

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

4 COMMONWEALTH : NO. CP-14-CR-2421-2011
5 : NO. CP-14-CR-2422-2011

6 VS :

7 GERALD A. SANDUSKY :

8 TRANSCRIPT OF PROCEEDINGS
9 (Jury Trial)
10 (Day 1)

11 BEFORE: John M. Cleland, Senior Judge

12 DATE: June 11, 2012

13 PLACE: Centre County Courthouse
14 Courtroom No. 1
15 102 South Allegheny Street
16 Bellefonte, PA 16823

17 APPEARANCES:

18 FOR THE COMMONWEALTH:
19 Joseph E. McGettigan, Esq.
20 Frank G. Fina, Esq.

21 FOR THE DEFENDANT:
22 Joseph Amendola, Esq.
23 Karl Rominger, Esq.

24 NOTES BY: Patricia A. Grey, RPR
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INDEX TO THE WITNESSES

DIRECT CROSS REDIRECT RECROSS

COMMONWEALTH:

Brett Swisher Houtz 41 142 225 --

Mark McCann 227 --

DEFENDANT:

(None)

INDEX TO THE EXHIBITS

ADMITTED

COMMONWEALTH:

(None)

DEFENDANT:

(None)

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

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

4 Would you bring in the jury please?

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

7 THE COURT: Ladies and gentlemen, you
8 can be seated.

9 Ladies and gentlemen, good morning
10 again. The first order of business as we begin
11 the trial is for you to take an oath in which you
12 will either swear or affirm as you wish that you
13 will faithfully perform your duties as jurors.

14 So I'll ask you all now to stand again
15 please, raise your right hand as Mrs. Immel
16 administers the oath.

17 (Whereupon, the jury was sworn.)

18 THE COURT: And you may be seated.

19 Members of the jury, you are now about
20 to perform one of the most solemn duties of
21 citizenship. You are to sit in judgment and
22 decide whether the defendant, a fellow citizen,
23 is guilty of the crimes charged by the
24 Commonwealth of Pennsylvania.

25 I am going to take a few minutes now to

1 explain to you your job as jurors and to outline
2 how this trial will unfold because the way you,
3 as jurors, do your job is as important to the
4 administration of justice as the way I do mine,
5 the Attorneys General do their's, and defense
6 counsel do their's. So it will be important that
7 you pay close attention to everything that is
8 said and done during the trial so that you can
9 perform the duties that you have just sworn to
10 faithfully perform.

11 During the trial, I am going to do my
12 best to anticipate what might be on your minds
13 regarding the procedures and legal processes that
14 are undoubtedly foreign to you and might be a
15 little confusing. So I'll try to explain some of
16 those things as we go along.

17 As you have become acquainted with your
18 fellow jurors this morning, I suspect that the
19 first question that comes to your mind is how did
20 I end up on this jury? It's a fair question but
21 a few minutes of thought yields a pretty obvious
22 answer. As you look among yourselves you are
23 men, women, older, younger, Penn State faculty,
24 Penn State students. You may know people in
25 this -- involved in this case or people who know

1 people involved in this case. You have all read
2 and heard things about the case. Some of you are
3 football fans. Some of you could care less.
4 Some are single. Some are parents. Some are
5 grandparents. You are, in short, a cross section
6 of the citizens of Centre County. You are a jury
7 of the defendant's peers, and you represent the
8 conscience of this community.

9 You may be concerned about all the roles
10 you fill in this community and whether those
11 roles and their interconnections will cause you
12 any problems during the trial. Let me reassure
13 you that I am absolutely confident that those of
14 you who live in a rural environment have an
15 intuitive understanding of how to balance and
16 integrate your professional, your community, and
17 your family lives where those distinctions are
18 not always clear. If I had even the slightest
19 doubt about your ability to do that, you would
20 not be on the jury.

21 So let me turn now to a short
22 explanation of how the charges have been brought
23 and what the prosecutors have the burden to prove
24 and how the trial will unfold and then explain in
25 some more detail what the prosecutors must prove

1 before Mr. Sandusky may be found guilty.

2 The charges have been brought against
3 Mr. Sandusky, the defendant, in a legal document
4 called an information. Sometimes it's called an
5 indictment but the technical legal term is
6 information. The charges are accusations. They
7 are not proof that he is guilty. In fact, he is
8 presumed to be not guilty unless and until the
9 charges are proven to your satisfaction beyond a
10 reasonable doubt.

11 Now, I'll explain in more detail later
12 what a reasonable doubt is but it is something
13 that would cause a reasonable and sensible person
14 to hesitate before acting upon a matter of great
15 importance.

16 The burden of proving Mr. Sandusky's
17 guilt is always on the prosecutor. Mr. Sandusky
18 does not have any responsibility to prove
19 anything. He does not need to present any
20 evidence to prove that he is not guilty. In
21 addition, under both the United States and
22 Pennsylvania Constitutions, he has an absolute
23 right not to testify. If he decides not to
24 testify, you cannot hold that fact against him or
25 infer that he is guilty because he chooses not to

1 testify.

2 Now, having explained that, let me
3 explain in a more general way what will take
4 place during the trial.

5 First, Mr. McGettigan will make an
6 opening statement in which his outlines the
7 Commonwealth's case against the defendant. This
8 is not his argument in support of the case. That
9 will come later. This is simply a chance to give
10 you a straightforward preview of the evidence
11 which the Commonwealth expects to present.

12 When he is finished, Mr. Amendola may
13 make a statement outlining the defense or he can
14 wait and do that at a later stage in the trial.

15 At that point then the Commonwealth will
16 begin to present its evidence. It may involve
17 calling witnesses to testify. It may include
18 offering exhibits, such as documents or physical
19 objects. Now, defense counsel, of course, has a
20 right to cross-examine any witness called by the
21 Commonwealth to test the truthfulness and the
22 accuracy of that witness's testimony.

23 After the Commonwealth has presented its
24 case, the defense may present evidence for the
25 defendant but, remember, the defendant has no

1 obligation to present any evidence or to testify
2 himself because the responsibility is always on
3 the Commonwealth and only on the Commonwealth to
4 prove its case beyond a reasonable doubt.

5 After all the evidence has been
6 presented, I will give you my final charge and
7 any additional guidance that I think you will
8 need for your deliberations. Counsel for the
9 attorneys will make -- for the parties will make
10 their closing arguments, and then you'll retire
11 back to the jury room to deliberate on your
12 verdict.

13 Now, during the trial it is my
14 responsibility to decide the legal questions and
15 it is your sworn duty as jurors to follow my
16 rulings on matters of law, whether or not you
17 agree with them. But I am not the judge of the
18 facts. It is for you, and not for me, to decide
19 what the true facts are regarding the charges
20 brought against Mr. Sandusky. You, the jurors,
21 are the sole judges of the facts. It is your
22 responsibility at the end of the trial when you
23 deliberate to evaluate the evidence and from the
24 evidence find what the facts are and then, based
25 on the law as I explain it to you, to decide

1 whether or not Mr. Sandusky has been proven
2 guilty beyond a reasonable doubt.

3 Now, during the trial I will give you
4 some other instructions but all the instructions
5 should be taken as a whole and considered to be
6 the law of the case.

7 Now I want to speak with you for just a
8 couple minutes about the importance of not
9 talking about this case with anyone or permitting
10 anyone to talk with you about the case or reading
11 or listening to any news reports about the case.

12 During voir dire you each acknowledged
13 that you understood that obligation and then when
14 I met with each of you individually after you had
15 been selected and before you were released for
16 the day, I talked to you about that again. And
17 you will recall that I emphasized that you could
18 not discuss the case with anyone, even with your
19 own family when you return home at night or even
20 your close friends. There will be an opportunity
21 for that when the case is over, if you want to
22 talk to anybody about it.

23 But in the meantime, please explain to
24 your family and your friends, if they don't
25 already understand it, that they have a

1 responsibility, too, to see that justice is done
2 in this case and they should not discuss the case
3 in your presence or tell you anything that they
4 have seen or heard about the case.

5 Now, I use the term discuss in its
6 broadest sense. It includes not just
7 face-to-face conversations, but it means no
8 texting, no telephone or cell phoning, no
9 e-mailing, no updating your Facebook pages, or
10 any other social media.

11 I have explained to you that if any
12 person who knows you are on the jury talks to you
13 about the case or attempts to give you
14 information or to influence your thinking or
15 deliberations or even asks you questions about
16 the case as you come to and from the courthouse,
17 that that is a matter of the most serious
18 consequence.

19 Your friends, your family, your
20 colleagues, your strangers, news reporters are
21 all on notice. I will not permit the integrity
22 of our jury system to be tampered with or permit
23 even the appearance that during your jury service
24 you have been exposed to outside information or
25 influences.

1 So why am I so insistent about this that
2 I have repeated it so many times and with such
3 emphasis? Because, of course, you are not
4 sequestered.

5 Why in a case with so much publicity are
6 you not being sequestered? Because if as a
7 community we can trust you to listen to the
8 evidence and return a just verdict, then I think
9 as a community we can trust you not to listen to
10 the news or talk about the case with others and,
11 of course, thereby spare you and your family the
12 unpleasantness and extreme inconvenience of being
13 held incommunicado in a hotel for a couple weeks.
14 You're not being sequestered, but I want you and
15 everyone else to know the rules from the start.

16 So, as jurors you must be separate and
17 apart. If there's some inadvertent contact
18 between you and the attorneys in the court
19 hallways, for example, they'll exchange a
20 greeting but no more. So don't take any offense.
21 Even my communication, as I just explained to you
22 a few minutes ago, will be restricted. And all
23 of that is absolutely to avoid any appearance
24 that your judgments are anyone's but your own.

25 I will remind you at almost every recess

1 that you should not read, listen to, or watch
2 anything about the case in the newspapers or
3 magazines or on radio or television or try to get
4 any information about the case on your own by
5 making any independent investigation, doing any
6 research, visiting the scene, or conducting any
7 experiments, or googling any terms.

8 So I hope I have made my point about not
9 communicating with anyone but let me take one
10 more minute and demonstrate why I don't want you
11 to read newspaper accounts or watch television
12 news about the case.

13 Under our system of criminal law as you
14 consider whether the defendant has been proven
15 guilty, you may consider only the evidence, the
16 arguments and the legal instructions you have
17 heard here in this room and in the presence of
18 your fellow jurors.

19 We have a court reporter who writes down
20 everything that is said. This is a transcript of
21 one day's testimony, not in this case but an
22 unrelated case. It is 368 pages, thousands and
23 thousands and thousands of words. Now, this is a
24 newspaper story about this very case. It is 958
25 words. A long story on the evening news would be

1 shorter than that. Now, there's nothing in that
2 story that I thought was wrong. It was accurate
3 as far as it went. The problem with reading
4 stories in the newspapers or listening to the
5 evening news is not that they may be incorrect,
6 but that they are obviously incomplete. This has
7 to be condensed into this. That's simply the
8 reality of the print of electronic news media.

9 But you have the best seats in the
10 courtroom. You'll see the witnesses up close.
11 You will hear them very accurately and your
12 recollection about what was said and what was
13 heard should not be influence by anyone else's
14 accounts.

15 There's another advantage that you have.
16 Everything you hear will come to you in testimony
17 that is presented under oath and subject to
18 cross-examine to test its truthfulness. So your
19 only information about this case should come
20 while you are all together acting as a jury in my
21 presence and in the presence of the attorneys and
22 the defendant and no information from any other
23 source.

24 If you have at any time trouble hearing
25 or seeing a witness or a document or exhibit,

1 raise your hand. I'll do whatever it takes to
2 move the witness, adjust the microphone, whatever
3 it takes to make sure you can see and hear.

4 Now, I assume it goes without saying
5 that each one of you must keep an open mind
6 throughout the trial. The oath you took was that
7 you would do that. My instructions about how to
8 do that however may seem a little counter
9 intuitive.

10 During the trial you should not talk to
11 even other members of the jury about the evidence
12 or anything else relating to the case. You don't
13 deliberate as you go along. You avoid forming
14 opinions about the guilt or innocence of the
15 defendant or any other disputed question until
16 the trial is ended and then you begin your
17 deliberations. And why?

18 Why is that? Because only then will you
19 have heard all of the evidence, heard the
20 arguments of the attorneys, and received my
21 instructions and until then, until you have
22 actually begun your deliberations, any opinion
23 that you have formed can only be considered to be
24 uninformed and any conversations can only be
25 deemed to be counter productive. Only when you

1 have heard everything that there is to hear will
2 you know enough to form an intelligent opinion
3 that will lead to the jury's verdict.

4 You will have to decide during the case
5 the credibility or the weight of the testimony
6 and by credibility I mean its accuracy, its
7 truthfulness. So you'll have to look at the
8 witnesses as they testify here and consider
9 whether or not you believe what that witness is
10 saying or you don't. So you have to be alert to
11 anything the witness says, does, acts, behaves,
12 and then assess that in the light of your own
13 experience and common sense to determine whether
14 or not that witness is credible.

15 Perhaps there's another question on your
16 mind, what happens to the defendant if he's found
17 guilty and what is your responsibility for
18 punishment? If you find the defendant has been
19 proven guilty beyond a reasonable doubt, you have
20 no responsibility with regard to what the
21 punishment is. The questions are separate. You
22 decide guilt. If you find the defendant is
23 guilty, it becomes my responsibility to affix the
24 penalty and not yours and, therefore, any concern
25 about possible penalties should not influence

1 your decision on the question of whether or not
2 the defendant has been proven guilty.

3 At the end of the case, I will give you
4 a more detailed explanation of the charges that
5 have been filed, but I think it will be helpful
6 now as sort of a road map if I explain briefly
7 what the charges are and what the prosecutors
8 must prove before the defendant can be found
9 guilty. It may help you to put the evidence in
10 some context as you hear it.

11 Mr. Sandusky is charged with six
12 different offenses involving ten separate alleged
13 victims. He's not charged with committing the
14 same offenses with all of the victims. Some
15 offenses relate to some of the alleged victims
16 and some relate to others. I'll separate out for
17 you later which offenses relate to which alleged
18 victims.

19 As I will explain later as well, each
20 charge stands independently and should be
21 separately considered. So you'll have to return
22 a verdict of guilty or not guilty on each of the
23 charges. You may find Mr. Sandusky guilty of all
24 charges, not guilty of all charges, or guilty of
25 some charges and not guilty of other charges.

1 Each charge consists of a number of
2 elements or facts which the Commonwealth must
3 prove beyond a reasonable doubt to be true before
4 you may find the defendant guilty. I will
5 identify each charge and briefly the elements of
6 those charges.

7 First, involuntary deviate sexual
8 intercourse. A person commits this crime by
9 engaging in deviate sexual intercourse with a
10 person who was less than 16 years of age when the
11 defendant is four or more years older than the
12 complainant or the alleged victim.

13 Deviate sexual intercourse is defined in
14 the law as intercourse by mouth or anus.

15 Second, indecent assault. The defendant
16 is charged with committing this crime under two
17 separate sections of the Crimes Code. A person
18 is guilty of indecent assault if that person has
19 indecent contact with a complainant or causes the
20 complainant to have indecent contact with him.

21 First, if the complainant is less than
22 13 years of age or the second form of indecent
23 assault, if the complainant is less than 16 years
24 of age and the defendant is four or more years
25 older.

1 Third, unlawful contact with minors. A
2 person commits this crime if he is intentionally
3 in contact with a minor for the purpose of
4 engaging in any criminally prohibited sexual act.

5 Fourth, corruption of minors. A person
6 commits this crime if he is over 18 years of age
7 and by any act corrupts or tends to corrupt the
8 morals of any minor less than 18 years of age by
9 enticing or encouraging the minor to commit a
10 criminally prohibited sexual act.

11 Five, endangering the welfare of
12 children. A person commits this crime if, while
13 supervising the welfare of a child under 18 years
14 of age, the person knowingly endangers the
15 welfare of the child by violating a duty of care,
16 protection, or support.

17 Six, aggravated indecent assault. A
18 person commits this crime if he engages in the
19 penetration of the genitals or anus of a
20 complainant with any part of his body and the
21 complainant is less than 16 years of age and the
22 person is four or more years older than the
23 complainant.

24 Several of you asked at one point or
25 other about taking notes. Once counsel has

1 completed their opening statements, I will
2 distribute -- I guess maybe even there on your
3 bench. I'm not sure -- note pads and pens to
4 each of you if you want to take notes.
5 Understand that you are under no obligation to
6 take notes. It's entirely up to you whether you
7 want to take notes or not to help you remember
8 what the witness said during your deliberations.

9 If you do take notes, remember that one
10 of your responsibilities as a juror is to observe
11 the demeanor the witness from the witness stand.
12 So I just caution you not to become so involved
13 in taking the notes that it interferes with your
14 ability to watch the witness while that witness
15 testifies or that it distracts you from hearing
16 the questions or the answers.

17 Your notes may help you refresh your
18 recollection of the testimony but they should be
19 a supplement rather than a substitute for memory.
20 Your notes are only to be used as memory aids and
21 should not take precedence over your own
22 individual recollection of what you saw or heard.

23 Some of you may choose not to take
24 notes. If that's the case, you should not feel
25 overly influenced by those jurors who did take

1 notes. It's just as easy to write something down
2 incorrectly as it is to remember it incorrectly
3 and your fellow juror's notes are entitled to no
4 greater weight than each juror's own independent
5 memory of what was said that was not written
6 down. So although you may refer to your notes
7 during deliberations, you should give no greater
8 weight to the views of a juror who took notes
9 necessarily than to one who did not.

10 As I explained to you, during each of
11 the recesses the materials will be collected by
12 the tipstaves and returned to you when you return
13 to court and at the end of the trial, your notes
14 will be immediately destroyed by court staff.

15 Finally, a word to those of you who are
16 in the courtroom.

17 This is a matter of utmost importance to
18 the parties that are involved. Consequently, I
19 will insist that this trial be conducted in an
20 orderly, disciplined, and dignified manner and
21 will tolerate no disruption, interruption,
22 distraction from anyone present.

23 This concludes the opening instructions
24 of the Court. I have previously entered an order
25 that all jurors -- all witnesses will be

1 sequestered. So if there is anyone in the
2 courtroom who may be testifying at some point
3 during the trial of the case, I'll ask that that
4 person now be excused.

5 MR. AMENDOLA: Your Honor, may we
6 approach just for a second?

7 THE COURT: Sure.

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

10 MR. AMENDOLA: Two brief questions.

11 Mrs. Sandusky is going to leave. I
12 assume she should leave through this door?

13 THE COURT: Sure, that will be fine.

14 MR. AMENDOLA: Secondly, Your Honor, can
15 I assume that the sequestration does not apply to
16 character witnesses?

17 THE COURT: Yes.

18 MR. McGETTIGAN: Not apply?

19 THE COURT: Not apply to character
20 witnesses.

21 This door right here.

22 MR. AMENDOLA: Yes, Your Honor.

23 THE COURT: The other one is locked.

24 MR. AMENDOLA: Okay. Thank you, Your
25 Honor.

1 MR. McGETTIGAN: Thank you, Your Honor.

2 (End of sidebar discussion.)

3 THE COURT: Mr. McGettigan, you may
4 proceed.

5 MR. McGETTIGAN: Thank you, Your Honor.

6 (Whereupon, Mr. McGettigan opened to the
7 jury and was previously transcribed and
8 is contained in a separate transcript.)

9 THE COURT: Counsel, would you approach
10 the bench, please?

11 MR. AMENDOLA: Yes, Judge.

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

14 THE COURT: Do you want to do your
15 opening now or do you want to --

16 MR. AMENDOLA: Yes, Judge.

17 We have -- per our understanding, we
18 have some objections we would like to place on
19 the record. We didn't want to interrupt
20 Mr. McGettigan.

21 MR. McGETTIGAN: Sure.

22 MR. AMENDOLA: We had an agreement.

23 MR. McGETTIGAN: Do you want to open
24 first or do you want to do your objections? Want
25 to give the jury a break?

1 THE COURT: How long is your opening?

2 MR. AMENDOLA: Probably about as long as
3 Mr. McGettigan's.

4 THE COURT: We're going to take a
5 recess.

6 MR. AMENDOLA: Okay.

7 THE COURT: I'll excuse the people.
8 We'll put your objections on the record and then
9 we'll reconvene in 25, five minutes to 11:00.

10 MR. AMENDOLA: Okay.

11 THE COURT: That will give you 20
12 minutes.

13 MR. AMENDOLA: Yes.

14 THE COURT: Okay. All right.

15 (End of sidebar discussion.)

16 THE COURT: We are going to be in recess
17 until five minutes till 11:00. We're going to
18 start promptly at five minutes to 11:00 whether
19 you're all seated or not and the deputy sheriffs
20 have been directed to have people move toward the
21 front so that gives you an incentive to get back
22 sooner.

23 We are starting at five minutes to
24 11:00. We'll be in recess until then. We'll
25 remain seated, remain seated while the jury is

1 taken out.

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

4 THE COURT: We will remain seated until
5 the jury is taken out. Perhaps you didn't hear
6 it.

7 Thank you very much. We'll be in recess
8 until five minutes to 11:00.

9 (Whereupon, the following discussion was
10 held at sidebar during the recess:)

11 THE COURT: All right. We'll note that
12 counsel for the defense wanted to make objections
13 to the opening and will be given the opportunity
14 to be do that now.

15 Mr. Rominger.

16 MR. ROMINGER: Thank you, Your Honor.

17 First, there was a photo array showed
18 and, for the record, it was shown sequentially
19 where each accuser was pictured and then shown --
20 and then a new big photo was brought and then
21 added seriatim to a list eventually of eight.

22 The photos appeared stylized and cut for
23 maximum emotional impact. I would note further
24 that, for at least three minutes, the entire
25 group photo of the eight alleged accusers was

1 left up. I believe that that's more prejudicial
2 than probative.

3 We would ask for a mistrial on that
4 basis being akin to showing the gun during an
5 opening statement. Defense is mindful, however,
6 should the Court not want to give a mistrial, we
7 believe a limiting instruction or a corrective
8 instruction to the jury would be appropriate only
9 in event you don't want to give a mistrial and
10 that instruction would be:

11 The photos you were shown were stylized
12 and selected to maximize an emotional response.
13 They do not portray victims but rather accusers,
14 and you should not consider the images evidence
15 nor should you be swayed by any such imagery as
16 to guilt or innocence of the defendant.

17 So if you don't grant the mistrial, we'd
18 ask that you instruct the jury that they
19 shouldn't react to the stylized images pursuant
20 to that proposed instruction.

21 THE COURT: Mistrial is denied.
22 Limiting instruction is denied.

23 MR. ROMINGER: We also believe that
24 throughout the opening the prosecution wrongly
25 kept referring to the complaining witnesses as

1 victims. We would like an instruction to the
2 jury to be reminded that they're not victims and
3 an instruction to the Commonwealth to stop
4 referring to them as victims throughout the
5 trial.

6 THE COURT: I will give a limiting
7 instruction as the trial begins that as a matter
8 of convenience -- maybe that's not the right
9 word. You'll see the right word. That we're
10 using the term victims as a shorthand, obviously
11 means alleged because the Commonwealth has been
12 repeated over and over again has the duty to
13 prove it beyond a reasonable doubt.

14 MR. ROMINGER: Okay.

15 Further, the Commonwealth appears to
16 have moved into argument when they presented on
17 the screen the words humiliation and then added
18 the word shame and added the word fear and then
19 told the jury it equaled silence.

20 What they're doing is essentially
21 explaining why the witnesses said nothing, and
22 opening is a time to give a road map and say they
23 could say that the witnesses didn't say anything,
24 but they have added argument at this stage would
25 have been appropriate perhaps in closing. But,

1 again, it's very prejudicial because they're
2 explaining to the jury at this early stage that
3 these young men had emotional responses which
4 caused them to be silent, and they're explaining
5 their failure to prompt report with argument in
6 the opening. We believe a limiting instruction
7 on that would be appropriate at this time.

8 THE COURT: Denied.

9 MR. ROMINGER: The grand jury testimony
10 was referenced and it was referenced on several
11 occasions to say that these witnesses had said
12 various things in front of the grand jury. Lay
13 people probably don't understand the difference
14 between a grand jury and a jury, and it's
15 particularly dangerous that the jurors would
16 assume that something that was said in front of
17 the grand jury carries some weight because some
18 of the jurors even indicated to the Court that
19 they were read, for instance, the presentment.

20 We believe the Court should instruct the
21 jury that to the intent the grand jury testimony
22 is referenced, they're not to put any weight on
23 it nor should they draw any conclusions from
24 that.

25 THE COURT: Denied.

1 MR. ROMINGER: We also believe that a
2 reference to what victims told the grand jury is
3 improper bolstering because their credibility has
4 not yet been attacked, and we would ask again
5 that they be asked to disregard that matter.

6 THE COURT: That's denied as well.

7 MR. ROMINGER: We would note that there
8 was extensive testimony about the what the
9 prosecution called the cultivation and grooming
10 process, gives letters and other things -- just
11 for the Court's information we will be filing a
12 motion in limine on that issue. I just wanted to
13 note for the record that had been brought up
14 extensively in the opening particularly at the
15 end.

16 We also would ask for a mistrial when
17 the prosecution pointed at Attorney Amendola and
18 said that that lawyer was present at a CYS
19 interview. I believe the fact that Mr. Sandusky
20 chose to take a lawyer to a government interview
21 is not properly before the jury in the opening,
22 his exercise to the right to counsel could be
23 held prejudicially against him. It's
24 particularly egregious when the prosecutor has
25 literally turned and pointed at Joe Amendola

1 making him as a party to that interview.

2 I don't think that was properly before
3 the Court at this time, and we would ask for a
4 mistrial, in the absence of mistrial, a limiting
5 instruction that no adverse inference should be
6 taken against Mr. Sandusky that he took a lawyer
7 to the CYS interview.

8 THE COURT: Next.

9 MR. ROMINGER: Is that denied, Judge?

10 THE COURT: I haven't decided yet.

11 MR. ROMINGER: Okay.

12 At the very end there was additional
13 argument on the overwhelming nature of the
14 evidence against the defendant and how he
15 responded in certain interviews and how a person
16 can only respond as he did when the evidence is
17 overwhelming. Again, that seems to be argument,
18 and we would ask that the jury be reminded that
19 there is no overwhelming evidence of anything at
20 this point.

21 THE COURT: I'll deny that.

22 I would -- I do think perhaps I should
23 hear some response on the question of whether or
24 not a limiting instruction would be appropriate
25 regarding the fact that the defendant chose to

1 take counsel with him to a CYS interview.

