

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 3)

11 BEFORE: John M. Cleland, Senior Judge

12 DATE: June 13, 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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1 P R O C E E D I N G S

2 THE COURT: We're back in session. You
3 may be seated. Good morning.

4 Bring the jury in please.

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

7 THE COURT: Good morning, ladies and
8 gentlemen.

9 We are about to resume this morning and
10 yesterday morning I neglected to do this. So
11 I'll do it this morning and hope I remember to do
12 it all the following mornings. That if per
13 chance any of you may have been approached,
14 spoken to, talked to, talked to anyone --
15 approached you about the case or you may have
16 been exposed in any way to any information,
17 newspaper, radio, anything in any way, that falls
18 within that instruction that I gave you, if you
19 would just report that to Ms. Gallo. So that
20 she'll been aware of that problem or issue, and
21 then we can follow up on it. If that happened,
22 that's the source of -- for you to take that
23 information. Okay.

24 All right. Thank you.

25 Mr. McGettigan, go ahead.

1 MR. McGETTIGAN: Your Honor, the
2 Commonwealth would call John McQueary please.

3 Whereupon,

4 JOHN McQUEARY

5 was called as a witness and having been duly
6 sworn, was examined and testified as follows:

7 THE COURT: You can be seated, sir.

8 MR. McGETTIGAN: May I, Your Honor?

9 THE COURT: Yes.

10 DIRECT EXAMINATION

11 BY MR. McGETTIGAN:

12 Q. Mr. McQueary, I am going to ask you
13 about a very narrow area of facts. You are
14 related to Michael McQueary. Can you tell the
15 ladies and gentlemen of the jury how are related
16 to him?

17 A. Yes. Mike's my son.

18 Q. And I'm going to ask you about some
19 events back in 2001 and did you have occasion in
20 the evening hours of the night in February of
21 2001 to receive a phone call from your son?

22 A. Yes, I did.

23 Q. Okay. And why don't you just tell the
24 ladies and gentlemen about the phone call that
25 you got and what happened immediately thereafter?

1 A. Now, as you know I can be a little
2 wordy. Do you want me to go --

3 Q. I'm going to stop you.

4 A. Okay.

5 Q. If that's okay? Mr. McQueary, why don't
6 we start this way. You were home. Was anyone
7 else at home that is the subject of our questions
8 today?

9 A. Yes, my wife Ann was home.

10 Q. Okay. And do you recall who answered
11 the phone?

12 A. It was Ann.

13 Q. And did she have a conversation with
14 your son or just hand you the phone?

15 A. No. She answered the phone. But, you
16 know, when you have been married a long time, you
17 know -- you know your wife. So she said to me:
18 John, it's Mike and there's -- she said: There's
19 something wrong and she just handed me the phone.

20 Q. Okay. You took your phone. And did you
21 speak first or did Mike speak first?

22 A. Well, I spoke first because I didn't
23 hear anything. I said: Mike, I said, you know,
24 what's up or, you know, what's the matter?

25 Q. Okay. Can you tell the ladies and

1 gentlemen of the jury what Mike said in response
2 to your question what's the matter?

3 A. At first it took a second or two for him
4 to respond. So I knew there was something wrong.
5 I assumed he was hurt or something, you know,
6 because you don't expect to get a call like that
7 on a Friday night at that time.

8 So I asked him again, I said: Mike,
9 what's the matter? And he says in a very I'd say
10 distraught voice, very shaken state and that's
11 not like him, he said: I just saw something. I
12 saw a coach downstairs in a shower. I'm actually
13 imitating his voice. I'm not much of an actor
14 but.

15 I could tell he was very upset and
16 distraught and concerned about whatever he saw.
17 And I said, okay. I said -- he said: I saw
18 Coach Sandusky in the shower with a young boy. I
19 said, well, where are you now? He told me that
20 he was in his office. And I said, well, where
21 are they? I said -- he said I don't know. I
22 said, are they still in the building? He said, I
23 don't think so. I said, are you sure? I said,
24 is there anyone else there? He said, no. Not
25 that I can see or hear. I said, well then, you

1 need to get out of there then and.

