around with him. He did not elaborate on this
20 any further.

21 At this point in the interview,
22 Attorney MA, Mike Angelelli, asked a few
23 questions. When asked if there were any other
24 children that Mr. Sandusky had spent this
25 amount of time with, he stated that he spent

1 quite a bit of time with a kid by the name of
2 Frankie Probst (phonetic). He stated that
3 Frankie has also gone on trips with him and is
4 currently attending Lock Haven University.
5 When asked, Mr. Sandusky stated that he doesn't
6 recall ever cracking any of the other kids'
7 backs. Attorney MA then pointed out that Aaron
8 is disclosing that Mr. Sandusky would pull
9 Aaron on top of him vertically and horizontally
10 to crack his back and that this usually
11 occurred right around the time he would go to
12 bed. Mr. Sandusky did not deny this and stated
13 that Aaron would be on top of him for about one
14 to five minutes while he was cracking his back
15 and that it would come with the wrestling
16 around. He stated that there was only about
17 seven to eight occasions that Aaron stayed at
18 his house. He stated that there was never any
19 sexual content or any contact or any intent for
20 sexual contact.

21 Mr. Sandusky reported that, as time
22 went on, he thought he could help Aaron and
23 again stated he wanted to make Aaron feel
24 important and connect with him. He stated that
25 he wanted to do so because Aaron never talked

1 about his own father and that he has interacted
2 with other children over the years in similar
3 ways. Mr. Sandusky stated that he and his wife
4 have adopted three children as well as been
5 foster parents. He shared that Frankie was the
6 same way as Aaron in the fact that he didn't
7 have a father around, either. Mr. Sandusky
8 stated that it was not unusual at all for him
9 to hug and kiss other children on the forehead.
10 When asked about the incident of following
11 Aaron's bus, Mr. Sandusky stated that he didn't
12 follow the bus, but he went in the general
13 direction he believed the bus was going. He
14 also stated that Aaron was not going home that
15 day and that he was going to a friend's home.
16 He stated he felt bad that things weren't on
17 good terms with him and Aaron and he wanted to
18 talk to him. He stated that he drove to where
19 Aaron was walking and asked him to get in the
20 car. According to Mr. Sandusky, Aaron got in
21 the car and got angry after talking for a
22 little bit and got out of the car and walked
23 home. Mr. Sandusky stated that he drove to
24 Aaron's house and told Ms. Daniels what Aaron
25 was upset about and asked if Aaron was going to

1 participate in The Second Mile event he had
2 been asking about.

3 When asked about the conversation in
4 the car, Mr. Sandusky stated that he was
5 apologizing to Aaron because they were angry
6 with one another. He stated that after the
7 conversation in the car, he saw Aaron when he
8 gave him the newspaper article, the golf clubs,
9 and the birthday card. On Aaron's birthday was
10 the last time Mr. Sandusky saw Aaron. Worker
11 and Attorney Mike Angelelli ended the interview
12 at this point, answered some of Mr. Sandusky's
13 questions about the investigation. Worker
14 stated that he should be notified shortly of
15 the outcome.

16 Q. Thank you, Ms. Dershem. Now, going
17 back to the previous page, if you just will
18 glance back at that for a moment, up until the
19 part -- the second paragraph, where it ends,
20 "He stated that Aaron really liked his dog," up
21 until that point, the entire statement -- would
22 it be fair to say the entire statement that Mr.
23 Sandusky had given you was made without any
24 knowledge of what the allegations were?

25 A. Without any knowledge of what the

1 exact allegations were, yes.

2 Q. Yes. Oh, yes, of course. In other
3 words, up until that point, no one in your
4 office had told him what Aaron Fisher had said?

5 A. No.

6 Q. And after you told him about the hotel
7 room and Aaron apparently saying in one
8 particular part where they slept in the same
9 bed, wasn't it the next day or the day after --
10 I believe it was the next day -- that you got
11 the exhibit which the Commonwealth has marked
12 into evidence indicating the hotels where Mr.
13 Sandusky stayed, I believe, the last week of
14 May and the very first -- last day of May and
15 first day of June?

16 A. I believe it was the 15th of --

17 Q. And I believe we faxed that
18 information to you, didn't we?

19 A. Yes.

20 Q. And that information was faxed to you
21 because there was an issue when Mr. Fisher said
22 that there was only one bed in the rooms where
23 he was sleeping with Mr. Sandusky?

24 A. Yes.

25 Q. And Mr. Sandusky wanted to show you in

1 those exhibits that in each case there was
2 either a pull-out couch or a double bed?

3 A. Yes, in the two that were faxed.

4 Q. And do those records indicate that?

5 A. Yes.

6 Q. So that exhibit, those records, were
7 given to your office by -- well, through me --
8 but by Mr. Sandusky in his effort to show you
9 that this hadn't happened, correct?

10 A. Correct.

11 Q. Now, on page -- and I say page 9, and
12 maybe you don't have it because your pages
13 aren't marked. But there is a page -- and let
14 me see if I can locate it real quickly, because
15 I have it in my notes, but I don't have it in
16 your notes. Do you have the records in front
17 of you for the 1/12/08? It says Tele, T-E-L-E,
18 J-D: 1/12/08? If not, I can bring it up and
19 let you look --

20 A. I believe I do. It's just a matter of
21 finding it. 1/12?

22 MR. MCGETTIGAN: Your Honor, may we
23 see you at sidebar briefly?

24 (Whereupon, the following discussion
25 was held at sidebar:)

1 MR. AMENDOLA: I just want her to say
2 there was another interview that she was not
3 present at. That's all. I'm not going to
4 ask --

5 MR. MCGETTIGAN: Well, if she wasn't
6 present --

7 MR. AMENDOLA: No, she wasn't. I'm
8 not going to ask her what was said. I'm
9 just --

10 MR. MCGETTIGAN: How does she know
11 if --

12 MR. AMENDOLA: There's a record --

13 MR. MCGETTIGAN: -- made a notation --

14 MR. AMENDOLA: She can answer --

15 MR. MCGETTIGAN: Okay. That's
16 something that's within her knowledge, but not
17 about -- okay.

18 MR. AMENDOLA: Yeah, she's not going
19 to say what happened.

20 (End of sidebar discussion.)

21 BY MR. AMENDOLA:

22 Q. Did you find that, Ms. Dershem?

23 A. Yes.

24 Q. And the second paragraph, Dawn shared
25 to Trooper Cavanaugh, would you read that,

1 please?

2 A. Sure. Dawn shared that Trooper
3 Cavanaugh interviewed Aaron again last week at
4 his home. Worker shared that she was not aware
5 of this as Trooper Cavanaugh had not contacted
6 her to ask if she would like to be present.

7 Q. So did that information surprise you,
8 that that interview was conducted without
9 someone from CYS?

10 A. Not -- it didn't surprise me because
11 there are plenty -- there are often times where
12 the police will interview people without
13 Children and Youth present.

14 Q. But you found out there was at least
15 one more interview with Trooper Cavanaugh that
16 your office wasn't party to?

17 A. Right.

18 MR. AMENDOLA: Thank you. That's all
19 I have, Your Honor.

20 MR. MCGETTIGAN: On redirect, Your
21 Honor?

22 THE COURT: (Nodding head up and
23 down.)

24 MR. MCGETTIGAN: Thank you.

25 REDIRECT EXAMINATION

1 BY MR. MCGETTIGAN:

2 Q. Ms. Dershem, you've just read an
3 extensive statement of your notes of what the
4 defendant said to you.

5 A. Yes.

6 Q. Okay. And when the defendant came to
7 speak with you, he was aware that there were
8 allegations of inappropriate contact, to say
9 the least, child abuse, child sexual abuse,
10 that had been made against him, right?

11 A. Yes.

12 Q. Okay. So your purpose was attempting
13 to find out what had, in fact, occurred beyond
14 what Aaron had said?

15 A. Yes.

16 Q. And the defendant's purpose was in
17 serving himself, in justifying what he had
18 done?

19 A. Correct.

20 Q. That's fair to say. In fact, it's
21 fair to say that the entirety, most of the
22 entirety of that statement, was him saying,
23 "Well, I didn't do anything wrong. There was
24 no sexual contact," those kinds of statements.
25 "I wanted to make him part of my extended

1 family." Is it fair to say about three, four,
2 five, six pages of that were just self-serving
3 statements on the part of the defendant,
4 defending himself or justifying his behavior?

5 A. Correct.

6 Q. Okay. Now, you did, however, read a
7 few things, and I'd like to go through them and
8 extract them and condense them down, and we'll
9 see if these are very accurate statements taken
10 within the greater context of the self-serving
11 statement. Did he say he had a three-year
12 relationship in which he was wrapped up in
13 Aaron?

14 A. Yes.

15 Q. Did he admit to blowing on his
16 stomach?

17 A. Yes.

18 Q. Did he admit to lying on top of Aaron
19 and having Aaron lying on top of him?

20 A. Yes.

21 Q. Did he say he can't honestly answer if
22 my hands were below his pants? In fact, was
23 that in quotes? Was that a specific quote from
24 that person?

25 A. Yes.

1 Q. Okay. And did he then go on to say --
2 now, would that to you, as a trained
3 professional, indicate right there an
4 inappropriate relationship between a middle-
5 aged adult and a small child?

6 A. Yes.

7 Q. Okay. At that point you began to
8 question more and he said these other specific
9 things here. He said that he told a little boy
10 that he, that is, the defendant, felt used?

11 A. Yes.

12 Q. Okay. And then he admitted to
13 following Aaron's bus. Well, he said he didn't
14 follow it. He just happened to be in the area,
15 something like that, and then he followed it?

16 A. Correct.

17 Q. He also said that at one point he was
18 arguing with Aaron about spending time with
19 him; that is, he, the middle-aged man, was
20 arguing with this little boy that the boy
21 wasn't spending enough time with him. Would
22 that be correct as well?

23 A. Correct.

24 Q. Okay. And then he talked about a
25 homemade birthday card he had made for Aaron?

1 A. Yes.

2 Q. Okay. And then he talked about the
3 gifts he had given to Aaron?

4 A. Yes.

5 Q. Okay. And he really didn't make too
6 many of these admissions until he was somewhat
7 confronted, although he did admit to following
8 Aaron to sporting events; is that correct as
9 well?

10 A. Yes, he went to Aaron's sporting
11 events.

12 Q. Now I'm going to ask you, in your both
13 professional opinion and personal opinion, does
14 the first portion of those things I have read
15 to you -- wrapped up in Aaron for three years,
16 blowing on his stomach, laying on top of him,
17 can't honestly answer if my hands were below
18 his pants -- sound like someone who has an
19 inappropriate relationship?

20 A. Yes.

21 Q. Okay. The last part of it -- I feel
22 used, following a bus, following him to
23 sporting events, making homemade birthday
24 cards, arguing with him about the time he spent
25 with him -- does that sound like a relationship

1 between a middle-aged man and a small boy or,
2 say, between two immature adolescents, one of
3 whom is trying to break up with the other?

4 A. I would say the two immature
5 adolescents.

6 Q. Is that what that sounded like to you?

7 A. Yes.

8 Q. Okay. And would it surprise you that
9 someone who had had inappropriate sexual
10 contact of the most egregious nature with a
11 child would deny it?

12 A. Yes.

13 Q. You'd expect him to do that, wouldn't
14 you?

15 A. Yes.

16 Q. Did you know anybody -- have you ever
17 seen anybody who had egregious sexual contact
18 with a child who did it publicly, or was it
19 done in stealth, in secret?

20 A. Secret.

21 Q. Did anything the defendant say during
22 the course of this interview change your mind
23 about the fact that you had indicated in your
24 formal report that sexual abuse by this
25 defendant against Aaron Fisher was indicated

1 and had, in fact, occurred?

2 A. No, nothing changed my opinion.

3 Q. Is that what you believed then?

4 A. Yes.

5 Q. Is that what you believe now?

6 A. Yes.

7 MR. MCGETTIGAN: Thank you.

8 MR. AMENDOLA: Are you done, Mr.

9 McGettigan?

10 MR. MCGETTIGAN: Yes, I am.

11 MR. AMENDOLA: If I may ask a couple
12 questions, Your Honor?

13 RE CROSS-EXAMINATION

14 BY MR. AMENDOLA:

15 Q. Ms. Dershem, can you explain the
16 differences in your office's categorization of
17 cases? For example, we heard about founded
18 today. How many categories are there?

19 A. There's indicated, unfounded, and
20 founded.

21 Q. I'm sorry, what?

22 A. Indicated, founded, and unfounded.

23 Q. What's the difference between founded
24 and indicated?

25 A. Indicated is meaning that we as an

1 agency feel that there was enough information
2 to feel that there was abuse that occurred.
3 Founded would mean if the perpetrator was
4 charged criminally and found guilty, then the
5 report would become founded, or if, in a
6 hearing for other purposes, a judge would
7 determine that they felt that it was founded,
8 that the abuse did happen, it also would be
9 labeled as founded that way.

10 MR. AMENDOLA: Thank you. That's all,
11 Your Honor.

12 MR. MCGETTIGAN: Just one on redirect.

13 REDIRECT EXAMINATION (CONTINUING)

14 BY MR. MCGETTIGAN:

15 Q. After the defendant was arrested, then
16 you termed -- the nomenclature used, the
17 language used, would go from indicated to
18 founded?

19 A. If they're found guilty, yes.

20 MR. MCGETTIGAN: Thank you.

21 Thank you, Your Honor.

22 MR. AMENDOLA: Nothing further, Your
23 Honor.

24 THE COURT: Thank you. You can step
25 down.

1 MR. MCGETTIGAN: May I inquire -- Your
2 Honor, the Commonwealth would call Michael
3 McQueary.

4 Whereupon,

5 MICHAEL MCQUEARY

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

8 MR. MCGETTIGAN: May I, Your Honor?

9 THE COURT: Yes, you may.

10 MR. MCGETTIGAN: Thank you.

11 DIRECT EXAMINATION

12 BY MR. MCGETTIGAN:

13 Q. Mr. McQueary, could you spell your
14 last name for the record?

15 A. Spell my last name, you said?

16 Q. Yeah.

17 A. M-C-Q-U-E-A-R-Y.

18 Q. Okay. Mr. McQueary, I'm going to ask
19 you about some events back in the year 2001.
20 How were you employed at that time?

21 A. I was a graduate assistant football
22 coach for Penn State University.

23 Q. And before you had been a graduate
24 assistant, had you been a student at
25 Pennsylvania State University?

1 A. Yes.

2 Q. Okay. Starting when?

3 A. 1993.

4 Q. Okay. Graduating in?

5 A. December of 1997.

6 Q. Okay. And when did you return to
7 Pennsylvania State University as a graduate
8 student?

9 A. As a graduate student, it would have
10 been sometime in 2000 where I actually started
11 the courses and working as a graduate football
12 coach.

13 Q. And what kind of work did you do as a
14 graduate assistant football coach? Tell the
15 ladies and gentlemen of the jury.

16 A. You -- the whole thing of a graduate
17 assistant football coach is to take courses,
18 earn a graduate degree. The school pays for
19 your schooling and you also, in return, are a
20 graduate assistant football coach. You're an
21 on-field football coach. For lack of a better
22 term, it's kind of the lowest level of an on-
23 field football coach that there is.

24 Q. Okay. Well, you were a football
25 player at the university when you went to

1 Pennsylvania State University?

2 A. Yes, absolutely.

3 Q. And you came back as a graduate
4 assistant football coach. Is it fair to say
5 you wished to make coaching your career at that
6 point?

7 A. Yes.

8 Q. Okay. And did you enjoy it?

9 A. I love it.

10 Q. Okay. And did you know most or all of
11 the coaching staff who you worked with as a
12 graduate assistant football coach?

13 A. Yes.

14 Q. Okay. Including the defendant?

15 A. Absolutely.

16 Q. Had you known the defendant since you
17 were, in fact, a player?

18 A. Yes.

19 Q. Okay. Did you interact with him a lot
20 as a player or were you a different position?
21 Can you tell us --

22 A. Different positions, different sides
23 of the ball.

24 Q. Okay. What did he do?

25 A. He was the defensive coordinator and

1 linebacker coach.

2 Q. Okay. And what did you do?

3 A. I was a quarterback.

4 Q. Okay. And, when you were a graduate
5 assistant football coach, did you have a
6 particular area of expertise or interest that
7 -- what were you working on when you were --
8 back at --

9 A. As a graduate assistant, I don't think
10 I was an expert at that time --

11 Q. Okay.

12 A. -- in anything, but I helped out with
13 the tight ends. And one of the jobs is to do
14 all the film breakdown, all of the, kind of,
15 coffee-fetching and the grunt work that the
16 full-time guys aren't going to do.

17 Q. Okay. And also you're actually a
18 native of State College, are you not?

19 A. Yes, I was born in Durham, North
20 Carolina, and moved to State College at seven
21 years old.

22 Q. Okay. Great. Okay. I'm going to ask
23 you specifically about some events that
24 occurred on the evening hours of a night in
25 February of 2001.

1 A. Yes.

2 Q. As a graduate assistant coach, do you
3 work a lot of hours?

4 A. Yes.

5 Q. Okay. What kind of stuff do you do as
6 a graduate assistant football coach?

7 A. Anything that you're asked to do,
8 break down film, on-field coaching. You get
9 involved in recruiting when and where asked.
10 If you're told to take out the garbage or get a
11 cup of coffee, you'd probably do that, too.

12 Q. Do as you're asked, do as you're told?

13 A. Yes, sir.

14 Q. Okay. And did you have a direct
15 supervisor?

16 A. My direct supervisor I would call at
17 that time was Fran Ganter, who was the
18 offensive coordinator. And then obviously
19 Coach Paterno is our overall -- very much our
20 overall boss -- or was our overall boss.

21 Q. Okay. Now, by 2001, how long had you
22 known either Mr. Ganter or Mr. Paterno?

23 A. Since my recruitment began in high
24 school, which would have been probably in the
25 spring of '92.

1 Q. Okay. So eight, 10 years at least you
2 had known both of those individuals?

3 A. Roughly, yes.

4 Q. Okay. Great. Now, can you tell the
5 ladies and gentlemen of the jury what occurred
6 on that -- evening hours? And I'm asking about
7 a specific date in February or generally in
8 February, in the evening, on a weekend, when
9 you went back to the Pennsylvania State
10 University campus to an athletic facility, the
11 Lasch Building?

12 A. Yes.

13 Q. Okay. Do you recall an evening in
14 February, returning on a weekend night to, I
15 think, take something back your locker?