2 MR. McGETTIGAN: Your Honor, partly just
3 because that's what the testimony reflect.

4 THE COURT: Yeah.

5 MR. McGETTIGAN: It's just factual. I
6 don't know that I characterized it as -- I did
7 not intend to characterize it as indicative of
8 guilt but just more to the fact that he was
9 actually in the presence of counsel and was
10 not -- I think I used the expression that we
11 snuck up on him. Nobody asked him any surprise
12 questions. He was not belabored by someone
13 without the existence -- without the presence of
14 someone looking out for his interest.

15 Maybe Mr. Fina has a more intelligent or
16 expansive comment on that. Your Honor, that's
17 the extent of my response.

18 MR. FINA: I think that's right, Your
19 Honor. I think the evidence is in the interviews
20 as well with Mr. Costas and in *New York Times*
21 also, if they're allowed to be played, show very
22 clearly that Mr. Sandusky was there with
23 Mr. Amendola. In fact, in the interview with
24 Mr. Costas you only see Mr. Amendola. You don't
25 get to see Mr. Sandusky during that.

1 So I don't -- I'm not sure how any of
2 this can be structured in a way that would work
3 other than the fact that his counsel is present.

4 THE COURT: I think I will give them a
5 limiting instruction on that because in the
6 context in which that was made it was made to a
7 CYS worker who promptly called the state police.

8 MR. McGETTIGAN: I understand, Your
9 Honor.

10 THE COURT: And, therefore, the
11 implication being that there were criminal
12 charges pending. I am not going to contrast it
13 in any way with the newspaper articles. That's a
14 whole separate deal.

15 MR. FINA: Just anticipating.

16 MR. McGETTIGAN: I understand the
17 context in which it was made.

18 THE COURT: I will give a limiting
19 instruction that the mere fact that any person
20 has counsel present when interviewed by the
21 police is not any evidence of guilt.

22 MR. McGETTIGAN: Although -- just so I
23 make sure. This interview was not in the
24 presence of police. It was CYS only. The
25 defendant was not interviewed by the police.

1 THE COURT: Okay.

2 MR. McGETTIGAN: I know because of my
3 statement.

4 THE COURT: She had called the
5 Pennsylvania State Police.

6 MR. McGETTIGAN: I understand.

7 MR. FINA: There was another interview
8 in which she is there with the state police. I
9 didn't --

10 MR. AMENDOLA: Not this interview.

11 MR. FINA: Oh, I'm sorry.

12 THE COURT: I don't think it does harm
13 to do a general instruction.

14 MR. FINA: Certainly.

15 THE COURT: The mere presence of an
16 attorney is no indication of any guilt. Okay.
17 Ten minutes.

18 (End of sidebar discussion.)

19 (Whereupon, a recess was taken.)

20 THE COURT: Thank you. We'll remain
21 seated while the jury is brought in. You may be
22 seated.

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

25 THE COURT: Ladies and gentlemen, you

1 heard the opening statement of counsel for the
2 Commonwealth. As I explained, it's the
3 opportunity of the Commonwealth to lay out its
4 case for you, and I just want to clarify one
5 point; that you should not assume from anything
6 that Mr. McGettigan said regarding Mr. Sandusky
7 having counsel present at any interview, that is
8 any indication other than having counsel present.
9 A person is entitled to have a lawyer with them
10 any time that they want, and you shouldn't draw
11 any conclusion from that.

12 Mr. Amendola tells me that he has
13 elected to make his opening statement now, and,
14 Mr. Amendola, go ahead.

15 MR. AMENDOLA: Thank you, Your Honor.

16 (Whereupon, Mr. Amendola opened to the
17 jury and was previously transcribed and is
18 contained in a separate transcript.)

19 THE COURT: Ladies and gentlemen, I
20 think rather than have the first witness come and
21 then break in just a few minutes for lunch, we'll
22 take the brake now, and we'll plan to reconvene
23 at a quarter to 1:00.

24 So we remain seated while the jury is
25 taken out.

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

3 THE COURT: Court is in recess until a
4 quarter till 1:00 o'clock.

5 (Whereupon, a recess was taken.)

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

8 THE COURT: I didn't know if there was
9 anything you wanted to put on the record?

10 MR. McGETTIGAN: Your Honor, I'm not
11 sure. There may be an issue without a remedy. I
12 think, Your Honor -- I think Mr. Amendola
13 referenced Mr. Gricar on a number of occasions.
14 Mr. Gricar is unavailable to all parties. He
15 referenced him. He referenced his attitudes, his
16 presence. I don't know how to address that.

17 MR. AMENDOLA: We plan to call a witness
18 who can talk about his attitude and about his
19 decision in this case, Judge.

20 MR. McGETTIGAN: That's going to be
21 pretty hard opinion testimony to get in I would
22 think. It will be interesting to hear.

23 THE COURT: I think based on the
24 representations in the trial, I'll let it go.

25 MR. McGETTIGAN: I understand, Your

1 Honor.

2 THE COURT: If in the complete
3 concluding instructions it doesn't get in and you
4 want an instruction about that, I'll think about
5 it.

6 MR. McGETTIGAN: In addition, he
7 referenced Dr. Dranov. I assume he intends to
8 call Dr. Dranov.

9 MR. AMENDOLA: Yes, if you don't.

10 MR. McGETTIGAN: Great.

11 MR. AMENDOLA: Yes.

12 MR. FINA: The only thing I have for the
13 record is that the comments about Mr. Gricar and
14 the word conspiracy was not used but it was
15 certainly hinted at in terms of the charging
16 decision of the Commonwealth did or did not
17 happen, as well as the comments about
18 Mr. McQueary and other witnesses related to that,
19 Mr. Schultz, Mr. Curley, and why they did not go
20 to the police.

21 I believe there's been significant doors
22 open there which as this trial proceeds I think
23 their response may well require the introduction
24 of e-mails, one of which specifically refers to
25 how you inform the authorities and these e-mails

1 have already been shown to the Court and the
2 handwritten notes of Mr. Schultz. I think that
3 door has been opened.

4 We defer that to see how things play out
5 here but the representations have been made with
6 reference that sets the stage for the discussion
7 about evidence coming in that wouldn't normally
8 be relevant to this case.

9 THE COURT: I'm not sure that opening
10 statements open the door, but if the door is
11 opened, we'll deal with that when the time comes.
12 There's always that concern that on the first
13 morning of trial everything looks critical.

14 MR. McGETTIGAN: Interesting.

15 THE COURT: They have a way of falling
16 into context.

17 MR. AMENDOLA: Day seven not so much.

18 THE COURT: Okay.

19 MR. FINA: I just want to put it on the
20 record.

21 THE COURT: That's fine. That's why I
22 wanted to call you forward. I wanted to make as
23 full and complete record as we can. Anything you
24 want to put on the record I will.

25 MR. McGETTIGAN: One other thing. I

1 don't know if this needs on the record. We will
2 have a photographic representation of many of the
3 gifts that the first witness, Brett Swisher Houtz
4 will say that the defendant gave to him. We also
5 have the physical gifts. If the Court will
6 permit, I would bring the gifts in. I would not
7 wish to mark or move them into evidence.

8 MR. FINA: There's 52 items. Included
9 are big-time shoulder paddles. Rather than mark
10 them all into evidence, why don't we just show
11 them?

12 MR. McGETTIGAN: Nobody wants to take
13 custody of them. Nobody wants them.

14 MR. ROMINGER: Do you want to put the
15 pictures in as evidence?

16 MR. FINA: That would probably --

17 MR. McGETTIGAN: Put the picture in but
18 bring the physical items in.

19 MR. ROMINGER: The Superior Court likes
20 them on eight and a half by eleven sheets so.

21 THE COURT: You can make however you
22 want to make your record. It's your record.

23 MR. McGETTIGAN: Thank you, Your Honor.

24 THE COURT: And if you want to introduce
25 them somehow, I'll let you do that. It's your

1 record. It's your witness.

2 MR. FINA: Is there any objection to
3 doing it that way or we'll mark them all and put
4 them in.

5 MR. AMENDOLA: I don't think so. Let me
6 talk to Jerry about it just to be safe.

7 THE COURT: It may be individual items
8 or something that.

9 MR. McGETTIGAN: You may want to
10 reference. The other thing my first witness has
11 been using the hyphenated name Swisher-Houtz. He
12 advised me now he goes by Mr. Houtz, H-o-u-t-z.

13 MR. AMENDOLA: That makes it easier.

14 MR. McGETTIGAN: Okay.

15 MR. AMENDOLA: I was having trouble with
16 Mr. Swisher-Houtz.

17 THE COURT: Okay.

18 MR. McGETTIGAN: S-w-i-s-h-e-r.

19 THE COURT: But now he just goes by
20 H-o-u-t-z.

21 MR. McGETTIGAN: Yes.

22 THE COURT: Which victim was he?

23 MR. AMENDOLA: No. 4, Your Honor.

24 MR. McGETTIGAN: No. 4.

25 THE COURT: His counsel is going to be

1 coming in with him?

2 MR. McGETTIGAN: Yeah, I guess.

3 THE COURT: That's fine. We made
4 arrangements but you'll --

5 MR. McGETTIGAN: Yes. Jeff Dombrowski
6 has expertly dealt with all counsel. Just
7 withstanding --

8 THE COURT: Okay.

9 MR. McGETTIGAN: Thank you, Your Honor.

10 THE COURT: Give enough time for lunch?

11 MR. FINA: What is our -- 12:30?

12 THE COURT: No. We'll give an hour from
13 now.

14 MR. FINA: Okay. Thank you.

15 (End of sidebar discussion.)

16 (Whereupon, a recess was taken.)

17 THE COURT: Good afternoon. You can be
18 seated.

19 MR. McGETTIGAN: Good afternoon.

20 THE COURT: Would you bring in the jury
21 please?

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

24 (Whereupon, a sidebar discussion was
25 held off the record.)

1 THE COURT: Ladies and gentlemen, from
2 time to time we have these little meetings here
3 called sidebars and we're not -- the purpose is
4 not to keep anything from you in any way but to
5 make sure that what you do hear, you hear
6 appropriately and in the proper legal form. Then
7 other times like just now it's which witness is
8 going to be called first and what's the schedule?
9 That's what happens when we're up here talking
10 about this.

11 There's one point that I neglected to
12 say this morning, and I wanted to make that point
13 now.

14 We have incorrectly, but out of some
15 sense of convenience or even shorthand, referred
16 to the victims of this case and, of course, they
17 are alleged victims. They are not victims until
18 you determine -- as I said in the very opening
19 statement when I talked to you on Tuesday last
20 week, that there are no victims until you
21 determine that there's been a crime.

22 So that shorthand may get used just
23 because it's easy to say it that way but please
24 understand that in that context there's no subtle
25 or hidden or intended meaning that goes with

1 dropping off the phrase alleged. Okay. Are we
2 all clear on that? Okay. All right.

3 Mr. McGettigan, go ahead.

4 MR. McGETTIGAN: Thank you. Your Honor,
5 the Commonwealth would call Brett Houtz.

6 Whereupon,

7 BRETT SWISHER HOUTZ

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

10 MR. McGETTIGAN: May I, Your Honor?

11 THE COURT: Go ahead.

12 MR. McGETTIGAN: Thank you.

13 DIRECT EXAMINATION

14 BY MR. McGETTIGAN:

15 Q. Could you please say your whole name and
16 spell your last name, sir?

17 A. Brett Allen Swisher Houtz, H-o-u-t-z.

18 MR. McGETTIGAN: May I remain seated for
19 part of my questioning?

20 THE COURT: You can stand, walk around,
21 do whatever you want.

22 MR. McGETTIGAN: Thank you, Your Honor.

23 THE COURT: Just keep your voice up.

24 MR. McGETTIGAN: Thank you, Your Honor.

25 BY MR. McGETTIGAN:

1 Q. Mr. Houtz, how old are you?

2 A. Twenty-eight.

3 Q. Okay. And what's your date of birth?

4 A. 9/9/83.

5 Q. I'm going to ask you about some events
6 back when you were 12, 13 years old. Can you
7 tell us where you were living back in 1996, '97?

8 A. In Snow Shoe.

9 Q. With whom did you live?

10 A. Between my grandmother and my parents.

11 Q. And when you say between, can you tell
12 us why you lived between those two?

13 A. Basically my mother had gotten remarried
14 and my stepfather and I didn't get along real
15 well and my grandmother's house is literally ten
16 feet away. So that's where I stayed most of the
17 time.

18 Q. So you stayed with her a lot?

19 A. Yes.

20 Q. Okay. Did you have much oversight --
21 parental oversight at that point?

22 A. No.

23 Q. Okay. Back in 1996, did you end up
24 going to a Second Mile camp?

25 A. Yes.

1 Q. Okay. Do you know how you got to Second
2 Mile?

3 A. I was referred by a guidance counselor.

4 Q. At your school?

5 A. Yes, at my school.

6 Q. What school did you go to?

7 A. I went to Bald Eagle -- or I went to
8 Mountaintop Elementary at that time.

9 Q. Okay.

10 A. In Snow Shoe.

11 Q. How were you doing in school?

12 A. Pretty good.

13 Q. Why did your guidance counselor refer
14 you, if you know?

15 A. Outside of school, the things that I
16 did, I wasn't -- you know, I got in trouble a
17 lot.

18 Q. And where was the first Second Mile camp
19 that you went to?

20 A. It was in Reading, Pennsylvania, at like
21 a soccer camp, just what the place was.

22 Q. Did you like it?

23 A. Yeah, it wasn't bad. I liked soccer at
24 that time so.

25 Q. And did you have occasion at some point

1 to meet the defendant, Jerry Sandusky?

2 A. Yes. That wasn't until the next year
3 because I went to Second Mile again but it was in
4 a different place. It was on the Penn State
5 campus at that time.

6 Q. Where on the campus was it and can you
7 tell us a little bit about what happened at The
8 Second Mile camp on the campus?

9 A. It was just basically a camp and you'd
10 do, you know, normal activities, things like
11 that. There would be -- you would be separated
12 in different little groups, you know, around your
13 age and just do things like that. Work on --
14 just normal camp kind of stuff.

15 Q. Was it a day camp or an overnight camp?

16 A. It was overnight. It lasted for about a
17 week.

18 Q. Okay. And where did you stay
19 overnights?

20 A. In the dorms.

21 Q. Okay. With a roommate or alone?

22 A. Yeah. No, I had a roommate. Each --
23 they were all paired off in the dorms. We had
24 two beds.

25 Q. Okay. Did you have occasion on that

1 second -- in that second camp that you went to in
2 1997 to come in contact with or meet the
3 defendant, Jerry Sandusky?

4 A. Yes.

5 Q. Okay. Can you tell us how you happened
6 to meet him?

7 A. The roommate that I was staying with
8 knew Jerry Sandusky somehow, and he had come to
9 the room basically to talk to him, see him, and I
10 was there and that's how I ended up meeting him.

11 Q. Did you know who he was then?

12 A. I just knew from earlier in the camp
13 that he had something to do with it.

14 Q. And did he introduce himself or did you
15 introduce yourself or do you remember?

16 A. I'm pretty sure he introduced himself.

17 Q. Okay. And after that, did you have
18 occasion to come in contact with him again?

19 A. Yes. Yes.

20 Q. Can you tell us how that happened, if
21 you know?

22 A. Well, while we were at the camp, he
23 had -- we didn't talk very much that day. But he
24 had found out that I lived in Centre County and
25 then told me basically, you know, what he did and

1 he was this coach for Penn State and all this
2 kind of thing. And just wanted to know if I
3 would be interested in doing, you know, anything
4 at all. Just going to play some basketball
5 sometime or anything like that. I said sure.

6 He had gotten ahold of me not long after
7 that saying there was a family picnic at Sayer's
8 Dam and asked if I wanted to go. Sound -- you
9 know, sounded good to me. So I said yeah.

10 Q. Okay. And living with your grandmother
11 at the time, did you have much opportunity -- did
12 you have many resources available to you or much
13 opportunity to have activities of your own at
14 that time?

15 A. Not really.

16 Q. So can you tell the ladies and gentlemen
17 of the jury what happened when you went to
18 Sayer's Dam that you recollect?

19 A. Well, Jerry came and he picked me up.
20 And then we went to Sayer's Dam. I met his
21 family. Just, you know, the normal thing you do
22 on a family picnic, you know, ate out, those
23 kinds of things.

24 And then at one point we decided to go
25 down to the beach. There's a little beach there.

1 And just, you know, play around in the water,
2 that kind of thing. He was throwing kids up into
3 the air. Just like you do, you know, with a
4 little kid. Pick him up and throw him into the
5 air but he was trying to -- he was grabbing more
6 like around your buttocks area and trying to
7 throw you, but he would -- kind of like he was
8 having trouble getting a good grip and when --
9 while he was doing that, he'd basically be, you
10 know, brushing over your genitals and then he
11 would throw you.

12 I didn't think much about it right then.
13 It happened, like, maybe twice and that was about
14 it. I just swam away a little bit.

15 Q. So other than that, it was a little
16 picnic at Sayer's Dam?

17 A. Yes, that's -- yeah, exactly.

18 Q. And did you have contact after that and,
19 if so, how long with the defendant, Jerry
20 Sandusky?

21 A. Did I have contact?

22 Q. When's the next contact you had with
23 him, if you recall?

24 A. It was probably a week or two. He
25 called me again to see if I wanted to go do

1 something, like play racquetball or basketball,
2 work out, that kind of thing.

3 Q. Okay. And did you agree?

4 A. Yeah.

5 Q. When the defendant called, did he call
6 to speak with your grandmother, your mother, your
7 father, or did you just talk to him?

8 A. No, usually me. Whoever answered the
9 phone, you know, it wouldn't be my mother or my
10 father. It would be my grandmother answering it
11 but she wouldn't, you know, really talk. It
12 would be just like, hey, Brett or, you know, I
13 would answer the phone so.

14 Q. Okay. And you were 13 at the time?

15 A. Yeah.

16 Q. Were you getting parental permission or
17 grandmotherly permission or just going?

18 A. Just going.

19 Q. Now, where's the first place you went
20 after that -- you say racquetball or basketball?

21 A. (Witness nods head up and down.)

22 Q. Okay. Where did that happen? Where did
23 you go?

24 A. It happened -- I'm not exactly sure. It
25 was either the IM Building or it was somewhere on

1 campus that.

2 Q. When you say the campus, you're
3 referring to the Pennsylvania State University?

4 A. Yes, Penn State campus.

5 Q. Okay. Is there anything that you
6 remember about the first occasion that you went
7 to play sports with the defendant on the campus?

8 A. It was just, you know, normal. The only
9 thing that was a little unsettling about it was
10 we first went to the East Area Locker Room and
11 got changed into shorts and a T-shirt and went
12 and did the racquetball or whatever it was. I
13 believe it was racquetball. Played that and then
14 came back and he said, you know, let's get a
15 shower.

16 And at that time I had never showered
17 with anybody in my life. You know, I didn't get
18 showers at school. It was just -- you know,
19 during gym class or whatever, if there would be
20 -- you know, some kids would go get a shower. I
21 wouldn't. I would just splash some water on my
22 face. It was just, you know, kind of weird to
23 take showers in front of people. But that would
24 be the only thing that was, you know, out of the
25 blue.

1 Q. Well, did you play the racquetball or
2 whatever it was in the same building that you
3 changed in?

4 A. No, no, no. We left and went to a
5 complete different building for that.

6 Q. Well, did that building have showers?

7 A. I don't know.

8 Q. What showers were you using when you
9 went back to the East Area Locker Room, if you
10 know?

11 A. The coaches' locker room showers.

12 Q. How do you know it was the coaches'
13 locker room?

14 A. Because the players' locker room was
15 huge and the coaches' locker room was small. I
16 knew -- I mean, he told me it was the coaches'
17 locker room. I had seen coaches in there so.

18 Q. Okay. Did you know anything really
19 about Penn State Football or football at all
20 really at the time?

21 A. Not really. Wasn't a big fan.

22 Q. Okay. So after that first event, did
23 this cause any concern on your part or you just
24 took a shower?

25 A. No.

1 Q. Anything unusual about it?

2 A. Other than the fact that I'm taking a
3 shower with somebody else, that was it really.

4 Q. Okay. This was the second time you had
5 been with the defendant?

6 A. Yeah.

7 Q. After that, when's the next time that
8 you went on an activity or an event with the
9 defendant?

10 A. Probably within a week or two.

11 Q. Okay. And what was that, if you recall?

12 A. Same type thing. It was either we'd go
13 play racquetball or some basketball.

14 Same exact deal. We would go back to
15 the coaches' locker room. Get changed. Go do
16 whatever, and then come back and get a shower.

17 Q. Are we talking about the fall of 1997 by
18 now?

19 A. Yeah, leading into it, yes.

20 Q. When was camp? What month in the summer
21 is camp, if you remember?

22 A. I think it was July.

23 Q. So after you had a couple of experiences
24 with the defendant playing these sports, did you
25 continue that type of thing, going someplace to

1 play racquetball or basketball --

2 A. Yeah.

3 Q. -- or basketball or something like that?

4 Okay. At some point did anything change about
5 the nature of the showers that you were taking
6 with the defendant?

7 A. Yeah. At some point they got more
8 physical. Like, just like, kind of like play
9 fighting, slapping around type thing. That
10 was -- that's how it basically started.

11 Q. If this was 1997, you were 13, turning
12 14 then?

13 A. Yes.

14 Q. Okay. How big were you then?

15 A. Not very big. Like 90 pounds.

16 Q. Okay.

17 MR. McGETTIGAN: Your Honor, if I may.
18 You're being shown -- is there a picture on Your
19 Honor's monitor?

20 THE COURT: No.

21 MR. McGETTIGAN: Witness's monitor?

22 THE WITNESS: No.

23 MR. McGETTIGAN: There we go.

24 BY MR. McGETTIGAN:

25 Q. Can you identify the picture there?

1 A. That's me.

2 Q. Okay. How old were you there?

3 A. I'm not sure. Probably about 13, 14.

4 Q. Okay. Do you know whose hand that is on
5 your shoulder?

6 A. I guess it to be Jerry's.

7 Q. Thank you.

8 So you had said that you were in the
9 shower and you began play fighting. Did you
10 start the play fights?

11 A. No.

12 Q. Who did?

13 A. Jerry.

14 Q. What did he call -- did he have a term
15 for when he was play fighting?

16 A. Horsing around.

17 Q. At some point did these play fight --
18 the activity, these play fights, expand? Did it
19 become something else? If so, tell us please.

20 A. Well, what happened is eventually it
21 would -- the horsing around would lead to him
22 starting like a soap battle. There was soap
23 dispensers beside each one of the showers, and he
24 would pump his hand full of soap and basically
25 throw it. You know, I thought it was a game. So

1 I went along with it which eventually led to him
2 getting a lot closer to me. Like, you know, bear
3 hugging me, grappling me -- grappling me up,
4 these kind of things.

5 And once the soap was on there -- it
6 wasn't like the first or second time but, you
7 know, after a little while, a couple of times of
8 that it led to him more like hugging and
9 caressing me and him wanting me to, like, wash
10 his body. He wouldn't say just it. He would
11 just kind of like take his hand, you know, wash
12 his body thing. He would do the same to me.

13 Q. How long did it take from the first
14 time -- how long a period of time was it from the
15 first time that the defendant took you into a
16 shower -- the first time you showered with him --
17 until he started doing this where he was touching
18 other parts of your body and making you touch
19 parts of his body?

20 A. I'm not sure on how long exactly but
21 maybe like 15 instances of going over there.

22 Q. In terms of time, a couple months or
23 longer or shorter?

24 A. Probably two months.

25 Q. Now, during the course of that time,

1 were you engaging in any other activities? Was
2 the defendant taking you to do other things
3 besides play racquetball or basketball and
4 shower? Did you go to anyplace else or do
5 anything else that you can recall? Had the
6 football season started, for instance?

7 A. The football season had just started.
8 So I was going to the football games at this
9 time.

10 Q. The home games?

11 A. Yes, yes. The home football games.

12 Q. Can you tell the ladies and gentlemen of
13 the jury how it would happen that you would get
14 to a football game, a Penn State game?

15 A. Okay. Basically what would happen is
16 usually he, Jerry, would come pick me up after
17 school. I would already have my clothes and all
18 that kind of thing ready because I had known, you
19 know, at least a week before that I was going to
20 a football game. And he would come pick me up
21 from school.

22 We would go back to his place and
23 basically just hang out there throughout the day.
24 Sometimes go see the players or he had a meeting
25 that he had to do, these kind of things. And I

1 would stay at night at his house.

2 And then on Saturday mornings we would
3 wake up, eat breakfast, and then usually go to
4 either pick up a few other kids or go to Holuba
5 Hall, and there would be other kids there that we
6 had gotten. Basically, Jerry would go off to do
7 -- get ready for the football game. We would
8 hang out there at Holuba Hall and play football
9 until time for the game and then we would walk
10 across to the game.

11 Usually walk across to the tailgate
12 party that his family was having, eat, and then
13 go into the game.

14 Q. When you stayed over at his house on
15 Friday night, had anything unthwart or unusual
16 happen in terms of physical contact there at that
17 point or were you just staying overnight there?

18 A. I was just staying overnight.

19 Q. Okay. Had you expressed to him anything
20 about any discomfort you had, if you had any,
21 about the things that were happening in the
22 shower?

23 A. No. The only other thing that was
24 weird, and it happened right off the bat, too,
25 the very first time that I had ever rode in a car

1 with him, he would put his hand on my leg. Like,
2 basically like, I was his girlfriend, you know
3 what I mean? Like, sit it there, you know, kind
4 of grab sometimes, do this kind of thing. It
5 freaked me out like extremely bad. I could not
6 stand it.

7 That would happen almost every time that
8 I was in the car. I would brush that off. I
9 never would say anything, you know what I mean?
10 But I would push it away. I would brush it off.
11 Keep my arm there if I could, that kind of a
12 thing. But after a little while with me not
13 paying attention, it would be right back. That
14 just drove me nuts.

15 Q. It's something you vividly remember?

16 A. Yes. Yes.

17 Q. Now, when you went to the football
18 games, say the first game or first couple games
19 you went to, do you remember where you sat or
20 what you did at the game?