16 A. Yes. Yes.

17 Q. Okay. Tell us what happened.

18 A. Okay. I was at home, watching a -- I
19 had gone to bed early, actually laying in bed,
20 watching the movie *Rudy*, a football movie,
21 actually. It was a Friday night, and after
22 about an hour or so of watching the movie, I
23 got fired up and just said -- you know, I went
24 to bed at 8:30 or nine o'clock, let's get up
25 and let's do something and get motivated. So I

1 decided to get up and go to the office and do
2 some work. I was going to look at a couple
3 recruiting tapes. We had just come off of a
4 recruiting cycle and the junior tapes were in,
5 and I was trying to get involved with that.
6 And so I got in my car, drove to the Lasch
7 Football Building. Earlier that day, I had
8 bought a pair sneakers and I said, well, on my
9 way in, I'll take my sneakers to my locker, and
10 got the sneakers out of my car, walked to my
11 locker, which was in the support staff locker
12 room at that time. And there are two doors to
13 that locker room and -- opened the first door.
14 And immediately upon opening that door, I heard
15 showers running and smacking sounds, very much
16 skin-on-skin smacking sounds, and immediately
17 became alerted and kind of -- I don't know --
18 embarrassed that I was walking in on something
19 that I didn't want to see or walk in on.

20 I thought maybe one of the other
21 people had someone with him in the showers, one
22 of the guys in the locker room, someone who
23 worked there. I went into the second door, and
24 in that room my locker was immediately to the
25 right of the second door, literally probably

1 where my hand is, turned to my locker, and, as
2 I'm opening my locker, glance over my right
3 shoulder right there into the mirror. In that
4 reflection you can see a 45-degree angle into
5 the shower room. Okay. So I'm not looking
6 directly in the shower room with my own eyes,
7 but I see in the mirror Coach Sandusky standing
8 behind a boy who is propped up against the
9 shower. The showers are running, and he is
10 right up against his back with his front. The
11 boy's hands are up on the wall. And the glance
12 would have only taken one or two seconds. I
13 immediately turned back to my locker, trying to
14 digest what I just saw and making sure I saw
15 what I just saw. I stepped probably two or
16 three feet or paces to my right to get a better
17 view with my own eyes into the locker -- again,
18 I didn't want to trust the mirror. I thought
19 maybe I wasn't seeing what I was seeing and
20 looked directly into the shower at that angle
21 and again saw what I explained, Coach Sandusky
22 standing right up against the back of the young
23 boy with the boy's hands up on the shower wall,
24 Coach Sandusky's arms wrapped around the boy's
25 midsection in the very, very, very -- the

1 closest proximity that I think you could be in,
2 extremely alarmed, extremely flustered,
3 extremely shocked, all of those things. I went
4 back to my locker, which was again two or three
5 paces away from where I was just standing,
6 tried to think. And I say -- I accentuate the
7 word "try." I put the shoes in the locker,
8 slammed the locker door shut as hard as I could
9 to make a loud sound, stepped very much closer
10 to the opening of the shower from that second
11 position an additional two or three paces, and
12 at that time both individuals were separated
13 and looking and facing directly at me. I would
14 say the distance between the two individuals
15 was three or four, maybe even five feet. Both
16 saw me. I saw the fronts of their bodies. We
17 looked directly in each other's eyes, and at
18 that time I left the locker room.

19 Q. And did you get a good look -- is
20 there any doubt in your mind that the person
21 you saw behind the little boy was the
22 defendant, Jerry Sandusky?

23 A. No doubt at all, none.

24 Q. And can you give the ladies and
25 gentlemen of the jury an estimate of both how

1 big and how old the little boy was that you
2 perceived?

3 A. I would say the little boy came up to
4 chest height. He was prepubescent and I would
5 say anywhere from 10 to 12 years old.

6 Q. Okay. And you said that when you
7 first saw the defendant, the little boy's hands
8 were up against the wall?

9 A. Yes, sir.

10 Q. Okay. You had heard rhythmic slapping
11 sounds. Did you, in fact, in your mind
12 identify the slapping sounds as emanating from
13 the contact between those two persons?

14 THE COURT: Well, wait, wait, wait
15 just a second. I think you have to be very
16 careful for you not to lead this witness or to
17 say what the witness heard. I don't know that
18 he testified that he heard what you just said.

19 MR. MCGETTIGAN: Okay. And I will
20 withdraw it and --

21 THE COURT: Okay.

22 MR. MCGETTIGAN: -- do it as directed,
23 Your Honor.

24 BY MR. MCGETTIGAN:

25 Q. Mr. McQueary, can you characterize for

1 the ladies and gentlemen of the jury the nature
2 of the sound? I believe you said you heard
3 some sound as you entered the locker room?

4 A. Yes. I think I said I heard slapping
5 sounds, skin-on-skin slapping sounds.

6 Q. Okay. And when you entered the room,
7 did you identify any other source of those
8 slapping sounds other than those two
9 individuals, the defendant and the little boy
10 in the locker room?

11 A. No. To my knowledge that's the only
12 place the sounds could have come from. There
13 were only three people in that locker room.

14 Q. Okay. Were you able to look at them
15 on either your view through the mirror or your
16 direct view as you stepped to notice or
17 identify if there was movement on the part of
18 either the defendant or the little boy?

19 A. There was not much movement on my
20 glances, very slow, slow, subtle movement.
21 But, to be frank with you, not enough to make
22 me think that I didn't hear slapping sounds
23 when I saw them. That was upon entering the
24 locker room. I want to be clear on that.

25 Q. Okay.

1 A. Okay. But -- and when I saw them with
2 my own eyes, there was not hard movement or
3 fast movement.

4 Q. Was there any --

5 A. Subtle movement.

6 Q. -- any movement?

7 A. I would say very subtle movement, but
8 yes.

9 Q. Okay. Well, on whose part, the little
10 boy's or the defendant's or both?

11 A. The defendant's.

12 Q. What part of his body is moving?

13 A. The midsection.

14 Q. And now you had said, I think in
15 answer to my earlier question, this was a bit
16 flustering to you?

17 A. Yeah, extremely. You don't expect to
18 see anything like that ever.

19 Q. Okay.

20 A. Yes.

21 Q. Were you able to process this right
22 away?

23 A. I don't think so, no. That's why I
24 stepped -- you know, after that first look,
25 when you see that in the mirror, that's why I

1 stepped to the right and said this cannot -- I
2 mean, this is a Penn State football building.
3 This is -- no, you don't register that.

4 Q. And was that why you made the loud
5 noise?

6 A. I made the loud noise in an attempt, I
7 think, to say, "Okay. Someone is here. Break
8 it up. Please." Again, I wasn't thinking
9 quite 100 percent right. I'm used to pressure
10 situations, and I can tell you that's -- that's
11 more than maybe my brain could handle at that
12 time.

13 Q. Is it fair to say that what you saw
14 was unique in your experience, both before and
15 after?

16 THE COURT: Counsel, would you
17 approach the bench, please?

18 (Whereupon, the following discussion
19 occurred at sidebar:)

20 THE COURT: I don't know why you're
21 not getting objections to this grossly
22 leading --

23 MR. MCGETTIGAN: I'm just trying to
24 get through it fast. I'll change it. We're
25 good.

1 THE COURT: I'm not going to jump in
2 here, but I'm certainly going to sustain your
3 objections if this goes on any further. This
4 is -- you know, that's pushing it about as far
5 as it can be pushed.

6 MR. MCGETTIGAN: I was just trying to
7 get through it quick, Your Honor. Okay.

8 THE COURT: I just want you to get
9 through it right.

10 MR. MCGETTIGAN: Got you. Got you,
11 Your Honor.

12 THE COURT: Okay.

13 (End of sidebar discussion.)

14 BY MR. MCGETTIGAN:

15 Q. Mr. McQueary, can you tell us what you
16 did after you slammed the door of the locker as
17 you said?

18 A. Slammed the door, stepped an
19 additional four or five feet to the right, got
20 closer to the shower, saw that they were broken
21 up, facing directly at me. I would say again
22 the distance between them, four to five feet.
23 Once I saw them, made eye contact with them. I
24 left the locker room.

25 Q. Where did you go?

1 A. I went directly upstairs to my office.

2 Q. And was that where you had been
3 intending to go or did you go there as a result
4 of what you had seen?

5 A. I don't think I had any intent to go
6 anywhere. I think I was making decisions on
7 the fly, and that's where I went.

8 Q. And what did you do when you got
9 there?

10 A. Picked up the phone and called my
11 father.

12 Q. Okay. And why did you do that?

13 A. To get advice, I think, from the
14 person in my life that I trusted the most,
15 because I just saw something ridiculous.

16 Q. Okay. And did you have a conversation
17 with your dad?

18 A. A brief conversation on the phone,
19 yes, sir.

20 Q. Okay. Did you tell him none or some
21 or all of what you had seen?

22 A. Very, very surface, vague, of what I
23 had seen.

24 Q. Okay. And did your father say
25 anything to you? What did he say?

1 A. He said, "Get out of the building
2 immediately and come over to the house."

3 Q. And did you do that?

4 A. Yes.

5 Q. Okay. And how far away did your dad
6 live from the Lasch Building?

7 A. Six-or seven-minute drive, maybe five
8 minutes, depending.

9 Q. Okay. And when you got there, did you
10 talk to your dad?

11 A. I did.

12 Q. Okay. Did you talk with him alone or
13 anyone else present, if you recall?

14 A. The first time I talked to him at the
15 house, it was him alone in his bedroom.

16 Q. And did you tell him what you had
17 seen?

18 A. Yes.

19 Q. Okay. What, if any, advice did he
20 give you at that time?

21 A. He said he wanted to digest it for a
22 minute. He decided to call a friend and a
23 confidante, someone who had a lot of
24 experience, to get some more advice from, and
25 that's what he did.

1 Q. Okay. And are you saying from that
2 that another person joined you at some point?

3 A. Yes.

4 Q. Okay. Did you stay there at your
5 father's house for long that night?

6 A. For long, did you say? I'm sorry.

7 Q. Yes, for long.

8 A. Yeah, I would say I was there a total
9 of over an hour.

10 Q. Okay. And did you remain there after
11 that or go home, or someplace else?

12 A. After I talked again to the person who
13 came over to the house, I did end up going home
14 to my own townhouse.

15 Q. Okay. And, if you can, why don't you
16 tell the ladies and gentlemen of the jury
17 briefly about the conversation you had with
18 your father and what you did as a result of
19 that?

20 A. Okay. Again, went home to the house
21 directly from the building, told my father what
22 I had seen, did not -- and I want to make this
23 clear -- did not get overly, unbelievably into
24 detail, but made sure he knew it was extremely,
25 extremely wrong, extremely sexual. I think I

1 used even the word, quote -- I said, "Dad, you
2 don't have to be a rocket scientist to figure
3 out what was going on." He called a friend.
4 The friend's name is Dr. Dranov, his boss and a
5 friend. Dr. Dranov came over to the house. I
6 told Dr. Dranov what I had seen, again not
7 getting overly descript in terms of what I had
8 seen, but making sure he knew it was sexual, it
9 was wrong, it was perverse, everything. They
10 gave me the advice that the first thing you
11 need to do, Mike, is, as soon as you can, tell
12 your boss, Coach Paterno.

13 I had left the house, went home, and
14 got up the next morning. I can remember it
15 very clearly. It was a sunny Saturday morning,
16 and I got up -- walked my dogs at about 6:30
17 and called Coach Paterno's house at about 7:15
18 or 7:30.

19 Q. Was it commonplace for you to call
20 Coach Paterno at 7:15 in the morning?

21 A. Never. I mean, never.

22 Q. Okay. And can you tell --

23 A. Not on a Saturday morning. That's for
24 sure.

25 Q. Can you tell the ladies and gentlemen

1 what the first thing that Coach Paterno said to
2 you when you told him who you were on the
3 phone?

4 MR. ROMINGER: Objection, hearsay.

5 MR. MCGETTIGAN: If you'd like to hear
6 from the Commonwealth, it just explains his
7 response. It's not a prejudicial statement.

8 THE COURT: Not offered for its truth?

9 MR. MCGETTIGAN: No, it's not offered
10 as a true story, nor is it a prejudicial
11 statement, Your Honor.

12 THE COURT: Go ahead.

13 THE WITNESS: Go ahead? I can answer?

14 THE COURT: You can answer.

15 THE WITNESS: Okay. We had a couple
16 job openings on the staff, and, you know, I
17 didn't explain to him why I was calling. I
18 said, "Hey, you know, Coach Paterno, it's Mike
19 McQueary. Can I come over and talk to you?"
20 And he said, "No, I'm not giving you a job."
21 And I said, "Coach, this is about something
22 very important. I need to come over and see
23 you." So he said, "Okay. You better come on
24 over."

25 BY MR. MCGETTIGAN:

1 Q. Okay. And did you go to Coach
2 Paterno's home?

3 A. I did.

4 Q. And did you tell him what you had
5 seen?

6 A. Yes, I had told him -- and I want to
7 make sure I'm clear -- I told him what I had
8 seen, again, on the surface. I made sure he
9 knew it was sexual and that it was wrong, and
10 there was no doubt about that. I did not go
11 into gross detail about the actual act.

12 Q. So I can distinguish what you believed
13 and what you said to either your father or
14 Coach Paterno, is what you thought you saw anal
15 sex occurring?

16 A. I thought I saw that, yes, no doubt
17 about that.

18 Q. Okay. Were those the terms you used
19 either to your father or to Coach Paterno?

20 A. No.

21 Q. Okay. Why not?

22 A. I didn't feel comfortable using those
23 terms and I didn't explain those details or use
24 those terms in talking with those men out of
25 respect and probably my own embarrassment, to

1 be frank with you.

2 Q. Okay. And how long of a conversation
3 did you have with Coach Paterno?

4 A. I'd say 10, 12 minutes.

5 Q. Okay. And can you describe for the
6 ladies and gentlemen of the jury, you know, his
7 response, both what you observed in his
8 demeanor, if anything, and what he said to you
9 when you told him what you saw?

10 MR. ROMINGER: Objection, hearsay.

11 THE COURT: Sustained.

12 MR. MCGETTIGAN: It's not offered for
13 truth, Your Honor. It's offered for just his
14 --

15 THE COURT: Then why is it relevant?

16 MR. MCGETTIGAN: Well, it explains
17 this witness' further actions.

18 THE COURT: Sustained.

19 MR. MCGETTIGAN: Okay.

20 BY MR. MCGETTIGAN:

21 Q. After this conversation, what did you
22 do then?

23 A. Can I say his response to our
24 conversation --

25 THE COURT: No.

1 THE WITNESS: -- because that explains
2 -- no? I did not do anything after that
3 conversation. I waited for something to
4 happen.

5 BY MR. MCGETTIGAN:

6 Q. Okay. And what did you think was
7 going to happen?

8 MR. ROMINGER: Objection.

9 MR. MCGETTIGAN: I just want to ask
10 him --

11 MR. ROMINGER: The back door.

12 THE COURT: Sustained.

13 BY MR. MCGETTIGAN:

14 Q. Now, did you ever have a further
15 conversation with either your father or Dr.
16 Dranov about these events?

17 A. My father, yes.

18 Q. Okay. How long, if you know, was
19 that?

20 A. How long -- I'm sorry. Repeat the
21 question.

22 Q. How long after the time you talked to
23 Coach Paterno was the next conversation with
24 your father?

25 A. I think probably that afternoon or

1 night the same day I talked to Coach Paterno.

2 Q. Did you have subsequent conversations
3 with your father or with Dr. Dranov about what
4 you had observed and the steps you had taken?

5 A. My father, yes.

6 Q. Okay. Did you ever take any other --
7 and I'll use the expression -- see if we
8 understand -- any official action? Did you
9 ever go to -- did you go to the police or any
10 other parties about what you had seen?

11 A. In my mind, yes, without a doubt.

12 Q. What do you mean by that?

13 A. I received a phone call from the Penn
14 State Athletic Director, Tim Curley, about a
15 week after I had told Coach Paterno. And he
16 said, "I had talked to Coach Paterno about what
17 you have seen and I want to have you come over
18 to the office and we're going to talk to you
19 about what you have seen."

20 Q. And did you go -- this is Tim Curley,
21 you said?

22 A. Yes, the Athletic Director at Penn
23 State.

24 Q. Did you go to his office?

25 A. Yes, actually a conference room in the

1 Bryce Jordan Center.

2 Q. Okay. And did you speak with Mr.
3 Curley then?

4 A. I did, and another gentleman.

5 Q. Who else was present?

6 A. Gary Schultz.

7 Q. Okay. And do you know what his title
8 or role was at the time?

9 A. He was a vice president of the
10 university. I think his actual title, and
11 don't quote me on it, but it's Vice President
12 of Business Affairs or something like that, but
13 I know he oversaw the athletic department. He
14 oversaw the police department, among various
15 other things. I think the campus hotels.

16 Q. And how long a conversation did you
17 have with those two gentlemen?

18 A. I would say 15 minutes.

19 Q. And did you tell them what you saw?

20 A. Yes.

21 Q. And did you name the defendant, Jerry
22 Sandusky --

23 A. Yes, I did, yes.

24 Q. -- as the person you saw?

25 A. Yes.

1 Q. And did they ask you any particular
2 questions about what you had seen or just
3 listen to what you said?

4 A. Just listen to what I had said.

5 Q. Okay. And did you ask them what, if
6 anything, they were going to do or just relate
7 to them what you saw?

8 A. Just relate to them what I saw.

9 Q. Did you have a conversation with Mr.
10 Curley or Mr. Schultz at any time after that
11 about these particular events?

12 A. Mr. Curley, yes.

13 Q. How long after this was that, the
14 conversation with the two of them, that you had
15 the conversation with Mr. Curley?

16 A. He called me on the phone, I would
17 say, a week to two weeks after that initial
18 conversation in person.

19 Q. And what did he say, if anything?

20 A. He said that they looked into what I
21 had said. They contacted The Second Mile, told
22 them about the situation.

23 MR. ROMINGER: Objection, hearsay.

24 MR. MCGETTIGAN: It's not offered for
25 the truth, Your Honor.

1 THE COURT: Sustained.

2 BY MR. MCGETTIGAN:

3 Q. After that conversation, did you
4 take --

5 A. Yes.

6 Q. I'm sorry, Mr. McQueary.

7 A. That's okay.

8 Q. After that conversation did you have
9 any further conversations with either Mr.
10 Curley or Mr. Schultz about their response or
11 actions as a result of what you had told them
12 about the defendant?

13 A. Let me make sure I'm understating.
14 After that telephone conversation --

15 Q. That's correct.

16 A. -- where they were reporting back to
17 me their actions?

18 Q. Yes.

19 A. Did I have anymore -- further contact?

20 Q. That's correct.

21 A. No, I do not believe so.

22 Q. Okay. Did you see the defendant
23 frequently after that?

24 A. Yes, a lot.

25 Q. Did he ever speak with you about these

1 events?

2 A. No, never.

3 Q. Did you ever bring them up to him?

4 A. Never.

5 Q. Did you go to the police?

6 A. In my mind, Mr. Schultz represented
7 the police, without a doubt.

8 Q. Okay. Now, these events I've asked
9 you about occurred in the month of February
10 2001?

11 A. Yes.

12 Q. Okay. How long was it from the time
13 you saw the defendant and this little boy until
14 the conversations between you and Mr. Curley
15 ended, concluded, a month, two months?

16 A. I would say no more than a month.

17 Q. Did you have any conversation of an --
18 and I'm going to use the term again -- official
19 nature with anybody about these events after
20 that month?

21 A. No, I -- no, no.

22 Q. Okay. And did you have any real
23 additional conversation with your father after
24 that month or two?

25 A. Oh, sure, yeah, you know, here and

1 there. For instance, on a beach trip we were
2 watching a show, *60 minutes*, a news show or
3 something, and it was a show about an actual
4 Boy Scout leader who fit the description and
5 did the same, exact things, and it was a news
6 story and everything, and we were looking at
7 each other like, "Geez, this is ridiculous.
8 This is the same exact thing." So, yes, I
9 mean, we -- I'm illustrating that we did talk
10 about it.

11 Q. Okay. Did you discuss what you had
12 seen the defendant do with this little boy with
13 anybody else that you recall, a wide group of
14 people or any particular --

15 A. Wide group of people? No. My family
16 over time came to know what I had witnessed,
17 but -- again, I'm saying over time. Over
18 years, especially as this investigation started
19 and as I began to get questioned.

20 Q. Okay.

21 A. On the surface people saw me have
22 negative reactions around the building. If
23 Jerry were to come into the equipment room, I
24 would get up and leave real fast, and I think
25 people began to be suspicious of my reactions.

1 And so I would say, you know, something to the
2 effect that I saw something and didn't want to
3 be around him.

4 Q. Would you be any more specific or
5 explicit than that?

6 A. No. Again, let me correct myself.
7 Can I remember every single conversation I've
8 ever had in regard to the incident? No. And
9 that's the truth. But I did not have a
10 detailed conversation probably, to be frank
11 with you, now that I'm thinking, probably my
12 girlfriend at the time -- I would have trusted
13 her with something like this -- but not --
14 again, not in detail with people, even my
15 closest friends, guy friends, in the building.
16 I would not have discussed details about this,
17 not at all.

18 Q. You say you didn't discuss details.
19 Did you mention -- mention it generally or your
20 general negative reaction to the --

21 A. Yeah, like I said, they would see
22 something and I would say, "Listen, I just
23 don't care to be around him," or I'd --

24 Q. Correspondence, e-mail, anything like
25 that?

1 A. No, not that I'm aware of, no.

2 Q. Okay. At some point did you speak
3 with law-enforcement authorities?

4 A. No, no uniformed authorities. Again,
5 in my mind, when I did speak to Mr. Schultz, I
6 thought he was very much like a District
7 Attorney for the university.

8 Q. Okay. Years later, did you speak with
9 law-enforcement authorities?

10 A. When this investigation started, yes,
11 sir.

12 Q. Okay. Did you go to them or did they
13 come to you?

14 A. They -- I was at the building one
15 night and they knocked at my home address door.

16 Q. Okay. And did they ask you what you
17 knew?

18 A. Yes. Yeah. I met them at a place in
19 State College and they asked me.

20 Q. And did you give them an interview?

21 A. Absolutely.

22 Q. Okay. And one or more than one, if
23 you recall, formal interview?

24 A. I would say more than one formal
25 interview, a few for sure.

1 Q. And were you called in to testify
2 before a grand jury?

3 A. Yes, I was.

4 Q. Under oath?

5 A. Yes, sir.

6 Q. Okay. And do your best to recall then
7 and testify then to what you observed?

8 A. Yeah, did my best, yes.

9 MR. MCGETTIGAN: Your Honor, may I
10 approach the witness?

11 THE COURT: Yes, you may.

12 MR. FINA: Your Honor, may I approach
13 with yours?

14 MR. ROMINGER: Your Honor, we have no
15 objection with 57, but we're going to have an
16 awful lot of issues with 58.

17 (Pause.)

18 MR. MCGETTIGAN: May I proceed, Your
19 Honor?

20 THE COURT: With 57, and then we will
21 talk.

22 MR. MCGETTIGAN: Thank you, Your
23 Honor.

24 BY MR. MCGETTIGAN:

25 Q. Mr. McQueary?

1 A. Yes.

2 Q. You have been handed a series of
3 photographs and they have been collectively --
4 that is, four photographs -- they have
5 collectively been marked, yes, Commonwealth's
6 C-57 for identification.

7 A. Okay.

8 Q. Okay. First of all, do you recognize
9 the location that is depicted in these
10 photographs?

11 A. Yes.

12 Q. Okay. Can you tell the ladies and
13 gentlemen of the jury what that location is?

14 A. This is the staff and support -- staff
15 locker room at the Lasch Football Building.

16 Q. Okay. And is that where your locker
17 was back in 2001?

18 A. Yes.

19 Q. Okay. And --

20 MR. MCGETTIGAN: Your Honor, may I
21 publish them individually to the jury and
22 inquire of the witness as I do?

23 THE COURT: Fifty-seven, yes.

24 MR. MCGETTIGAN: That's correct. I
25 understand, Your Honor.

1 BY MR. MCGETTIGAN:

2 Q. Mr. McQueary, can you tell the ladies
3 and gentlemen of the jury what they're looking
4 at in 57?

5 A. Sure. That door that you see in the
6 very right-hand frame of the picture is the
7 second door for that locker room. My locker,
8 on the right aisle, the right side of that row
9 that you see, the very first one right where --
10 almost where that light switch is on the right
11 side. Yes, sir, right where that pointer is.
12 That would have been my locker at that time.

13 Q. So when you walk in, your locker is
14 immediately to your?

15 A. Right. As I walk in that door, facing
16 the mirrors, my locker is right there to my
17 right.

18 Q. Okay. And then can we have the second
19 photograph of 57? Okay. And can you tell us
20 what you see right there in the second
21 photograph?

22 A. Yes. From that angle my locker would
23 have been kind of on your left-hand shoulder,
24 if I am making sense there. Okay. And you're
25 looking at the mirrors that I looked into

1 diagonally, and what you're seeing, the very,
2 very far background there in the mirror is the
3 actual shower area where the actual showerheads
4 and soap and things are.

5 Q. And can we go to the next picture?
6 And can you tell us what we're looking at in
7 the third of the photographs of C-57?

8 A. Yes, this would have been the second
9 position that I would have been in. So, again,
10 just to make sure I'm clear, the first position
11 I looked diagonally into the mirrors and see
12 the reflection. The second position, I stepped
13 to my right a little bit to look directly into
14 the shower with my own eyes. The mirrors at
15 this point in time would be off on your right-
16 hand shoulder and my locker would be back over
17 here to the left, and that's where I'm looking
18 directly into the shower with my own eyes.

19 Q. And if we can have the last
20 photograph, C-57? And what view is that that
21 you're looking at from here?

22 A. That would have been the view from
23 inside the shower, roughly where Jerry and the
24 boy were, looking at the mirror and at my
25 locker's reflection in the mirror.

1 Q. Okay. Where that little -- where the
2 marker is now, the cursor, is that your locker
3 there?

4 A. Yeah. Put it back just to make sure
5 I'm clear. Yes, sir, that locker with that
6 name tag that you see on there would have been
7 my locker.

8 Q. Okay. And if I can just go back to
9 the very first picture? Thank you. Excuse me.
10 I'm sorry. The second. I beg your pardon.
11 And you said second position. Is this the
12 second position you were in that night or the
13 first position? I'm not sure.

14 A. First position. The first position is
15 the position I was in when I saw the reflection
16 in the mirror. That's exactly, to a tee, what
17 that is.

18 Q. Okay. I understand. Thank you.

19 MR. MCGETTIGAN: Your Honor, shall we
20 approach the bench now?

21 THE COURT: Yes.

22 Ladies and gentlemen, you can stand
23 and stretch here for a minute while I have this
24 conversation with the attorneys.

25 (Whereupon, the following discussion

1 was held at sidebar.)

2 THE COURT: You've got an objection to
3 58?

4 MR. ROMINGER: I do, Your Honor. I
5 think, if my memory serves me, it's a 403.
6 It's more prejudicial than probative in this --

7 THE COURT REPORTER: Your Honor, I
8 can't hear with the noise in the courtroom.

9 THE COURT: Let me have this
10 discussion -- I'll summarize it for the record
11 because of the background noise. Is that okay?

12 MR. MCGETTIGAN: Certainly, Your
13 Honor.

14 THE COURT: Okay. Then I'll just
15 summarize it for you in a minute.

16 (Whereupon, a discussion was held at
17 sidebar off the record.)

18 (Whereupon, the following discussion
19 was held at sidebar:)

20 THE COURT: We will note for the
21 record that counsel has filed an objection to a
22 series of exhibits labeled as 58-A through E.
23 The objection by the defense is pursuant to
24 Rule 901, that it is a demonstration of --
25 excuse me -- that the probative value outweighs

1 the prejudicial imagery; that the witness
2 testified that he saw it only briefly. I
3 believe, having reviewed the evidence, that
4 Exhibits A and B are such that the probative
5 value is outweighed by the prejudice. The
6 other remaining exhibits will be admitted.
7 Okay. Thank you.

8 (End of sidebar discussion.)

9 MR. MCGETTIGAN: May I approach the
10 witness now, Your Honor?

11 THE COURT: You may.

12 BY MR. MCGETTIGAN:

13 Q. Mr. McQueary, I'm going to --

14 MR. MCGETTIGAN: May I stand here for
15 a moment, Your Honor?

16 THE COURT: Yes, you certainly may.
17 You certainly may.

18 MR. MCGETTIGAN: I'm going to make
19 reference to some photographs you have already
20 identified, one of them being, I believe, the
21 second photograph of 57. Excuse me. One more,
22 please. Excuse me, third photograph. Okay.
23 And can you tell the ladies and gentlemen of
24 the jury once again -- I beg your pardon --
25 once again what that is, what you're looking at

1 there.

2 A. That's the -- again, the actual shower
3 room where the showers take place. Off there
4 in the distance you can see the showerhead and
5 the shower control there.

6 Q. Okay. And on the night that you saw
7 the defendant behind the little boy, where
8 would you be positioned relative to this
9 picture, if anywhere? I mean, is that where
10 you were standing, like the camera's-eye view?

11 A. Yes, absolutely. Yes.

12 Q. Okay. Now, if we may have 58-C?
13 58-C. Excuse me.

14 THE COURT: That's D, 58-D. That one
15 is okay.

16 MR. MCGETTIGAN: Okay.

17 THE COURT: Get that off the screen.

18 MR. MCGETTIGAN: Your Honor, that's
19 the one -- that's the --

20 THE COURT: Is that the one -- is
21 that --

22 MR. MCGETTIGAN: Yeah.

23 THE COURT: Okay. I'm sorry. I
24 apologize. Go ahead.

25 MR. MCGETTIGAN: Here. Give me it

1 back. I want to show it to you.

2 THE COURT: No, no, no. I saw it.
3 You're right. You're exactly right. I
4 apologize.

5 MR. MCGETTIGAN: Okay. Thank you.

6 THE WITNESS: Yes.

7 BY MR. MCGETTIGAN:

8 Q. And can you tell us what you see in
9 that picture and, if you can, tell us why those
10 particular figures are in the place they are.

11 A. Okay. From that point, where that
12 camera is taking that shot, that would have
13 been my third position, my last look into the
14 shower. They are broken up. I would guess
15 that's about three feet. On the right would
16 have been Jerry Sandusky. On the left would
17 have been the little boy, looking directly at
18 me, and right after that is when I would have
19 left the locker room.

20 Q. Did you say anything as you saw that
21 view and left, and did either of the parties
22 that were looking at you, the defendant or the
23 little boy, say anything?

24 A. No, no verbiage, no spoken word at
25 all.

1 Q. Okay. Great. And now if I may have
2 first 58-D, please? And can you tell the
3 ladies and gentlemen what you're looking at
4 there and who is in that mirror, if you can
5 recognize him?

6 A. Yeah. That would have been the very
7 first view I saw, me standing where I am on
8 that first view, and that would have been taken
9 -- I think that's a close-up angle -- I think
10 this camera is situated where Jerry and the boy
11 would have been.

12 Q. Okay. Can you back that out, please?
13 Yes, there we go. And now if I may have 58-E,
14 please? And can you tell us what that is?

15 A. That's the second angle. So, again
16 making sure I'm clear, the first time I looked
17 in the reflection in the mirror, turned back to
18 my locker, tried to digest. I stepped
19 immediately to my right, and that's the
20 position you see right there, to look directly
21 in the shower with my own eyes.

22 Q. Okay. And that photograph, based on
23 your knowledge of that locker room, would have
24 been taken from what location?

25 A. Repeat that question for me, sir.

1 Q. Where was the photograph taken? It's
2 showing you over by the mirror.

3 A. Got you.

4 Q. Where is the camera?

5 A. Exactly where Jerry and the boy would
6 have been.

7 MR. MCGETTIGAN: Thank you, Your
8 Honor. May I return to my seat, Your Honor?

9 THE COURT: Yes.

10 MR. MCGETTIGAN: Your Honor, I have
11 nothing further of the witness at this time.
12 Thank you, Your Honor.

13 MR. AMENDOLA: Mr. Rominger is going
14 to cross-examine.

15 CROSS-EXAMINATION

16 BY MR. ROMINGER:

17 Q. Sir, my name is Karl Rominger. I
18 represent Jerry Sandusky.

19 A. Good afternoon.

20 Q. Good afternoon. If I ask you a
21 question and you don't know the answer or you
22 don't know -- understand the question or can't
23 understand what I said, ask me to repeat it or
24 let me know, because if you answer a question
25 I'm going to assume that you heard the

1 question, okay?

2 A. Sure.

3 Q. You just talked about -- I just want
4 to address this first -- you just talked about
5 a third view that you saw from three locations?

6 A. Yes.

7 Q. Now, I've looked at an interview that
8 you did with Trooper Rossman. You told Trooper
9 Rossman that you saw it from two different
10 locations, not three, correct?

11 A. Yeah, I'd have to see that interview
12 on print. If he's referring to it, I think I'm
13 allowed to see it.

14 MR. ROMINGER: Permission to approach,
15 Your Honor?

16 THE COURT: Sure.

17 BY MR. ROMINGER:

18 Q. Take as much time as you need.

19 MR. MCGETTIGAN: Your Honor, may we
20 see you at sidebar?

21 THE COURT: (Nodding head up and
22 down.)

23 (Whereupon, the following discussion
24 was held at sidebar:)

25 MR. FINA: Your Honor, you can't

1 impeach with interview notes or a summary of an
2 interview. You can't hand it to refresh their
3 recollection. It has to be an actual
4 statement, verbatim, of the witness. That's
5 not the case here. I have tons of cases on
6 this.

7 THE COURT: Oh, I think you can use
8 anything to refresh a witness' recollection.

9 MR. ROMINGER: A pizza, I remember,
10 from law school.

11 MR. FINA: Well, not for impeachment
12 purposes, Your Honor. I mean, you cannot --

13 THE COURT: You haven't used it to
14 impeach him.

15 MR. ROMINGER: No.

16 THE COURT: You just asked him whether
17 he said that and then you asked him to refresh
18 his recollection.

19 MR. ROMINGER: And he actually
20 specifically asked to see the report. He
21 thought perhaps that would help him.

22 THE COURT: Yeah, I agree. He can't
23 -- he can't use it to impeach. I agree with
24 that. If that's what the purpose of it is,
25 then we're going to have a problem. But if

1 it's just to refresh what his recollection --

2 MR. ROMINGER: No, we'll call Rossman,
3 eventually, about his report.

4 MR. FINA: Well, Your Honor, he just
5 -- he started off the question by saying here
6 today you said there were three positions. In
7 an interview with Trooper Rossman, you said
8 there were two positions. And now he has
9 handed it to him. It's direct impeachment.
10 This is -- the whole point of it is to impeach.

11 MR. ROMINGER: He asked for it. He
12 asked for a copy of --

13 MR. MCGETTIGAN: If I may, Your Honor,
14 one other thing is that actually misstates it,
15 because while Mr. McQueary has described three
16 positions, he only had two views. The first
17 position was when he walked into the locker
18 room.

19 THE COURT: I'm sure Mr. McQueary can
20 get this all straightened out. So you can't
21 impeach him with this. If you want to use it
22 to refresh his recollection, take it back from
23 him now and we'll --

24 MR. ROMINGER: Okay.

25 THE COURT: -- move on from there.

1 MR. MCGETTIGAN: Okay.

2 (End of sidebar discussion.)

3 MR. ROMINGER: Can I have that
4 document back?

5 THE WITNESS: Sure.

6 BY MR. ROMINGER:

7 Q. Does that refresh your recollection?

8 A. Yes, that's written by Mr. Rossman
9 about a spoken interview that I had with him,
10 yes. It's not my writing.

11 Q. But, I mean, did it refresh your
12 recollection? That's the key question.

13 A. My recollection is refreshed. I mean,
14 I don't need that document to refresh what I
15 saw, sir.

16 Q. Do you recall meeting with Trooper
17 Rossman?

18 A. Oh, yes, sir. Yes, sir.

19 Q. Do you recall telling him that you saw
20 into the shower from two positions?

21 A. No, I don't recall that, but if it's
22 written there, I'm not calling Mr. Rossman a
23 liar. That's for sure.

24 Q. So we'll have to talk to Trooper
25 Rossman about what you told him?

1 A. All I'm saying, sir, and I'm not
2 trying to be difficult, is that's not my
3 writing and I don't think it's in quotations,
4 so that's a report written by him. And I'm not
5 calling him a liar at all, but if that's what I
6 said, that's what I said.

7 Q. Okay. How about your own handwriting?
8 Would you be more inclined to believe a report
9 in your own handwriting?

10 A. Absolutely. I know I had a written
11 statement.

12 Q. Did you do a written statement?

13 A. Yes, sir.

14 Q. Do you remember when you did it?

15 A. Oh, not the exact date, no, sir.

16 Q. How many positions did you describe in
17 the written statement?

18 A. I'd have to read it, sir. I don't
19 remember what I wrote in the written statement.

20 Q. Would you like to see your written
21 statement to see if that would refresh your
22 recollection about what you wrote?