21 A. The first couple games I went to I sat
22 with his family up in the stands.

23 Q. Okay. You went to the games after those
24 first two in the stands?

25 A. Oh, yeah, yeah, yeah.

1 Q. And did you always stay in the stands?

2 A. No, there would be times that I would be
3 on the sidelines.

4 Q. Okay. Who put you on the sidelines?

5 A. Jerry.

6 Q. Did you like that?

7 A. Oh, I loved it.

8 Q. Okay. And I don't know. Did you know
9 how many people that stadium holds?

10 A. I don't -- I think it was 60,000. I
11 don't recall. A hundred thousand. I'm not sure.

12 Q. Was it full?

13 A. Yes. At this time Penn State was very
14 good so.

15 Q. You were a little kid on the sidelines?

16 A. Yeah.

17 Q. Was that a big deal to you?

18 A. Yes. Yes.

19 Q. Okay. Now, after -- you described some
20 of the things that happened up to that point in
21 the shower where the defendant was. Did his
22 hands touch parts of your body when he was
23 putting soap on you?

24 A. Yes.

25 Q. And did your hands touch parts of his

1 body or did he cause your hands to touch --

2 A. Yes.

3 Q. -- parts of his body?

4 A. Yes.

5 Q. What parts of his body did your hands
6 touch and did his hands touch?

7 A. Basically my hands touched his penis,
8 you know, and every other part of his body pretty
9 much. And he wouldn't be so -- I don't know what
10 I want to say exactly. He wouldn't be so
11 forthright about it. You know, it would be more
12 of a glancing over or brushing thing for me.

13 Q. Touching your body?

14 A. Yeah.

15 Q. Okay. Now, was it your idea to touch
16 the private parts of his body at that time?

17 A. No.

18 Q. Was he putting your hand on him --

19 A. Yes.

20 Q. -- himself then?

21 A. Yes.

22 Q. And did you say anything to him when he
23 did this?

24 A. No.

25 Q. Did you tell anyone else?

1 A. No.

2 Q. Were you still living with your
3 grandmother?

4 A. Yes.

5 Q. Did it occur to you to tell your
6 grandmother or somebody else?

7 A. No, no way. Not ever. I was too scared
8 to.

9 Q. Okay.

10 A. And I didn't want to lose what, you know
11 -- I mean, this was -- other than that, the other
12 things were, you know, nice. I didn't want to
13 lose that.

14 Q. Was the defendant being nice to you
15 other than that?

16 A. Yes. Yes.

17 Q. Okay. You would go places and do
18 things?

19 A. All kind of things, all over the place.

20 Q. You were 13. Did you have any money?

21 A. No.

22 Q. Did you pay for anything?

23 A. No.

24 Q. Who paid for stuff when you went places?

25 A. Jerry.

1 Q. And is that part of the reason you
2 didn't complain to anybody?

3 A. Yeah. Yeah, that's part of the reason.

4 Q. Now, at some point in the -- later in
5 the fall, were you still going to football games?
6 Did you go to every game?

7 A. Every home game, yes.

8 Q. And did anything additional -- in
9 addition to that, any kind of physical contact
10 occur between you and the defendant beyond what
11 you have told the ladies and gentlemen of the
12 jury up to this point?

13 A. Well after -- after a while the soap
14 battles would lead more to him wrestling around
15 and maneuvering me onto the ground. And once
16 that would happen -- now, I'm a little kid.
17 That's not, you know, much that I could do. He's
18 a big guy.

19 And he would basically maneuver either
20 himself to where I would be between his legs and
21 his penis would be in my face or he would
22 maneuver himself, like, down between -- like,
23 where his head was down between my legs and
24 basically, like, kiss on my thighs, things like
25 that. And if it was the other way around, he

1 would -- he would have his penis in my face,
2 like, rubbing on it and he would get erect. He
3 would try to, not every time, but, you know, just
4 sort of sneakily try to put it in my mouth.

5 Q. Now, how did you get onto the ground?
6 Did you lie down on the ground yourself?

7 A. No. No. It was during the wrestling
8 around of the soap or after, like, during the
9 soap battle that he would, you know, just like
10 sit down on the ground and pull me or he would
11 already have me wrapped up like this and we would
12 go down to the ground.

13 Q. And, Mr. Houtz, how big a kid were you
14 at the time? Can you give us a ball park how
15 much you weighed then?

16 A. A hundred pounds soaking wet, if that.

17 Q. Okay. So it wasn't much of a wrestling
18 match, was it?

19 A. No. Not really?

20 Q. Were you ever hurt physically?

21 A. Not really. I mean, there would be
22 times where I would resist, you know what I mean?
23 Like, try to keep myself from going down to the
24 ground or if it wasn't even that. Because, I
25 mean, sometimes it wouldn't even lead to the

1 ground. You know, we would stand up the whole
2 time, and he would be just, you know, rubbing all
3 over me that way.

4 If I would, like, you know, push away or
5 something like that, like I said earlier, you
6 know, a lot of this was like start play fighting,
7 slapping around type boxing, you know what I
8 mean? You could tell, like, once I pushed away
9 that he got angry and it would go back to the
10 play boxing but it was, you know, more physical
11 play boxing. He's not punching me in the face
12 but, you know, open hand, like, slap the harder
13 one, you know.

14 Q. Were you able to fight back at all?

15 A. No.

16 Q. Okay. Now, after the physical activity
17 that the defendant initiated in the shower, did
18 you say anything after you got out of the shower?
19 Did you say I don't want to do that any more,
20 don't do that to me, or stop or anything like
21 that?

22 A. No. No, I didn't.

23 Q. Did he even discuss what was going on in
24 there?

25 A. It was never talked about, ever.

1 Q. Did he ever ask you not to say anything
2 to anybody?

3 A. No, no. It was basically, like whatever
4 happened there never really happened. And as
5 soon as we -- before the shower, nothing, you
6 know. After the shower, it was like nothing ever
7 happened.

8 Q. Now, you said this was a coaches' shower
9 area?

10 A. Yes.

11 Q. Can you describe to the ladies and
12 gentlemen of the jury a little bit what the area
13 was like?

14 A. Okay. You would have to come into the
15 locker room. When you first walk into the
16 players' locker room, there's like this little
17 hallway and you would go back and there would be
18 a door.

19 The door had a lock on it, like an older
20 push button lock where you would have to push in
21 the four digit code. As soon as you walked in,
22 there would be the shower, and it was like three
23 walls and each wall had two showers on it. And
24 it was covered with a blue curtain. And off to
25 the left was like littler locker rooms or little

1 locker, I guess for maybe the assistant coaches
2 type thing. Off to the right would be a sink --
3 two sinks, three sinks. I'm not sure what it
4 was, a mirror and the coaches' locker room would
5 be kind of around the corner in there.

6 Q. Now, up till now you described some of
7 the activity that occurred in the shower room.
8 Did anybody else ever walk in while this was
9 going on?

10 A. Not into the shower but into the
11 coaches' locker room.

12 Q. Well, how would you know they came into
13 the coaches' locker room if you were in the
14 shower?

15 A. Because the lock that I was talking
16 about the four-button lock, you could hear it.
17 It would be like click, click, click, click and
18 then you could open the door.

19 Q. Was there ever an occasion in which the
20 defendant had some kind of physical contact with
21 you and you heard that click, click, click?

22 A. Yeah.

23 Q. What happened then?

24 A. Jumped right up.

25 Q. Okay. And did anyone ever come into the

1 shower when you were in the shower with the
2 defendant?

3 A. Yeah. Nothing was going on when they
4 came in but, yes. I have been in there when many
5 different coaches have come in.

6 Q. Okay. Did -- by that time did you know
7 some of them?

8 A. Yeah. Oh, yeah. I knew most of them by
9 that time.

10 Q. Who were they, if you recall?

11 A. There was Ganter, Bradley, oh, man.
12 Anderson, Sarra.

13 Q. Did you say hello to them?

14 A. Oh, yeah.

15 Q. Did they say hello to you?

16 A. Oh, yeah.

17 Q. Did you know any of the Penn State
18 players by then?

19 A. I knew quite a few of them.

20 Q. Okay. Did you go to practices?

21 A. Yes. I went to practices, all different
22 kinds of things.

23 Q. And you went to the games on the
24 sidelines?

25 A. Yes.

1 Q. Okay. What was your role on the
2 sidelines or at games?

3 A. I wouldn't say I had a role but kind of
4 felt like I was a mascot, you know what I mean?

5 Q. Were the players nice to you?

6 A. Oh, yes. Yes. Extremely nice to me.

7 Q. Was that a big deal to you?

8 A. A huge deal.

9 Q. Okay. Now, you described the physical
10 activity that took place up to this point with
11 the defendant, with the soap fights and the
12 wrestling and putting on the ground and rubbing,
13 placing his private parts near your face and
14 upper body. Had he ever said anything at all to
15 you about what he was doing?

16 A. No.

17 Q. Okay. Did his physical contact with you
18 go beyond that at some point and, if so, can you
19 tell the ladies and gentlemen of the jury?

20 A. At some point -- it was pretty much
21 mostly like that, but there was a few occasions
22 in which he had attempted to -- there were just
23 two. He had attempted to basically slide a
24 finger in my butt. And on another occasion he
25 had attempted to actually penetrate me with his

1 penis.

2 Q. Okay. What did you do on those three
3 occasions?

4 A. Got out of the shower.

5 Q. Okay. Was that still in the fall of '97
6 or later on?

7 A. That's later on.

8 Q. Okay. I'm going to go back to the fall
9 of '97 into the winter, early part of the year of
10 1998. You describe the activity that the
11 defendant has engaged in up to this point and
12 tell the ladies and gentlemen what, if anything,
13 was the next step the defendant took after he had
14 started rubbing his penis and his genitals on
15 your face and around you?

16 A. That was -- that's pretty much, you
17 know, I mean, it would happen on quite a few --
18 almost every time after that, that same sort of
19 thing would happen. It would get, you know, more
20 to where he's actually sticking his penis in my
21 mouth, you know. There's even a few occasions
22 where he ejaculates.

23 Q. And was this in the old East Area Locker
24 Room?

25 A. Yeah, yeah. It took place there and in

1 the new one as well.

2 Q. In the new?

3 A. The new locker room.

4 Q. Okay. Is that the Lasch Building?

5 A. Yes.

6 Q. Okay. Did this activity take place in
7 the Lasch Building as well?

8 A. Yes. Yes.

9 Q. In the shower or alone or in the shower
10 someplace else or just --

11 A. There was only a shower in the old one
12 but when they built the new locker room, they had
13 put in a sauna as well. So once we started just
14 going to that locker room, it basically turned
15 from the shower thing to after we would do
16 whatever, work out, play racquetball, we would go
17 to the sauna then, and the things would basically
18 start there. And then have a shower afterwards.

19 Q. Okay. Brett -- I mean, excuse me.
20 Mr. Houtz, you just told the ladies and gentlemen
21 of the jury the defendant inserted his penis in
22 your mouth. Did that happen when you were 13,
23 14-years old?

24 A. About 14.

25 Q. And for how long a period of time after

1 the first happened did he do it again and again?

2 A. Maybe not the next time but the time
3 after that that I came over. So, you know,
4 within a week, and then it started happening more
5 and more frequent to almost every time that I'm
6 over there. I'm over there, you know, two to
7 three times a week.

8 Q. So the defendant did this two or three
9 times a week for an extended period of time?

10 A. Yeah. Yes. Years.

11 Q. Mr. Houtz, can you tell the ladies and
12 gentlemen of the jury approximately how many
13 times the defendant in either the East Area
14 Locker Room or the Lasch Building shower or the
15 Lasch Building sauna put his penis in your mouth?

16 A. It would have to be 40 times at least.

17 Q. Did you want him to do it --

18 A. No.

19 Q. -- on any of those occasions?

20 A. No.

21 THE COURT: I'm sorry. What was the
22 answer to that question?

23 THE WITNESS: Forty, about 40 times at
24 least.

25 BY MR. McGETTIGAN:

1 Q. And, Brett, Mr. Houtz, did you ever
2 think about saying, you know, I don't want to go
3 there. I don't want to take a shower. I don't
4 want to do this stuff?

5 A. I mean, the thought always crossed my
6 mind. I didn't -- I didn't want to lose -- this
7 is something good happening to me, you know, and
8 I don't really have a dad around. I never really
9 had a father figure. And I'm liking everything
10 that I'm getting.

11 Also, you got to realize, I mean, once
12 I'm -- I'm in high school at this point and
13 people are jealous. I mean, that's the way that
14 I look at it. You know, like, other kids are
15 jealous, things like that. So they want to tease
16 you and, you know, they're making up things like,
17 oh, you know, you're being molested by Jerry and
18 you're his little butt buddy and all these kind
19 of things, you know.

20 Q. They're kidding?

21 A. They're jealous, you know what I mean?
22 They're -- I'm sure they'd have switched places
23 with me in a heart beat but they're just jealous.
24 And you know how kids are. They got to pick at
25 each other. So I got to play this off. So it

1 really is happening but I have to pretend like
2 it's really not happening to everybody else
3 because I have to, you know, hold this mentality
4 that I'm the strong person, you know, this -- got
5 to keep my, you know, appearance at school, these
6 kind of things.

7 If I ever said anything and that would
8 have got out to that, it would just been so much
9 worse. I mean, I denied it forever. Forever.

10 Q. Kids -- other kids would actually kid
11 you about this?

12 A. All the time. All the time.

13 Q. And how did they know that you had this
14 relation -- or that you had some relationship
15 with the defendant? How did they know that?

16 A. Because, I mean, by this point I have
17 been in *Sport Illustrated*. I have -- you know,
18 they know that I'm going to the games. Jerry
19 comes to the school. Jerry is always in my town
20 and, you know, a lot of the kids go to town.

21 Q. In Snow Shoe?

22 A. Yeah.

23 Q. When you say you were in *Sports*
24 *Illustrated*, can you tell the jury about that?

25 A. What basically had happened was Jerry

1 had said to me, you know, there is this -- I
2 don't know exactly. It had to do with The Second
3 Mile. There was a house for, you know, kids that
4 didn't really have a home and this kind of thing.
5 They would stay there, and somebody was coming to
6 do a -- well, *Sports Illustrated* was coming to do
7 a story about this house and about Jerry and that
8 kind of thing.

9 He said that it was coming, you know,
10 and asked me if I wanted to be in because there
11 was going to be a picture in *Sports Illustrated*.
12 Of course, you know, I'm jumping all over that
13 so.

14 Q. Was your picture in *Sports Illustrated*?

15 A. Yes.

16 Q. Okay. Did the defendant -- after this
17 first season when you went to all these games
18 with all the people and the football players, did
19 you have any -- develop any attitude towards the
20 game of football yourself?

21 A. Loved it. Even to this day, I'm a hard
22 core college football fan.

23 Q. At the time?

24 A. What's that?

25 Q. At the time, after you had gone to a few

1 games?

2 A. Oh, yeah. Yeah. It didn't take very
3 long to be in that atmosphere to enjoy it.

4 Q. Okay. Had you ever played football
5 before you'd met Mr. Sandusky?

6 A. No. No. I didn't even play for high
7 school or anything like that.

8 Q. I was going to say, you didn't play high
9 school football?

10 A. No.

11 Q. Okay. But did the defendant ever talk
12 to you about football and about you and football?

13 A. Oh, yeah, all the time. He even said to
14 me that, you know, I could have a spot on the
15 team. He could get that.

16 Q. On what team?

17 A. On Penn State.

18 Q. He told you you were going to play
19 football?

20 A. I could be a walk-on, yeah.

21 Q. Okay. And how big were you then?

22 A. Same size as what I was before. I
23 didn't gain a whole lot.

24 Q. Did you think maybe I could be a
25 football player?

1 A. I hoped it. I mean, obviously, I wasn't
2 big enough but I still believed maybe I'll be a
3 wide receiver or like the field goal kicker or
4 something, you know.

5 Q. Did you ever have a -- wear a uniform?

6 A. Did I ever wear a uniform? Oh, yeah,
7 yes.

8 Q. Okay. Where did you get that?

9 A. From Jerry.

10 Q. Okay. Did you ever wear any particular
11 uniform?

12 A. Yeah. I would wear LaVar Arrington's
13 uniform.

14 Q. Okay. Tell the ladies and gentlemen of
15 the jury who LaVar Arrington is?

16 A. LaVar Arrington was a linebacker for
17 Penn State from -- I don't know exactly when but
18 about three years, and his last year was '99. He
19 was a very good player.

20 Q. Okay. And you put his uniform on?

21 A. Yeah.

22 Q. Where did you get it from?

23 A. From Jerry. From out of his locker
24 basically because we were in the players's locker
25 room.

1 Q. Okay. Now, you had told the ladies and
2 gentlemen of the jury that you stayed at the
3 defendant's house some nights before games, home
4 games?

5 A. Yes.

6 Q. Okay. Did there come a point either
7 that year or the following year, 1998, when you
8 stayed someplace else before home games?

9 A. Yeah, I would be staying at Toftrees
10 with Jerry.

11 Q. Okay. What's Toftrees?

12 A. Toftrees is a hotel where they would all
13 go stay, the players and the coaches and
14 everybody would stay the night there before a
15 football game.

16 Q. And you got to go stay there?

17 A. Yeah.

18 Q. Was that a big deal, too?

19 A. Yeah.

20 Q. Okay. You know, did you -- did this
21 type of physical contact that you talked about
22 with the defendant, did this continue through the
23 spring of 1990 -- I guess would have been '98 by
24 then and into the fall of 1998? Did you go two
25 seasons of football games at least?

1 A. Oh, yes. Yes.

2 Q. Okay. And during that time, during the
3 week, during the school year, during the summer,
4 were you still playing sports with the defendant
5 and having --

6 A. Yeah, we would go do different -- and,
7 like, when the summer rolls around, it would be,
8 like, he would take me to golf outings, things
9 like that, the big Second Mile golf tournament at
10 Penn State golf course and then there would be
11 other little ones around, too. Like, he had one
12 for his father in Washington and those areas.

13 So a lot of that kind of thing would be
14 happening, along with working out or playing
15 racquetball or basketball or going to play
16 miniature golf or just like the par 3 on Tussey
17 Mountain, all those kind of things.

18 Q. You did all that these activities with
19 the defendant?

20 A. Yes.

21 Q. Okay. And Second Mile activities, Penn
22 State activities?

23 A. Yes.

24 Q. Did you stay in hotels or motels when
25 you went to them sometimes?

1 A. Yeah.

2 Q. Once or more than once?

3 A. More than once.

4 Q. When you would go to these outings,
5 sometimes would you assist the defendant in any
6 of the activities or would you just be there?
7 What would you do? What is an example?

8 A. What did you mean exactly? What outing?

9 Q. Were any of them formal activities, like
10 Second Mile activities, where they had people
11 running things?

12 A. The Second Mile activities I didn't
13 really do anything. I would just go there, you
14 know, like, if he had to go do something, maybe I
15 would just go swimming at the pool because a lot
16 of the kids were swimming at the pool or stuff
17 like that.

18 There would be a football camp over the
19 summer -- a Penn State football camp that Jerry
20 would run, and I would help in little drills
21 during that. Like, I would demonstrate the
22 drills.

23 Q. Did you wear a uniform and all that
24 stuff, too?

25 A. No, no, no. We weren't wearing

1 uniforms. It was just, you know, shorts and
2 T-shirt, and it was just tackling bags, you know,
3 that kind of thing.

4 Q. Okay. Now, speaking of that, you have
5 talked about going to a few Second Mile events,
6 more than a few, I take it, over the course of a
7 year?

8 A. Yeah. Yeah.

9 Q. Okay. And you went -- did you go back
10 to camp in the summer 1998, if you recall?

11 A. I only went two years. I went the one
12 year in Reading and the year that I met Jerry and
13 then that was it.

14 Q. Okay.

15 A. I had been back to the camp, like I
16 said, with Jerry but not actually at the camp
17 itself.

18 Q. Did you like The Second Mile activities?

19 A. Yeah. Yeah. It was -- it just seemed
20 like a normal, you know, summer camp to me.

21 Q. Did you like Second Mile and the kids
22 you met?

23 A. Yeah. I think it was a good thing.

24 Q. Okay. Now, when you went places with
25 the defendant, would he take you someplace and

1 you stayed in a motel, did anything happen on
2 those occasions?

3 A. Not to the extent of the shower or
4 anything. And it was more like -- Jer was big on
5 working out and so literally that's what he'd be
6 doing in the morning. He would wake up, eat
7 breakfast, and go work out.

8 If we're in a motel, there's, you know,
9 no weight room, no facility to go work out in.
10 So he would just, you know, do his work out
11 there, pushups, all these kinds of things.

12 Basically I would get woken up in the
13 morning because I would feel like I'm being
14 touched and, you know, I would be groggy, and I
15 would wake up and Jerry would like go right back
16 to doing push-ups himself. Like, basically he
17 was beside the bed with his hand under the
18 covers, like, rubbing on my stomach or down my
19 underwear, and when I would wake up, he would go
20 right back to doing pushups. Oh, hey, you woke
21 up. You know, how is it going and stuff.

22 There was even one time where the hotel
23 had two beds and it was set up just like the
24 normal hotel. There was two beds and in the
25 middle was the -- you know, the lamp and the desk

1 and all this. The one bed had this much room
2 from the wall. Okay. And the one time I wake
3 up, he's in between that wall, you know what I'm
4 saying? Like, he's in between that bed and the
5 wall in this much room whenever I wake up
6 whenever he's doing this.

7 Q. That's when you felt like you were being
8 touched?

9 A. Yeah, exactly. I wake up. He's there
10 in that part of it, not even in the middle part
11 where there's all this room to do all this stuff.

12 Q. Now, did you go to any away games or
13 games out of the state during the time that you
14 knew the defendant, Jerry Sandusky?

15 A. I never went to an away game but I did
16 go to two bowl games. Those were out of the
17 state.

18 Q. What were they, if you remember?

19 A. The first one was the Outback Bowl in
20 Tampa Bay, Florida.

21 Q. And how did you get there?

22 A. I flew on the plane with the coaches and
23 the players.

24 Q. Okay. Did the team and the coaches go
25 on the same plane?

1 A. Yeah.

2 Q. And whose idea was that?

3 A. Jerry's. He said, you know, do you want
4 to come to a bowl game because I had already been
5 there for a year before. It seemed, you know,
6 exciting to me, yeah. I definitely.

7 Q. Okay. And did you go to another bowl
8 game, too?

9 A. Yes, I went the year after that as well.

10 Q. Where to?

11 A. That was the Alamo Bowl in Texas.

12 Q. Okay. And did you fly with the
13 defendant then?

14 A. Yes, the same as before.

15 Q. In either or both of these instances,
16 did you stay in a hotel room by yourself or with
17 the defendant?

18 A. With the defendant and his wife. I
19 stayed in a room with the defendant and his wife.
20 I slept on a cot and they had the bed.

21 Q. Okay. And you told the ladies and
22 gentlemen of the jury you stayed at the
23 defendant's house sometimes. Where in the house
24 did you sleep when you started staying over?

25 A. I slept upstairs. There were three

1 bedrooms upstairs. No, there's four bedrooms
2 upstairs but one was kind of like an office-type
3 thing. I would stay in the room right beside
4 Jerry's room.

5 Q. Okay. And who else was staying
6 overnight there or living there, if you know?

7 A. Living there or staying overnight.

8 Q. Yeah.

9 A. No other kids that I knew ever stayed
10 overnight. But living there, there would have
11 been Jerry and Dottie and his son, Matt, and his
12 other son, John.

13 Q. Okay. And do you know where their rooms
14 were -- how those rooms were arranged?

15 A. Johnny lived downstairs in the basement.
16 There was a room down there. And Matt lived
17 upstairs in one of the other rooms.

18 Q. And did the defendant ever come into the
19 room in which you were sleeping at his house?

20 A. Yeah.

21 Q. Okay. Did anything ever happen there
22 and, if so, to what extent?

23 A. That would mostly just be -- like, he
24 would like to tuck you into bed at night. He
25 would sit up there for maybe 20 minutes to a half

1 hour, you know, just talk to you, putting his
2 hand under the cover, you know, like, massaging
3 your stomach, like, just rubbing on your stomach.
4 Sometimes he would blow on it. Like, just weird
5 things. But mostly just sit there and talk to
6 you. Sometimes, you know, he would be doing work
7 like writing up plays and this kind of thing,
8 just sitting beside the bed.

9 Q. And nothing beyond that occurred?

10 A. Nothing ever beyond that, no.

11 Q. Now, was sometimes when you're staying
12 overnight at this house, was this during the
13 course of a time when he was taking showers with
14 you and placing his penis in your mouth?

15 A. Yes.

16 Q. Okay. Did he ever say anything in his
17 home or anyplace else about the things he was
18 doing?

19 A. No.

20 Q. Did he act like it was even happening?

21 A. No.

22 Q. Okay.

23 A. I told you it would be literally like
24 night and day when you go in the shower and get
25 out of it.

1 Q. Okay. Now, you talked about going
2 places with him to events where there would be
3 other people around and you also talked about be
4 alone with him in the car where he put his hand
5 on your leg in the car.

6 A. Um-hum.

7 Q. What did that make you feel like? What
8 did you think that was like?

9 A. Basically like I was his girlfriend.

10 Q. Okay.

11 A. That's the only way I can describe it
12 because that's what I would do to my girlfriend,
13 you know what I mean?

14 Q. And did his attitude towards you -- his
15 display of attitude towards you change when he
16 was in the presence of others say at these events
17 or golf tournaments or something like that? What
18 did he act like then or how did he refer to you
19 to other people?

20 A. Basically like he was my dad is how he
21 acted. He would even refer to me, you know -- he
22 would act like he was my dad and people would,
23 you know, talk to me like he was my dad. He
24 would refer to me to them as, you know, he's my
25 dad, these kind of things.

1 Q. Did you ever try to correct him?

2 A. Yeah.

3 Q. What did he do?

4 A. Nothing.

5 Q. Now, you had said earlier that sometimes
6 people would come into the shower when the
7 defendant was showering with you. Did anyone
8 ever come into the shower when he was engaged in
9 one of these soap fights or anything like that?

10 A. Anybody ever come into the shower?

11 Q. Or was anyone ever in the shower when he
12 started one of those soap fights?

13 A. At one time, yes. Me and him and his
14 son, Matt, had gone to play racquetball. And
15 after we were done with playing racquetball, we
16 had came back to the locker room. It was the
17 same thing, you know, we went there first to get
18 changed. When we came back, Matt got undressed
19 and went into the shower, okay. And then me and
20 Jerry came in. We were in there maybe -- I don't
21 know. You know, a minute or two, and that's when
22 he started, you know, pumping his hand full of
23 soap and threw it. At that point Matt got up and
24 left. Not got up but just, you know, shut off
25 the shower and left.