23 A. I would like to, yes, sir.

24 MR. ROMINGER: Permission to approach,
25 Your Honor?

1 THE COURT: (Nodding head up and
2 down.)

3 THE WITNESS: Thank you.

4 MR. ROMINGER: You're welcome, sir.

5 THE WITNESS: Okay. Go ahead.

6 BY MR. ROMINGER:

7 Q. You recollect that you really only saw
8 into the shower twice, correct?

9 A. No, I think I've testified that I saw
10 three times.

11 Q. Your written statement indicates two
12 views.

13 A. Yes.

14 Q. So now you're recollecting a third
15 view into the shower that's not contained in
16 your written statement that you gave to the OAG
17 or the Office of the Attorney General?

18 A. Right.

19 Q. Can I have that back?

20 A. Can I -- can I -- am I allowed to read
21 what I wrote?

22 THE COURT: Counsel will give you a
23 redirect. You will have an opportunity to
24 clarify any statements, but this is on cross-
25 examination.

1 BY MR. ROMINGER:

2 Q. You also were sworn under oath in
3 front of a grand jury?

4 A. Yes, sir.

5 Q. How many views did you tell the grand
6 jury about?

7 A. I'd have to read the whole grand jury
8 report.

9 Q. If I told you it was two, would you
10 have any reason to quarrel with that?

11 A. Any reason to quarrel? No, I trust
12 you. I don't know you, but I don't think
13 you're going to put --

14 Q. You only saw into the shower for a
15 brief instant, correct?

16 A. Three brief instances.

17 Q. Three now?

18 A. I'm sorry?

19 Q. It's three brief instances now?

20 A. Yes. Yes, sir.

21 Q. Now, let me back you up to the night
22 in question. You say you recall that night
23 specifically because you were taking shoes
24 there.

25 A. I recall it because of what I saw, not

1 because I was taking the shoes there.

2 Q. Well --

3 A. I mean, I saw something horrific.
4 That's why the night sticks in my mind.

5 Q. Originally, you thought it happened in
6 2002 at some date, correct?

7 A. Absolutely not.

8 Q. Was there any --

9 A. Do you want me to explain that answer
10 or --

11 Q. Was there ever any confusion over the
12 dates?

13 A. Without a doubt.

14 Q. There was no confusion over the dates?

15 A. I think you just asked was there ever
16 any confusion over the dates, and I said yes,
17 without a doubt there was.

18 Q. Okay. There was. And, in fact, at
19 one point your testimony indicated it happened
20 13 months later than you're now saying it
21 happened?

22 A. You'd have to recite that testimony to
23 me, sir. I think, in my written statement, I
24 believed -- I think it was 2002. I think I may
25 be quoting it directly. I think it was 2002.

1 It may be 2001. I believe in the grand jury
2 report I said I'm 90 percent sure it was 2002,
3 but it could be 2001.

4 Q. Okay.

5 A. In several interviews with
6 authorities, I said I'm not sure of the date.
7 I think it's 2002, but it could be 2001. And
8 as this investigation furthered, I told them
9 that I really do believe it's 2001. You guys
10 need to look at 2001.

11 Q. Did you talk with anybody else that
12 made you think it was 2001 instead of 2002?

13 A. Absolutely. When you go through
14 something like this, you talk to people you
15 trust.

16 Q. Did you hear any of the press accounts
17 where Attorney Amendola had referenced that he
18 believed it was 2001 and not 2002?

19 A. I can't remember that, sir, no.

20 Q. Now let me back you up again to the
21 night in question. You leave the locker room
22 after you've seen this incident -- we'll come
23 back to it -- and you go to your own personal
24 office and you call your father?

25 A. Yes.

1 Q. You don't call the police?

2 A. No, I did not.

3 Q. How far is it from the Lasch Building
4 to campus security? Do you know approximately
5 how far away it is?

6 A. At that time -- well, I'd say less
7 than a mile, sir, for sure.

8 Q. And were there ever any guards or any
9 police officers stationed at the Lasch
10 Building?

11 A. No, not that I can recall. I mean,
12 stationed for certain events, yes. For
13 Saturday football games, for example, yes, but
14 not a 24-hour guard or security officer, no.

15 Q. You call your father. How long after
16 you call your father until you see him?

17 A. I'd say 10 minutes, maybe 12 minutes.
18 By the time I -- I hung up the phone, walked
19 out the building, drove to the house, and I saw
20 him.

21 Q. Now, you don't tell your father on the
22 phone that you saw anything sexual in nature.

23 A. I would disagree. I think he knows
24 for sure I saw something disturbingly sexual in
25 nature, yes.

1 Q. In that first phone call?

2 A. I would think so, yeah.

3 Q. Well, what did you tell him? What did
4 you say to him that you saw?

5 A. I said I saw Jerry with a young boy in
6 the shower doing something sexual, I think. I
7 mean, I don't want that to be quoted, because I
8 can't remember the actual words I used. But,
9 when he hung up that phone, he definitely knew
10 something disturbing was going on and I saw it,
11 if that's what you're getting at. I don't want
12 to --

13 Q. Well, I just want to be sure what the
14 exact term -- so what you're telling me today
15 is you --

16 A. There's no way I can remember the
17 exact words I used on that phone call with my
18 father.

19 Q. Okay. Now, when you were asked a
20 question on direct by Attorney McGettigan, he
21 asked you something along the lines of why you
22 never told your father or Joe Paterno that --
23 the graphic sexual nature of what you saw.

24 A. Sure.

25 Q. So you're saying you go home 10

1 minutes later after the phone call and you tell
2 your father something sexual in nature, but you
3 can't tell him what you saw?

4 A. Yeah, I think that's understandable.
5 Yes.

6 Q. No, it's not under -- I want to
7 understand it. What did you tell him you
8 saw --

9 A. All right. I'll make it clear for
10 you.

11 Q. -- very specifically?

12 A. I'll make it clear for you.
13 Specifically, I can't tell you. If you're
14 asking me for direct quotations from my mouth
15 to my father, I cannot tell you that. I can
16 tell you that he knew it was extremely sexual
17 in nature, there was a young boy involved,
18 Jerry was involved, and he knew it was
19 disturbing and bad, and -- no ifs, ands, or
20 buts about it.

21 Q. Now, then Dr. Dranov comes over.

22 A. Yes.

23 Q. He's the close confidante of the
24 family?

25 A. Without a doubt.

1 Q. If he gave statements to the police
2 and grand jury testimony and he eventually
3 comes in here and tells us what he remembers
4 you said --

5 A. Uh-huh.

6 Q. -- any reason to believe that he would
7 be inaccurate or untruthful about that?

8 A. Dr. Dranov is a good man and I trust
9 Dr. Dranov.

10 Q. Some of the reports indicate that you
11 didn't tell him that you saw a sexual act. Is
12 that --

13 A. I can't count on some -- I think you
14 said, quote-unquote, "some reports." There's a
15 lot of reports out there that are inaccurate,
16 to be frank with you, so I -- I can't count on
17 that.

18 Q. But if they are statements of Dr.
19 Dranov, you would not think they would be
20 inaccurate?

21 A. If they're directly from his mouth and
22 he testifies they're from his mouth, I may
23 disagree with what he says to be true, but I'm
24 not going to sit here and call Dr. Dranov a
25 liar or not a good person.

1 Q. Is it possible that, in trying to dumb
2 down what you saw out of respect for people
3 involved, that you just didn't tell anybody
4 what you actually saw?

5 A. Yeah, because -- hold on now. You
6 said could I dumb it down, and I'm taking that
7 as meaning would I not go into gross detail
8 about what I saw, and the answer to that
9 question is yes. I think you had a second part
10 to that question.

11 Q. I want to go through the first view
12 that you had. Tell me again what the first
13 view was.

14 A. It was me standing directly facing my
15 locker, looking over my shoulder, into the
16 mirror and the mirror reflection, into the
17 shower.

18 Q. That's a pretty narrow window into the
19 shower, correct?

20 A. Absolutely.

21 Q. And you weren't standing still at that
22 point. I mean, how long did that glance last?

23 A. One or two seconds, sir.

24 Q. And you said you heard slapping sounds
25 when you entered.

1 A. When I entered the first door, yes,
2 sir.

3 Q. How long did the slapping sounds last?

4 A. Two or three slapping sounds. Again,
5 it's an estimation, but I'd say two or three
6 seconds.

7 Q. And you didn't hear any slapping
8 sounds at the time you had your first view,
9 correct?

10 A. No, in any of my looks, no, sir.

11 Q. In fact, how much time had passed
12 since you entered the door until you got your
13 first view?

14 A. Three or four seconds, five seconds
15 maybe. I cannot be sure of that.

16 Q. Now, how many statements do you think
17 you've given between police officers -- and I'm
18 only talking about in recent years. I'm not
19 talking about back in 2001, 2002.

20 A. Right.

21 Q. Since you were first interviewed --
22 what was it, in November of 2010?

23 A. Yes, it was after the Ohio State game
24 that year, so whatever date that is.

25 Q. You're interviewed in November 2010,

1 then again on the 23rd. Does that sound right?
2 With two days in a row. Was there -- time to
3 fill out a grand jury state -- your written
4 statement was on a separate day than your
5 initial interview?

6 A. The day -- I think you're asking the
7 day I actually wrote my written statement?

8 Q. Yeah.

9 A. It was one or two days, as I remember,
10 after that first official interview in my
11 lawyer's office, yes.

12 Q. Sassano and Rossman left you a form to
13 fill out. Is that how that happened?

14 A. As I remember, sir, but there's no way
15 I can be totally sure of that.

16 Q. But just so we're clear, your
17 interview with Rossman and Sassano was before
18 your written statement and they didn't have
19 access to it at the time of that interview?

20 A. No, not that I know of, if that's what
21 you're saying.

22 Q. Now, you appeared in front of the
23 grand jury in December of 2010. Does that
24 sound correct to you?

25 A. It does.

1 Q. Now, did you see the reflection before
2 or after you got to your locker?

3 A. There's no way I could possibly tell
4 you. When you do things, you don't remember
5 the order, sometimes, you do them. As I put
6 this coffee cup down and stuff, I mean, if
7 you're asking me did you do that then? Did you
8 do it then? I know, in front of my locker, I
9 looked into the mirror, looked over my right
10 shoulder, and I saw what I saw. Whether it was
11 as I got to my locker, right before I got to my
12 locker, after I got to my locker, I don't know,
13 sir.

14 Q. Did you still have your shoes in your
15 hand? Do you know that?

16 A. I believe I did, sir. But, again, I
17 can't -- I can't tell you for sure.

18 Q. Now, after the grand jury in October
19 of 2011, you met again with -- was it Ellis and
20 Leiter? Do they sound -- familiar names to
21 you?

22 A. Ellis does. Again, I've met a lot of
23 people during this thing, so Leiter does not
24 come right to the top of my head.

25 Q. And you gave them an interview about

1 what you saw.

2 A. Could you say the date again, sir?

3 Q. October 13, 2011.

4 A. They came in and asked me a couple
5 quick questions.

6 Q. Sort of a follow --

7 A. I wouldn't say it was a total
8 interview.

9 Q. Okay. Like some follow-up?

10 A. Yeah, about, as I remember it, one
11 particular point within this whole entire
12 story.

13 Q. Now, in April of this year, you did
14 something with the FBI. Did you meet with any
15 FBI agents?

16 A. I've never met with any FBI agents
17 during the course of this investigation.

18 Q. Okay. So anything from the FBI would
19 be based on what you had told -- to your
20 knowledge, would be based on what you told
21 somebody else, if they've --

22 A. Yes.

23 Q. -- accumulated any statements from
24 you?

25 A. Yes. Again, I'm telling you I've

1 never met with any FBI agent that I know of.
2 They never told them -- me -- they were an FBI
3 agent.

4 Q. Have you met with the people from the
5 Attorney General's Office or other law
6 enforcement that didn't fully identify
7 themselves to you or might have just been
8 present in a room while you were being
9 interviewed?

10 A. That's possible, yeah. I've met --
11 again, like I said, I've met with a lot of
12 individuals or a lot of individuals have been
13 in the room during this.

14 Q. Now, you also gave preliminary hearing
15 testimony in Dauphin County --

16 A. Yes, sir.

17 Q. -- Pennsylvania.

18 A. Yes, sir.

19 Q. When was that? Do you know how long
20 ago?

21 A. It was after the charges had been
22 filed. It would have been maybe January, I
23 think, of 2012.

24 Q. Now, in that testimony, you were
25 cross-examined, correct?

1 A. Yes.

2 Q. Do you remember how long that
3 testimony took?

4 A. Not the exact minutes. I'd say
5 roughly an hour and a half, maybe, the total
6 testimony.

7 Q. Now, the second view into the shower,
8 what did you see -- or tell me again what you
9 saw.

10 A. Jerry Sandusky right behind a boy, in
11 an extremely sexual position, his front right
12 up against his back.

13 Q. And you're saying that's your second
14 view, not your first view?

15 A. No, sir. They were in the same
16 position in both views, sir.

17 Q. What did you see on your third view?

18 A. I think it's been demonstrated that I
19 saw them standing apart, looking directly at
20 me.

21 Q. And did they see you?

22 A. I don't know how they didn't, so I'm
23 sure -- I mean, I can't get inside their brains
24 and say, "Okay. I know for sure they saw me."
25 But I don't know how they didn't see me.

1 Q. Now, you didn't make eye contact with
2 them, correct?

3 A. I think I did, yes.

4 Q. You think you did?

5 A. I think I've testified to that
6 already. Yeah, I think so.

7 Q. Do you recall in the Sassano and
8 Rossman interview on November 22, 2010, telling
9 them that you were not completely sure they saw
10 you?

11 A. I may have. Like I just told you -- I
12 think I just told you and I may have told them
13 that, yeah, there's no way for me to know -- I
14 mean, climb inside their brains with their eyes
15 and say, "Oh, yeah, I just saw Mike McQueary,
16 or a big, red-headed guy."

17 Q. So you're pretty sure they made eye --

18 A. But I'm pretty sure they saw me. I
19 don't know how they didn't. I get seen a lot
20 of places.

21 Q. In front of the grand jury -- you told
22 the grand jury you made eye contact with both
23 of them.

24 A. I'm sorry?

25 Q. You told the grand jury you made eye

1 contact with both of them?

2 A. Yes, I think I did.

3 Q. We have eye contact right now.

4 A. Absolutely.

5 Q. I see you. You see me.

6 A. Yes, sir.

7 Q. That same kind of eye contact?

8 A. Well, I think -- yeah, if you're
9 dissecting it like that, I'm sorry. I guess
10 you're playing semantics. I know I saw them.
11 Now, I guess when you say eye contact, it's
12 reciprocated between two individuals, and
13 again, I think I've already testified that I
14 can't be sure that they saw me, but I don't
15 know how they didn't. I thought I saw their
16 eyes.

17 Q. So you sit here today -- just to be
18 fair, you're not absolutely certain they saw
19 you. You just assume -- you're a large man,
20 recognizable. You saw them and they seemed to
21 be looking in your general direction, therefore
22 you just assumed they saw you?

23 A. Yeah, I'm going to say the term tall
24 man, but yes, yes, sir.

25 Q. You have testified that you were in

1 the locker room for maybe a minute at most.

2 A. Yeah, I don't think it could have been
3 any more than a minute, probably less, sir.

4 Q. You sent some e-mails regarding --
5 when this became public --

6 A. Absolutely.

7 Q. -- you sent some e-mails to Jordan
8 Hyman.

9 A. He is a media member, yes, sir.

10 Q. Did you send e-mails to anybody else?

11 A. In my life? Yes, I have. I'm not
12 trying to be smart. I just -- I just want a
13 specific question. That's all.

14 Q. How about Eric Lieberman?

15 A. That doesn't ring a bell. I'm not
16 saying I didn't. Is he a media member or --
17 during this -- when this broke, there were some
18 -- the bulk of e-mails was ridiculous, and I
19 did reply to some people who sent me e-mails,
20 yes, sir.

21 Q. Brandon Chief (phonetic), did you send
22 him an e-mail?

23 A. I'm not saying I didn't. Again, I
24 don't know that person, if that's what you're
25 asking.

1 Q. Did you say in some of the e-mails, "I
2 didn't just turn and run. I made sure it
3 stopped"?

4 A. Absolutely. I do remember that. Yes,
5 sir.

6 Q. What do you mean you made sure it
7 stopped?

8 A. I slammed that locker door, hoping
9 they would hear me, and when I left that locker
10 room, as I have already, I think several times,
11 explained, the action that I witnessed, the
12 sexual action that I witnessed, had stopped.
13 They were separated.

14 Q. Well, you didn't see anybody else come
15 out of the locker room at that point, correct?

16 A. I'm not sure I understand your
17 question.

18 Q. Well, I mean, you just left the locker
19 -- you left -- according to your testimony, you
20 left an adult man and a boy --

21 A. Yes.

22 Q. -- in a locker room where you say you
23 had just seen them in a sexual position?

24 A. Yes, sir.

25 Q. Didn't call the police, correct?

1 A. That's right.

2 Q. And assumed at that point that nothing
3 else was going on or nothing else would happen
4 beyond that point?

5 A. Yes. I don't know if I actually had
6 that register in my brain. I think I've
7 already testified that it's extremely flustered
8 and chaotic, the whole nine yards, so -- but
9 once I did see them separated, I think it would
10 be safe to assume that I assumed that nothing
11 else would go on.

12 Q. You told the grand jury that when you
13 discussed this with Joe Paterno you didn't
14 leave out any details.

15 A. Yes, I made -- and that's semantics
16 again. I made sure Coach Joe knew it was
17 sexual, as he's testified to.

18 Q. Now, you didn't see -- and I hate to
19 be crass here, but we have to do this.

20 A. No, sir. No, please.

21 Q. You didn't see an erection, correct?

22 A. An erection, you said?

23 Q. Correct.

24 A. No, I did not see an erection.

25 Q. You didn't see any insertion?

1 A. I've made that clear. Yes, sir,
2 you're right. I did not see an actual penis.

3 Again, Your Honor, I don't want to be
4 disrespectful. I did not see an actual penis
5 or any insertion into a rectum, no, sir.

6 Q. And, actually, you didn't see anybody
7 touching anybody's genitals?

8 A. I didn't see any genitals. To me, in
9 that position, there's no way his genitals
10 weren't up against the young boy's rear end.
11 There's no way. They were extremely, extremely
12 as close as you could be.

13 Q. That as you recall it?

14 A. Absolutely. It's what I saw. Yes,
15 sir.

16 Q. Now, were you surprised to see a child
17 in one of the locker rooms, one of the showers
18 there?

19 A. One of -- one of the showers? Maybe a
20 little surprised. But not a child with Jerry,
21 I mean, if that's what you're getting at.

22 Q. No. And the reason I ask it is
23 Accuser No. 4, who was here yesterday, told us
24 that he had, as a boy, showered with multiple
25 coaches at PSU at the football program. Would

1 that have been credible?

2 A. I can only say what I have witnessed
3 in my time at Penn State. I have never
4 showered -- let me say this. I have never
5 showered with any young boy that was not a son
6 of another coach. I don't think I've showered
7 with any young boy ever, but I want to make it
8 clear. So I can't testify what other coaches
9 have done. I can testify to what I have done.

10 Q. And let me talk to you -- while I'm on
11 that topic. It's a little side topic, but I
12 think you could help us here.

13 A. Please.

14 Q. The Lasch Building --

15 A. Yes.

16 Q. -- the locker room that you were in,
17 you called it the staff locker room or the
18 coaches' locker room?

19 A. No, it's strictly the staff or support
20 staff locker room, yes, sir.

21 Q. Okay.

22 A. Not the coaches' locker room. That's
23 a separate locker room, sir.

24 Q. And there's a players' locker room at
25 the Lasch Building?

1 A. Yes.

2 Q. And we were told by another witness
3 that they would utilize the shower in the
4 players' locker room at the Lasch Building.

5 A. Okay.

6 Q. Is that a come-and-go kind of locker
7 room? I mean, do players come in at all hours,
8 just like you came in that night, or --

9 A. Who come in at all hours? I'm sorry.

10 Q. Like, the players, can they come into
11 their locker room at any time?

12 A. I would not say at any time, no. You
13 know, and, again, that's changed over the
14 years. For instance, in the mid-90s, when I
15 was on the team, you could not come and go into
16 that building at any time. In recent years,
17 with technology, they have a card swipe, and
18 they can come and go into the locker room any
19 time. So I know I'm -- I'm just trying to be
20 as thorough as I can with you. That's all.

21 Q. Okay. Also help me out. During the
22 football season --

23 A. Yes.

24 Q. -- you were a coach at the Penn State
25 University and the football team, as I

1 understand it. What's the normal schedule or
2 routine for you guys? What time do you start
3 in the afternoon and how late do you work
4 during football season, generally?

5 A. Are you strictly talking practice or
6 the whole day?

7 Q. The whole -- the whole day.

8 A. During the football season?

9 Q. Yeah.

10 A. As a coach?

11 Q. As a coach.

12 A. It depends a little -- and, again, I'm
13 just trying to be thorough. I'm not trying to
14 be smart at all. It depends a little bit on
15 the day. So earlier in the week, as a rule,
16 you come in earlier and you leave much later.
17 So Sunday, Monday, Tuesday, it could be a work
18 day of as early as seven, 6:30, seven, 7:30, to
19 as late as 10 to 11 at night. Now, that's not
20 every single coach and, you know, we all have
21 our own jobs. We do them. Later in the week
22 it tails off because the majority of your work
23 is done, so you may be looking at eight or 8:30
24 to seven or eight.

25 Q. So towards the end of the week you're

1 still working a 12-hour day?

2 A. Yeah. You know, Friday is probably --
3 I mean, it doesn't make much sense, but Friday
4 is our easiest day and Saturdays -- you know,
5 besides a game, there's not much, but generally
6 we're working a lot of hours. Again, I'm not
7 trying to be smart. I'm just --

8 Q. No, I'm just trying to understand,
9 because we had testimony that between six and
10 nine p.m. or after school, during the football
11 season, Mr. Sandusky would have time to pick
12 somebody up at a school and play basketball and
13 paddleball with him.

14 A. As a coach?

15 Q. Yeah.

16 MR. MCGETTIGAN: Objection. That just
17 over-generalizes and mischaracterizes the
18 nature of the testimony, Your Honor. I just
19 don't think it's a fair question.

20 THE COURT: I think you're going to
21 need to lay some foundation for that question.

22 BY MR. ROMINGER:

23 Q. If somebody had said that
24 approximately twice a week they would get
25 together and play racquetball or basketball

1 with Mr. Sandusky --

2 A. Uh-huh.

3 Q. -- and that occurred during the
4 football season, but they said it was from
5 after school to early in the evening, those
6 would be times that you would traditionally, as
7 a coach, be busy coaching?

8 THE COURT: Sustained.

9 BY MR. ROMINGER:

10 Q. Well, what times did Jerry usually
11 work while you were there?

12 A. The crossover between --

13 THE COURT: If he knows. If he knows.

14 MR. MCGETTIGAN: Yeah. Thank you,
15 Your Honor.

16 THE WITNESS: I really don't know,
17 because our crossover when Jerry was employed
18 full-time as a coach and my time as an employee
19 was very small.

20 Q. Okay.

21 A. I started there as a wage -- I'm just
22 trying to give you the background. I started
23 there as a wage payroll person in late May of
24 1999, and I think Jerry retired after the '99
25 season. A couple other points, since you asked

1 the question, Coach Paterno, if I had to go
2 home for trick-or-treating on a Thursday night
3 before the Ohio State game at seven o'clock, I
4 went, and he didn't ask me what you're doing or
5 why you went. He was a guy who trusted you to
6 get your work done, not to follow up on you all
7 the time. You better be ready for practice and
8 your work duties, but I'm not going to keep
9 tabs on you. The new coach, for instance, as
10 an example -- I'm just trying to compare --
11 wants to know where you are every second of the
12 day, so --

13 Q. I understand. Now, you actually --
14 you said that you couldn't stand to --

15 THE COURT: If you get to a breakpoint
16 in your --

17 MR. ROMINGER: This would be a good
18 spot, Judge.

19 THE COURT: Okay. All right. We'll
20 remain seated while the jury is taken out.

21 (Whereupon, the jury exited the
22 courtroom.)

23 THE COURT: We'll be in recess till
24 3:15.

25 (Whereupon, a recess was taken.)

1 THE COURT: Thank you. You may be
2 seated. We will be in session.

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

5 THE COURT: Mr. Rominger, go ahead.

6 BY MR. ROMINGER:

7 Q. Sir, have you -- is my microphone on?
8 Sir, have you had discussions with the police,
9 not now, but back before you talked to Mr.
10 Curley and Mr. Schultz? Didn't you go to some
11 other police or reference going to some other
12 police?

13 A. I referenced that in an e-mail, if
14 that's what you're getting at, sir.

15 Q. So you do recall some of the e-mails
16 you've sent?

17 A. Well, I recall that being in an e-
18 mail, yes, sir.

19 Q. You said, "I did stop it, not
20 physically, but made sure it was stopped when I
21 left that locker room. I did have discussions
22 with police and with the official at the
23 university in charge of the police."

24 A. Yes.

25 Q. Okay. Who did you mean by the police

1 and the official in charge of the university at
2 the -- of the --

3 A. Mr. Schultz, all in one.

4 Q. So who were the police besides Mr. --
5 the official in charge?

6 A. To me, I think I've stated three or
7 four times today that I thought Mr. Schultz was
8 the head of the police department at that time.
9 This is 2001, and I'm a GA at the university
10 and had not been there very long, so -- and
11 I've stated previously that I thought he was
12 the official at the university in charge of the
13 police and headed up the police department.

14 Q. So when you said, "I had discussions
15 with the police and with the official at the
16 university in charge of the police," in the e-
17 mail, that's not completely true. That's just
18 one person.

19 A. It's true in terms of what I thought,
20 sir. I'm sorry, but that's what I thought.

21 Q. "And with the official." What did you
22 mean by that? Why did you say the police and
23 with --

24 A. Mr. Schultz, sir.

25 Q. Okay. So you're saying with Mr.

1 Schultz and Mr. Schultz?

2 A. Sure, if that's what you want to say,
3 yes. I did talk to someone in charge of the
4 police at the Penn State University, and that's
5 a fact, sir.

6 Q. Okay. How long after the incident was
7 that?

8 A. That I first saw Mr. Schultz and sat
9 down in the conference room at the Bryce Jordan
10 Center? Is that your question?

11 Q. Uh-huh.

12 A. When I talked to Mr. Schultz face-to-
13 face?

14 Q. How long after you saw what you saw
15 did you first talk with the police?

16 MR. MCGETTIGAN: Am I inaccurate or
17 has this been asked and answered, Your Honor?

18 THE COURT: Let's move along.

19 BY MR. ROMINGER:

20 Q. Now, you said you didn't have contact
21 with Jerry Sandusky after that in the sense
22 that you wouldn't talk with him or associate
23 with him.

24 A. Without a doubt.

25 Q. Didn't you actually talk to him about

1 a potential walk-on from Central Mountain?

2 A. I don't recall that.

3 Q. A kid named Harley?

4 A. I don't recall that. I thought he
5 usually went to Coach Anderson with most of
6 those prospects. Coach Anderson may have
7 talked to me about it. He may have said Jerry
8 has a walk-on prospect. I was in charge of
9 recruiting at Penn State, so that's very
10 possible.

11 Q. If Jerry recalls talking to you about
12 a prospect, it's possible?

13 A. Again, I don't recall it.

14 Q. Okay. But that doesn't mean it didn't
15 happen, is what you're saying? It's possible
16 he did?

17 A. I don't recall it, sir. I'm sorry.

18 Q. And you're not so certain you never
19 had discussions with him after this that you
20 can preclude the possibility of it?

21 A. Discussions with him after the
22 incident that I --

23 Q. Yeah.

24 A. -- can preclude the possibility of?

25 Q. That he talked to you about a walk-on?

1 A. I think I've answered it several
2 times, that I don't recall any conversations
3 about that.

4 Q. Okay. So you --

5 A. I know for sure that he would bring
6 prospects up. I thought it was usually to
7 Coach Anderson. I may have heard about the
8 prospect.

9 Q. So you're saying you never had a
10 single conversation with him at all after that
11 incident?

12 A. I think I said --

13 THE COURT: The testimony was he does
14 not recall it, so let's go on.

15 BY MR. ROMINGER:

16 Q. Well, I'm asking -- did you have any
17 other conversations with Mr. Sandusky after
18 that incident?

19 MR. MCGETTIGAN: Objection. That has
20 been asked and answered as well, Your Honor.

21 THE COURT: I'll overrule that one.
22 Any other conversation about anything else?

23 MR. ROMINGER: Correct.

24 THE WITNESS: I don't recall if I said
25 hello or something like that, but I know for

1 sure I made an attempt, and a strong attempt,
2 not to be associated with him after that time.

3 BY MR. ROMINGER:

4 Q. Have you filed a whistleblower lawsuit
5 against The Pennsylvania State University or
6 any other party?

7 A. I'm not a lawyer, so forgive me if I'm
8 using the wrong terminology. I believe it's
9 called a writ of summons, and there's a 180-day
10 time limit to a whistleblower -- I don't know
11 what you call it, Your Honor, but, again, I'm a
12 football coach. Let me answer your question
13 completely, as you asked it. So on the 180th
14 day we filed what's called a writ of summons
15 with the Penn State University. Yes, sir.

16 Q. And that's to preserve your right to
17 bring a potential lawsuit for your own benefit
18 over the facts surrounding this case?

19 MR. MCGETTIGAN: Objection to the
20 latter part of the question, Your Honor.

21 THE COURT: Sustained.

22 BY MR. ROMINGER:

23 Q. The lawsuit would be for your own
24 benefit?

25 MR. MCGETTIGAN: Objection as to

1 relevance.

2 MR. ROMINGER: I believe he has a bias
3 or a stake in the outcome of this criminal
4 prosecution, Your Honor.

5 THE COURT: Sustained. There's no
6 question that bias is a legitimate area of
7 cross-examination, but I don't know that the
8 question as you have phrased it is sufficient
9 to address that point.

10 BY MR. ROMINGER:

11 Q. The purpose of that whistleblower
12 lawsuit or that summons that you issued is to
13 bring what claim?

14 MR. MCGETTIGAN: Objection, Your
15 Honor, relevance. There's been no demonstrated
16 relevance.

17 THE WITNESS: I was a football coach
18 at Penn State University. They've hired the
19 position I was in, and, under contractual
20 obligations, I think I am owed things by the
21 university. Frankly, I want to be a football
22 coach at Penn State University, and I don't
23 have that capability right now.

24 BY MR. ROMINGER:

25 Q. Okay. Now, I want --

1 A. I might add, I don't think I've done
2 anything wrong to lose that job.

3 Q. I'm not saying you did. I'm not
4 saying you did, sir.

5 A. I just want to be clear.

6 Q. I want to go back through just so
7 we're clear on what you've told different
8 people about different events, just to
9 understand. And before I do, let me ask you
10 about the March 1st date. When this was
11 originally charged, it was said that this
12 happened on March 1st?

13 A. Yes, I said that. Yes, sir.

14 Q. Now, you were pretty uncertain, you
15 said initially, on whether it was 2001 or 2002.
16 How did you settle on March 1, 2002?

17 A. I firmly thought -- and you're correct
18 that it was March 1st, a Friday night before
19 spring break. That's how I remembered the
20 incident. Throughout the investigation I've
21 given landmarks to investigators and
22 authorities investigating the matter, helping
23 them to declare the actual date. For instance,
24 find the *Rudy* movie in the *TV Guide* or in
25 Comcast and you'll know the date.

1 Q. Right. Right.

2 A. For instance. That's one example.

3 Q. So they settled on that date or you've
4 settled on that date?

5 A. I've settled on the date, and I think
6 they've settled on the date.

7 Q. Originally March 1, 2002?

8 A. No, I believe it's February 2001, sir.

9 Q. Okay. Well, you realize, when the
10 information was filed in this courthouse --

11 A. Sure.

12 Q. -- charging Mr. Sandusky, it said
13 March 1, 2002?

14 A. Yes, sir.

15 Q. I mean, did you pick that date or did
16 the Commonwealth pick that date?

17 MR. MCGETTIGAN: Objection, Your
18 Honor. The date of the filing of an
19 information has nothing to do with --

20 THE COURT: Well, I --

21 MR. ROMINGER: Your Honor --

22 THE COURT: -- I think that the
23 phrasing of the question is unduly
24 argumentative. Rephrase the question to get
25 the answer that you wish.

1 BY MR. ROMINGER:

2 Q. The March 1, 2002, date --

3 A. Yes, sir.

4 Q. -- originally that's when you thought
5 this had happened?

6 A. I think I'm quoted, and what I told
7 investigators, is a Friday night before spring
8 break, in, I think, 2002. It very well could
9 be 2001.

10 Q. Okay. So the ultimate --

11 A. That's as clear as I can be.

12 Q. And then when you were -- but did they
13 ever tell you then that we think it was March
14 1, 2002?

15 A. That they think? No, I think they
16 thought it because I thought it, sir.

17 Q. Okay. So at some point --

18 A. Again, I'm not trying to be smart.
19 I'm just trying to --

20 Q. Yeah, I'm --

21 A. -- give you a thorough answer.

22 Q. -- trying to understand your --
23 understand your full recollection of the
24 events. So --

25 A. My recollection of the events are

1 full. That's for sure. I recall a lot of
2 things in my life that are very clear and vivid
3 and I don't know the dates of them, sir.

4 Q. Now, was it as charged now, February
5 of 2001 -- was that a Friday before spring
6 break?

7 A. No, I think spring breaks happen at
8 Penn State in March.

9 Q. So if you were certain that it
10 happened on a Friday before spring break and
11 now we've moved it back to February the year
12 before, not the Friday before spring break, how
13 did that happen?

14 A. I think through thorough
15 investigation, me trying to give them, as I've
16 already stated, certain landmarks that I
17 remember both regarding the actual day and the
18 year. For instance, another thing that I told
19 them was Coach Paterno said that morning to me,
20 "I don't have a job for you." We had two staff
21 openings in 2001. That's documented in the
22 investigation and that's one of the reasons why
23 I thought it was 2001.

24 Q. Okay. But at least at some point you
25 thought it was on the Friday before spring

1 break?

2 A. Without a doubt. I've got no problem
3 saying that.

4 Q. Okay.

5 A. Yeah. I'm not -- I'm not a perfect
6 individual.

7 Q. Now, on the first view, you told
8 Sassano and Rossman -- on the way to the locker
9 you looked into the mirror and you saw Jerry
10 standing behind the young boy with his front
11 side against the back side of the boy, and
12 Jerry was moving his body towards and away from
13 the boy. Is that an accurate summary of what
14 you told them?

15 A. If that's what they -- I think you're
16 reading that off of something. I can't quite
17 tell, sir, but if that's what they have
18 written, then yes, and I think I've explained
19 that today here in the courtroom, sir.

20 Q. Okay. And then, on 11/23/2010 -- and
21 the dates aren't important -- but you filled
22 out your form and you said the boy was facing a
23 wall with JS, Jerry Sandusky, directly behind
24 him. That sounds like what you wrote?

25 A. Sure.

1 Q. Now, in front of the grand jury you
2 said: I think upon entering, as I was going to
3 my locker, I saw the initial reflection in the
4 mirror. Does that sound accurate?

5 A. Yeah. I've explained that today, sir.

6 Q. The boy is kind of leaning up against
7 the wall. Jerry Sandusky is directly behind in
8 what appeared to be a sexual position.

9 A. Yes.

10 Q. That was on the first view.

11 A. I'm sorry?

12 Q. That was on the first view, and you
13 say that's pretty much what you saw in the
14 second view as well?

15 A. Without the mirror involved in the
16 second view --

17 Q. Okay.

18 A. -- sir.

19 Q. And then you say there was a third
20 view.

21 A. Yes, three looks, three
22 distinguishable looks.

23 Q. Yeah. And in the November 2010
24 interview with Sassano and Rossman, you say
25 while walking -- they say -- and let me ask you

1 if this is an accurate summary of what you
2 said: While walking towards the door, he
3 looked directly into the shower and observed
4 Jerry Sandusky and the boy standing there naked
5 and wet. They just stood there. Jerry
6 Sandusky had a blank look on his face.
7 However, the boy had a surprised look on his
8 face.

9 A. Yeah. I think you're -- again, I
10 think you're asking me a question, and I think
11 they're all different words used, but it's
12 clearly -- I'm explaining the same exact thing.

13 Q. Now, in the grand jury you said: When
14 walking out of the room, I looked directly into
15 the shower. Does that sound familiar?

16 A. Yes, the third look, sir. And I
17 looked directly in the shower the second look.

18 Q. Now, on the second look, did the boy
19 -- the third view -- the third view was the
20 first time that the boy looked at you?