1 Q. What did he do?

2 A. He went out to the other locker rooms
3 and got a shower.

4 Q. Had he seen the defendant starting this
5 soap fight?

6 A. Yes.

7 Q. This horsing around?

8 A. Yes.

9 Q. Okay. Do you know if Matt is the
10 biological son or adopted son?

11 A. Adopted. He didn't have any biological
12 kids.

13 Q. Matt older than you?

14 A. Yeah. Yes.

15 Q. Did you note and do you recall and, if
16 so, can you describe the look on the Matt's face
17 when he saw the defendant about to start this
18 soap fight?

19 A. Nervous.

20 Q. Now, Brett, Mr. Houtz, did the defendant
21 give you gifts during the course of the time that
22 you knew him?

23 A. Many.

24 Q. Okay. Can you tell us about some of
25 them?

1 A. There was golf clubs, snowboards, snow
2 boots, bindings for the snowboard, goggles, drum
3 set, multiple pairs of shoes, like jump suites,
4 sweat suites kind of things, all from the Penn
5 State, like memorabilia-type things. Like, he
6 gave me a watch from the Orange Bowl, a football
7 that was from Ohio State. They would like put,
8 like, stickers on it and so it would have the
9 date -- like the game ball basically is what it
10 was. He gave me that -- that kind of stuff
11 pretty much.

12 Q. Did you like getting that stuff?

13 A. Yeah, yes.

14 Q. Did you wear your jerseys to school?

15 A. Yes.

16 Q. Okay. Other stuff with Penn State names
17 on it and --

18 A. Yes.

19 Q. -- things like that?

20 A. Yes.

21 Q. Okay. How long a period of time was it
22 that you had contact of this sort with the
23 defendant? I mean, over -- was it months?
24 Years?

25 A. Years.

1 Q. About how many?

2 A. Probably about five.

3 Q. Okay. And at some point during that
4 time, did you say I don't want to hang around
5 with that guy any more? I don't want to be here?

6 A. Yeah.

7 Q. What did you do? Tell the jury how you
8 reached that conclusion and what you did?

9 A. Well, I started to get older. You know,
10 I had gotten a girlfriend, these kind of things,
11 and basically was getting sick of what was
12 happening to me. So I tried to distance myself,
13 and I would do it in ways, like, if he would call
14 me, I just wouldn't -- if my grandma would answer
15 the phone, I would be just like, tell him I'm not
16 here and run out the door real quick so that she
17 wouldn't have to lie.

18 I would set up, you know -- I would say,
19 okay, yeah, we can do whatever. Then when he
20 would come to meet me, I would just make sure I
21 wouldn't be there. Or there would be times where
22 I didn't have time, like, if I got home from
23 school and, like, I would go into my house and
24 then look out the window and he would be there.
25 I would grab the phone and hide in the closet.

1 Just sit there hoping that he wouldn't find me.
2 And just slowly tried to dwindle myself away from
3 it as much as I could.

4 Q. How did the defendant respond to that,
5 if at all? Did he call more? Come by more?
6 Less?

7 A. At first he called more and he wasn't
8 very happy about it. I can remember my
9 grandmother telling me a time that I had left and
10 he had shown up. He was pissed off because I
11 wasn't there.

12 Q. Do you recall the last time -- and this
13 would have been I guess in 2001, 2002, the last
14 time you spoke with the defendant that you just
15 moved yourself away?

16 A. Period? It would have been 2002 --
17 yeah. And it was -- like I said, I was starting
18 to distance myself from him but you also got to
19 realize I have all these other friends that
20 was -- that I would take them as well. Sometimes
21 I would take a friend or two to a football game
22 with me as well.

23 So, you know, they don't understand why
24 I'm trying to get away from this. They're still
25 like, hey, you know, we should go to a football

1 game or these kind of things. So I would -- if
2 he would call me, you know, I would be, like,
3 yeah, well, I guess you and I can go to this
4 football game and this kind of thing. It would
5 be just me going, like, grab a ticket from him at
6 his house or whatever, you know. And then --
7 that's basically how I -- how it ended.

8 Q. Did he try and encourage more contact
9 with you or --

10 A. Yeah, he tried many times. He would
11 send me letters, you know, call, all that kind of
12 stuff. They started -- I think he started to get
13 the picture, you know what I mean? It took a
14 while but.

15 Q. Had you yet told anyone the things that
16 he had been doing?

17 A. No. No.

18 Q. You know, I forgot to ask. You talked
19 about being at one of the bowl games. Did
20 anything unusual occur at one of the bowl games
21 at which the defendant's wife and the defendant
22 and you were all --

23 A. It was at the Outback Bowl in Texas.
24 And what had happened is we went out and played
25 racquetball earlier that day. Came back to the

1 hotel room and -- I don't know. I think we were
2 going to be getting ready for a banquet or
3 something. There was a banquet going on later
4 that night.

5 So the hotel is set up, you walk through
6 the hotel door. Right here on your right-hand
7 side is the bathroom door. You would walk
8 through that, and it has a door on it and it's
9 also separated by another door. The sinks and
10 that is in this part. The toilet and the shower
11 are in the other part on the other side of the
12 door.

13 And basically, I went into the bathroom.
14 Jerry was getting ready in the sink portion of
15 the area. He didn't have a shirt on and he was,
16 like, washing his face or whatever. I had gotten
17 undressed in the bathroom and turned on the
18 shower. And then he came into the bathroom and
19 basically, you know, was just doing the caressing
20 on me kind of thing. Then started to, like, push
21 down on me to motion me to go down there. I
22 resisted and, you know, didn't say anything but
23 it was just kind of, you know, hesitant about it
24 and whatever. He was like, you don't want to go
25 back to Snow Shoe, do you?

1 Q. I'm sorry. I didn't hear you.

2 A. He said, "You don't want to go back to
3 Snow Shoe, do you?" And Snow Shoe is where I
4 lived at the time.

5 Q. What did you think he meant by the
6 motion he was doing to you and by what you said
7 when you resisted?

8 A. That he was trying to get me to give him
9 oral sex or something like that, I would imagine,
10 and threatening me if not.

11 But what had happened then is it
12 literally was maybe ten seconds later. We didn't
13 hear anybody -- like I said, the door -- now this
14 door to the bathroom is -- it's not shut
15 completely but it's shut almost completely.
16 There's like a crack. The other door that --
17 outside of there was open, and I didn't hear
18 anybody come in. But then you could hear Dottie
19 saying, "Jerry." She was yelling for Jerry or
20 whatever and she was obviously right next to that
21 door when she was doing this. He hurried up and
22 ran out, and then she was like, "What are you
23 doing in there?" And blah-blah-blah. I shut the
24 door real quick and jumped in the shower. So I
25 don't know what happened after that. When I got

1 out of the shower, Dottie was gone.

2 Q. Okay. Now you said this name Dottie.
3 The defendant's wife?

4 A. Yes. Yes.

5 Q. You were in her company many times?

6 A. Many times.

7 Q. Okay. Did you have any relationship
8 with her, friendly or otherwise?

9 A. It wasn't much of a relationship to be
10 honest.

11 Q. You didn't like her or you thought she
12 didn't she like you, what? Can you tell us?

13 A. I don't know. I don't want to say I
14 didn't like her, you know what I mean? Just, she
15 was kind of cold.

16 Q. Did she appear to like you? Or any
17 kids?

18 A. Not, you know, not real, like, loving or
19 anything like that. You know, she didn't -- she
20 wasn't mean or hateful, nothing like that. But
21 just, you know, they're Jerry's, you know, kids
22 basically.

23 Q. Okay. Now, you said the defendant wrote
24 you letters?

25 A. Many.

1 Q. What kind of letters were they? What
2 would he say in them?

3 A. Different things. You know, some of
4 them would be just, like, you know, I miss you.
5 I mean, some of them would seem, like, almost,
6 like, creepy love letters and other ones would
7 just be, you know, normal kind of a letter, like,
8 hey, you know. You want to come to another
9 football game, these kinds of things, you know
10 what I mean?

11 MR. McGETTIGAN: Your Honor, if I may
12 have one moment?

13 THE COURT: Before -- let's have it
14 identified before it's posted.

15 MR. McGETTIGAN: Oh, I beg your pardon.

16 I think it's before the witness. May I
17 do it that way, Your Honor?

18 THE COURT: Um-hum.

19 BY MR. McGETTIGAN:

20 Q. Mr. Houtz, you have before you on your
21 monitor?

22 MR. ROMINGER: Your Honor, I want to
23 impose an objection to relevance to these
24 letters. If we could have an offer of proof at
25 sidebar?

1 THE COURT: Okay. Come up.

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

4 THE COURT: Which one of you is doing
5 the objection and the one --

6 MR. AMENDOLA: I am going to let him do
7 the objections, Judge.

8 THE COURT: Okay.

9 MR. AMENDOLA: I'm having trouble
10 hearing Mr. McGettigan a little bit. I don't
11 know if anybody else is, but I'll let him handle
12 the objections for that reason.

13 THE COURT: Okay.

14 MR. ROMINGER: Your Honor, we object to
15 the relevance of the letters unless they're
16 calling for some particular purpose. My thought
17 is the Commonwealth may be offering to show some
18 kind of greeting behavior. If that's the case, I
19 want to be clear, I don't think they're otherwise
20 relevant.

21 THE COURT: Overruled.

22 MR. McGETTIGAN: Thank you, Your Honor.

23 (End of sidebar discussion.)

24 MR. FINA: Your Honor, would you like a
25 set of these?

1 THE COURT: Yes, I would.

2 MR. FINA: May I approach?

3 THE COURT: Yes.

4 Mr. McGettigan, go ahead.

5 MR. McGETTIGAN: Your Honor, may I
6 approach the witness?

7 THE COURT: Yes.

8 MR. McGETTIGAN: Thank you, Your Honor.

9 BY MR. McGETTIGAN:

10 Q. Mr. Houtz, I hand you a document that's
11 marked as Commonwealth No. 1 for identification.

12 Do you recognize the document?

13 A. Yes.

14 Q. I'm sorry?

15 A. Yes.

16 Q. It's a letter?

17 A. Yes, it's a letter.

18 Q. Who is the author?

19 A. Jerry.

20 Q. To you?

21 A. Yes.

22 Q. And you recognize it? It's a
23 handwritten letter?

24 A. Um-hum.

25 Q. Do you recognize the defendant's

1 handwriting and his signature?

2 A. Yes.

3 Q. Do you recognize the sentiment expressed
4 there and you recognize that it's to you?

5 A. Yes.

6 Q. Okay.

7 MR. McGETTIGAN: Your Honor, may I
8 publish this to the jury?

9 THE COURT: Yes, you may.

10 MR. McGETTIGAN: Thank you.

11 Okay.

12 THE COURT: Go ahead, Mr. McGettigan.

13 MR. McGETTIGAN: Thank you, Your Honor.

14 Your Honor, may I ask that the Court
15 inquire if the entire jury can read that. I can
16 see it. I think it's pretty --

17 THE COURT: Were you able to see it?
18 Anybody have any problems reading that? Okay.

19 MR. McGETTIGAN: May I approach the
20 witness once again, Your Honor?

21 THE COURT: Yes.

22 MR. McGETTIGAN: Thank you, Your Honor.

23 BY MR. McGETTIGAN:

24 Q. Mr. Houtz, I show you a photograph
25 that's been marked as Commonwealth 2 for

1 identification. Can you tell us who's in that
2 picture?

3 A. Me and Jerry and his two dogs.

4 Q. And do you remember when that was taken?

5 A. Not exactly but it was -- it was
6 definitely one of the first times I came over
7 though.

8 Q. Okay. Was that during the time that you
9 had contact with the defendant on a regular
10 basis, either around or before or thereafter that
11 picture was taken?

12 A. Yeah.

13 Q. Okay. Thank you.

14 MR. McGETTIGAN: Your Honor, can I
15 publish the photograph?

16 MR. AMENDOLA: No objection.

17 THE COURT: Yes.

18 MR. McGETTIGAN: Thank you.

19 May I approach the witness once again,
20 Your Honor?

21 THE COURT: Yes.

22 BY MR. McGETTIGAN:

23 Q. Mr. Houtz, you have been shown three
24 photographs here in a row marked Commonwealth's
25 3, 4, and 5. Can you tell us what -- do you

1 recognize any of them and tell us what they are?

2 A. Pictures of me and Jerry.

3 Q. Do you know the first one was? C-3?

4 A. No, to be honest, I'm not positive.

5 Q. Okay. Four?

6 A. Four is at his house. It's a picture of
7 me and two other kids.

8 MR. McGETTIGAN: Your Honor, may I
9 publish the photographs seriatim?

10 MR. AMENDOLA: No objection.

11 THE COURT: Yes.

12 MR. McGETTIGAN: Three, 4, and 5,
13 please.

14 May I approach the witness once again,
15 Your Honor?

16 THE COURT: Yes.

17 BY MR. McGETTIGAN:

18 Q. Mr. Houtz, you have been handed two more
19 photographs marked Commonwealth's, C-6 and 7.
20 Can you identify those please?

21 A. Yeah. They are of me and Jerry and
22 quite a few football players. The first one is,
23 and the second one is me and two football
24 players.

25 MR. McGETTIGAN: May I publish those to

1 the jury as well, Your Honor?

2 THE COURT: Yes.

3 BY MR. McGETTIGAN:

4 Q. Referring to the last photograph, do you
5 know who those football players are?

6 A. Not off the top of my head. I can't
7 tell you their names.

8 MR. McGETTIGAN: May I approach again,
9 Your Honor?

10 THE COURT: Wait just a second. Would
11 you go back to 6? I want to make sure I've got
12 these numbered properly.

13 What was 7?

14 Okay. Sorry.

15 MR. McGETTIGAN: No. Thank you, Your
16 Honor.

17 BY MR. McGETTIGAN:

18 Q. Mr. Houtz, I'm going to hand you five
19 photographs marked as Commonwealth No. 8 through
20 Commonwealth 13.

21 A. Okay.

22 Q. Take a look at those. Do you recognize
23 and can you identify at least one of the persons
24 in each one of those photographs?

25 A. Yeah. The first one, it's me and Jerry.

1 Q. That's 8.

2 A. What's that?

3 Q. That's 8, No. 8?

4 A. Yes, 8 is me and Jerry.

5 No. 9 is me and LaVar Arrington and I
6 can't think of what his name is.

7 Second one or let's see. Ten is Brandon
8 Short and me and I can't think of his name
9 either.

10 Eleven is the same as 9.

11 So is 12.

12 Q. Do you know where those pictures were
13 taken?

14 A. In Toftrees.

15 Q. Okay. Is that the hotel where you
16 stayed the night before games?

17 A. Um-hum.

18 Q. Okay. Are you in uniform in any one of
19 those? In a football uniform?

20 A. Yes. I believe I'm in LaVar's in No. 8.
21 Yep.

22 MR. McGETTIGAN: Your Honor, may I
23 publish C-8 through C-13?

24 THE COURT: Yes.

25 MR. McGETTIGAN: Thank you, Your Honor.

1 THE COURT: That's 8?

2 MR. McGETTIGAN: That's correct, Your
3 Honor.

4 BY MR. McGETTIGAN:

5 Q. Mr. Houtz, do you know who that is in
6 that photograph, C-9?

7 A. Which one?

8 Q. The one that's shown up there on the
9 screen?

10 A. Which person?

11 Q. Either one?

12 A. Me and LaVar. LaVar is on the right.
13 I'm in the middle.

14 Q. Okay. And do you know who those two
15 persons are with you in that photograph?

16 A. Just Brandon Short. I can't think of
17 the other guy's name off the top of my head.

18 Q. And is that LaVar Arrington again?

19 A. Yep.

20 THE COURT: Which exhibit is that?

21 MR. FINA: Eleven.

22 THE COURT: I don't have these quite in
23 the same order you do.

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

25 THE COURT: That's all right. I just

1 want to make sure I got them identified in the
2 same order.

3 MR. McGETTIGAN: Thank you.

4 May I approach the witness one more
5 time, Your Honor.

6 THE COURT: Yes.

7 MR. McGETTIGAN: Thank you.

8 BY MR. McGETTIGAN:

9 Q. Mr. Houtz, I'm showing you photograph
10 that's marked C-14 for identification. Do you
11 recognize the persons in that photograph and can
12 tell us, you know, the circumstances under which
13 it was taken, if you recall?

14 A. Yep. That is -- that's me and Jerry.
15 It's Texas A&M. So it would have to be the
16 Outback Bowl, and I'm guessing this must be a
17 clip from TV.

18 Q. What year was that, if you recall?

19 A. '99.

20 Q. Okay. Great.

21 MR. McGETTIGAN: Your Honor, may I
22 approach the bench for a second, Your Honor?

23 THE COURT: Yes.

24 MR. McGETTIGAN: Thank you.

25 (Whereupon, a sidebar discussion was

1 held off the record.)

2 MR. McGETTIGAN: May I approach the
3 witness again, Your Honor?

4 THE COURT: Yes, you may.

5 MR. McGETTIGAN: Thank you.

6 BY MR. McGETTIGAN:

7 Q. Mr. Houtz, I'm going to hand you three
8 photographs marked Commonwealth 15, 16, and 17.
9 Can you take a look at them and tell us if you
10 know what they are, what they depict?

11 A. They depict a video that was made -- a
12 linebacker training video that I participated in.

13 Q. Whose idea was that for you to
14 participate in those?

15 A. Jerry.

16 Q. Do you remember when that was?

17 A. Not exactly. I'm thinking maybe '97,
18 '98.

19 Q. Where was it made, do you remember?

20 A. In Holuba Hall.

21 Q. A video. Who took it?

22 A. I don't know who they were exactly but
23 people with, you know, cameras -- good cameras.

24 Q. Who else participated in with you? Just
25 you?

1 A. Me and some other kids and Jerry, you
2 know, instructing everything.

3 Q. Tell you how to run around and things
4 like that?

5 A. Yeah, just doing the drills.

6 Q. Okay.

7 MR. McGETTIGAN: Your Honor, may I
8 publish -- I think we have 15, 16, 17, Your
9 Honor?

10 THE COURT: Yes.

11 MR. McGETTIGAN: Thank you.

12 BY MR. McGETTIGAN:

13 Q. Okay. Is that the attachment or the
14 title of the video, Mr. Houtz?

15 A. Yeah.

16 THE COURT: That one I don't have. If
17 you could at some point just give me a copy?

18 MR. McGETTIGAN: Certainly, Your Honor.

19 THE COURT: This one is which one?

20 MR. McGETTIGAN: This would be 17, I
21 believe, Your Honor.

22 THE COURT: Okay.

23 BY MR. McGETTIGAN:

24 Q. And, Mr. Houtz, is that you in the video
25 there?

1 A. Yes.

2 Q. No. 2?

3 A. Yep.

4 Q. The next one. That's you also?

5 A. Yep.

6 MR. McGETTIGAN: May I approach the
7 witness once again, Your Honor?

8 THE COURT: Sure.

9 BY MR. McGETTIGAN:

10 Q. You have been handed C-18, 19, 20, and
11 21, Mr. Houtz. Can you take a look at those
12 photographs and tell me if recognize them and can
13 identify them?

14 A. Yes. This is --

15 Q. Well, first, let me ask you a question.
16 Do you recognize the photographs? The locations?

17 A. Yes. Yes. It's the sauna.

18 MR. McGETTIGAN: Your Honor, may I
19 publish the photographs?

20 MR. AMENDOLA: No objection.

21 THE COURT: Go ahead.

22 MR. McGETTIGAN: Thank you.

23 THE COURT: Put them up just identify
24 what they are.

25 MR. McGETTIGAN: That's what I'm going

1 to do.

2 BY MR. McGETTIGAN:

3 Q. Can you tell us what's in that
4 photograph?

5 A. The players' locker room.

6 Q. In which building? Is that the East
7 Area Locker Room or which one?

8 A. This is the Lasch Building.

9 Q. Okay. And next photograph please.
10 What's that? Can you tell us, if you know?

11 A. That leads into the sauna, the glass
12 door.

13 Q. Okay. And can you tell us what's in
14 that photograph, C-20?

15 A. That would be the sauna.

16 Q. Okay. And the next photograph?

17 A. Same thing.

18 Q. And is that in the Lasch Building?

19 A. Yes.

20 Q. Okay. Can you tell the ladies and
21 gentlemen of the jury if you had physical contact
22 of the nature you described with the defendant in
23 the sauna in the Lasch Building?

24 A. Yes.

25 Q. And in that location on occasions did he

1 place his penis in your mouth in that place, in
2 the sauna?

3 A. No. No. Not in the sauna.

4 Q. What, if anything -- what contact, if
5 any, happened with the defendant in the sauna?

6 A. Basically the wrestling around kind of
7 deal. Also, like maneuvering me onto the ground
8 kind of thing but it never went much further in
9 the sauna. It would just be, like, all right,
10 let's go get a shower.

11 Q. Okay. And then after you went to the
12 shower?

13 A. Yes, that's whenever everything else
14 would take place.

15 Q. In the shower?

16 A. Yes.

17 MR. McGETTIGAN: May I approach the
18 witness once again, Your Honor?

19 THE COURT: Yes.

20 MR. McGETTIGAN: Thank you.

21 BY MR. McGETTIGAN:

22 Q. I'm now showing you a document that's
23 been marked Commonwealth's C-22 for
24 identification. It's consists of four pages.
25 Can you take a look through each of those pages

1 and tell us if you recognize the handwriting, the
2 author, and that it is addressed to you or
3 directed to you?

4 A. Well, the handwriting is Jerry's in the
5 first one. And they're questions.

6 Q. Okay. Are those questions directed to
7 you?

8 A. Questions directed to me mostly it looks
9 like. Yes.

10 The second one is the same thing.

11 Q. They're part of a unified document,
12 Mr. Houtz.

13 A. Oh, okay. Yes, these are all from Jerry
14 and I'm -- I would think to me. I never received
15 this though.

16 Q. Okay. Thank you.

17 MR. McGETTIGAN: Your Honor, may I
18 publish the document marked C-20.

19 MR. ROMINGER: Your Honor, I'm going to
20 object at this point. He said he never received
21 this.

22 THE COURT: I thought that's what he
23 said. He never received this?

24 MR. McGETTIGAN: He did say it was
25 directed to him. It was recovered elsewhere but

1 directed to him.

2 THE COURT: But he never received it?

3 MR. McGETTIGAN: He need not receive it
4 for it to be directed to him for him to recognize
5 it, Your Honor. That's my purpose in putting it
6 up there.

7 MR. ROMINGER: Your Honor, I just impose
8 then some more foundation as to whether he saw it
9 previous to this court proceeding.

10 THE COURT: You're going to tie up the
11 relevance of this at some point? You're just
12 identifying it now as the defendant's
13 handwriting?

14 MR. McGETTIGAN: Yes, Your Honor. Your
15 Honor, this is -- the original of this was
16 recovered in the -- was recovered pursuant to a
17 search warrant or a subpoena among the
18 defendant's possessions. This witness identifies
19 it as directed towards him and --

20 THE COURT: How can he do that?

21 THE WITNESS: It mentions me by name.

22 THE COURT: The objection is sustained.

23 MR. McGETTIGAN: Thank you, Your Honor.

24 THE COURT: I'll let him identify the
25 handwriting if you can tie it into all later but

1 at this point.

2 MR. McGETTIGAN: Thank you, Your Honor.

3 BY MR. McGETTIGAN:

4 Q. The document that you have identified as
5 identifying the handwriting, how do you know the
6 handwriting? How do you know about the letter?

7 A. How do I know the handwriting?

8 Q. Yes?

9 A. Because it's the same handwriting of
10 every letter that I ever gotten from Jerry.

11 THE COURT: That's Exhibit 22.

12 MR. McGETTIGAN: Twenty-three I think,
13 Your Honor -- 22. I beg your pardon, Your Honor.

14 THE COURT: Yeah.

15 MR. McGETTIGAN: Your Honor, may I see
16 you at sidebar briefly?

17 THE COURT: Yes.

18 (Whereupon, a sidebar discussion was
19 held off the record.)

20 THE COURT: We'll remain seated while
21 the jury is taken out. We're going to take about
22 20 minutes.

23 (Whereupon, the jury is escorted out of
24 the courtroom.)

25 THE COURT: There's a little bit of a

1 technical glimpse among the wiring, and we're
2 just going to take a 20-minute recess to address
3 that. So we'll reconvene at 2:30.

4 (Whereupon, a recess was taken.)

5 THE COURT: You may be seated. Thank
6 you.

7 Bring the jury in please.

8 (Whereupon, the jury was escorted into
9 the courtroom.)

10 THE COURT: Mr. McGettigan, go ahead.

11 MR. McGETTIGAN: Your Honor, if I may
12 approach the witness?

13 THE COURT: Yes.

14 MR. McGETTIGAN: Thank you.

15 BY MR. McGETTIGAN:

16 Q. Mr. Houtz, I'm giving you a series of
17 documents which have been marked Commonwealth's
18 C-23 through 38 and I like you to take a look at
19 them. I think you should be familiar with them.
20 Can you take a look at them quickly and tell us
21 if you recognize each and every one of those?

22 THE COURT: Is that 23 through 38?

23 MR. McGETTIGAN: That's what they are
24 marked, yes. They're not in sequence of your --

25 THE COURT: Okay.

1 THE WITNESS: What do you want to know?

2 BY MR. McGETTIGAN:

3 Q. Do you recognize the documents?

4 A. Yes.

5 Q. And photos?

6 A. I didn't make it that far.

7 Q. All the way through please.

8 A. Yes.

9 MR. McGETTIGAN: May I inquire, Your
10 Honor?

11 THE COURT: Yes.

12 MR. McGETTIGAN: Thank you.

13 BY MR. McGETTIGAN:

14 Q. I'm going to ask you about the --

15 MR. McGETTIGAN: Your Honor, may they be
16 published while I inquire?

17 MR. ROMINGER: Your Honor, I'd like some
18 foundation as to each just to make sure these are
19 things he received. I don't think he said that.

20 MR. McGETTIGAN: Okay. Very well.

21 THE COURT: Have you seen what these
22 are?

23 MR. McGETTIGAN: They have.

24 MR. ROMINGER: I have a pile I don't
25 have in any particular order. I just have what

1 they gave us all unstapled.

2 THE COURT: Take a minute and look at
3 what is in his hand and let's move along here.

4 Go ahead, Mr. McGettigan.

5 MR. McGETTIGAN: Thank you, Your Honor.

6 Your Honor, if I may publish what would
7 be Commonwealth's C-23?

8 THE COURT: Very well.

9 BY MR. McGETTIGAN:

10 Q. And, Mr. Houtz, do you recognize the
11 handwriting on there?

12 A. Yes.

13 Q. And whose is it?

14 A. Jerry's.

15 Q. C-24 please. Do you recognize the
16 handwriting on there?

17 A. Yes.

18 Q. Whose is it please?

19 A. Jerry's.

20 Q. Would you turn to the -- actually stay
21 on the first page.

22 And, Mr. Houtz, do you recognize the
23 handwriting on that document?

24 A. This document? Yes.

25 Q. Whose is it?

1 A. Jerry's.

2 Q. And can you read what it says on top of
3 the title there?

4 A. The B-J Story.

5 Q. And read the first few lines for us
6 please.

7 A. Very few people know about this story
8 and probably less care. I guess that I'm writing
9 it for me. I'm Jer.

10 Brett is a young man that came into
11 Jer's life. It was a difficult time for Jer
12 because he had lost his dad. Jer and his dad
13 shared so much, did so many things together.
14 Brett came along and he and Jer seemed to enjoy
15 the same experiences. Both seemed to be in need.
16 They loved playing games, competing, singing,
17 laughing, sharing experiences, just being
18 themselves. Jer remembers driving Brett home.
19 Brett would say, "tell me another story, Jer."
20 Jer, of course, being filled with them would come
21 up with one. Jer remembers how he didn't want
22 those rides to end.

23 Jer became attached to Brett and always
24 will be. Brett loved Justice and Staush, and
25 they loved him and he --

1 Q. Thank you, Mr. Houtz.

2 THE COURT: Is that a three-page
3 document?

4 MR. McGETTIGAN: Yes it is.

5 THE COURT: And that's C-25?

6 MR. McGETTIGAN: That is correct, Your
7 Honor.

8 THE COURT: Okay.

9 BY MR. McGETTIGAN:

10 Q. Now look at C-26, Mr. Houtz. Can you
11 tell us what that is? Do you recognize the
12 handwriting?

13 A. Yes, it's Jerry's.

14 Q. Addressed to you?

15 A. Yes.

16 Q. It's signed Jer and Tim, but do you know
17 whose handwriting that is?

18 A. It's all Jerry's.

19 Q. Can you read the first few lines there?

20 A. Once again, I have decided to write some
21 of my thoughts. I write because you mean so much
22 to us. I write because I am concerned about all
23 of us. I write because I have seen the hurt on
24 Tim's face when you don't show for him, even
25 though you have given your word. I write because

1 of the churning in my own stomach when you don't
2 care. I write because I still hope that there
3 will be meaning to the time we have known each
4 other.

5 Q. Thank you.

6 MR. ROMINGER: Your Honor, pursuant to
7 Rule 106, can the entire letter be read into
8 evidence?

9 THE COURT: On redirect or on the cross,
10 it can be.

11 MR. ROMINGER: Thank you, Your Honor.

12 BY MR. McGETTIGAN:

13 Q. You're looking now at C-27, Mr. Houtz.
14 Do you recognize the handwriting there?

15 A. Yes. Jerry's.

16 Q. And addressed to you?

17 A. Yes.

18 Q. And could you read the first few lines
19 of that letter?

20 A. I hope that writing some of my thoughts
21 will not annoy you as much as I do personally.

22 We have known each other for almost two
23 years, gone through many highs and lows. There
24 was tremendous encouragement as we went through
25 last summer and into the fall. You seemed like

1 you had bought into everything and were doing
2 well.

3 Q. Okay. Thank you.

4 Mr. Houtz, looking at C-28 for
5 identification, do you know that writing as well?

6 A. Yep.

7 Q. And addressed to you?

8 A. Yes.

9 Q. Whose handwriting?

10 A. Jerry's.

11 Q. And I would like you to turn to the
12 third page?

13 A. Okay.

14 Q. And just read the last sentence above
15 the I care, Jer.

16 A. It's your song, your choices, your life.
17 I like to fill a small part of it and I will be
18 there if you want. I have believed and stuck up
19 for you.

20 Q. Thank you.

21 Mr. Houtz, you are looking at C-29 for
22 identification. Do you recognize the handwriting
23 in that letter?

24 A. Yes, Jerry.

25 Q. Addressed to you?

1 A. Yes.

2 Q. And move onto 30 if I may. Take a look
3 at 30.

4 You have C-30 before you, Mr. Houtz?

5 A. Yes.

6 Q. Can you tell us what this document is,
7 if you recall?

8 A. Basically it is a contract, an incentive
9 for me to start doing more and hanging around
10 more and that kind of a thing, getting better in
11 school, and that it would -- he would pay me.

12 Q. Now, if you look at the second page of
13 what's been marked as Commonwealth 30, are there
14 signatures there?

15 A. Yes.

16 Q. Did you sign it?

17 A. Yes.

18 Q. And did the defendant sign it?

19 A. Yes.

20 Q. Okay. What does it offer you to receive
21 for return for some of the things that you did,
22 participating in things?

23 A. Money.

24 Q. And did you just read the very first
25 line or first page? I'll read it. Agreement

1 between Brett Swisher Houtz and Jerry Sandusky --
2 parenthesis -- The Second Mile?

3 A. Right.

4 Q. Did anybody else in The Second Mile
5 contact with you or communicate with you about
6 this?

7 A. No.

8 Q. Who presented this document to you?

9 A. Jerry.

10 Q. Did he ever give you money for doing any
11 of these things?

12 A. Yeah, little things. Not a whole lot of
13 money. Mostly because I didn't really cooperate
14 with it.

15 Q. Okay. Did most of these things seem to
16 involve you doing something in particular or just
17 spending time with him or both?

18 A. Both.

19 Q. Ask you to take a look at C-31 for
20 identification, Mr. Houtz. You see your
21 signature on the first page there?

22 A. Yes.

23 Q. And the defendant's, is that his
24 signature?

25 A. Yes.

1 Q. And above it says agreement between
2 Brett Swisher Houtz and Jerry Sandusky --
3 parenthesis -- The Second Mile?

4 A. Yes.

5 Q. And what did that call for you to get,
6 if anything, if you recall?

7 A. I don't recall.

8 Q. If you will read down to the end of the
9 first paragraph?

10 Starting with this program, could you
11 read that aloud, Mr. Houtz?

12 A. This program is unique and designed to
13 help support a special person, one who is
14 committed to become a productive citizen.
15 Somebody who is a team player, cares, cooperates
16 with others and appreciates the efforts of all
17 the people who make this possible. The
18 expectations are high and the reward is
19 significant. It is designed for a long-term
20 commitment. Brett has been chosen to be part of
21 this and has decided to be involved. Should
22 Brett decide by his actions or through
23 communication that he doesn't want to continue,
24 the program will end. At that point the parties
25 will talk about their future relationship. Brett

1 will be guaranteed, upon his request, at least
2 \$1,000 for any post-high school education.

3 Q. Would you read the date of that please,
4 down at the bottom?

5 A. 1/10/1999.

6 Q. Do you recall signing this?

7 A. Yes and no.

8 Q. Was this your idea, this program?

9 A. No.

10 Q. Whose was it?

11 A. Jerry's.

12 Q. Did he ever give you any money for it,
13 if you recall?

14 A. Little money here and there.

15 Q. Did anybody else from The Second Mile
16 ever discuss this program with you?

17 A. No.

18 Q. I'm going to ask you to take a look at
19 C-32 please. Do you see the line where it says
20 agreement between Brett Swisher Houtz and Jerry
21 Sandusky -- parenthesis -- The Second Mile?

22 A. Yes.

23 Q. Okay. Do you see the handwriting
24 further down?

25 A. Yes.

1 Q. Whose handwriting is that?

2 A. Jerry's.

3 Q. Do you remember you discussing this
4 document with him?

5 A. Discussing?

6 Q. Yeah.

7 A. Not discussing really, no. Just --

8 Q. Okay.

9 THE COURT: What exhibit? That is a
10 two-page document?

11 MR. McGETTIGAN: No, that was a one-page
12 document.

13 THE COURT: It's not signed.

14 MR. McGETTIGAN: The witnesses
15 identified the handwriting as the defendant.

16 THE COURT: I'm saying it's not signed.
17 I want to make sure I have the right document.

18 MR. McGETTIGAN: That's correct, yes.

19 MR. ROMINGER: Your Honor, we would like
20 some foundation whether he actually received this
21 document or if this is similar to the one we saw
22 earlier.

23 MR. McGETTIGAN: I'm not asserting he
24 received it. The document bears at the top
25 agreement between Brett Swisher Houtz and Jerry

1 Sandusky -- parenthesis -- The Second Mile and
2 that the handwriting in cursive on there is the
3 defendant's. That's all we're asserting, not
4 that he received it. He identified the
5 handwriting, his name, and the defendant's name.

6 THE COURT: You'll have to tie it up
7 later.

8 MR. ROMINGER: Thank you, Your Honor.

9 THE COURT: Same objection, same ruling.

10 MR. ROMINGER: Thank you, Your Honor.

11 MR. McGETTIGAN: Thank you, Your Honor.

12 BY MR. McGETTIGAN:

13 Q. You're looking at 33 now, Mr. Houtz. Do
14 you remember what this document was? Golf for
15 L.I.F.E. Mentor Program?

16 A. I don't remember a mentor program. I
17 remember just going golfing, getting golf clubs,
18 all that kind of thing.

19 Q. If you could take a look at the second
20 page of that please?

21 A. Um-hum.

22 Q. Do you recognize the kind of little
23 printing on there? Do you recognize that at all?

24 A. The handwriting?

25 Q. Yes?

1 A. Yes.

2 Q. Whose is it?

3 A. Jerry's.

4 Q. Could you read just what it says right
5 at the top?

6 A. With the star beside it?

7 Q. That's correct.

8 A. It would be best if the person working
9 with Brett would always contact me first. I can
10 arrange for him to be where he needs to be and
11 consistently communicate with his family. He
12 spends considerable time with us.

13 Q. Reading down at the bottom contact
14 person in case of emergency?

15 A. Jerry Sandusky.

16 Q. Thank you.

17 Now, photograph 34. Do you recall who
18 the third party in that photograph is?

19 A. I can't really tell.

20 Q. Is that you in the middle?

21 A. Yes.

22 Q. And 35 please. Know who those parties
23 were. Do you know where that was?

24 A. I'm not sure. It's a banquet of some
25 sort. I can tell you that.

1 Q. Is that you in the photograph?

2 A. Yes.

3 Q. And do you recall that newspaper
4 article?

5 A. Yes.

6 Q. What was that about?

7 A. I don't know exactly what it was about.
8 It was -- the way I remember it, me and Jerry, we
9 would always go to play miniature golf, and we
10 were playing miniature golf and basically the
11 newspaper had showed up and wanted to do a story
12 on him. I was there. We got a picture.

13 Q. I'm going to ask if you have chance to
14 look at a series of photographs that are marked
15 collectively as Commonwealth C-37 --

16 A. Yes.

17 Q. -- for identification?

18 A. Yes.

19 Q. Do you recognize all the items that are
20 contained in that series of photographs?

21 A. Yes.

22 Q. I'm going to go on now just for a second
23 to 38. Do you have 38 before you as well?

24 A. Yes.

25 Q. Do you recognize the series of

1 photographs?

2 A. Yes.

3 Q. We're going to go through a few of those
4 quickly. We can go back to 37?

5 Can you tell us what you see in that
6 first picture? What is all that stuff?

7 A. Gifts that I received from Jerry.

8 Q. And among them can you tell us anything?

9 A. There's a snowboard, the golf bag,
10 football pads, hockey pads, jerseys, *Sports*,
11 *Sports Illustrated* LaVar signed to me, hockey
12 sticks, shirts, a bag, Penn State bag.

13 Q. And let me ask you about -- can we go to
14 38 now please.

15 And there's a series of photographs
16 marked collectively Commonwealth C-38. Did you
17 take a look at all four of those, five. What is
18 this?

19 (Whereupon, Juror No. 6 left the
20 courtroom.)

21 THE COURT: We'll take just a minute.

22 (Whereupon, a sidebar discussion was
23 held off the record.)

24 (Whereupon, Juror No. 6 entered the
25 courtroom.)

1 THE COURT: Mr. McGettigan, go ahead.

2 BY MR. McGETTIGAN:

3 Q. Can you tell us what you're looking at
4 in Commonwealth 38?

5 A. It's a trophy.

6 Q. Can you explain what kind of trophy?
7 Where did you get it?

8 A. Basically during -- I'm pretty sure it
9 was a football camp that I was at, Jerry and one
10 of his friends named Tim Janocko that I knew
11 really well wanted me to basically participate in
12 this program and it was -- we had made an
13 agreement at this point -- at this time I liked
14 soccer quite a bit. The World Cup was coming up.
15 So we made a deal that I would play these two
16 guys, Tim Janocko and his friend, in a game of
17 soccer and whoever won -- if they won, I would
18 have to do the program. If I won, I would get a
19 World Cup party.

20 Q. Who made that?

21 A. All of us basically. It's kind of a
22 make-ship made thing.

23 Q. I'm going to represent now to some of
24 the items in the photographs that have been
25 marked collectively as C-37, I believe, which

1 precedes this. You know, the -- I think, there's
2 a skateboard, a snowboard, golf clubs?

3 A. Um-hum.

4 Q. Now, are these all gifts you received
5 from the defendant?

6 A. Yes.

7 Q. Okay. And did you receive any of them
8 on particular occasions after -- related to
9 physical contact that you had with the defendant
10 in the shower?

11 A. Like directly related to?

12 Q. Yes.

13 A. I didn't receive it right after but on
14 both of the instances in which he tried to slide
15 a finger into my butt basically, I stopped it and
16 left and he would -- he would come out not, you
17 know, apologetic or anything like that. But
18 just, like, what can I do for you?

19 And on one occasion, I had been talking
20 about snowboarding before this and after that had
21 happened, we immediately went downtown to a
22 snowboarding shop but they didn't have anything.
23 So he had gotten ahold of Air Walk or whoever and
24 that's how I got this snowboard and the boots and
25 any of the bindings or anything like that.

1 And then the other time it was related
2 to golf because we would golf all the time,
3 different places, miniature, 3-par golf, the
4 small golf course, even go onto the big course
5 sometimes, the Blue and White Course, and I had
6 been talking about golf and that's how the clubs
7 came into play after that as well.

8 Q. I want to see if I understand the
9 sequence you just described about the snowboard.
10 Was this on an occasion when you were in the
11 shower or the sauna or do you recall?

12 A. Shower.

13 Q. The shower. The Lasch Building or East
14 Area Locker Room?

15 A. The old one. So the East Area Locker
16 Room.

17 Q. Can you tell the ladies and gentlemen of
18 the jury the exact sequence of events that
19 occurred from the time you went into the shower,
20 what happened in there and what happened
21 afterwards related to that snowboard that you
22 were talking about?

23 A. Okay. The snowboard incident was we had
24 done, I'm not sure what, basketball, racquetball,
25 whatever. Went back to the shower. The same

1 thing happened with the soap battle and the
2 wrestling around.

3 But on this occasion, nobody went to the
4 ground. We were both standing up and basically,
5 like, chest-to-chest kind of thing and he had
6 been massaging me and kind of slowly sneak down
7 to attempt to do that, and whenever he tried to
8 do it, that's whenever I pushed away from him.

9 Q. You said you were chest to chest. Were
10 you naked?

11 A. Yes. We were in the shower. This is
12 after a soap battle.

13 Q. Was the defendant naked?

14 A. Yes.

15 Q. Okay. And had he wrestled you to the
16 ground at that point --

17 A. No.

18 Q. -- at all?

19 A. No.

20 Q. He didn't do that. Did he have physical
21 contact with you? You say you're chest to chest?

22 A. Yes.

23 Q. How was that physical contact? Was he
24 holding you by the arms or not touching you at
25 all?

1 A. No. It was more like holding me by the
2 arms/shoulder, you know, kind of deal like that.

3 Q. Now, at that time, about how high up on
4 the defendant did you come? If I can use --

5 A. Lower. Much lower. Probably about here
6 is where I'd come up to him at.

7 Q. Let the record reflect indicating above
8 the waste?

9 A. A little bit above the belly button,
10 yes.

11 Q. Okay. Are where were the defendant's
12 hands on you, if at all, at the time this
13 happened, if you were chest to chest. You
14 weren't really chest to chest really, were you?

15 A. Yes.

16 Q. You were facing --

17 A. Well, yes. Right. Right. That's the
18 way we were turned. We weren't actually --

19 Q. Where were the defendant's hands on you?

20 A. Here, and then one managed to -- well,
21 one managed to make its way down to my butt.

22 Q. Okay. And when you say managed to make
23 its way down to your butt, what, if anything, did
24 he do when his hand went down to your butt?

25 A. Slid his finger between my butt cheeks.

1 Q. What did you do?

2 A. Got very distressed and pushed away.
3 Turned off the shower and left. I didn't even
4 turn off shower. I just left. I didn't even get
5 rinsed off, nothing.

6 Q. Did you say anything?

7 A. Nothing.

8 Q. Did the defendant say anything?

9 A. Nothing.

10 Q. Did he come out after you? Did he come
11 the out of the shower at some point?

12 A. Yes. Yes. Yes.

13 Q. What's the first thing he said to you,
14 if you recall, at that time?

15 A. It was just, like, hey, you know, maybe
16 we could end up going down. I know you are
17 interested in that snowboard. Do you want to go
18 downtown and take a look at -- I can't even think
19 of what it was called at that time.

20 Appalachian -- I can't think of what it was but
21 the ski shop downtown.

22 Q. Did it seem to you then that this was a
23 gift for this kind of activity?

24 A. Right. Like, I didn't get anything then
25 because we went down there and there was nothing

1 there. He said, well, I know this person at Air
2 Walk. I can get ahold of them and get you this
3 kind of thing. So that's how it was.

4 Q. Mr. Houtz, can you tell us about the
5 time in which you referenced in your testimony --
6 about the time the defendant attempted to insert
7 his penis into you, behind you. When was that
8 and what location was that?

9 A. That is in the new locker room. So the
10 Lasch Building. And it was the same ordeal with
11 the soap battle, all of that, which brought me to
12 the ground, and this time I was laying stomach
13 down on the ground with him on top of me and he's
14 erect. Basically didn't go right for it to begin
15 with. He just you know, kind of tested what was
16 going on there and then attempted to slide that
17 between my butt cheeks as well.

18 Q. And what did you do?

19 A. Got up and left.

20 Q. Well, the defendant was on top of you.
21 How did you --

22 A. Yeah, no. I pushed. I pushed with all
23 my might. Squiggled. Slided (sic) underneath
24 him. Got out of there. I'm covered in soap,
25 too, you got to remember.

1 Q. This was in the Lasch Building?

2 A. The new locker rooms, the Lasch
3 Building, yes.

4 Q. And did the defendant say anything about
5 what he had done or did you say anything to him
6 about what he had done?

7 A. No, nobody said anything.

8 Q. Now, during the entire time, which was
9 months or years, that the defendant was doing
10 these things, did you say anything to him or to
11 anybody else about what he had been doing?

12 A. No. I said nothing to him. The closest
13 thing that ever happened at all was -- I usually
14 live with my grandmother but there's also times,
15 you know, when I see my mom and parents because
16 they're literally right up the street.

17 And, you know, everybody felt that this
18 -- even my grandmother, you know, felt that this
19 is my obligation because, you know, this guy is
20 doing nice things for me.

21 Q. What was your obligation? To spend time
22 with you?

23 A. To spend time with him. To go with him.
24 You know, if I make plans, I should stick to
25 these kind of things. And basically one weekend

1 I didn't want to go. I happened to be up at my
2 mother's house, and I was saying about how I
3 wasn't going to go. She got mad and said, yes,
4 you are going to go. I said -- and we are having
5 a big argument. I said, no, you don't
6 understand. And she's, like, why? What could
7 possibly be going on? I said, like, because I'm
8 pretty sure that he's gay. She was just like, oh
9 whatever. This is just one of your lies and blew
10 it off.

11 Q. That's the only thing you ever said?

12 A. That's the only thing I have ever said.

13 Q. Okay. Now, the first time -- after the
14 last time that you saw the defendant during the
15 course of these activities that we're talking
16 about, how long away in terms of weeks, months,
17 or years was it before you saw him again?

18 A. Like, when?

19 Q. At 16 or 17, you said I don't want to
20 participate in this any more. I'll just get
21 away?

22 A. Once I finally get away from him, you're
23 saying until I ever seen him ever again?

24 Q. That's correct.

25 A. It was about seven years and I had seen

1 him at his house.

2 Q. At his house?

3 A. Yes, at the house.

4 THE COURT: I'm sorry. I missed that
5 answer. About seven years and what?

6 THE WITNESS: About seven years ago, and
7 I seen him at his house.

8 THE COURT: Okay.

9 BY MR. McGETTIGAN:

10 Q. How did you happen to see the defendant
11 at his house after a passage of seven years?

12 A. Okay. As I was explaining before, that
13 basically I had been picked on about this as I
14 was growing up and came to terms with hiding it
15 and also would basically just have to, you know,
16 just play along, ha-ha, real funny, you know. I
17 mean, I'm talking even close friends. They're
18 not meaning it to be mean. They're just, you
19 know, doing it to -- just to pick, play around
20 kind of thing.

21 So everybody kind of knows and I end up
22 getting with my girlfriend. And so she hears
23 these jokes going around. And, you know, doesn't
24 think too much about it until she realizes we're
25 together for five years and for some reason I

1 have never gone -- I have never called Jerry
2 Sandusky. I have never gone to his house. I've
3 never offered to take her or any of these things.

4 So she starts to get suspicious. She's,
5 like, well, you know, did something really happen
6 which I adamantly deny this forever. And it's
7 ending up causing a huge problem in our
8 relationship to where she's believing it. So I
9 decided that, fine, if you don't believe, I will
10 go introduce you to him.

11 So I had called his house to see if he
12 was there. He wasn't there and I left a message
13 and then he got back ahold of me. Basically my
14 plan was to take my girlfriend there and -- so
15 she could see that it was normal and nothing bad
16 had happened.

17 But basically that backfired because the
18 whole time he just wanted to be around me and
19 even, like, would be rubbing -- like, trying to
20 rub my shoulders and horsing around kind of thing
21 again and she just -- she knew. So that kind of
22 didn't work.

23 Q. How long ago was that Mr. Houtz?

24 A. Two years ago.

25 Q. Have you seen or talked to the defendant

1 since then?

2 A. No.

3 Q. And now after that, did someone come to
4 speak, did the police come and speak with you?

5 A. Yes. After that, yes.

6 Q. Did you look -- did you go to the
7 police?

8 A. No, they came and found me.

9 Q. Did you even know how they found you?

10 A. Not exactly. Something about the book.
11 I don't really know.

12 Q. Which book?

13 A. *Touched*.

14 Q. *Touched*. Why would there be something
15 about that book?

16 A. Because I'm referenced in that book
17 quite a few times and there's many pictures of me
18 in it.

19 Q. Okay. When the police came to you, did
20 you want to talk to them?

21 A. No. I didn't even let them in my house.

22 Q. What did you do?

23 A. Said go away. I don't -- and they pried
24 and pried, you know, to try to get in. I was
25 basically, you know, real hesitant and didn't

1 tell them much of anything.

2 Q. Did you want to talk to the police then?

3 A. No.

4 Q. Did you want to be involved then?

5 A. No. I don't even want to be involved
6 now to be honest.

7 Q. Mr. Houtz, you have told us about your
8 contact with the defendant over the course of
9 months and years. Did it, in fact, involve him
10 placing his penis in your mouth dozens of times,
11 more than 40 times?

12 A. Yes.

13 Q. And trying to insert his finger into
14 your anus on at least a couple of occasions?

15 A. Yes.

16 Q. And his erect penis into you?

17 A. Yes.

18 Q. Okay. Any reason you'd say that other
19 than the fact that it's true?

20 A. No. No reason whatsoever.

21 Q. Thank you.

22 MR. McGETTIGAN: I have nothing further,
23 Your honor.

24 THE COURT: Mr. Amendola.

25 MR. AMENDOLA: Thank you, Your Honor.

1 CROSS-EXAMINATION

2 BY MR. AMENDOLA:

3 Q. Mr. Houtz, my name is Joe Amendola. I'm
4 speaking into the mike so you can hear me, and if
5 you would try to do the same thing so I can hear
6 your answers. I've had some difficulty over here
7 hearing everybody on the other side.

8 THE COURT: My problem. I fixed the
9 mic.

10 MR. AMENDOLA: Thank you, Your Honor.

11 BY MR. AMENDOLA:

12 Q. But I represent Mr. Sandusky. I'm going
13 to ask you some question. If you don't
14 understand the question, please let me know,
15 okay?

16 A. All right.

17 Q. When did you first get involved in The
18 Second Mile program?

19 A. 96-97.

20 Q. And what was the basis for you getting
21 into that program? Why did you get into it?

22 A. Why did I get into it?

23 Q. Yes.

24 A. I had been referred by one of my
25 guidance counselors at my elementary school. He

1 basically -- I knew him, you know, more on, like,
2 a friendlier kind of basis thing. He had said,
3 hey. And I also had another friend, too, that he
4 had referred. He basically said there's this
5 summer camp, you know. It's for -- he didn't
6 really make it out to be like it was for troubled
7 kids. You know, just a summer camp type deal and
8 that my friend would be going. So, like, am I
9 interested in going?

10 Q. Did it have anything to do with the fact
11 that you were having some difficulties in school
12 or some difficulties at home?

13 A. Yes.

14 Q. Can you share those with us?

15 A. Just in school I wasn't doing very bad
16 at all. It was mostly just my home life with my
17 stepfather and my mother and that kind of thing.

18 Q. Would it be fair to say you had some
19 problems with your stepfather?

20 A. Yeah.

21 Q. How about your natural father at that
22 point, did you know him?

23 A. I know who he was but he wasn't around.

24 Q. And how about your grandfather? Did you
25 have any problems with your grandfather?

1 A. My grandfather?

2 Q. Yes.

3 A. Yeah. We didn't get along really too
4 much.

5 Q. So would it be fair to say you kind of
6 had a problem dealing with male figures in your
7 life?

8 A. No, because -- I didn't get along with
9 my grandfather because he despised my father.

10 Q. Now, do you recall telling one of the
11 troopers, one of the agents who interviewed you
12 that you weren't the greatest kids in the world?