21 A. He could have seen me out of the
22 corner of his eye on other views when I wasn't
23 looking, but that's the first time I saw him
24 looking at me.

25 Q. Okay. Now, you --

1 A. Whether he looked over his shoulder at
2 some point in time or -- and that's why they
3 stopped. I thought it was because of the door
4 slamming shut, but I don't -- there's no way --
5 again, there's no way I can be in that boy's
6 mind or Jerry's mind and say, "Okay. That's
7 why we stopped."

8 Q. But, on the -- 12/14/2010, you said to
9 the grand jury: I looked into the shower again
10 and the young boy saw me. He was again in that
11 position, but kind of -- I think he knew
12 someone had come in the locker room. He saw
13 me, kind of looked over his shoulder and saw
14 me. It's on page 9 of that grand jury
15 transcript.

16 A. Okay.

17 Q. So, at least in front of the grand
18 jury, you recollected that, on the second view,
19 the boy had turned around and could see you?

20 A. I knew they had separated for some
21 reason, and I'm not sure if he saw me, if the
22 boy saw me. I thought it was because I tried
23 to slam the locker door shut. I just know they
24 were engaged on two different looks, the one
25 and two, and on the third look they were

1 disengaged.

2 Q. When you said -- in that statement I
3 just read, you said he was again in that
4 position. By that position, you meant the
5 sexual position you had been talking about?

6 A. Yeah, extremely sexual position, not
7 sexual, extremely sexual.

8 Q. Well, so --

9 A. I want to make sure I'm making my
10 point. That's all.

11 Q. They're not separated at this point?

12 A. On the first and second view, they are
13 engaged.

14 Q. And you're saying that on the second
15 view he had turned around -- the boy had turned
16 around and seen you, to the grand jury?

17 A. Okay.

18 Q. Is that possibly what you said to the
19 grand jury?

20 A. Well, sure. I'm not calling the
21 person who wrote that -- if you're reading it
22 off the grand jury -- I'd like to read it, but
23 I'm not calling that person a liar. That's for
24 sure.

25 Q. Let me find your -- I'm going to show

1 you the grand jury transcript, page 9. Look at
2 lines 6 through 12.

3 A. Okay.

4 Q. Just read that to yourself and refresh
5 -- see if it refreshes your recollection about
6 what you told the grand jury.

7 A. Out loud or to myself, sir?

8 Q. Just to yourself.

9 A. Okay.

10 MR. ROMINGER: Your Honor, forgive me.
11 I forgot to ask permission to approach.

12 THE COURT: (Nodding head up and
13 down.)

14 THE WITNESS: Okay.

15 BY MR. ROMINGER:

16 Q. Does that satisfy your desire to see
17 if that's what you told the grand jury?

18 A. Sure. Sure. I -- just to make a
19 point, I wasn't saying you were lying or
20 anything.

21 Q. Okay. Well, no, you said you wanted
22 to see it, so --

23 A. Yeah, yeah. I just wanted to make
24 sure.

25 Q. You told the grand jury on the second

1 view that he turned, the boy did --

2 A. Yes, I said I --

3 Q. -- and looked at you.

4 A. -- I think the line before that I say
5 somehow the boy knew I came in the locker room
6 --

7 Q. All right.

8 A. -- all right, because they separated.
9 That's in the first couple lines in there that
10 you had me read.

11 MR. MCGETTIGAN: Your Honor, may I
12 inquire of counsel just what page he's
13 referencing just so I can make a notation?

14 MR. ROMINGER: Page 9 of the grand
15 jury transcript.

16 MR. MCGETTIGAN: Thank you.

17 THE WITNESS: Yes. What you said,
18 sir, is what I said, yes.

19 BY MR. ROMINGER:

20 Q. Now, you said at that point: I walked
21 out, directly out, as fast as I could, to be
22 honest with you, when they were still in that
23 position and he was turned.

24 A. Uh-huh.

25 Q. I mean, you say --

1 A. I think what you're getting at is, you
2 know, I didn't fully explain there what I
3 explained today. I think, one, you never
4 envision yourself being in this situation.
5 And, as time goes on, you want to give as much
6 detail as you can, and that's what I've done.
7 I've given you as much detail as I can possibly
8 give.

9 Q. So you're not certain if the boy
10 turned and saw you on the second view or not as
11 you sit here today?

12 A. I know the boy knew I was in the
13 locker room. They were separated. I would
14 think that's because they knew someone was
15 there.

16 Q. That was on the third view they were
17 separated.

18 A. I think I've addressed it. Yes, I
19 said several times on the third view, sir, they
20 were separated. Yes, sir.

21 Q. I'm talking about the second view when
22 they were again in that position.

23 A. In the second view they were engaged
24 in a very extreme sexual position. Yes, sir.

25 Q. And that's when you say he turned his

1 head and he saw you and you saw him?

2 A. If that's what I said there, that's
3 what I said, if that's what you're getting at.
4 Yes, sir.

5 Q. Now, did the boy make any
6 verbalizations, screaming, sounds of pain or
7 any words, anything?

8 A. Absolutely not. I heard no
9 verbalizations or verbiage at all during the
10 whole event. Slapping noises -- I want to make
11 sure -- but that's not audible, verbal noises
12 coming from the mouth.

13 Q. You say that there were slapping
14 sounds which were, in your mind, commensurate
15 with some kind of rough sex?

16 A. Skin-on-skin slapping sounds, yes,
17 sex, rhythmic slapping sounds.

18 Q. Now, you didn't actually see the
19 individuals at the time you heard the sound?

20 A. No, I heard those sounds as I opened
21 door number one.

22 Q. And the showers were on?

23 A. Absolutely.

24 Q. Do you know how many of the
25 showerheads were running?

1 A. No, there's no way I can accurately
2 tell you.

3 Q. Okay.

4 A. Not all of them, I don't think.

5 Q. Okay. Now, you told Sassano and
6 Rossman in November 2010 that you thought they
7 were having intercourse and that's where the
8 slapping sound came from.

9 A. Yeah. Sure.

10 Q. Now, in your written statement,
11 November 23, 2010, you said: I did not see
12 actual insertion. I am certain that sex acts
13 -- the young boy was being sodomized -- was
14 occurring.

15 A. Yes, I --

16 Q. Sound like what you wrote?

17 A. -- I left that room knowing that and I
18 believe that as I sit here today.

19 Q. Okay. Now, you told the grand jury,
20 and that's on page 9: I'm pretty sure he was
21 sodomizing him, relatively sure.

22 A. Yeah. And let me make sure I'm clear,
23 because I think what you're getting at is I
24 can't tell you 1,000 percent, because I did not
25 see a penis entering a rectum, but I do know

1 that it was severely sexual, and I thought, and
2 I -- let me compare it to something and give
3 you a parallel, and since you asked the
4 question I just want to make sure I'm clear.
5 If I'm a college student and I'm at a frat
6 house, there is a big party going on and I walk
7 into a room thinking it's a bathroom, but it's
8 one of the frat brother's rooms, and he's in
9 there and the lights are dimly lit and he's on
10 top of a girl and they're making some sounds,
11 but I can't see his penis in there, but they're
12 making sounds and it looks like they're having
13 sex, I walk out of the room saying, "God, I
14 just walked in on these people having sex and
15 things." Now, the lights were fully on. I saw
16 them three separate times. They were naked.
17 They were in a severe position with his front
18 against that boy's back. Absent of seeing a
19 penis in a rectum, I think he was having sex
20 with him, yes.

21 Q. But when you went in front of the
22 grand jury, you said you were pretty sure,
23 relatively sure.

24 A. Okay. You want to play games with
25 words, that's fine, sir, and I understand that,

1 but I'm telling you --

2 Q. I'm just asking you if that's what you
3 told the grand jury.

4 A. Oh, yeah, if it's there, yeah. Sure.
5 I'm not disagreeing with what I told them.

6 Q. We agree it's different than I am
7 certain?

8 A. I'm sorry. I'm sorry. Say that
9 again.

10 MR. MCGETTIGAN: I would object, Your
11 Honor. I think this is argumentative and
12 repetitive.

13 THE COURT: Sustained.

14 BY MR. ROMINGER:

15 Q. Now, how old did you think the younger
16 male appeared to be?

17 A. I'd say 10 to 12, prepubescent. I
18 mean, there's no way for me to know for sure
19 how old he was.

20 Q. When you did the initial interview
21 with Sassano and Rossman --

22 A. Uh-huh.

23 Q. -- you said you believed --

24 A. Eight to 13.

25 Q. Eight to 13?

1 A. Yes, sir.

2 Q. Okay. Well, you just told me a
3 different age than you told Sassano and
4 Rossman, correct?

5 A. No, I think 10 to 12 fits in the age
6 range of eight to 13.

7 Q. Okay. Well, why did you give a more
8 expansive age range to them?

9 A. Why? Because I didn't want someday
10 somebody coming back, "Well, you said 10 and he
11 was really nine." I'm just trying to be --

12 Q. On your --

13 A. -- as thorough as I can be. That's
14 all.

15 Q. Well, then a day later, when you
16 filled out your victim witness statement form,
17 you said approximately 10 or 11 years old.

18 A. Yeah, and let me go back to something
19 I already said. I think when you go through
20 something like this or -- I've never been
21 involved in anything remotely close to this --
22 and you're not sure what the heck to do, to be
23 frank with you. So I gave an age range, the
24 date. The ages I have given since then are
25 well within that age range. If we want to

1 argue about nine, 10, 11 or 12, the fact is he
2 had sex with a minor, a boy, but that's -- I'm
3 answering your question, sir.

4 Q. Now, you told Ellis and Leiter from
5 the Pennsylvania State Police that you thought
6 -- in a follow-up interview -- you thought the
7 boy was approximately 10 to 12 years of age.

8 MR. MCGETTIGAN: Objection. Again,
9 repetitive, Your Honor, and not proper
10 impeachment. It's not even impeachment.

11 THE COURT: Well, if there are prior
12 inconsistent statements, I'll let you go
13 through them.

14 MR. ROMINGER: I'm just going through
15 his different statements at different times,
16 Judge.

17 THE COURT: I understand. Overruled.
18 BY MR. ROMINGER:

19 Q. To the grand jury you said: There was
20 a boy, maybe at the time 10. Again, they are
21 wet and everything, so I'm not seeing it as
22 clear as maybe one would think, but maybe 10
23 years old.

24 A. Okay. Maybe 10 years old. Yes, sir.
25 So I think eight to 13, 10 to 12 and maybe 10

1 -- I'm not a math major or anything, but I
2 think that's about the same age.

3 Q. Now, you told Sassano and Rossman
4 that, after you put your sneakers away, you
5 turned around and started to leave because you
6 just wanted to get out of there as fast as
7 possible.

8 A. Yeah, that's -- yes.

9 Q. You put in your own statement: I was
10 hurried, in a hastened state. I finished at my
11 locker. And then later in that statement you
12 said: I was hastened and a bit flustered.

13 A. Yeah, severely shocked, flustered,
14 hastened, frantic. Yes, sir.

15 Q. Now, in front of the grand jury you
16 said: Upon seeing them in the shower, I tried
17 to open the locker as fast as I could. I put
18 my shoes in there and closed it up, began to
19 walk out of the locker room. Does that sound
20 familiar?

21 A. Yes, if that's what you're reading,
22 yes.

23 Q. And then you said: I walked out
24 direct -- I walked directly out as fast as I
25 could, to be honest with you. Did you say that

1 to the grand jury?

2 A. Yes, if that's what you're reading.
3 Yes, sir.

4 Q. And you said: I was nervous and
5 flustered, so I just didn't do anything to stop
6 it.

7 A. Okay.

8 Q. Did you tell the grand jury that?

9 A. If that's what you're reading, yes,
10 sir.

11 Q. It's on pages 13 and I think it
12 continues onto 14. Now, in your e-mail to
13 Jordan Hyman, you said you did stop it?

14 A. Okay, by slamming the locker door
15 shut.

16 Q. But you told the grand jury you did
17 nothing to stop it?

18 A. Well, I'd like to hear the question
19 that I made that statement to. There's got to
20 be a question that she asked that I responded
21 to, sir.

22 Q. Give me a moment and I'll find it for
23 you.

24 A. No. No problem. No problem. I have
25 said repeatedly I didn't do anything physical

1 to stop it. It's been well-publicized that I
2 didn't stop it.

3 Q. The question that was asked is: Now,
4 obviously an adult sodomizing a young boy is a
5 crime. Did you do anything to stop it? Your
6 answer was a flat no.

7 A. Right, physically did not remove the
8 young boy from the shower or go punch Jerry out
9 or anything like that.

10 Q. Well, she said why not?

11 A. Uh-huh, and that's where I may have
12 said I was hastened, hurried, nervous,
13 something to that effect. I'm guessing.

14 Q. You're nervous and so -- and you said:
15 Again, I was nervous and very flustered, and so
16 I just didn't.

17 A. Yes, sir.

18 Q. It doesn't go on to say anything about
19 slamming a locker or anything like that --

20 A. Okay.

21 Q. -- in the transcript after that.

22 A. And again, you can read a lot into
23 different words, but when she said you didn't
24 do anything to stop it, did I pull the boy out
25 of there? Did I physically go assault

1 somebody? Did I remove him?

2 Q. Now, did you play in any of The Second
3 Mile golf tournaments after this incident?

4 A. Did I play in any Second Mile golf
5 tournaments? I made a strong attempt to not be
6 associated with anything that Jerry was
7 involved in. I know for sure I haven't played
8 in the Second Mile golf tournament in several
9 years. Whether I played in it in 2000 or 2001,
10 I am not sure, but I can tell you that I do
11 know for sure that I haven't played in it in
12 several years because of what I saw.

13 Q. Okay. Well, you played in 2004 in a
14 Second Mile golf tournament, didn't you?

15 A. I'd like to see proof of that, sir.

16 Q. Okay. You don't recollect playing in
17 2004?

18 A. No, I do not.

19 Q. You agree you may have played in 2001?

20 A. I may have. I remember playing it two
21 or three times. I was in a long-drive
22 competition, I remember, on a Thursday night.
23 I can give you a lot of details about it. In
24 '98 and '99, with one of my former teammates, I
25 played in it. But I am almost certain that I

1 did not play in it after this event, almost
2 certain.

3 Q. What about the Easter Seals football
4 game?

5 A. Yes, sir. What about it?

6 Q. Did you play in that?

7 A. Yes, for Easter Seals, not The Second
8 Mile, for Easter Seals, and that's what I was
9 told it was for, the Easter Seals. I want to
10 make sure that point is clear, because it's
11 been reported that there were kids involved in
12 it and they were again Second Mile kids and the
13 charity benefited Second Mile. It was
14 organized by a local police officer. It was
15 for the Easter Seals, and I did participate in
16 it. Yes, sir.

17 Q. Was Jerry involved with that?

18 A. Upon me not knowing. He was at the
19 game that night, and I did not know anything
20 about it. I think -- and, again, I remember
21 firmly that he was an honorary coach.

22 Q. Jerry was at the golf tournaments, The
23 Second Mile golf tournaments, as well?

24 A. I would assume so, until a couple
25 years ago, I think.

1 Q. You, to understand this correctly --
2 you told the grand jury you told Joe Paterno
3 exactly what you saw. You didn't leave out any
4 details. Fair?

5 A. That's what I said, yes. I do
6 remember seeing that.

7 Q. When Trooper Ellis followed up with
8 you, you said that the meeting with Joe Paterno
9 only lasted about five minutes.

10 A. Yeah. Coach Paterno didn't like
11 talking or a long time. Yes, sir.

12 Q. And you remembered using very generic
13 terms with Paterno. You never used profane or
14 vulgar language.

15 A. Yes. I definitely did not use profane
16 words, swear words. Coach Paterno, according
17 to his own testimony, definitely knew it was
18 severely sexual.

19 MR. ROMINGER: And, Your Honor, I'm
20 going to ask you to strike his reference to Joe
21 Paterno's testimony.

22 THE COURT: No, I'm not going to order
23 that stricken. You opened the door. We've
24 been going through this. You just walked
25 through it.

1 BY MR. ROMINGER:

2 Q. You said to Sassano and Rossman that
3 you did not know if the incident was ever
4 brought to the attention of law enforcement and
5 you were not interviewed by any law-enforcement
6 personnel. If they wrote that in their report,
7 would that be accurate?

8 A. Who? Can you repeat all that again,
9 sir? I'm sorry to make you repeat it.

10 Q. On November 22, 2010, when you were
11 interviewed by Sassano and Rossman --

12 A. Okay.

13 Q. -- that first police interview --

14 A. Okay.

15 Q. -- their report indicates that you did
16 not know if the incident was ever brought to
17 the attention of law enforcement and that you
18 were not interviewed by any law-enforcement
19 personnel in reference to this incident.

20 A. No, no detectives came and interviewed
21 me -- or uniformed police officers.

22 Q. And you agree you told them you didn't
23 know if it was ever brought to the attention of
24 law enforcement?

25 A. Yeah. Again, if that's written there,

1 that's what I said, sir.

2 Q. Now, you told the grand jury that it
3 had crossed your mind to report this to law-
4 enforcement on that first night.

5 A. Without a doubt. A lot of things
6 crossed my mind that first night.

7 Q. And you weren't sure if you had a good
8 reason not to?

9 MR. MCGETTIGAN: May I see Your Honor
10 at sidebar?

11 THE COURT: (Nodding head up and down.
12 (Whereupon, the following discussion
13 was held at sidebar:))

14 MR. MCGETTIGAN: Your Honor, you'll
15 excuse me for my repeated standing, but I
16 believe we have been repetitive. We have been
17 redundant. In addition, this is impeachment by
18 report rather than by anything that this
19 witness has adopted. It's just a --

20 MR. FINA: Your Honor, he's reading
21 directly from reports, from summaries of
22 interviews.

23 THE COURT: I have been giving you a
24 lot of leeway. You've got half-a-dozen
25 different accounts. All you have to do is ask

1 him whether he said it or he didn't say it and
2 your impeachment is done. You're just -- I
3 mean, I'm not going to tell you how to do your
4 cross-examination, but I don't know that you're
5 helping yourself very much, and I am going to
6 shut you off here real quickly.

7 MR. ROMINGER: Okay.

8 MR. MCGETTIGAN: I don't like popping
9 up and down every time.

10 THE COURT: I understand. I
11 understand.

12 (End of sidebar discussion.)

13 BY MR. ROMINGER:

14 Q. Did you tell anyone that you saw a
15 young boy's head look out of the shower and
16 Jerry Sandusky's arm reach around and pull the
17 boy back into the shower?