13 A. Yes.

14 Q. What did you mean by that?

15 A. I just did bad things. You know, I was
16 a rebellious kid.

17 Q. Did you lie a lot?

18 A. I wouldn't say I lied a lot. Like any
19 other normal kid. If I didn't want to get in
20 trouble.

21 Q. If people said that you had a reputation
22 for lying, would that surprise you?

23 A. Yes. Now, yes.

24 Q. Do you know the Dixon family?

25 A. Yes, I do.

1 Q. Did you have any relationship with them?

2 A. What's that?

3 Q. Did you have any relationship with them?

4 A. Yes, that was my friend.

5 Q. Tell us about your first year in The
6 Second Mile. I believe you said you went to
7 Reading?

8 A. Yes.

9 Q. And how long of a camp was that?

10 A. A week.

11 Q. And did you meet Jerry Sandusky?

12 A. No, it wasn't there.

13 Q. And then the following year you went to
14 camp at the Penn State University Park Campus?

15 A. Yes.

16 Q. Do you recall where you lived while you
17 were at camp?

18 A. In the dorm.

19 Q. Did you have a roommate for the week
20 that you were there?

21 A. Yes.

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

23 A. No.

24 Q. Do you recall the names of any of the
25 kids that you were at camp that second year with?

1 A. Ryan Dixon.

2 Q. Do you still have contact with him?

3 A. He's dead.

4 Q. And when did he die?

5 A. A couple years ago. I'm not exactly
6 sure. About four -- three or four years ago.

7 Q. And was he related to the other Dixons I
8 talked about a minute or so earlier?

9 A. What's that?

10 Q. Was he related to the other Dixons that
11 I had --

12 A. Yeah, none of their last names are Dixon
13 but, yes, he's related to them.

14 Q. Now, that second summer, you indicated
15 at some point you met Jerry Sandusky?

16 A. Um-hum.

17 Q. That led to a closer relationship later?

18 A. Yes.

19 Q. Can you explain that again for me in
20 terms of how you met him and how that
21 relationship evolved?

22 A. How I met him?

23 Q. Yes.

24 A. I met him through the camp because I
25 assumed that he knew my roommate because he came

1 to the room. He knew my roommate by name, and he
2 started talking to him. And basically introduced
3 himself to me. And I had -- at that point I was
4 into magic and I had brought a magic deck of
5 cards with me, and I had showed him a magic
6 trick.

7 Q. Now, at that point, and maybe I misheard
8 this, but at that point were you interested in
9 football?

10 A. Not really.

11 Q. Did you know who Jerry Sandusky even
12 was?

13 A. Not the football way. Just through the
14 camp.

15 Q. Just from camp?

16 A. Yes.

17 Q. And how soon after that first meeting
18 did you actually start having a relationship --
19 when I say relationship, you and Jerry started
20 doing things?

21 A. Like hanging out you mean?

22 Q. Yes.

23 A. It was within two weeks.

24 Q. What's the first thing you recall about
25 hanging out within two weeks?

1 A. The first thing I recall is going to the
2 picnic.

3 Q. And at the picnic who was there, if you
4 recall?

5 A. There was Jerry; his wife, Dottie; his
6 son, Matt; I believe his girlfriend was there;
7 Johnny and his girlfriend; his daughter, Kara;
8 her husband; a few other kids like me kind of
9 kids.

10 Q. That's okay if that's all you remember.
11 In terms of the other kids like you, can you tell
12 us about how many other kids like you there were?

13 A. Maybe like ten at the most, less than --

14 Q. Would it be fair to say that there were
15 a bunch of Second Mile type kids like yourself
16 but also --

17 A. I don't know what they were -- what kind
18 of organization they were through but there were
19 just kids -- younger kids like me, yes.

20 Q. Who were not related to Jerry Sandusky?

21 A. Right, correct.

22 Q. But the other people there were?

23 A. Yes.

24 Q. Basically, Jerry had his family there?

25 A. Yes. This was a family picnic.

1 Q. And this is the picnic where you said
2 that you were swimming at some point and Jerry
3 was lifting you up and tossing you?

4 A. Um-hum.

5 Q. You have to say yes just for the
6 stenographer.

7 A. Yes. Yes.

8 Q. And at some point you said he either
9 inadvertently or purposely touched your genitals?

10 A. Correct.

11 Q. And you thought that was strange at the
12 time?

13 A. I didn't think a whole lot of it really.
14 I just kind of brushed it off.

15 Q. Did you say anything to him about it?

16 A. No.

17 Q. And then after that particular event,
18 when was the next time that you recall seeing or
19 having contact with Jerry Sandusky?

20 A. Within a few weeks.

21 Q. Within weeks?

22 A. Yes.

23 Q. Can you tell us what that situation was?

24 A. I do not recall exactly what it was. I
25 just know that he had called me to go do

1 something.

2 Q. Do you recall where it was? In other
3 words, he picked you up at home?

4 A. Yes.

5 Q. And do you recall where he took you?

6 A. I'm pretty sure it was basketball. We
7 went to play basketball at -- and I'm not exactly
8 sure where.

9 Q. In Snow Shoe or some other place?

10 A. Oh, no, no, no. On campus.

11 Q. On campus?

12 A. Yes. In State College.

13 Q. Were there other kids there?

14 A. No.

15 Q. So it was just you two?

16 A. Yes.

17 Q. Did you wind up getting a shower after
18 that situation?

19 A. Yes.

20 Q. And do you recall which building that
21 was in?

22 A. That was in the East Area Locker Room.

23 Q. And what time of the day, if you recall
24 -- I'm not asking for a specific time like 3:15.

25 But do you recall what time of the day it was

1 that you and Jerry got a shower?

2 A. It was later on in the day. It was
3 always later on in the day.

4 Q. Well, when you say later on in the
5 day --

6 A. Like -- that instance or most instances?

7 Q. I'm sorry? Pardon me?

8 A. That instance or most instances?

9 Q. Well, most instances?

10 A. It was probably after 6:00 o'clock.

11 Q. Was it before 9:00

12 A. Yes.

13 Q. And do you recall what time of the year
14 this first situation was where you played
15 basketball with Jerry? Was it summer? Spring?

16 A. It was end of summer.

17 Q. And were there other people who were
18 playing in the gym where you guys were playing?

19 A. I believe so.

20 Q. And the shower area was where in
21 relationship to where you guys were playing
22 basketball?

23 A. In a whole different building.

24 Q. So you had to walk or did you drive
25 over?

1 A. Drove.

2 Q. And when you got to the other building,
3 were the doors unlocked or did Jerry have to use
4 a key to get in?

5 A. Neither. He had to use a push code.

6 Q. I'm sorry? A push code?

7 A. He had to use a push code.

8 Q. When you went in that particular -- that
9 first time, that particular time to get a shower,
10 was there anybody else in the area? Anybody else
11 in the building?

12 A. Yes.

13 Q. A lot of people? A few people?

14 A. A few people. I believe it was just
15 players because all you did was walk into the
16 players' locker room. That's what you first walk
17 into.

18 Q. So your understanding, and correct me if
19 I'm wrong, but your understanding was you think
20 that this might have been a players' locker room
21 area?

22 A. I know it was, yes.

23 Q. This was, I believe you said, late
24 summer?

25 A. Right.

1 Q. So would it be fair to say that school
2 was back in session, Penn State?

3 A. I guess. I don't --

4 Q. Football season? I know you said you
5 didn't like football.

6 A. Football season hadn't started.

7 Q. But it probably would have been
8 preseason?

9 A. Yeah, I guess.

10 Q. So it makes sense there might have been
11 a lot of players around?

12 A. Yeah, but there wasn't.

13 Q. Now, on that occasion you and Jerry got
14 showers in the same shower area?

15 A. Yes.

16 Q. And can you describe it again for me?
17 Can you describe that shower area where you got
18 that shower that first occasion?

19 A. The shower area itself --

20 Q. Yeah.

21 A. -- is a three-sided room with two
22 showerheads on each one and a soap dispenser in
23 between those with a blue curtain covering it.

24 Q. And someone on the other side of that
25 curtain -- was there a walkway there? Was there

1 a hallway there? In other words, would people
2 routinely have to go by that shower area if they
3 were going into the locker room area?

4 A. It depends. There's two doors. If
5 you're coming through the door that most
6 everybody used, you would walk in and the shower
7 is right in front of you.

8 Now, there's also another door that's
9 off to the right over here where the big coaches'
10 area was, the locker, the lockers for the
11 coaches, and that was the way that you could come
12 in as well but you would have to come in an
13 outside door and come in that way. It would take
14 you in like a little office and then in.

15 Q. But I take it there was nothing to
16 secure that area from other people coming in? In
17 other words, anybody could have walked into that
18 area that had access to the building?

19 A. Not unless you had the code.

20 Q. That's what I'm saying. The code to
21 that particular locker room?

22 A. Right.

23 Q. So the locker room itself had a code?

24 A. Yes.

25 Q. But anybody with the code could walk in?

1 A. Yes.

2 Q. And your understanding was it was the
3 players' locker room?

4 A. Not where I was taking the shower, no.
5 That's the coaches' locker room.

6 Q. So any of the coaches then could use the
7 code and come in?

8 A. Yes.

9 Q. And that first time, did anything
10 unusual happen?

11 A. No.

12 Q. And tell us when the first time was that
13 something different happened; that something
14 funny happened that you thought, hey, this isn't
15 exactly right.

16 A. About two to three -- probably about
17 three to four showers is whenever the messing
18 around had started, the playing around kind of
19 thing.

20 Q. Can you give me a time frame on the
21 difference from that first time, late summer to
22 when the messing around started?

23 A. A time frame?

24 Q. In terms of weeks. Weeks? Days?

25 A. From when?

1 Q. From the first shower?

2 A. From the first shower.

3 Q. From the first shower until something
4 different started happening, the messing around?

5 A. Two to three showers. Probably about
6 two weeks.

7 Q. That's what I'm getting it.

8 A. Okay. Yes.

9 Q. Time frame. Tell us what happened that
10 time, that first time that something different
11 went on in the shower?

12 A. It was mostly just the -- he wanted to,
13 you know, get physical in the shower.

14 Q. When you say physical, is that the --

15 A. Like, actually touching.

16 Q. How did he touch you on those occasions?

17 A. Like I said, you know, like bear
18 hugging, kind of, you know, just grappling
19 around, like, play boxing, is the only thing I
20 can kind of refer to it as.

21 Q. Did he touch you in any of your private
22 areas that first time?

23 A. That first time, yes, but you got to
24 understand he never really was right for it with
25 touching me. It was more like he wanted to be

1 touched.

2 Q. Was this going on during the same time
3 that you mentioned early on in your testimony
4 about Jerry putting his hand on your knee when
5 you were in the car together?

6 A. That happened the very first time I met
7 him.

8 Q. That happened?

9 A. Yep.

10 Q. And I think you said it weirded you out?

11 A. Quite a bit.

12 Q. You told him that?

13 A. No. I didn't want to, you know, seem
14 weird. Because it didn't, you know, it was just
15 weird to me right then because nothing else had
16 ever happened. So that was just weird to me
17 because it's the same thing that I would do to a
18 girl, you know what I mean?

19 Q. Did you ever tell him that -- when he
20 would put his hand on your knee that that made
21 you feel strange or it bothered you?

22 A. I never flat out said it. I would make
23 it -- what I thought was clear by shoving it. I
24 mean, there's times I shoved it off later down on
25 the line.

1 Q. Firmly?

2 A. Yes, firmly.

3 Q. But you kept on doing things with Jerry
4 Sandusky throughout this period?

5 A. Yes.

6 Q. And when's the first time that as far as
7 you were concerned that it was obvious that he
8 was doing something inappropriate, it wasn't an
9 accident, it wasn't just you guys were wrestling
10 and he accidentally touched you?

11 A. Probably right after that other physical
12 stuff started because it was always -- seemed to
13 be the same or getting -- he would push it a
14 little further.

15 Q. And this continued? It continued to
16 progress?

17 A. Yes.

18 Q. Did you realize when he started pushing
19 a little further that he was doing things or
20 trying to do things that maybe were
21 inappropriate?

22 A. Yes.

23 Q. I would take it that you would at some
24 point after each of these episodes return home?

25 A. Yes.

1 Q. Did you stop at any point and say I
2 don't want to go back there to your family? I
3 don't want to go see Mr. Sandusky any more?

4 A. No.

5 Q. And how long would you say these
6 activities went on that you've described
7 previously after that first situation where he
8 started touching you inappropriately? Are we
9 talking about a couple of years?

10 A. Yes.

11 Q. And during those couple of years, you
12 went to bowl games with him?

13 A. Yes.

14 Q. Did you go to football camps with him?

15 A. Yes.

16 Q. Did you go to baseball games with him?

17 A. No.

18 Q. Football games?

19 A. Yes.

20 Q. After those events occurred, you would
21 wind up going home?

22 A. Yes.

23 Q. But at no time while all this was
24 happening did you tell your folks, your family, I
25 don't want to go back there any more?

1 A. No. I never said that, no. I had
2 actions that demonstrated that but never flat out
3 said it.

4 Q. Now, I know you are much older than you
5 were when this occurred but you seem like a
6 relatively forceful person. I get the impression
7 that if you don't like something, you don't mind
8 telling people you don't like something?

9 A. Yes.

10 Q. Is that a fair assessment?

11 A. Yes, that's fair to say but you got to
12 realize that I never got any kind of these things
13 in my life even after this. Okay. These are
14 things that -- I didn't want to lose this. I
15 didn't want to lose the good things I had, and I
16 kind of looked at Jerry as a father figure
17 because I didn't really have anybody else there.
18 He was nice to me other than those instances.
19 Okay.

20 So I didn't want to lose that. Not to
21 mention, you know, I'm also -- maybe I'm getting
22 picked on, you know, horribly bad. I'm not going
23 to admit to that, but also I feel cool because I
24 -- besides that part of it, I'm hanging out with
25 players all the time. I don't want to lose that.

1 I don't want to lose the nice things that I'm
2 getting. I don't want to lose, you know,
3 somebody actually paying attention to me.

4 Q. You're telling us today that all the
5 things that you've related were going on and your
6 explanation as to why you put up with it was
7 because you felt cool because Jerry was a public
8 figure and you got lots of things for it; is that
9 what you're saying?

10 A. That's one of the reasons. There's
11 multiple times where I was embarrassed.

12 MR. McGETTIGAN: Objection. That
13 misstates the witness's response I believe.

14 THE COURT: Excuse me?

15 MR. McGETTIGAN: I believe that
16 misstates the witness's response.

17 THE COURT: Would you rephrase your
18 question?

19 MR. AMENDOLA: Yes, I will, Your Honor.

20 BY MR. AMENDOLA:

21 Q. Why are you telling us today you put up
22 with this stuff?

23 A. What's that?

24 Q. Why are you telling everybody in this
25 courtroom that you put up with this stuff, what

1 Jerry -- you said what Jerry was doing to you.

2 Why --

3 A. Why did I put up with it or why am I
4 telling you now?

5 Q. No. Why did you put up with it?

6 A. I just said why I put up with it.

7 Q. So my question is: In other words,
8 you're telling us that because you felt like it
9 made you feel good to have a relationship with
10 Jerry Sandusky?

11 A. No. It was multiple reasons. It wasn't
12 just that.

13 Q. Well what --

14 A. It was the fact that I am not about
15 to -- I'm trying to save face first off because
16 I'm getting picked on about this stuff all the
17 time. Okay. I am never going to give anybody
18 credibility to the things that they're picking on
19 me about. Okay.

20 I thought of myself as one of the cool
21 kids in school. All right. So I'm not taking
22 that chance at all ever.

23 Second off, I don't even really want to
24 admit that it's happening, you know. I have
25 spent, you know, so many years burying this in

1 the back of my head forever. I wouldn't even be
2 here doing this right now unless -- I thought I
3 was the only person. I had come to terms with
4 that and just wanted everything to go away.

5 But then I find out that this has
6 happened over and over and over and over again
7 forever, and I feel if I just would have said
8 something back then, they wouldn't have had this
9 happen to them. So I feel responsible for what
10 happened to other victims.

11 Q. But the fact remains you went back and
12 associated with Jerry Sandusky time after time,
13 correct?

14 A. Yes, I did.

15 Q. Now, talking about you feel responsible,
16 when did you first talk to the police about this?
17 I'm not asking for a specific day. But was it --
18 do you recall whether it was before Jerry
19 Sandusky was arrested? After he was arrested?

20 A. It was before. I knew nothing about it.

21 Q. And how did you find out about these
22 other people that you just told us that you found
23 out about?

24 A. What do you mean?

25 Q. You said that you found out that stuff

1 had happened to other kids?

2 A. How did I find out this had become --

3 Q. Yes.

4 A. Because this came out on the news.

5 Jerry hadn't been arrested but this came out in
6 the news that he was under investigation for
7 molesting kids.

8 Q. So that would have been sometime in
9 2010? Probably?

10 A. No. No. It was a little over a year
11 ago.

12 Q. Can give us a more accurate time frame?

13 A. It would be -- maybe April of last year.

14 Q. April of 2011?

15 A. (Witness nods head up and down.)

16 Q. And you found that out through the
17 media, through coverage in the news?

18 A. Actually how I actually found out was I
19 got a phone call from my father waking me up, and
20 saying, hey, did you see what's going on with
21 your buddy? That's how I found out.

22 Q. Is that when your father told you you
23 should get a lawyer?

24 A. Not right at that moment because what
25 had happened was my father had called me and

1 said, hey, do you see what's happening with your
2 buddy? I was like what do you mean my buddy? He
3 says Jerry. He just got in trouble. He is
4 getting in trouble for molesting. I have never
5 admitted this to anybody. Now, you got to
6 realize I just woke up, too. He called me and
7 wakes me up. So me not really thinking, I was
8 like, well, that's not really a surprise. He's
9 like what do you mean that's not a surprise?

10 When I was trying to get away from Jerry
11 completely, not have anything to do with him any
12 more -- my dad wasn't the greatest person. Okay.
13 So he's usually just looking out for himself. He
14 calls me one time because at this point Ohio
15 State is ranked -- I think they might have even
16 been number one in the nation and they're about
17 to play Penn State. So he wanted to know if I
18 have any connections to get him some tickets.
19 Okay.

20 This is when I was like 19. And I
21 basically came up with every excuse in the world
22 to my dad to why I could not go get these tickets
23 or go call Jerry Sandusky which at that time he
24 didn't think anything. It wasn't until I said
25 something -- until he called me that day and I

1 said that's not a surprise that he was like --
2 that he put two and two together. He was like
3 wait a second. Something never happened to you.
4 He explained -- I remember this time I called you
5 blah-blah-blah. I was, like, you know, things
6 happen but I don't really want to get into this.

7 That's when he said, well, maybe you
8 should get a lawyer. I didn't want anything to
9 do with that. He called the lawyer and the
10 lawyer came to me. I didn't even tell the lawyer
11 anything to begin with the first time I talked to
12 him. I didn't even tell the cops anything the
13 first time I talked to them.

14 Q. The attorney, correct me if I'm wrong,
15 was the attorney with you the first time you
16 spoke to the police?

17 A. No. Not the very first time that they
18 talked to me, no, because they came to my door.
19 They hunted me down, claimed that they had been
20 searching all over the United States for me and
21 he was not there. But I did not tell them
22 anything either.

23 Q. Did you tell the police you wanted to
24 speak with your attorney?

25 A. Yes, I did. I said I have no idea what

1 is going on but I have an attorney. So I'm going
2 to talk to him before I say anything to you guys
3 whatsoever.

4 Q. And then the second time you spoke to
5 the police, you had an attorney?

6 A. Yes.

7 Q. He was with you?

8 A. Yes.

9 Q. Do you recall who you spoke with? What
10 police officers?

11 A. Leiter and Rossman.

12 Q. And do you recall where that took place?

13 A. At the police barracks in Milesburg.

14 Q. Do you recall one of those individuals
15 and I'm not certain from the interview who, but
16 either Corporal Leiter or Trooper Rossman telling
17 you that there were other people who Jerry had
18 abused?

19 A. Yes.

20 Q. And was that during the process they
21 were trying to get you to say that he had done
22 something to you?

23 MR. McGETTIGAN: Objection, Your Honor.
24 That assumes a fact not in evidence.

25 MR. AMENDOLA: Well, Your Honor, I'll

1 ask it another way.

2 MR. McGETTIGAN: That's when they try to
3 get you to say something.

4 THE COURT: That's all right. Go ahead
5 and rephrase your question.

6 MR. AMENDOLA: Thank you.

7 BY MR. AMENDOLA:

8 Q. During the interview, did you initially
9 tell the officers that you and Jerry Sandusky had
10 been involved in sexual behavior?

11 A. The first interview?

12 Q. Yes.

13 A. No, not to the -- no, not to the full
14 extent even close.

15 Q. By the first interview are we talking
16 about the one with Corporal Leiter and Trooper
17 Rossman?

18 A. Yes. They were there both times.

19 Q. But I'm talking about when your attorney
20 was there for the first time?

21 A. Yes.

22 Q. Did you tell them initially during that
23 interview that you and Jerry Sandusky had engaged
24 in sexual behavior?

25 A. No.

1 Q. When did you tell them for the first
2 time that you engaged in sexual behavior with
3 Jerry Sandusky?

4 A. We met again and it was -- I still
5 didn't come completely out because I'm
6 embarrassed. I don't even want anybody to know.
7 I didn't even tell my lawyer, you know. I didn't
8 tell him anything that was going on.

9 So when did I first tell them that
10 something actually happened to me was just before
11 I was going to the grand jury because I was told
12 that I had to go testify in front of a grand
13 jury.

14 Q. How many interviews later was that?

15 A. One.

16 Q. So at this point you had the first
17 contact with the police officers at your
18 apartment?

19 A. Yes. Yes. Yes.

20 Q. You didn't say anything at that point?

21 A. That's correct.

22 Q. However, correct me if I'm wrong, you
23 did say that I have something to say but I'm not
24 going to say it now. Did you say something to
25 that effect?

1 A. I did not say that. What I had said was
2 I know a lot of things that went on but, you
3 know, I really don't want to talk to you guys.

4 Q. Then the actual first interview with
5 Corporal Leiter and with Trooper Rossman you
6 indicated you really didn't tell them a whole lot
7 about the sexual activity; is that right?

8 A. Yes. Yes.

9 Q. Was the next interview that you started
10 opening up and telling them more things?

11 A. Yes.

12 Q. At that point you told them that you and
13 Jerry had engaged in oral sex?

14 A. No.

15 Q. What did you tell them --

16 A. I never told them any details at all.
17 That was -- I didn't do that until right in front
18 of the jury.

19 Q. So in other words your testimony before
20 the grand jury was the first time that you
21 mentioned specific details?

22 A. What's that?

23 Q. Your testimony before the grand jury was
24 the first time that you explained specific
25 details about what happened?

1 A. That I gave everything in a complete
2 detail, yes. As much as I could remember it.

3 Q. And without going into detail again, how
4 many times did you say that you and Mr. Sandusky
5 had engaged in sexual activity to the grand jury?

6 A. Over 50 times.

7 Q. And was that oral sex or a combination
8 of touching and oral sex?

9 A. A combination of different things, yeah.
10 A combination of either the oral sex or the --
11 just the groping me or any of that. I mean,
12 sometimes, you know, like, there was no oral sex
13 that happened. He would be between my legs
14 kissing on my thighs like I'm a girl and that
15 would be the end of it. There would be nothing
16 else.

17 THE COURT: When you reach a convenient
18 break, we'll take a short break.

19 MR. AMENDOLA: I'm sorry?

20 THE COURT: When you reach a convenient
21 breaking point, I don't want to interrupt you.

22 MR. AMENDOLA: This is fine, Your Honor.

23 THE COURT: Okay. We're going to take a
24 20-minute recess and we'll reconvene at -- we'll
25 remain seated while the jury is taken out. But

1 we'll plan about five of 4:00 I'm thinking.

2 We'll remain seated please while the
3 jury is being taken out.

4 (Whereupon, the jury was escorted out of
5 the courtroom.)

6 THE COURT: I understand that they have
7 tried to make some adjustments to the air
8 conditioning but, counsel, if you're
9 uncomfortable, feel free to take your coats off
10 when we come back in here.

11 MR. AMENDOLA: Thank you, Your Honor.

12 MR. McGETTIGAN: Thank you.

13 THE COURT: I think what we'll try to do
14 is go until about 5:00 o'clock. Does that plan
15 accordingly?

16 MR. McGETTIGAN: Maybe at conclusion --

17 THE COURT: Ladies and gentlemen, we're
18 still in session, and you'll remain seated until
19 I say we're ready to go please.

20 MR. McGETTIGAN: Certainly we would
21 expect or anticipate asking questions at the end
22 of cross. But we'll have one other witness
23 ready.

24 THE COURT: Okay.

25 MR. McGETTIGAN: May I ask if the

1 witness may leave the witness stand on the break?

2 THE COURT: Yes. We'll be in recess
3 then until five minutes till 4:00.

4 (Whereupon, a recess was taken.)

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

7 THE COURT: Counsel, feel free to take
8 your coats off.

9 I'm informed that there was a compressor
10 problem with the air conditioner and that has
11 been repaired. So it should become gradually
12 more comfortable in here.

13 The plan will be to proceed until about
14 5:00 o'clock, give or take.

15 Mr. Amendola, go ahead.

16 MR. AMENDOLA: Thank you, Your Honor.

17 BY MR. AMENDOLA:

18 Q. Mr. Houtz, I believe you said earlier
19 that the first time that you -- after the picnic
20 was held, the first time that you did something
21 one-on-one with Mr. Sandusky was the end of the
22 summer and you played basketball on campus; is
23 that correct?

24 A. Right.

25 Q. And I believe you said on direct

1 examination when Mr. McGettigan was asking you
2 questions and I had some trouble hearing. I
3 apologize for that. So if I misstate, just tell
4 us what's factually correct.

5 I believe you might have said that after
6 that first time that you and Mr. Sandusky played
7 ball, whether it was basketball or racquetball,
8 again about 15 times; is that accurate?

9 A. About 15 times?

10 Q. Fifteen?

11 A. Way more than 15 times we played
12 racquetball or basketball.

13 Q. I'm sorry. Way more or way --

14 A. Way more.

15 Q. Can you give us an idea?

16 A. Hundreds.

17 Q. How many times would you say you played
18 racquetball and/or basketball with Mr. Sandusky
19 from that first time in late August, late summer,
20 to the end of the year -- the end of that year?
21 Ball park. Was it once a week? Twice a week?
22 Three times a week?