18 A. No way.

19 MR. ROMINGER: Okay. The Court's
20 indulgence for a moment?

21 BY MR. ROMINGER:

22 Q. I just want to come back to one point.

23 A. Sure. Sure. Please.

24 Q. You said that Dr. Dranov would be a
25 good source of information and we'd have no

1 reason to doubt his veracity as to what he
2 understood you saw that night.

3 A. I think what I said about Dr. Dranov
4 is he's a good man, he's a family friend, and I
5 trust Dr. Dranov. I do think I said that my
6 recollection of what I told him and his
7 recollection might be different.

8 Q. Okay.

9 A. So, yeah, that's what I said, I
10 believe.

11 Q. And when the police initially
12 interviewed you and showed up at your door to
13 talk about this, you weren't planning to talk
14 about this, right? I mean, they just sort of
15 caught you, sat you down, and asked you what
16 you remembered?

17 A. Well, I talked about it to Mr. Curley
18 and Mr. Schultz and Mr. Paterno. I reported
19 it. Yes, sir.

20 Q. Well, that was back in 2002.

21 A. Well, I'm just addressing your
22 question. You said you didn't have any plans
23 to talk about it, and I just want to make it
24 clear that I didn't turn around and run from
25 something I saw and never talked about it

1 again.

2 Q. And I'm not talking about 2001. I'm
3 just talking about --

4 A. I know. I'm just being clear to your
5 point, sir.

6 Q. Okay. Just --

7 A. I'm sorry. I'll --

8 Q. -- 2000 --

9 A. -- address your actual question.

10 Q. Yeah. Please do. 2010.

11 A. 2010. They showed up at my wife's
12 door while I was at work and they asked to meet
13 me, and I went and met them. Yes, sir.

14 Q. Okay. And you told them everything to
15 the best of your recollection at that moment?

16 A. To the best of my recollection,
17 absolutely, sir. No, let me make sure I'm
18 being thorough. That night -- and again, don't
19 quote me. I think it was eight o'clock on a
20 Wednesday night before the Ohio State game.
21 And I said, "I would love to help you. I want
22 to help you. I want to tell you everything I
23 know. But we need to schedule a time later,
24 next week --"

25 Q. Right.

1 A. "-- where we can actually meet and go
2 thoroughly through it."

3 Q. And that's when you sat down with them
4 and gave the interview?

5 A. Yes, sir. I just want to make sure
6 that you know it wasn't that night.

7 Q. And I just want to be clear.
8 Believing that you saw what you saw all those
9 years, you never resigned from the
10 organization. You never followed up with
11 anybody to find out why the police had never
12 done anything?

13 A. Followed up? Again, I talked to Mr.
14 Curley and Mr. Schultz and Joe, initially.

15 Q. Initially.

16 A. I would never resign from Penn State
17 University.

18 Q. Well, I mean, a few months later, six
19 months later, Jerry Sandusky is still around --

20 MR. MCGETTIGAN: Your Honor,
21 objection. I think the defendant was no longer
22 employed at Pennsylvania State University at
23 that point.

24 MR. ROMINGER: I think still around
25 means still has access to the facility.

1 THE COURT: I guess you better find
2 out if he's still employed or what his status
3 is.

4 BY MR. ROMINGER:

5 Q. Six months later Jerry Sandusky is
6 still coming into the locker room, coming to
7 meetings, being seen in the facilities?

8 MR. MCGETTIGAN: Objection. That's
9 not a basis for a resignation, because someone
10 uses the same facility, Your Honor. I'd have
11 to object.

12 THE COURT: I thought the question was
13 whether Mr. McQueary was still employed there.

14 MR. MCGETTIGAN: Oh, I beg your
15 pardon.

16 THE COURT: Did I misunderstand your
17 question?

18 MR. ROMINGER: I'm asking him if --
19 I'm asking him if he just state -- in other
20 words, did he follow up on -- well, let me ask
21 it this way.

22 THE WITNESS: Sure.

23 BY MR. ROMINGER:

24 Q. You say you're very sure about what
25 you saw?

1 A. Yes.

2 Q. When nothing happens to Jerry
3 Sandusky, you don't call the Pennsylvania State
4 Police, the Attorney General's Office, the FBI,
5 or anybody else?

6 A. Okay. I think that's a fair question.
7 In 2001 I'm a graduate assistant at Penn State.
8 Okay. Just so we remember that. I told Coach
9 Paterno, who is the head football coach at Penn
10 State and an icon. I told the Athletic
11 Director, Tim Curley, at Penn State. I told
12 Gary Schultz, the vice president of the
13 university. Okay. Informally, I would go
14 around to my peers and they saw my reactions,
15 and informally, especially once this
16 investigation started or the rumors started
17 about Jerry, I'd say, "What in the heck are we
18 letting him in the building for?" And people
19 will tell you that. Okay. Now, did I contact
20 the police? Did I go to the state police, I
21 think, as you asked? No, I did not.

22 Q. Because you wanted to keep your job
23 and you didn't want to have --

24 A. Absolutely not, and please don't put
25 words in my mouth, sir, with all due respect.

1 I kept my job because I was a good football
2 coach and did a good job, not because of what I
3 knew.

4 Q. I understand. But your testimony here
5 today is you saw this, but didn't follow up on
6 it beyond talking to the people that were in
7 charge and never hearing anything back besides
8 the call you had from Mr. Curley?

9 MR. MCGETTIGAN: Excuse me. I think
10 that's repetitive, Your Honor.

11 THE COURT: Sustained.

12 MR. ROMINGER: I have nothing else,
13 Your Honor.

14 MR. MCGETTIGAN: Your Honor, if I may
15 indulge in very, very brief redirect? May I,
16 Your Honor?

17 THE COURT: Oh, yes.

18 MR. MCGETTIGAN: Thank you.

19 REDIRECT EXAMINATION

20 BY MR. MCGETTIGAN:

21 Q. Mr. McQueary?

22 A. Yes, sir.

23 Q. Notwithstanding the past hour and a
24 half, have you done your best to tell the jury
25 what you saw and when you saw it back in 2001?

1 A. Without a doubt.

2 Q. Okay.

3 A. Without a doubt.

4 Q. Have you had a chance to reflect from
5 the time you first spoke to the police, to the
6 grand jury or anybody, or even Mr. Rominger, to
7 reflect about what you saw with as great a
8 specificity as possible?

9 A. Yes, many, many, many times. Yes.

10 Q. Have you done your best to tell the
11 jury what you specifically recall today, to
12 them, today?

13 A. Without a doubt.

14 Q. Okay. Has anybody ever asked you to
15 say -- say what you said before, say something
16 different than you said before, say exactly
17 what you said before in any forum?

18 A. No, never.

19 Q. Just ask you to say what you believed
20 to be true and accurate today?

21 A. Yes.

22 Q. Okay. And is it true and accurate
23 that what you saw and what you believed to have
24 occurred is the defendant sodomizing a
25 prepubescent boy?

1 A. Yes, that's what I saw.

2 MR. MCGETTIGAN: Thank you very much.

3 MR. ROMINGER: Nothing, Your Honor.

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

6 THE WITNESS: Thank you.

7 MR. MCGETTIGAN: Mr. Miller, please,
8 Joseph Miller.

9 Whereupon,

10 JOSEPH MILLER

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

13 MR. MCGETTIGAN: May I, Your Honor?

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

16 THE COURT: You can be seated, Mr.
17 Miller.

18 DIRECT EXAMINATION

19 BY MR. MCGETTIGAN:

20 Q. How are you today, Mr. Miller?

21 A. Fine. Thank you.

22 Q. Okay. And how is your daughter?

23 A. She's very good.

24 Q. Okay. Can you explain to the Court
25 why you're a little bit late today? but not

1 that we're blaming you.

2 A. My daughter had a procedure. I think
3 it's an adenoidectomy where she has an adenoid,
4 a pretty large one, and we had it removed this
5 morning. And she's 11 years old, so it took
6 her a little longer to come out of the
7 anesthesia.

8 Q. She's fine and you're fine being here
9 now?

10 A. Yes.

11 Q. Okay. I'm only going to ask you a bit
12 about -- what were you doing for a living back
13 in, say, 2004, 2005, to 2008?

14 A. I worked at Chambers Environmental
15 Group up here in Bellefonte.

16 Q. Okay. Did you have any involvement in
17 athletics and sports of any kind and have you
18 had for a while?

19 A. Yes, I coached a wrestling team, an
20 elementary wrestling team, for Central
21 Mountain.

22 Q. And how long have you been doing that
23 -- or how long did you do that for, from when
24 to when?

25 A. I did it approximately eight years.

1 Q. Okay. And from when to when?

2 A. I think it was '01. I think I started
3 as an assistant in 2000 and my last year was
4 '08.

5 Q. And in the course of your coaching
6 wrestling, did you have occasion to come into
7 contact with a little boy named Aaron Fisher?

8 A. Yes, I did.

9 Q. Okay. And about how old was Aaron
10 when you met him?

11 A. I think he was in third grade when I
12 first -- when he first came out for the team.
13 He was the same age as my son, my oldest son.

14 Q. Okay. Your oldest son is 18 now?

15 A. Yes.

16 Q. And was Aaron a big kid, little kid,
17 at the time that you --

18 A. Little kid.

19 Q. Okay.

20 A. Real skinny little kid.

21 Q. Did he ever get big?

22 A. No -- well, he got tall, but he's
23 still pretty skinny, a string bean.

24 Q. How was he as a wrestler when you
25 first started to work with him?

1 A. He wasn't very good at first, but he
2 was very determined. He was a hard worker. We
3 gained a lot of respect for Aaron, you know.

4 Q. Good kid in school, bad kid? Do you
5 have an idea?

6 A. I can't really comment in school how
7 he was. He always had a ton of energy. He
8 seemed like he was a little on the hyper end of
9 things, especially when he was little. I think
10 he outgrew a lot of it, but he was just full of
11 energy, and I don't know how that affected him
12 in school. But I tell, you know, once we got
13 some of that energy knocked out of him in
14 practice after -- you know, we usually begin
15 practice running -- he was probably one of the
16 best students in the wrestling room.

17 Q. And now, when were his wrestling
18 practices, if you recall?

19 A. We usually started practice right
20 after the junior high finished, and that
21 usually began around six o'clock, and we ran
22 till 7:30, 7:45.

23 Q. End of the day?

24 A. Yeah.

25 Q. Okay. And so they'd run into the

1 evening hours, especially in the -- through
2 darkness through the wintertime?

3 A. Yes.

4 Q. Okay. Can you tell us a little bit
5 about, well, when Aaron got to leave those
6 practices?

7 A. What's that?

8 Q. When did he get to leave those
9 practices and how? Did you notice any
10 particular pattern to that?

11 A. Yeah. You know, Aaron, when his pap
12 would bring him, his pap was usually pretty
13 punctual as far as picking him up. But Aaron,
14 when he was done with practice for whatever
15 reason, he was one of the -- usually the last
16 ones to go. He was one of the last ones to
17 leave.

18 Q. And when you say last ones to leave,
19 he'd be left behind everybody else?

20 A. Yeah, a few nights -- actually
21 several.

22 Q. Now, did you know back then the
23 defendant, Jerry Sandusky?

24 A. Back then I just knew of Jerry from
25 his football days and I knew what he was doing

1 with The Second Mile.

2 Q. You knew the name?

3 A. Yes, I knew the name.

4 Q. Okay. And did you ever meet him
5 personally or come in contact with him?

6 A. I have met him at a golf charity
7 event, yes, I did. He probably doesn't
8 remember, but I remember shaking his hand. I
9 was always a big fan of what Jerry did with The
10 Second Mile.

11 Q. And sometime after that, back in
12 around, oh, 2006, '7, did you have occasion to
13 ever see the defendant in the company of Aaron
14 Fisher?

15 A. Yes, I think it was '6 and '7. I did.
16 That is, I think, when Aaron would have been in
17 junior high. I think it was his seventh-grade
18 year. I think that's when I started seeing
19 Aaron and Jerry together a little bit.

20 Q. And where would you see them together?

21 A. Usually in the hallway of the middle
22 school.

23 Q. Okay.

24 A. Occasionally, if there was an event
25 going on in the middle school, in the doorway

1 there, watching Aaron.

2 Q. And did you ever see the defendant in
3 middle school just waiting for Aaron?

4 A. Yes. Yes.

5 Q. On more than one occasion?

6 A. Yes.

7 Q. Okay. And you didn't think anything
8 of it, I take it, or did you?

9 A. No. No, I thought it was a great
10 thing, because Aaron needed a father figure.
11 Aaron needed somebody.

12 Q. And by this time were you still
13 coaching Aaron or had he moved up?

14 A. In his seventh-grade year, he moved up
15 into junior high with my oldest son, so, no, I
16 was not coaching, but Aaron was still
17 occasionally -- when wrestling, junior high
18 practice, was over, he'd still be waiting maybe
19 for his ride or he didn't want to go home. I'm
20 not sure what the case was. But he would ask
21 to come into my practice and, "Hey, can I help
22 out and show some of these younger kids some
23 moves?" He was always very helpful in that
24 regard, and I'd -- "Come on in, Aaron, yeah."

25 Q. And he'd help you with the little

1 kids?

2 A. Yes. Yes, he would.

3 Q. Now, I'm going to ask you about one
4 particular incident, and it would have been in
5 2006 or 2007. If you recall, did you ever have
6 occasion to be in an athletic facility -- maybe
7 it was yours. I'm not sure -- where you saw
8 the defendant and Aaron Fisher alone together?

9 A. Yes.

10 Q. Okay. Can you tell the ladies and
11 gentlemen of the jury about what you saw and
12 what you thought when you saw it?

13 A. One evening after my practice, my
14 elementary practice, it was probably closer to
15 eight o'clock, I was halfway home -- I wouldn't
16 say halfway home. I just left the school in
17 the car and I was probably no more than half a
18 mile down the road, and my son told me he
19 forgot his headgear, his wrestling bag or
20 something, so my younger son was a little
21 forgetful. He was still involved in the
22 elementary program. He's two years behind
23 Aaron and my older son. So we stopped and we
24 turned around to come get it, and I went in the
25 side door that I have a key for that I always

1 go in. Everything was dark. I flipped the
2 lights on to find his bag. I found it, and as
3 I was leaving I flipped the lights back off and
4 I noticed a light coming from a double-door,
5 and one of the doors was propped open a little
6 bit, because if it was shut you can't really
7 open it from the outside unless you have a key,
8 or from where I was at unless you have a key.
9 So I saw this light on, and it's the weight
10 room in there, and in the weight room there's a
11 bunch of different weight equipment and there's
12 a rock-climbing wall and some other mats and
13 things. So I opened the door to turn the light
14 off because I figured one of the kids maybe was
15 in there working out, doing something in there,
16 and they just forgot to turn the light out.
17 But I know the light needs to be off and the
18 door needs to be secured before I leave, so I
19 went in there to turn the light off. And the
20 light switch was to my right, and I heard
21 something when I went to turn the light off.
22 And before I turned the light off, I turned to
23 my left and I saw Jerry and Aaron all the way
24 in the back far corner beneath the rock-
25 climbing wall on a small, little exercise mat,

1 and they were laying there face-to-face, side-
2 to-side -- or face-to-face on their sides. And
3 by the time I turned and looked, Jerry propped
4 himself up on one arm and looked at me and
5 said, "Hey, Coach, Aaron and I are just working
6 on some wrestling moves."

7 And I didn't think really a whole lot
8 of it because I've seen Jerry with him a number
9 of times and I looked at Jerry as, you know,
10 sort of a father figure to Aaron. So I said,
11 "Okay, Jerry, no problem. Just make sure you
12 turn the light off and secure the door before
13 you leave."

14 So I left, got in my truck and gave my
15 son his bag, and I'm driving and I thought
16 about it for a second. And I'm like, "That's
17 kind of peculiar why they'd be in there working
18 on wrestling moves when we have a whole
19 wrestling room out there filled with mats that
20 you could be working on wrestling moves." But
21 then I thought to myself, "Well, it's Jerry,
22 Jerry Sandusky. He's a saint, you know. What
23 he's doing with these kids, it's fantastic, you
24 know." I didn't think anything of it.

25 Q. Well, was there anybody else in the

1 athletic facility when you went back other than
2 the defendant and Aaron?

3 A. No. No.

4 Q. And should there have been anybody in
5 there at that point?

6 A. No, no. There was occasionally a
7 custodian in there. I'm not sure how many the
8 school has at night, one or two maybe, but
9 they're all throughout the school. Now, a lot
10 of times, when I leave, he knows what time I
11 leave. I usually see him and we say goodbye,
12 but I didn't see him when I walked back in
13 there, no.

14 Q. Okay. This position that you saw the
15 defendant and Aaron in and the defendant said,
16 "I'm showing him some wrestling moves," was
17 that like any wrestling move you ever saw?

18 A. Not really. They were just laying on
19 their sides, facing each other, and like I
20 said, when I turned and looked, Jerry's arm was
21 propped up and I think his other arm was on
22 Aaron and they both looked at me. They were
23 both a little startled that I came in. There
24 was definitely surprise on their face. But,
25 you know, in wrestling you can't rule it out.

1 They could have been wrestling. I don't know,
2 because there was a lot of contact and you will
3 find yourself in that position.

4 Q. Did you ever ask the defendant to
5 assist you as a wrestling coach or anything?

6 A. No.

7 Q. Did you know if he had any ability as
8 a wrestling coach?

9 A. No, not to my knowledge.

10 MR. MCGETTIGAN: Thanks very much.

11 I have nothing further, Your Honor.

12 MR. AMENDOLA: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. AMENDOLA:

15 Q. Mr. Miller, my name is Joe Amendola.
16 I represent Jerry Sandusky. I'm going to ask
17 you some questions, okay?

18 A. Okay.

19 Q. If you're not sure what I'm asking,
20 just let me know and I'll be happy to rephrase
21 it in a different way. And I have to
22 apologize, with these fans and this room, I had
23 a little bit of difficulty hearing some of your
24 answers, so I may be a little bit repetitive,
25 but I won't be very long.

1 A. Okay.

2 Q. Do you recall an approximate date when
3 you saw Jerry and you saw Aaron at the high
4 school, at the school?

5 A. The date of the incident?

6 Q. Pardon me?

7 A. Are you referring to the date of the
8 incident?

9 Q. Yes, the date that you saw them inside
10 the building and they were wrestling.

11 A. I know it was in wrestling season. I
12 don't know what month it was. I know it was
13 '06, '07 time frame. I'm thinking it was near
14 the beginning of the season, probably
15 December-ish time frame, but I'm -- I'm not
16 very sure.