23 A. It was -- I mean, are you counting
24 football games inside of this?

25 Q. I'm sorry?

1 A. Are you counting football games?

2 Q. No. No. Play basketball and
3 racquetball?

4 A. Racquetball, basketball, golf, all that
5 kind of stuff, I would say at least twice a week.

6 Q. Through the rest of that year?

7 A. Yes.

8 Q. And can you give us an idea about what
9 time of the day or night that was that you and he
10 played?

11 A. It would be after school.

12 Q. So it would be late afternoon?

13 A. Yes.

14 Q. And then on each occasion, would you get
15 a shower?

16 A. Yes.

17 Q. And that would be in the same area where
18 you got the first shower?

19 A. Yes.

20 Q. And were there times when you and
21 Mr. Sandusky were in the shower getting showers
22 and in the locker room that there were football
23 players around?

24 A. No, because it's the coaches' locker
25 room.

1 Q. But I take it from your testimony this
2 would have been during football season?

3 A. Yes, but there's no football players in
4 the coaches' locker room.

5 Q. Any coaches around?

6 A. Yes. Coaches had been there at times.

7 Q. Was it pretty routine for coaches to be
8 in and out while you guys are getting showers?

9 A. No. They usually were done and gone by
10 then.

11 Q. You were or they were?

12 A. They were.

13 Q. They were?

14 A. Usually if it did happen -- I mean,
15 there was times after practice or whatever, you
16 know, that we would go there and there would be
17 all the coaches, you know, getting changed or
18 things like that. I mean, I have been in the
19 shower with a couple of different coaches, you
20 know what I mean? But, yeah, there was
21 definitely times when the coaches were around.

22 Q. To your knowledge did any coach, or for
23 that matter any player, ever see anything
24 inappropriate going on between you and
25 Mr. Sandusky?

1 A. Never seen anything inappropriate going
2 on because, like I said, you would know when
3 somebody is coming in and when you came in, it
4 was blocked by a curtain. There's no way to see
5 into that shower. Okay. Not without moving that
6 curtain. There's even a lip at the edge of it
7 that goes right up to the curtain. So there's
8 not even this much of a gap at the bottom of the
9 curtain for the shower -- to see anything.

10 Q. So is what you are saying that you could
11 have heard somebody coming in?

12 A. You can always hear somebody coming in.
13 Now, there was one time that Coach Bradley had
14 came in and I can't say what his thoughts were
15 but I think he was suspicious of something
16 because he stayed in the shower until everything
17 was done. Like, he stayed in the shower talking.
18 He came in the shower with me and Jerry,
19 continued to shower and stayed in there until we
20 left.

21 Q. That was Tom Bradley?

22 A. Yes.

23 Q. And how many times did that happen?

24 A. That was just that one time.

25 Q. Now, when you and Mr. Sandusky were

1 getting your showers, was the water running in
2 terms of people coming in and out? In other
3 words, when you are getting showers, was it just
4 the one showerhead, two showerheads?

5 A. No. Sometimes it would be -- usually he
6 turned on the showers and he would turn on both
7 the showers on the back wall. I would usually
8 come in and go to the corner and turn on the
9 shower. Sometimes all the showers would be on.

10 Q. And did the showers make a lot of noise?

11 A. Normal shower noise.

12 Q. Were there times when you and
13 Mr. Sandusky were messing around, horsing
14 around -- I think you used the term horsing
15 around in the locker rooms or showers that
16 football players were around?

17 A. They could have been. I don't know.
18 They're in the locker room. They're not back in
19 the coaches' locker room.

20 Q. Did you and Mr. Sandusky ever play what
21 he referred to, maybe what you referred to, as
22 Polish soccer?

23 A. Multiple times.

24 Q. In the locker area?

25 A. In the players' locker area.

1 Q. The players would watch?

2 A. Yep.

3 Q. They would cheer you on?

4 A. Yes.

5 Q. Would it be fair to say that the
6 players, the coaches were familiar with who you
7 were?

8 A. Yes, very.

9 Q. And familiar with the fact that you
10 basically were around Mr. Sandusky a lot?

11 A. Yes.

12 Q. I think you mentioned there was some
13 situations with the sauna?

14 A. Um-hum.

15 Q. Where was the sauna located?

16 A. Where was it located?

17 Q. Yes.

18 A. In the new locker room in the Lasch
19 Building.

20 Q. So the new building?

21 A. Yes, the new building.

22 Q. Now, did you also get showers in that
23 facility?

24 A. Yes.

25 Q. And who had access to the shower locker

1 room area in the new building?

2 A. Anybody.

3 Q. Didn't require punching in --

4 A. I don't remember there being that, no.
5 It was basically -- and this is also right after
6 the building has been built. So it's not like --
7 they're basically using both still in between.

8 Q. But I take it there were no key codes
9 for the new building?

10 A. Not that I remember, no. I can remember
11 vividly for the first one but not that one, no.

12 Q. So basically players, coaches, anybody
13 who had access to the building could walk in?

14 A. Yes, and the shower itself wasn't
15 covered either. It just went around the corner.

16 Q. And did anything inappropriate between
17 you and Mr. Sandusky go on in that facility?

18 A. Yes.

19 Q. About how many times would you say that
20 happened?

21 A. Something inappropriate? Probably --

22 Q. Ball park?

23 A. Fifty times.

24 Q. I'm sorry?

25 A. Probably close to 50 times.

1 Q. And again in the shower area?

2 A. Both. It would start -- it always
3 usually started with the sauna unless somebody
4 else was there.

5 Q. That's my next question. Did anyone
6 ever walk in on you and Mr. Sandusky in that
7 facility which wasn't locked which it was open
8 while anything inappropriate was going on?

9 A. No.

10 Q. And would it be fair to say when you're
11 in the shower area that the showers were on
12 because you're getting a shower?

13 A. The showers are on because I'm in the
14 shower, yes.

15 Q. And how many showers were in that new
16 facility in the area where you two showered?

17 A. I believe -- there could have been
18 eight.

19 Q. Were there times when you turned all of
20 them on or times when you just turned a couple of
21 them on?

22 A. Yes.

23 Q. Yes to -- I'm sorry. I asked you two --

24 A. Yes to both.

25 Q. Yes to both. And you are saying over 50

1 times something inappropriate happened?

2 A. Yes.

3 Q. But no one ever walked in?

4 A. No.

5 Q. And in the other facility --

6 A. There would hardly ever been anybody at
7 all in that new locker room, ever. Even players,
8 anybody.

9 Q. Now, did Jerry Sandusky ever say to you,
10 Brett, whatever you do don't tell anybody what
11 we're doing?

12 A. No.

13 Q. Did Jerry Sandusky ever threaten and say
14 if you tell somebody, you're going to be in big
15 trouble?

16 A. He threatened me at the bowl game.

17 Q. What? I beg your pardon?

18 A. He threatened me at the bowl game.

19 Q. And you're saying the threat was he
20 would send you home?

21 A. Yes.

22 Q. But not that he would hurt you?

23 A. No.

24 Q. That was a situation where Mrs. Sandusky
25 came into the room while you two were in the

1 bathroom?

2 A. Yes.

3 Q. Which bowl game was that?

4 A. The Outback Bowl. No. The Alamo Bowl,
5 sorry, in Texas.

6 Q. The Alamo?

7 A. Yes.

8 Q. Aside from that, did Mr. Sandusky ever
9 threaten you with --

10 A. No.

11 Q. -- physical harm?

12 A. No. Besides slapping me around a couple
13 times but not a threat.

14 Q. Well, is it fair to say on one occasion
15 you smacked him?

16 A. What's that?

17 Q. On one occasion didn't you smack him?

18 A. Is it fair to say that on one occasion I
19 smacked him?

20 Q. You hit him with a bottle?

21 A. Yes.

22 Q. Where did that occur?

23 A. In a car.

24 Q. Where?

25 A. In his car and it was because he had his

1 hand on my thigh.

2 Q. And you didn't like it?

3 A. That's right.

4 Q. So you hit him with a bottle?

5 A. No, no, no. I shrugged him away first
6 multiple times. He didn't stop.

7 Q. That was because he had his hand on your
8 knee?

9 A. Yes.

10 Q. Not because he was trying to get you to
11 perform oral sex on him?

12 A. No.

13 Q. Wouldn't you agree that someone trying
14 to get you to perform oral sex on him was much
15 more significant than somebody putting his hand
16 on you knee?

17 A. Yes, I agree to that but you also got to
18 realize there was a friend with me at this time.
19 I didn't want him seeing that in any shape or
20 form. He was sitting in the back seat. This is
21 also after Jerry freaked out us because we had
22 been at a concert for longer than we should have.

23 Q. If you can give us an approximate time,
24 not an exact date, maybe not even a month, but
25 maybe a time of year if you can't be more

1 specific, when you began to distance yourself
2 from Jerry Sandusky?

3 A. Give you a year?

4 Q. Can you give us a time of year?

5 A. When I started to distance myself? When
6 I had made the decision that I'm going to try to
7 get away from this?

8 Q. (Attorney nods head up and down.)

9 A. We're talking 2000 -- probably 2000 when
10 I finally made the decision that I'm going to try
11 to get away from this.

12 THE COURT: 2000 pardon me?

13 THE WITNESS: 2000. Just 2000.

14 BY MR. AMENDOLA:

15 Q. How old were you then?

16 A. Sixteen.

17 Q. Were you starting to drive?

18 A. No, I couldn't drive until I was 18.

19 Q. Did you have a girlfriend at that point?

20 A. Just had gotten one, yes.

21 Q. At some point, correct me if I'm wrong,
22 didn't your girlfriend move in with you?

23 A. Move in with me?

24 Q. Was there a time when your girlfriend
25 moved in with you?

1 A. My girlfriend lived with me over a
2 summer but not moved in with me.

3 Q. At your grandmother's?

4 A. Yes, but she also lived between her
5 friend's house, too.

6 Q. What time period would that have been?

7 A. That would have been 2002.

8 Q. Pardon me?

9 A. 2002.

10 Q. So that was after you had started to
11 distance yourself?

12 A. Yes. When she moved in with me, yes.

13 Q. Were you seeing that same girl or some
14 other girl in 2000?

15 A. The same girl.

16 Q. Same girl?

17 A. Yes.

18 Q. And is it understandable that -- is it
19 factual that you wanted to spend more time with
20 her?

21 A. Well, yes.

22 Q. And isn't it also true that Jerry
23 Sandusky was trying to get you to do things that
24 were going to be beneficial to you in the future?
25 For example, let me back that up and say

1 specifically. Didn't Jerry talk to you about
2 academics?

3 A. Yes.

4 Q. Didn't he spend time with you studying?

5 A. If you want to call it studying, I
6 guess.

7 Q. Okay. What do you call it?

8 A. Him sitting there basically demanding
9 things while I'm riding a bicycle.

10 Q. Did he ever help you academically?

11 A. Yes. He did my summer correspondence
12 for me one time.

13 Q. Was there a time you failed the course
14 in school -- in high school?

15 A. Yes. And that's when he did the summer
16 correspondence for me.

17 Q. He helped you?

18 A. No, he did it.

19 Q. He just sat there?

20 A. Yeah.

21 Q. While you did your work?

22 A. No, he did it. He wrote it down and
23 everything.

24 Q. So he did it for you?

25 A. Yes.

1 Q. In an effort to get you to pass?

2 A. I guess, yeah.

3 Q. Because he wanted to see you succeed?

4 MR. McGETTIGAN: Objection. How can the
5 witness know what the defendant wanted, Your
6 Honor?

7 THE COURT: Overruled.

8 BY MR. AMENDOLA:

9 Q. You are saying he did the course for you
10 so you would pass, correct?

11 A. He did the course for me because that's
12 what I had -- yes. Yes.

13 Q. And that's because he told you time and
14 again he wanted you to succeed, isn't it?

15 A. Yes.

16 Q. He talked to you about college, didn't
17 he?

18 A. Not really. I was a young kid.

19 Q. No, not when you were a young kid but
20 when you were an older kid after you had gotten
21 into a little bit of trouble; didn't he talk to
22 you about college?

23 A. What about college? Like, we talked
24 about college. Yes, he runs a football team for
25 a college.

1 Q. Let's back up. Did he get you a job
2 after you got out of rehab?

3 A. Did he get me a job after --

4 Q. Did he help you get a job?

5 A. No.

6 Q. He didn't?

7 A. Nope, not after I got out of rehab. At
8 that time I had been distancing myself quite a
9 bit and hardly ever seen him.

10 Q. Did he ever help you get a job?

11 A. The only time remotely getting me a job
12 would be he stepped in when I got in trouble when
13 I was little and I had to do community service,
14 and he stepped in and said why don't you come to
15 the office that I work at and do your community
16 service? He did whatever he did to make that
17 work.

18 Q. Is that the time that you stole the car
19 or the time you got in trouble for drugs?

20 A. What's that?

21 Q. Is that the time you --

22 A. I've never got in trouble for drugs.

23 MR. McGETTIGAN: Objection.

24 THE COURT: Sustained.

25 MR. McGETTIGAN: Move to strike.

1 BY MR. AMENDOLA:

2 Q. Was there a time when you took a car?

3 A. When I took a car?

4 MR. McGETTIGAN: Objection.

5 MR. AMENDOLA: Your Honor, I would
6 suggest this comes under crimen falsi, that there
7 was an adjudication for unauthorized use.

8 THE COURT: Will you approach the bench
9 for a minute?

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

12 THE COURT: You got a juvenile
13 adjudication for crimen falsi?

14 MR. AMENDOLA: For unauthorized use.

15 MR. McGETTIGAN: It's not crimen falsi.

16 MR. AMENDOLA: It was charged with theft
17 but they pled and adjudicated him on an
18 unauthorized use.

19 THE COURT: I thought unauthorized use
20 is not crimen falsi.

21 MR. AMENDOLA: I didn't know that.

22 THE COURT: I don't believe it is.

23 MR. AMENDOLA: See. I thought --

24 MR. ROMINGER: It's a crimen falsi
25 because --

1 MR. McGETTIGAN: It's not.

2 MR. ROMINGER: I don't know that as a
3 definitive answer.

4 THE COURT: Yeah, I won't take the time
5 to look.

6 MR. AMENDOLA: I'm not going to ask any
7 more.

8 THE COURT: I don't think unauthorized
9 use is.

10 MR. McGETTIGAN: Thank you, Your Honor.

11 (End of sidebar discussion.)

12 MR. AMENDOLA: Your Honor, if we may,
13 we're going to ask the Commonwealth if they'll
14 put up on the screen the letters that they had
15 referred to earlier.

16 THE COURT: Sure.

17 BY MR. AMENDOLA:

18 Q. Mr. Houtz, you had referred to these
19 letters earlier and can you read the screen or do
20 you have --

21 A. Yeah, yeah.

22 Q. If you would please -- I would like to
23 read this entire letter. I know that the
24 Commonwealth, Mr. McGettigan only read a portion
25 of it. But could you read this entire letter for

1 everyone please?

2 A. Yes.

3 "Brett, once again, I have decided to
4 write some of my thoughts. I write because
5 you mean so much to us. I write because I am
6 concerned about all of us. I write because I
7 have seen the hurt on Tim's face when you
8 don't show up for him even though you have
9 given your word. I write because of the
10 churning in my stomach when you don't care.
11 I write because I still hope that there will
12 be meaning to the time we have known each
13 other.

14 "Tim and I have seen this before. Had
15 similar experiences and to be honest not very
16 happy conclusions. You like to express
17 yourself in a straight forward manner. This
18 will be a very direct message from us.

19 "We seem to be a convenience. When it's
20 inconvenient or a better deal comes along,
21 you leave a trail of broken promises.
22 Commitments seem to be meaningless. You are
23 able to bounce from person to person, object
24 to person. You seek happiness through
25 control, demonstration and what satisfies" --

1 THE COURT: I think the word is
2 domination.

3 THE WITNESS: Oh, yes. Sorry.

4 "Domination and what satisfies the
5 moment. You have to hit the home run. Swing
6 for the fence.

7 "You don't understand or choose not to
8 worry about loyalty, commitment, or caring.
9 The motivation is to get what you want
10 regardless of others.

11 "On the surface this may appear to work
12 for you. People enjoy your youthfulness.
13 Different people show up to give you
14 temporary fulfillment. We could be wrong but
15 don't believe that this works. Our
16 experience shows otherwise. You will get
17 older. People will expect more. Your
18 youthfulness will disappear. If you cannot
19 care, you will not be able to live up to the
20 expectations. Your so-called best friends
21 will vanish. Happiness will escape your
22 life. You might want to stop and think about
23 true happiness. It seems to come more often
24 when you don't try as hard. Look to just get
25 a single. Reach out to others. Lose

1 yourself. Become satisfied with plan.
2 Simple people who care.

3 "It's your life. You can continue as
4 you have. Keep looking for happiness or you
5 can find it. We'd love to be a part of your
6 life but that's your choice. We have been
7 here. Made it through some challenges. We
8 want to always be there for you.

9 "With some hope and a lot of caring, we
10 are: Tim and Jerry."

11 BY MR. AMENDOLA:

12 Q. Could you tell us who Tim is?

13 A. Tim Janocko is the football coach -- was
14 -- I don't know now. Was the football coach for
15 Clearfield High School and a friend of Jerry's.

16 Q. And if you recall, what was his role in
17 this letter?

18 A. What was his role in this letter? I
19 really couldn't tell you because he didn't write
20 the letter. Jerry did.

21 Q. But was the letter related to the fact
22 you were not keeping promises, commitments you
23 had made?

24 A. This is referring to one time I did not
25 show up because I didn't want to go over there.

1 I didn't want to see him any more. This is
2 during the time that I'm trying to get away from
3 him. That's why this letter was wrote to me.

4 Q. So that's why that letter was written?

5 A. Yes.

6 Q. Could we play the next letter, please?

7 A. You want me to read this?

8 Q. Yes, if you would.

9 A. Okay.

10 "Brett, I'm starting this letter now and
11 may not finish it until we get to Minnesota."

12 What's this? "I enjoyed seeing you --

13 Q. Briefly.

14 A. "-- briefly when you come over for the
15 wrestling. It was very positive that you
16 were going to soccer practice. As LaVar
17 said, it shows that you have loyalty to your
18 team and coach.

19 "I'm also pleased and proud of you -- of
20 your performance in school. You have so much
21 potential and are beginning to realize it.
22 Hopefully you will be able to handle your
23 success and even build on it going into a
24 higher level.

25 "When you came over, it was an

1 opportunity for me to observe something and
2 think. I saw a young man by the name of
3 Brett show the potential to be a leader. He
4 gets along with others, isn't too big for
5 anybody yet at the same time leads by
6 example, stands little taller, has higher
7 standards, is something special. I'm
8 convinced that you can be all that and have a
9 positive impact on many people.

10 "I'm also convinced that you belong to a
11 special community here. I saw it when you
12 ran over to see Joe Rose. I saw it when
13 LaVar sprinted into the office that night to
14 call you. You belong with Courtney Brown, Mo
15 Daniels, LaVar, Mac, Brandon, Joe, Jon, Matt,
16 E. J., even Buddy. They are your people.

17 "I observed some people at the wrestling
18 match. I may be wrong but I just feel that
19 the genuine people you have over here have
20 more substance than the entertainers in pro
21 wrestling. I'm trying not to generalize,
22 but I love the Jim Martins and all of the
23 others who have touched my life and now save
24 lives. I love their sincerity. They are
25 plain, very plain, yet extremely proud. They

1 have themselves out for others -- they pour
2 themselves out for others, and I know they
3 care about you and will be there for you.

4 "Brett, I don't know what you think
5 about me sometimes. You never know how long
6 you have. I ask you to cling to the genuine
7 people over here. Maybe you can become a
8 part of it someday. Mr. --

9 I don't know what that says.

10 Q. Looks like Gorman.

11 A. "Mr. Gorman is really proud of you.
12 You might be a soccer player, a manager, who
13 knows. Your prayer will go on with or
14 without me because you are really special or
15 your program -- your program will go on with
16 or without me because you are really special.
17 I am proud of you and really care. Jer."

18 Q. Do you know who Mr. Gorman is?

19 A. No, I'm not sure who that is.

20 Q. Will you agree that in that letter that
21 Mr. Sandusky appears to be encouraging you to go
22 to the next level of schooling?

23 A. Next level of schooling? No. I don't
24 see how that mentions schooling.

25 Q. But these are -- these two letters that

1 you have just read are two of the creepy love
2 letters you refer to on direct examination?

3 A. The creepy letters that I refer to? No,
4 they're way different than this.

5 Q. Okay.

6 A. These -- I get all kinds of letters from
7 him all the time. Some of them are more
8 personal, like, you know, I love you and all
9 these kind of things are in there and stuff. The
10 thing I read earlier the Brett and Jer story. I
11 didn't even read that but.

12 Q. Didn't you tell us that Jerry said that
13 he treated you like a son?

14 A. No, no, no. He treated me like a son in
15 front of other people such as, like, if we go to
16 a golf outing or something like that when nobody
17 knows me, that's when he's telling them that I'm
18 his son. Outside of that he's trying to treat me
19 like his girlfriend anytime.

20 Q. Did he ever say he wanted to adopt you?

21 A. Did he ever say he wanted to adopt me?

22 Q. Adopt you?

23 A. Not adopt me, no.

24 Q. When did you last have contact with
25 Jerry Sandusky prior to a couple years ago when

1 you stopped over at his house?

2 A. The last time?

3 Q. Yes.

4 A. Some time in 2002. Because I'm not
5 positive but I'm pretty sure he came to my
6 graduation. I had a lot of things going on that
7 day and I didn't really talk to anybody other
8 than my girlfriend but. I'm pretty sure he was
9 there.

10 I take that back. I know that I had
11 seen him a few times after that. Like I had
12 said, he would call and offer me tickets and
13 bring my friends to football games, that kind of
14 thing.

15 Q. Did you ever go to Second Mile events
16 after you from graduated high school?

17 A. Second Mile events after -- no.

18 Q. Never went to any golf tournaments?

19 A. Yes.

20 Q. How many did you go to?

21 A. One.

22 Q. When was that?

23 A. When?

24 Q. Yes.

25 A. It would have been -- that summer. It

1 would be -- it would be the summer of 2002.

2 Q. After you graduated?

3 A. Yeah, yes.

4 Q. Was that the only time?

5 A. That I went to a golf --

6 Q. Was that the only time?

7 A. That I went to a golf outing?

8 Q. Yes.

9 A. Yes.

10 Q. And was there a time?

11 A. I have gone to golf outing many times
12 but that's the last time I went to the golf
13 outing, yeah.

14 Q. Did you enjoy golfing?

15 A. Yes.

16 Q. In fact, one of the presents that Jerry
17 got you was a set of golf clubs?

18 A. Yes.

19 Q. And you did you enjoy snowboarding?

20 A. Yes.

21 Q. And one of the presents that Jerry got
22 you was a snowboard?

23 A. Yes.

24 Q. At one point didn't you express an
25 interest in hockey?

1 A. Yes.

2 Q. Didn't Jerry go out and get you hockey
3 equipment?

4 A. Yes, he did.

5 Q. And what he asked for return was a
6 commitment maybe to follow up on those
7 activities?

8 A. He didn't ask anything in return.

9 Q. He never did?

10 A. (Witness shakes head side to side.)

11 Q. And your testimony today is he never
12 talked to you about going onto college?

13 A. What's that?

14 Q. He never talked to you about going onto
15 college?

16 A. It was never talked about like that. I
17 mean, you know, he made comments like, you know,
18 you're going to go to college some day, these
19 kind of things but never. We never set (sic)
20 down and he said, like, you should go to Penn
21 State or you should go to this college and this
22 is what you should do with your life because I
23 never -- never, ever knew what to really do with
24 my life. Even when I graduated.

25 Q. Well, but earlier, Mr. Houtz, didn't you

1 tell all of us that -- and I believe when the
2 Commonwealth put up on the screen a program for
3 the fall winter spring summer 1999-2000 a program
4 that, on its face, which as I recall, and correct
5 me if I'm wrong, you signed and Mr. Sandusky
6 signed that basically said that he would agree
7 and you would agree if you did certain things
8 that least a thousand dollars would be given to
9 you for post-high school education. You could
10 earn more if you completed the program and the
11 total at that point was \$350. Do you remember
12 seeing that?

13 A. Yes, that's correct.

14 Q. You said that both of you signed this?

15 A. Yes.

16 Q. And you're telling us how that
17 Mr. Sandusky never talked to you about education
18 and college?

19 A. No, no, no. You're not understanding.
20 This is when I'm trying to leave him. Okay.
21 This is when I'm trying to get away from him. So
22 he's forcing these kind of things onto me.
23 Saying, oh, do this. So I'm just signing it to
24 shut him up. That's it. I didn't go through
25 that program in any shape or form, not once.

1 Q. But you signed it?

2 A. Yeah.

3 Q. Why did you sign it?

4 A. To shut him up. You don't understand.
5 He would tell me every day, well, you need to do
6 this or you can do this. And then he's like --
7 and that's not the only thing that's offering me
8 money for. It's offering me money for anything.
9 Because there would be times where he would say,
10 okay, I'll pay you out now and give you some
11 money and we'll go -- it would be we would go to
12 a Wal-Mart and he would buy me something.

13 Q. Why didn't you just stop having contact
14 with him?

15 A. Because I'm slowly trying to leave. You
16 don't -- why? Don't you think it's going to be
17 suspicious that I just all of a sudden jump and
18 leave and people are going to ask me questions.
19 I am trying to worry about my future and make
20 sure that people aren't getting caught. It's not
21 that simple whenever these kind of things are
22 going on and you're just like, all right, done.
23 It doesn't work that way, not in my mind. I'm
24 sorry.

25 Q. But forgive me for asking this again but

1 at one point you hit him with a bottle in the car
2 because he put his hand on your knee?

3 A. Um-hum. Not because he put his hand on
4 my knee. Because he kept putting his hand on my
5 knee. Okay. Right in front of my friend who's
6 sitting in the back seat, one of the people that
7 already is questioning what's going on with Jerry
8 Sandusky.

9 Q. But my point is you were forceful at
10 that point?

11 A. Yes.

12 Q. So why weren't you forceful with this
13 agreement and just say, Jerry --

14 A. Because we're by ourself.

15 Q. I'm sorry. What?

16 A. We're by ourselves.

17 Q. Is the same thing true for the other
18 agreement that the Commonwealth put up on the
19 board, Second Mile Positive Action Program Phase
20 One January 7, 1999 to April 1, 1999, the
21 agreement that you signed and Mr. Sandusky
22 signed?

23 A. I signed multiple things.

24 Q. Talking about specific expectations.
25 Attend school, cooperate, put forth effort,

1 exhibit a positive attitude in your classes,
2 study one hour a day for three days for a total
3 of three hours per week, work out three times per
4 week. One would include hockey plus some
5 activities, lifting, soccer, et cetera, come over
6 to visit friends, and do special activities, and
7 participate in golf program?

8 A. Um-hum.

9 Q. That's what you signed, correct?

10 A. Correct.

11 Q. And you acknowledged that earlier
12 today --

13 A. Yes.

14 Q. -- to everybody?

15 A. And clearly that is a contract for him
16 to try to get me to be around him more often.
17 There's even something in there saying about
18 three times of exercise a week.

19 Q. But wouldn't you say, based upon that
20 part I just read, that he was encouraging you to
21 get your education?

22 A. No. He was encouraging me to come over.

23 Q. So everything else was just put there
24 for fluff?

25 A. Right. That doesn't mean -- didn't have

1 anything to do with The Second Mile.

2 Q. Didn't one agreement also say that
3 hockey would count?

4 A. What's that?

5 Q. Didn't one of the agreements indicate
6 that hockey would count?

7 A. I don't recall. Does it say that?

8 Q. Phase One August -- this is Exhibit 32
9 that the Commonwealth put up on the screen.
10 Phase One, August 14, 1999 to November 19, 1999,
11 14 weeks. Evaluation and reward will be based
12 on: This is section d. 25 percent participation
13 in soccer, 25 percent participation in hockey
14 which you said you liked, golf which you said you
15 liked, contact with Jerry at least once a week
16 within reason, 25 percent no grade lower than a
17 C, 25 percent no detentions or suspensions. Do
18 you recall signing that agreement?

19 A. Yes, but I didn't go to any of that. So
20 why wasn't that agreement cancelled? Doesn't it
21 say in here if that doesn't happen, it should be
22 cancelled?

23 Q. But isn't that part of the problem that
24 Jerry was trying to get you to solve for
25 yourself, that if you made a commitment, a

1 commitment to excellence, that to follow up on
2 it, be committed?

3 A. Then why weren't any of these contracts
4 given to me before the time when I'm trying to
5 leave?

6 Q. Well, now we're back to when you tried
7 to leave. This document here says 1999 and 2000?

8 A. Um-hum.

9 Q. And your testimony earlier, and correct
10 me if I'm wrong, indicated that you were talking
11 about the year 2000?

12 A. That's -- no, no, no. You asked me when
13 I had seen him last. That's 2002. Yes, you are
14 correct. You are correct.

15 Q. Mr. Houtz, this attorney that you talked
16 about, your natural father retained or got him
17 for you?

18 A. Yes. Yes.

19 Q. And he went to the first full interview
20 with you with the police?

21 A. The attorney, yes.

22 Q. And he's been with you at all the
23 subsequent meetings with the police?

24 A. No.

25 Q. Was he with you at the second interview

1 with the police?

2 A. Yes.

3 Q. Was he with you when you appeared before
4 the grand jury?

5 A. Yes.

6 Q. How many other meetings with the police
7 have you had?

8 A. How many other meetings with the police
9 have I had?

10 Q. Yes.

11 A. Well, I guess -- I consider the Attorney
12 General's Office to be --

13 Q. I understand.

14 A. -- the police. So I have seen them
15 multiple times.

16 Q. Can you give us a ball park?

17 A. Ten times.

18 Q. And each time have you talked about your
19 testimony in the court case?

20 A. Each time have I talked --

21 Q. That you met with the police and you met
22 with the Attorney General's staff, did you talk
23 about your testimony?

24 A. Yes.

25 Q. And you had private counsel? You have a

1 private attorney?

2 A. Yes, but he's not there for it.

3 Q. I understand.

4 A. Right.

5 Q. Did anyone ever tell you that in a
6 criminal case when you are the complaining
7 witness or you are a Commonwealth witness, that
8 typically the Commonwealth attorneys, that the
9 Attorney General's Office represents your
10 interest?

11 A. Nobody ever told me that, no.

12 Q. The attorney that you retained, do you
13 have -- you have a financial arrangement with
14 him?

15 A. Do I have a financial arrangement -- I
16 have never talked to him about it in any shape or
17 form, any kind of financial anything.

18 Q. He never --

19 A. He came to me and said -- well, he came
20 to me and said your dad got ahold of me and that
21 there's these things going on. Is there
22 something you want to talk to me about? I wasn't
23 forthright to him either.

24 Q. I want to understand this. This
25 attorney is the attorney who's been with you at

1 police interviews?

2 A. Yes.

3 Q. He appeared with you before the grand
4 jury?

5 A. Yes.

6 Q. And your testimony today is -- let me
7 back up and ask it another way. How many times
8 did this attorney appear with you, if you can
9 give us an idea? Either with the police at the
10 police interview, with the Attorney General's
11 Office or the grand jury, can you tell us how
12 many times this attorney was there with you?

13 A. Five times.

14 Q. And did you ever meet him in his office?

15 A. Did I ever met him in his office? No.

16 Q. Have you ever talked to him on the
17 phone?

18 A. Yes.

19 Q. You are telling us today you have never
20 paid him any money?

21 A. Never, not a dime.

22 Q. Has this attorney ever talked to you
23 about a civil suit?

24 MR. McGETTIGAN: Your Honor.

25 THE COURT: Excuse me.

1 MR. McGETTIGAN: I object. It's
2 privilege what the attorney said.

3 THE COURT: I think you need to rephrase
4 your question.

5 MR. AMENDOLA: Okay.

6 THE COURT: It's not necessarily what
7 the attorney told him. That would be privileged
8 but there's other ways to ask that question.

9 BY MR. AMENDOLA:

10 Q. Have there been any discussions about
11 pursuing some sort of civil action?

12 A. No.

13 Q. At all?

14 A. (Witness shakes head side to side.)

15 Q. And this attorney is just representing
16 you without charge?

17 A. (Witness nods head up and down.)

18 Q. This is somebody you've never met
19 before?

20 A. No. I told you how I got him and -- I
21 didn't expect -- to be honest when this came --
22 all came to light and he came to me, I didn't
23 tell him anything. I didn't tell the cops
24 anything. I really didn't want anything to do
25 with this. I had hid forever. I wasn't about to

1 start admitting these things. Okay.

2 But then the cops show up at my door.
3 All right. And they're demanding to, you know,
4 to come in, to talk to me, that these things are
5 going on, all this kind of stuff, and I'm
6 worried, and I'm nervous now. So I know that I
7 had talked to this guy. So I basically say,
8 look, I have a lawyer and I'm going to have to
9 talk to him. Because I don't know who to talk
10 about of this kind of legal matter.

11 So I called him and said, hey, there
12 were just cops here and all this kind of stuff.
13 That's how that came about.

14 Q. Have you ever signed any sort of
15 agreement with this attorney?

16 A. Yes.

17 Q. What kind of agreement have you signed,
18 if you know?

19 A. Basically just for his representation.

20 Q. Do you know what it says?

21 A. No, I don't really recall exactly what
22 it says. This was a year ago.

23 Q. Does the term contingency fee --

24 A. I don't know. I don't know.

25 Q. Have you had financial difficulties in

1 the last several years?

2 A. No, not really.

3 Q. No judgments or liens have been filed
4 against you?

5 A. No what?

6 Q. Have any judgments or liens been filed
7 against you?

8 A. Judgments or liens? No.

9 Q. Are you up to date with all your credit
10 card payments?

11 A. I don't have a credit card.

12 Q. Did you ever have credit cards?

13 A. No.

14 Q. You lived for a time at Spring Brae
15 Apartments?

16 A. Um-hum.

17 Q. And did you pay your rent timely there?

18 A. It depended. Certain times we would
19 fall behind.

20 Q. When you left, did you owe rent?

21 A. Yes.

22 Q. Have you paid it since you left?

23 A. No.

24 Q. Do you know anyone else who is an
25 accuser, to your knowledge, in this particular

1 matter?

2 A. Do I know anybody else? Yes.

3 Q. Who's that?

4 A. I know of a few of them but I don't know
5 them personally. We lived in the same town. As
6 a matter of fact, I wasn't the nicest kid when I
7 was little. I was kind of a bully and I bullied
8 people.

9 Q. Have you ever communicated with anybody
10 else, to your knowledge, who's an accuser in this
11 case since 2008?

12 A. No.

13 Q. Do you know Jason Simcisko?

14 A. Yes.

15 Q. When did you live in Spring Brae
16 Apartments?

17 A. Like, how long?

18 Q. For when? What period of time?

19 A. I lived there for three years.

20 Q. Over what time frame?

21 A. It would have been -- my son was born in
22 2007. So it would be 2000 -- middle of 2007
23 until the middle of 2010. No. 2011.

24 Q. Well, after this investigation was under
25 way, in terms of this case, you lived in those

1 apartments?

2 A. Before this investigation was under way.

3 Q. I understand, but also continued living
4 there for four years?

5 A. Yeah. What had happened is I moved out
6 not long after the cops came to my house.

7 Q. Is that where they showed up?

8 A. At Spring Brae, yes.

9 Q. And would it surprise you if you'd found
10 out that Jason Simcisko happened to live in the
11 same apartment complex?

12 A. No, I know he did.

13 Q. And you knew him from The Second Mile
14 program, didn't you?

15 A. No, I knew him from Snow Shoe. I told
16 you I picked on the kid when I was older or when
17 I was younger. He's got quite a few years
18 underneath me.

19 Q. How long have you known Jason Simcisko?

20 A. I never knew him. We were never
21 friends, ever. If anything, I would imagine he
22 probably despised me when he was younger.

23 Q. Never socialized with him?

24 A. I mean, if you're calling that
25 socializing.

1 Q. Have you had any contact with him over
2 the past couple years?

3 A. What's that?

4 Q. Have you had any contact with Jason
5 Simcisko?

6 A. I have seen him because we lived -- he
7 was probably about five houses down. He came
8 there to live. I don't know exactly when he
9 moved in. I'm not sure.

10 Q. 2009?

11 A. I don't know. I have no clue when he
12 moved in because I didn't pay attention to him.

13 Q. Did you know that he was one of the
14 accusers in this case?

15 A. Then? No.

16 Q. No, but did you find out afterwards?

17 A. Yes.

18 Q. When did you find out?

19 A. A month or two ago.

20 Q. Just recently?

21 A. Yes.

22 Q. Have you two ever discussed --

23 A. Not once.

24 Q. -- what happened?

25 A. I've never talked to him.

1 Q. No phone calls between the two?

2 A. No, no, no.

3 Q. And just so I'm clear about this, you
4 signed an agreement with this attorney, correct,
5 and you've never paid him a penny?

6 A. Not once.

7 Q. And you did not know him before he
8 contacted you?

9 A. I did not know him.

10 Q. But you don't know the -- don't know the
11 substance of the agreement that you signed with
12 him?

13 A. No, that he would give me legal advice.

14 Q. Has he sent you any bills?

15 A. Has he sent me any bills? No, he's not
16 sent me any bills.

17 Q. Has he asked you for any money?

18 A. Never.

19 Q. And this attorney you had before you
20 ever spoke to the police?

21 A. Yes. About a week before.

22 Q. I understand. Going back to the 2009
23 situation at Mr. Sandusky's house and, again, I
24 had a little bit of trouble hearing you but I --
25 and you can correct me if I'm wrong. But I

1 believe you indicated the only reason you stopped
2 over that day was because your girlfriend was
3 basically a little suspicious about the
4 relationship?

5 A. More than a little.

6 Q. So you took her over to essentially --

7 A. To try to fool her.

8 Q. And you took over your child?

9 A. Yes.

10 Q. And you introduced your girlfriend and
11 your newborn child?

12 A. No. He wasn't a newborn. It wasn't in
13 2009 either.

14 Q. When was it?

15 A. 2010. Yeah. And he wasn't a newborn.

16 Q. 2000 --

17 A. He was three years old.

18 Q. Okay. Well then, I'm sorry. That's why
19 I am asking. In 2010 you stopped over at the
20 Sanduskys?

21 A. Yes.

22 Q. With your three-year old child?

23 A. There's nowhere else he could be.

24 Q. And you said you did it simply for your
25 girlfriend's satisfaction?

1 A. That's correct.

2 Q. So if someone said that you indicated
3 during that meeting that you wanted Jerry and
4 Dottie Sandusky to be part of your family's life,
5 they would be wrong?

6 A. I'd say they're crazy.

7 Q. Do you recall anyone else being present?

8 A. Yes.

9 Q. Do you recall male or --

10 A. It was a female. It was Dottie's
11 friend. I don't know who she is. I never met
12 her before in my life.

13 Q. So if she said that you acted like you
14 were part of the family, she would be wrong?

15 A. Acted like I was part of the family?

16 Q. Part of the Sandusky --

17 A. We went over -- here's exactly what
18 happened. We went over. Okay. He had called me
19 back after I called him. He said, hey, you know.
20 I am so glad to finally hear from you after all
21 these years and all this kind of stuff. What do
22 you say you come over and have dinner with us? I
23 said, all right, fine.

24 And we drove over. Got out of the car.
25 Jerry met us at the door. He had a new dog he

1 was telling us about. We came inside and Dottie
2 and that other lady were there. We had met them.
3 And then we're inside for a little bit.

4 Went outside to the outside porch and me
5 and my son ran around and played in the yard,
6 that kind of thing. Jerry had told Dottie about
7 going to get Kentucky Fried Chicken. So she
8 left. Went and got Kentucky Fried Chicken. Came
9 back. We ate on the back porch Kentucky Fried
10 Chicken, and then my girlfriend and my son went
11 over to a playground. There's a playground right
12 behind Jerry Sandusky's house.

13 Went over to there. They played around
14 on the playground while we stood up on a rock and
15 he basically told me about -- you know, I said,
16 how are things going and that was pretty much it.
17 He told me about how he's not really doing much
18 right now. That was it. Didn't mention anything
19 else. You know, did the awkward try to rub my
20 shoulder kind of thing. We were there for maybe
21 an hour and a half at the most and left. Drove
22 away.

23 Q. I didn't hear this today but I seem to
24 recall something vaguely in the materials that
25 the Commonwealth provided to us, that at some

1 point you indicated Jerry Sandusky gave you money
2 to buy pot?

3 A. Yes.

4 Q. When was that?

5 A. When?

6 Q. Yes.

7 A. I would be about 15, 16 -- 15 or 16.

8 Q. Were you in his car?

9 A. When I bought it?

10 Q. Were you in his car?

11 A. When I bought it?

12 Q. Yes.

13 A. No, I would go in the house.

14 Q. But I mean did he drive you there?

15 A. Yes.

16 Q. And he took you somewhere else
17 afterwards?

18 A. Home. Well, no, he went to the
19 cigarette store and bought me two cartons of
20 cigarettes and then we went home.

21 Q. He bought you cigarettes, too?

22 A. Yes.

23 Q. Did he smoke anything?

24 A. Nope.

25 Q. Jerry doesn't smoke cigarettes, does he?

1 A. No, he does not.

2 Q. And he certainly didn't smoke pot?

3 A. Not that I know of.

4 Q. But you told the police that?

5 A. I told the police that he smoked pot?

6 Q. No. That he -- you told the police that
7 he took you to get pot?

8 A. Yes.

9 Q. Did he know what it was?

10 A. Did he know what it was?

11 Q. Yeah.

12 A. I smoked it right in front of him in his
13 car.

14 Q. Did he say anything to you about it?

15 A. Don't do that.

16 Q. Did he ask you to perform any sort of
17 sexual acts after doing this?

18 A. No.

19 Q. Aside from the threatening to send you
20 home from the Alamo Bowl -- again just to be
21 clear -- did Jerry Sandusky ever threaten you in
22 any other way?

23 A. No.

24 Q. Did he ever tell you not to say anything
25 to anybody --

1 A. No.

2 Q. -- about what you were doing?

3 A. No, he didn't.

4 Q. And did he take you around with all the
5 football players and coaches to do certain things
6 and attend certain events?

7 A. Yes.

8 Q. Including the bowl games?

9 A. Yes.

10 Q. Took players up to Snow Shoe to see you,
11 like LaVar Arrington?

12 A. Yes.

13 Q. Stopped at your school?

14 A. Yes.

15 Q. Promote your well-being? Promote your
16 well-being?

17 A. I guess.

18 Q. That's all I have.

19 MR. AMENDOLA: Thank you, Your Honor.

20 THE COURT: Would you approach the
21 bench, please?

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

24 THE COURT: I didn't rely on my memory.

25 I looked up. Unauthorized is a crimen falsi. Is

1 that what it was, unauthorized use?

2 MR. AMENDOLA: Yeah.

3 THE COURT: It is a crimen falsi.

4 MR. AMENDOLA: I thought so.

5 THE COURT: If it's in, was it within
6 ten years.

7 MR. AMENDOLA: Yes.

8 THE COURT: Okay.

9 MR. FINA: Was it adjudicated. I'm not
10 sure it was adjudicated.

11 MR. AMENDOLA: According to the records,
12 it was adjudicated.

13 MR. McGETTIGAN: Consent decree.

14 MR. FINA: I think it was a consent
15 decree.

16 MR. AMENDOLA: I have the records.

17 MR. McGETTIGAN: Okay. Well, do you
18 want to ask him if he --

19 MR. AMENDOLA: I think I should clarify
20 it then. I think if I may just clarify that.

21 THE COURT: Yes.

22 MR. McGETTIGAN: Sorry I misled you.

23 THE COURT: That's okay. That's all
24 right.

25 MR. FINA: It's 12-year old juvenile

1 adjudication. That's over ten years.

2 THE COURT: It's over ten years.

3 MR. AMENDOLA: It's 2000, judge.

4 THE COURT: It's over ten years.

5 MR. AMENDOLA: Okay.

6 (End of sidebar discussion.)

7 THE COURT: Redirect.

8 MR. McGETTIGAN: Very briefly, Your

9 Honor.

10 REDIRECT EXAMINATION

11 BY MR. McGETTIGAN:

12 Q. Mr. Houtz, Mr. Amendola asked you if you
13 met with police and investigators, you did?

14 A. (Witness nods head up and down.)

15 Q. Did you meet with me?

16 A. No. Yes. Yes, I have met with you in
17 the past. I thought you meant when the police
18 came.

19 Q. Okay. And we met with you before trial
20 and you testified?

21 A. Today, yes.

22 Q. And on other days?

23 A. Yes.

24 Q. I asked you then and I ask you now, has
25 anyone ever asked you to say anything other than

1 the truth here in court under oath?

2 A. No.

3 Q. At any time?

4 A. Never.

5 Q. When you spoke with me, was your lawyer
6 or any other lawyer present other than Mr. Fina?

7 A. No.

8 Q. Did anyone ever ask you to say any
9 particular thing other than what actually
10 occurred and what's really occurred?

11 A. No.

12 Q. Everything you tell -- you told the
13 ladies and gentlemen of the jury about what the
14 defendant did to you in the shower, a shower and
15 a sauna, did those things in fact occur?

16 A. Yes.

17 Q. Thank you very much.

18 MR. McGETTIGAN: I have nothing further.

19 MR. AMENDOLA: Nothing, Your Honor.

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

22 THE COURT: We have about 15 minutes we
23 can fill.

24 MR. FINA: Mark McCann.

25 Whereupon,

1 MARK HAMILTON McCANN

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

4 DIRECT EXAMINATION

5 BY MR. FINA:

6 Q. Can you state your full name for the
7 jury?

8 A. It's Mark Hamilton McCann.

9 Q. You already spelled it for the reporter,
10 right?

11 A. Yes.

12 Q. Okay. Mr. McCann, can you tell us what
13 work you did for The Second Mile?

14 A. Well, I started as an assistant program
15 director but worked with programs.

16 THE COURT: Mr. McCann, if I could ask
17 you just speak into microphone a little more
18 directly. Thank you very much.

19 BY MR. FINA:

20 Q. You say you worked with programs at The
21 Second Mile?

22 A. Correct.

23 Q. Can you explain to us, people who have
24 no idea what that means, what that is?

25 A. Well, we have nine programs, mentoring

1 programs, preventing programs, and I work with
2 staff to administer the programs, camps but
3 really delivering these free programs to children
4 and youth in the State of Pennsylvania.

5 Q. So the programs are the actual
6 activities that the children would perform, would
7 be involved in?

8 A. Right.

9 Q. And what was your role in those
10 programs?

11 A. It varied. When I first started, I was
12 more involved with direct service, you know,
13 going to camp and working as a camp director and
14 the last ten years I have been more involved with
15 working with the staff, training the staff,
16 administering the programs.

17 Q. So you have been continuously involved
18 in Second Mile programs since 1994?

19 A. Yes, I have.

20 Q. Now, tell us how a program with The
21 Second Mile would get established. Could
22 somebody -- could one person just create a
23 program or was there a procedure?

24 A. No, there's a procedure. Someone may
25 have an idea. They would present it to staff to

1 talk about and ultimately it would go to the
2 program committee which is part of the board, and
3 it would have to be approved.

4 Q. How many people are on the program
5 committee?

6 A. Say ten.

7 Q. So, I mean, just give us a rough number
8 of how many people a program would have to go
9 through until it could be approved, finalized,
10 and implemented?

11 A. Well, probably ten staff and then a
12 ten-person program committee and then the board
13 of 30, 40 people. So in sum, 50 people, 60
14 people. I mean, really the program committee
15 would be the key.

16 MR. FINA: May I approach, Your Honor?

17 THE COURT: Yes.

18 BY MR. FINA:

19 Q. Sir, I'm going to approach with three
20 documents that have been previously marked as
21 Commonwealth's 30, 31, and 33.

22 Let's start with document 30. Can you
23 look at that for me?

24 A. Um-hum.

25 MR. FINA: Is it all right, Your Honor,

1 if we publish these since they have already
2 been --

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

4 BY MR. FINA:

5 Q. It's entitled Fall Winter Spring Summer
6 1999 through 2000. Above that it says program.
7 And then it says agreement between Brett Swisher
8 Houtz and Jerry Sandusky and then parenthetically
9 says The Second Mile.

10 Have you ever seen this before?

11 A. No, not previous to the investigation.

12 Q. Before these proceeding and talking with
13 us?

14 A. Right.

15 Q. Had you ever seen this?

16 A. No, I had never seen this.

17 Q. So as part of your work with The Second
18 Mile, you never saw this document?

19 A. Correct.

20 Q. Did you ever hear of this program while
21 you were at The Second Mile?

22 A. No. I don't see a name either. No.

23 Q. Could such a program have existed
24 through the appropriate procedures at Second Mile
25 without your knowledge?

1 A. No.

2 Q. Let's look at the next one, 31. This
3 between says agreement between Brett Swisher
4 Houtz and Jerry Sandusky and then parenthesis The
5 Second Mile, right?

6 A. Correct.

7 Q. I'll ask you again. Have you ever seen
8 this document or had any knowledge of this
9 Positive Action Program Phase One prior to your
10 contact with the police?

11 A. No, no.

12 Q. In this Positive Action Program and in
13 this Fall Winter Spring Summer Program, payments
14 are being made to a minor for doing things like
15 participating in sports, hockey, soccer. Was
16 that part of the programming of The Second Mile?

17 A. No, no.

18 Q. Ask you look at Commonwealth 33, sir.

19 A. Um-hum.

20 Q. This is entitled the Golf For L.I.F.E.
21 Mentor Program. Was this a Second Mile program?

22 A. No.

23 Q. States here that the referring agency
24 was The Second Mile. Are you familiar with The
25 Second Mile or referring Mr. Swisher Houtz to the

1 Golf For L.I.F.E. Mentor Program?

2 A. No.

3 Q. No, you're not familiar with it or, no,
4 that it didn't happen?

5 A. I'm not -- I don't think it happens or,
6 I mean, it wasn't a Second Mile program.

7 Q. Now, attached to this -- go down to the
8 third page, sir.

9 Sorry. We have a grocery store system
10 here.

11 This is attached. It's sort of hard to
12 read. At the top it says release, assumption,
13 and waiver and indemnification and then it talks
14 about the Community Links Golf For Life Mentor
15 Program and then it says that Mr. Houtz desires
16 to participate in the above program or activity
17 sponsored or conducted by The Second Mile, a
18 Pennsylvania nonprofit corporation.

19 Again, was there any authorization for
20 Mr. Swisher Houtz to participate in this program
21 and to use this form which appears to be a Second
22 Mile form?

23 A. Right. This is what we call a release
24 and hold harmless form but this is not a Second
25 Mile program.

1 Q. Going one to the next page. Drop down,
2 Mark. And then there are signatures there by
3 Mr. Houtz and his parents or guardians. So this
4 is the form that The Second Mile would use for
5 appropriate programs?

6 A. Right.

7 Q. Mr. McCann, could a single individual
8 with the Second Mile establish his or her own
9 program with a minor, implement it, not inform
10 anybody and then have unsupervised and
11 unauthorized contacts with a child under that
12 program?

13 A. Not legitimately, no.

14 Q. Why not?

15 A. The program needs to be vetted, needs to
16 be accountability, needs to be supervision.

17 Q. Did anybody at The Second Mile have
18 authority to have unauthorized and unknown
19 contacts with minors?

20 A. No.

21 MR. FINA: No further questions, Your
22 Honor.

23 MR. AMENDOLA: We have no questions at
24 this time.

25 THE COURT: You may step down. Thank

1 you.

2 THE WITNESS: Thank you.

3 Want to quit for the day or do you have
4 another one?

5 MR. FINA: We don't have anyone short,
6 Judge. The others are quite lengthy so.

7 THE COURT: Ladies and gentlemen, we are
8 going to take a recess for the day.

9 We'll start again at 9:00 o'clock
10 tomorrow morning. Same plan for you getting
11 here. I guess that worked all right.

12 I told you I would repeat this over and
13 over again. You are soon going to be able to say
14 it as well as I can. You should not read about
15 the case, listen to the news, talk to anyone, let
16 anyone talk to you. If it should happen, you
17 should report it to the jury woodsman as we
18 talked about and I will make some immediate
19 investigation about that contact.

20 So with that, we'll have you return home
21 and see you at 9:00 o'clock tomorrow morning.

22 We'll remain seated while the jury is
23 taken out.

24 (Whereupon, the jury was escorted out of
25 the courtroom.)

1 THE COURT: Counsel, if I could see you
2 at the bench?

3 We'll be in recess until 9:00 o'clock
4 tomorrow morning.

5 (Whereupon, a sidebar discussion was
6 held off the record.)

7 (Whereupon, court was recessed for the
8 day.)

9 E N D O F P R O C E E D I N G S

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C E R T I F I C A T E

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

Date _____ Patricia A. Grey, RPR
Official Reporter

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

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

Date _____ John M. Cleland, Senior Judge
Specially Presiding