17 Q. And do you recall what time of day or
18 night it was?

19 A. It was very near eight o'clock at
20 night, because I know my practices were usually
21 over by 7:45. By the time I got out of there
22 it was approaching eight, and I was probably no
23 further -- no more than five minutes away from
24 school by the time I turned back around.

25 Q. So as best you recall it might have

1 been around eight?

2 A. Yeah.

3 Q. And as I understand it you had just
4 left the building, I guess, after practice and
5 you forgot something, went back?

6 A. Yeah, I left the building, got in my
7 car, and I was going home for the evening with
8 my son, and that's when he informed me he
9 forgot something less than a half-a-mile down
10 the road, turned around, came back into the
11 building.

12 Q. And how much time do you think had
13 passed between the time you left and the time
14 you came back, ballpark, 15 minutes, a half-
15 hour?

16 A. By the time I left to the time I came
17 back, less than five minutes.

18 Q. So it was really quick?

19 A. Yeah.

20 Q. And when you came back you noticed, I
21 guess, the lights were on?

22 A. Yes, the lights were on.

23 Q. And you went back to see if somebody
24 was back there?

25 A. Yes.

1 Q. And when you --

2 A. I went back into the room to shut the
3 lights off. I didn't expect to see anybody in
4 there.

5 Q. Now, when you went back in terms of
6 where the major wrestling area is, in terms of
7 feet, in terms of distance within the building,
8 how far is that major area where the, I guess
9 what you'd call the mats, are located, as
10 opposed to where you saw Jerry and Aaron?

11 A. The doors are adjacent to the
12 wrestling room itself, so they're part of the
13 one wall. Where Jerry was in particular inside
14 that room was probably about from here to that
15 wall away, back in the far left-hand corner.

16 Q. The far wall, where the picture is?

17 A. Yeah, approximately that far, maybe a
18 little further than that.

19 Q. With a door somewhere in between?

20 A. The doors would be right where I was.
21 I open the door. I got to flip the switch off
22 and I look back in that far left-hand corner
23 all the way in the back, that's where Jerry and
24 Aaron were.

25 Q. And I'm not the greatest at distance,

1 but if I were to say does this look maybe to be
2 15 yards, 45, 50 feet?

3 A. Twenty, 25 yards, I would venture to
4 guess.

5 Q. But from the witness stand where you
6 are to where the picture is on the far wall,
7 and there's a doorway that says, "Private. Do
8 Not Enter," you're talking about that wall,
9 correct?

10 A. Sure, maybe a little further, like I
11 said.

12 Q. Okay. So a little bit -- five, 10
13 feet further?

14 A. Maybe.

15 Q. And where is the weight room? Is
16 there a weight room in that area?

17 A. The weight room is that area, in that
18 area, in that one big, large room that I
19 entered, the weight room -- there's the weight
20 equipment. There's a rock-climbing wall back
21 in that corner and there's a small, little
22 exercise mat beneath.

23 Q. And that's what I'm getting at. In
24 other words, as you were looking at this wall
25 where the picture is, can you give us an idea

1 of where the rock-climbing wall was?

2 A. It would be about where that picture
3 was.

4 Q. Where that picture is?

5 A. Uh-huh.

6 Q. And then where would the weight room
7 be?

8 A. It would be in front. There's weight
9 equipment in front of it. The room's not
10 divided up. It's all one big room. There's
11 weight equipment in there and there's a rock-
12 climbing wall with a mat underneath.

13 Q. So in terms of that wall, would the
14 weight room equipment be 10, 15 feet out from
15 the wall, 20 feet out from the wall?

16 A. Probably about 10 feet away from the
17 wall, 15 feet away from the wall.

18 Q. Now, if someone were using the weight
19 room, obviously, I guess they'd go to the
20 weight room, correct?

21 A. Right.

22 Q. They wouldn't be in the wrestling area
23 where the mats were; is that a fair statement?

24 A. Right.

25 Q. And if someone wanted to use the rock

1 wall, obviously they'd be up against that wall,
2 correct?

3 A. Yes.

4 Q. So if there had been testimony today
5 that Aaron had gone to the weight room with
6 Jerry first and then decided to climb the rock
7 wall, where you saw them would be an
8 appropriate place for them to be given that's
9 what they were doing? Would that be a fair
10 statement?

11 A. Sure, if they fell off the rock wall
12 and they were laying there, because they
13 weren't on the rock wall. They were on the
14 mat.

15 Q. Yeah, but I'm saying if there were
16 testimony that Aaron said I wanted to use -- I
17 wanted to climb the rock wall, obviously they'd
18 be where you saw them, right?

19 A. Sure.

20 Q. Now, are there mats there? I realize
21 they're not the big mats, but are there mats
22 there?

23 A. Yes, they're very small, fold-up mats.

24 Q. So if there was testimony earlier
25 today that Aaron fell off the rock wall and he

1 and Jerry started playing around and they wound
2 up on that mat back there, there are mats back
3 there, correct?

4 A. Yes.

5 Q. You indicated that when you walked in
6 and saw Jerry and Aaron, that they were kind of
7 sideways on the floor, on the mat?

8 A. They were laying on their sides,
9 facing each other.

10 Q. And when they saw you, they looked
11 surprised?

12 A. Yes.

13 Q. Were you surprised to see them?

14 A. Yes.

15 Q. So it was kind of mutual surprise,
16 right?

17 A. Yeah. No one is supposed to be in
18 that room, especially after practice, so that's
19 why I was surprised that anybody was even in
20 there.

21 Q. You indicated -- and correct me if I'm
22 wrong and, please, you can say it and say it
23 right, the correct way -- but I believe you
24 said when they saw you, they were on their
25 sides facing each other and Jerry Sandusky kind

1 of turned his head towards you when he saw you
2 and said, "I'm just showing him a wrestling
3 move."

4 A. He propped his arm up, kind of lifted
5 his upper body off, and said, "Hey, Coach,
6 we're just working on a wrestling move."

7 Q. Was he still on the mat?

8 A. Yes, they were both still on the mat,
9 facing --

10 Q. He just kind of lifted his upper body
11 up?

12 A. Yes.

13 Q. Did he jump up like a rabbit? Did he
14 jump up and stand up?

15 A. He propped himself up pretty quickly.

16 Q. But did he jump up and stand up?

17 A. No, no, no.

18 Q. He just kind of propped himself up --

19 A. Yes.

20 Q. -- with the upper part of his body?

21 A. Yes.

22 Q. And said, "Hey, Coach, I'm just
23 showing Aaron a wrestling move"?

24 A. Yes.

25 Q. And you didn't think anything of it at

1 the time?

2 A. Not at the time, till I got in my car.
3 Then I started wondering why, if you're working
4 on wrestling moves, you're not on the wrestling
5 mats in the wrestling room, where you have more
6 room to do that.

7 Q. But I believe you also said at a
8 previous proceeding that you didn't even
9 mention it to anybody, not even your wife,
10 because you didn't think it was a big deal.

11 A. No, because like I said, I quickly
12 dismissed it from my mind, thinking Jerry would
13 never do anything inappropriate. Jerry is a
14 great guy. He's worked with all these kids. I
15 had the upmost respect in the world for Jerry.

16 MR. AMENDOLA: Thank you, Coach.
17 That's all I have.

18 THE WITNESS: You're welcome.

19 MR. MCGETTIGAN: Just briefly, Your
20 Honor.

21 REDIRECT EXAMINATION

22 BY MR. MCGETTIGAN:

23 Q. And Mr. Miller, as you said, at the
24 time you dismissed it from your mind, but you
25 remember it now?

1 A. Yes, I definitely do now.

2 Q. And you know why you remember it now,
3 too, don't you?

4 A. Yes.

5 MR. MCGETTIGAN: Thank you. Nothing
6 further, Your Honor.

7 THE COURT: Okay.

8 MR. AMENDOLA: Nothing, Your Honor.

9 THE COURT: Thank you, sir. You can
10 step down.

11 MR. MCGETTIGAN: Your Honor, may we
12 see you at sidebar very briefly?

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

15 MR. MCGETTIGAN: Thank you.

16 Mr. Miller, thank you.

17 THE WITNESS: Yes.

18 (Whereupon, the following discussion
19 was held at sidebar:)

20 MR. MCGETTIGAN: Your Honor, this has
21 to do with scheduling. We have a brief --
22 relatively brief witness, but that's all we
23 have. It's Mr. McQueary. Okay. I don't know
24 how long Mr. Amendola and Mr. Rominger will go,
25 and I have two thoughts, Your Honor. Of

1 course, we'll do whatever the Court directs. I
2 think it was Thomas Jefferson who said, "Give
3 me a little more time, I'll write a longer
4 letter." We are getting a little -- I'm
5 getting a little harried about tomorrow and
6 having to drag somebody from Thursday into
7 Wednesday. That's what I'm thinking about
8 trying to do. And I would -- again, we'll put
9 Mr. McQueary on if you want. I'd just as soon
10 bring him back tomorrow, if I could, and be
11 able to get a start on my day tomorrow and fill
12 the day tomorrow, Your Honor. That's all that
13 I'm thinking.

14 MR. AMENDOLA: So you -- aren't you
15 calling Mike's Dad? Is that --

16 MR. MCGETTIGAN: Yeah.

17 MR. AMENDOLA: Yeah. And I can tell
18 you this, Your Honor --

19 MR. MCGETTIGAN: They weren't
20 expecting it today, but --

21 MR. AMENDOLA: He said at the -- I
22 think it was the grand jury proceeding -- he's
23 a long-winded person, and so I'm afraid -- I'm
24 just afraid for all of us if he gets on.

25 THE COURT: You would rather have him

1 tomorrow?

2 MR. AMENDOLA: I think it would make
3 more sense.

4 THE COURT: All right. Okay. Still
5 thinking you can get this done this week?

6 MR. MCGETTIGAN: You know, Your Honor,
7 by Monday latest, I would think, and I'm going
8 to really push. We have some people coming
9 from out of town. Mr. McQueary, we dragged in
10 from out of town, one other witness. I'll do
11 my very best.

12 THE COURT: Okay. All right.

13 MR. MCGETTIGAN: But again I still
14 think we're well ahead of schedule, no thanks
15 to Mr. --

16 MR. ROMINGER: Well, I tried to slow
17 it down.

18 MR. AMENDOLA: I was brief.

19 THE COURT: When we get done, when I
20 excuse people for the day, I want to make the
21 record about Juror 6. We talked about that,
22 but I want to make a record of it.

23 MR. MCGETTIGAN: Certainly, Your
24 Honor.

25 THE COURT: About her connection, her

1 employer's connections, and --

2 MR. FINA: Well --

3 THE COURT: -- agree that it isn't a
4 problem.

5 MR. FINA: Okay. I didn't know if
6 there's any problem or anything.

7 THE COURT: Well, I just didn't make a
8 record. I just want to make sure that there's
9 a record, that we have it. Okay.

10 MR. MCGETTIGAN: And I apologize. I
11 didn't anticipate --

12 THE COURT: I'm not going to complain
13 about moving faster.

14 MR. MCGETTIGAN: And then like -- I
15 don't like to give the Court a short day, you
16 know, but --

17 THE COURT: Yeah.

18 MR. MCGETTIGAN: -- I don't want to
19 give the Court a short day.

20 THE COURT: Okay.

21 (End of sidebar discussion.)

22 THE COURT: Ladies and gentlemen, the
23 next witness may take a little more time than
24 we have between now and when I'd like to finish
25 for the day, so we're going to make it a little

1 bit of a shorter day rather than a little bit
2 of a longer day. I'm going to excuse you again
3 tonight with the same instruction. You should
4 not read the newspaper, permit anyone to read
5 the newspaper to you, talk to you about the
6 case, ask you questions about the case, watch
7 it on television, listen to the radio news,
8 none of that. And if any of that should
9 happen --

10 MR. AMENDOLA: I'm sorry, Judge.

11 THE COURT: -- if any of that should
12 happen, you'll report that directly to the
13 court staff so that there can be a follow-up on
14 that, okay? We'll remain seated then while
15 you're taken out.

16 (Whereupon, the jury exited the
17 courtroom.)

18 THE COURT: We are adjourned until
19 nine o'clock tomorrow morning.

20 Counsel, do you want to approach?

21 (Whereupon, the following discussion
22 was held at sidebar:)

23 MR. AMENDOLA: I apologize, Your
24 Honor. I was just trying to get a jumpstart on
25 tomorrow and I didn't mean to disrupt the

1 Court.

2 MR. MCGETTIGAN: Can I ask you --
3 would it be possible for us to ask Your Honor
4 to perhaps refrain from necessarily making a
5 record or reaching a conclusion about this,
6 because we have had two or three people contact
7 us, and for the Court to have information about
8 this -- we haven't really explored it and we
9 want to.

10 THE COURT: We're talking about Juror
11 6?

12 MR. MCGETTIGAN: Yes, that's correct,
13 Your Honor.

14 MR. FINA: Yeah. Since we met, Your
15 Honor, we've been approached by a couple of
16 people saying that --

17 THE COURT: We're on the record on
18 this? Okay.

19 MR. FINA: -- saying that there is
20 information that she is not simply an employee
21 of the Apartment Store with little connection
22 to Mr. Heim, the guy who wrote the letter,
23 Bruce Heim, but, in fact, she works directly
24 with him and might well be his personal
25 secretary. I think that would change the

1 situation, because Mr. Heim has had a very
2 lengthy professional and personal relationship
3 with Mr. Sandusky. He was, I think it's fair
4 to say, the foremost financial backer of The
5 Second Mile and someone who has received a fair
6 amount of attention in ongoing matters that
7 someone close with him would --

8 MR. MCGETTIGAN: Have issues.

9 MR. FINA: -- have issues with this --
10 with a conviction in this case.

11 MR. AMENDOLA: I can say this, Your
12 Honor, and I'm not sure if she -- do we know --
13 is she working with Bruce Heim or Ben Heim?
14 because there's a son who's not -- has little
15 involvement with The Second Mile. But Mr.
16 Heim, Bruce Heim, he's on the board of
17 directors. He contributed \$2 million at one
18 point to The Second Mile.

19 MR. FINA: I think he gave \$2 million,
20 yeah, or more to The Second Mile.

21 MR. AMENDOLA: So, I mean, there would
22 be -- I mean, there would be a significant
23 connection, which is why I thought we decided
24 not to colloquy her, because obviously, once we
25 tell her that -- but if there's an issue, I

1 don't have a problem. I mean, I understand the
2 fundamental fairness issue.

3 MR. FINA: Well, I'm not suggesting --
4 these are words in the wind that we have,
5 Judge.

6 THE COURT: So you just want to --

7 MR. MCGETTIGAN: We didn't want to --

8 THE COURT: You just wanted a chance
9 to think this through?

10 MR. MCGETTIGAN: Yeah, before we
11 freeze the record and reach a conclusion.
12 We're getting information -- and I don't know
13 that any harm is done now. The alternates are
14 still available to us and they're, you know,
15 obviously --

16 MR. AMENDOLA: And that's fair.

17 THE COURT: There's no urgency. I
18 just didn't want it to fall through the cracks
19 and we have no record of that, so, okay. I
20 will leave the issue open and you can --

21 MR. AMENDOLA: And I don't even know
22 how we'd find out if she works for the son, who
23 really has minimal involvement, or whether she
24 works for Bruce Heim, who is the father, who
25 has a lot of involvement.

1 MR. FINA: We're not -- I just want to
2 be clear. We're not investigating a juror.
3 We're just trying to find -- get clarity on --

4 MR. MCGETTIGAN: The relationship.

5 MR. FINA: -- on the relationship and
6 where Mr. -- all we're trying to do right now
7 is physically determine where Mr. Heim's
8 primary office is. We know where she was
9 working.

10 THE COURT: I'm sure that it goes
11 without saying that it is certainly a very
12 delicate matter.

13 MR. FINA: Yes, Your Honor.

14 MR. AMENDOLA: Yes.

15 THE COURT: -- for the Commonwealth to
16 be investigating a juror. On the other hand,
17 you don't have to confirm this, but I assume,
18 by reading between the lines, you're telling me
19 that there may be ongoing investigations
20 involving his involvement, which Juror 6, as
21 his secretary, may be aware of?

22 MR. MCGETTIGAN: Or could become privy
23 to during the course of this thing.

24 MR. FINA: Yes, Your Honor. Again, if
25 it's as described in the letter where this

1 fellow has a financial interest in a business
2 that she works at and he has maybe seen her
3 once, I don't think there's an issue. If, in
4 fact, she is his secretary and works with
5 him --

6 MR. AMENDOLA: I think that's a
7 problem.

8 MR. FINA: -- actively, that would be
9 a problem.

10 THE COURT: That would give her access
11 to information that would be --

12 MR. FINA: Right.

13 MR. AMENDOLA: But correct me if I'm
14 wrong. I think it was the son. I think it was
15 a Ben Heim. I don't have the e-mail.

16 MR. ROMINGER: It was the son that
17 wrote the letter.

18 MR. MCGETTIGAN: Yes, the son is Ben.
19 The father is Bruce. Bruce is the one actively
20 involved with The Second Mile.

21 MR. FINA: Yes, Your Honor. Yes, yes.

22 THE COURT: Here it is. I thought I
23 had it with me.

24 MR. FINA: But the --

25 MR. AMENDOLA: Yeah.

1 MR. FINA: -- the owner of all of this
2 is a Bruce Heim. It's not Ben, which raises
3 the issue, if Ben's writing the letter --

4 THE COURT: How do you propose to find
5 this out?

6 MR. FINA: -- but he's not mentioning
7 whether his father is -- well, at this point
8 all we were doing, Judge, is trying to discern
9 a physical location. So, for example, we know
10 that Bruce Heim every day goes to 100 Main
11 Street and we know she works at 360 Elm, then
12 that's fine.

13 MR. ROMINGER: "My father has never
14 spoken to her," he says, so she can't be the
15 father's assistant.

16 THE COURT: Well, yeah. I'll let you
17 sort it out and then we'll -- when you're
18 ready, we'll make a full record about all of
19 this.

20 MR. FINA: Thank you.

21 MR. MCGETTIGAN: Thank you.

22 THE COURT: Just the caution is
23 obviously --

24 MR. AMENDOLA: Yes.

25 THE COURT: -- you know.

1 MR. AMENDOLA: Have a nice evening,
2 Your Honor.

3 THE COURT: Thank you.

4 (Whereupon, the discussion at sidebar
5 was ended.)

6 (Whereupon, the proceedings were
7 recessed, to resume at 9:00 a.m. the following
8 day.)

9 E N D O F P R O C E E D I N G S

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