2 Q. Okay. Was this conversation over the
3 phone?

4 A. Yes.

5 Q. Okay. Last just about as long or maybe
6 a little shorter than the time you have taken to
7 tell us?

8 A. I would say about that time or shorter,
9 yes.

10 Q. And did Mike come to your home?

11 A. Yes, he did.

12 Q. Okay. When he got there, were just you
13 and your wife there or were there other parties
14 present, if you recall?

15 A. I don't recall. I think it was just Ann
16 and I until -- well, I'll wait until you ask the
17 next question then.

18 Q. When Mike got there, did you have a
19 discussion with him about the conversation you
20 had on the phone?

21 A. Yes. In the meantime, I called a friend
22 of mine, Dr. Dranov.

23 Q. Um-hum.

24 A. John is my boss. He's my friend.

25 He's -- he's a knowledgeable guy. He went to

1 Penn State. Was on several boards at Penn State,
2 not like Board of Trustees but I think the
3 College of Science.

4 THE COURT: Wait. Wait. Wait just a
5 second. All we're trying to get is what
6 Mr. McQueary told his father.

7 BY MR. McGETTIGAN:

8 Q. Mr. McQueary?

9 A. I'm sorry.

10 Q. I'll try to pose the question here. You
11 called Dr. Dranov just to briefly -- because
12 basically from the content and the tenor of your
13 son's conversation you would get some additional
14 advice from other persons?

15 A. Yes.

16 Q. After that, when Mike arrived, your wife
17 was still at home?

18 A. Yes.

19 Q. You were at home?

20 A. Yes.

21 Q. Mike came in. Did you have a
22 conversation with your son, Mike, then?

23 A. Yes.

24 Q. Was your wife Ann a party to that or no?

25 A. No, she was not. She went in the back

1 of the house.

2 Q. Okay. And where did you have that
3 conversation?

4 A. It was in the living room.

5 Q. Okay. And you tell the ladies and
6 gentlemen of the jury what your son, Michael,
7 told you when you sat there in the living with
8 him, without Ann, and before Dr. Dranov was
9 present?

10 A. He was -- told me what he had seen in
11 more detail and said that he came to the
12 building. Apparently he was, he came back and I
13 would say it's about 9:00, 9:30. I can't verify
14 that but I think that's the time frame.

15 And he went back to put a pair of shoes
16 he had bought -- I think it was sneakers -- back
17 in a locker and when he was there, he heard some
18 noises or saw a light and heard some noises. So
19 he went to look and investigate because it was a
20 little unusual for somebody to be in the building
21 at that time.

22 So as he went towards the noise as he
23 described it, he said he heard a noise or noises.
24 And his description to me was a slapping rhythmic
25 kind of a thrusting, slapping sound. And to

1 quote Mike, but not exactly, he said, he said: I
2 peeked my head around the corner. I think he
3 said in a mirror. He could see coach Sandusky
4 and this young boy. And then further looked
5 around the corner. I have never been there. So
6 I can't describe that very accurately.

7 But then he did see them kind of eye to
8 eye. He said that he was positioned behind the
9 young man, and I believe he said up against the
10 shower wall. And then I said, well, what was
11 taking place? He said, well, it didn't take a
12 rocket scientist or something like that. He
13 might not have said rocket scientist to figure
14 out what was going on.

15 Keep in mind that it's difficult -- you
16 just don't go talking to your dad about this kind
17 of an event like it's everyday occurrence. So he
18 was probably choosing words at that point to try
19 to make me understand.

20 Q. Okay. Now, you talked for a few
21 minutes. Did he talk at a greater length than
22 you have right here or shorter or longer or the
23 same?

24 A. I would say about the same.

25 Q. Okay. And what did you understand him

1 to be saying that was occurring, if you got any
2 appreciation?

3 THE COURT: No. Let's keep this within
4 the confines. It's not what he understood. It's
5 what Mr. McQueary said.

6 MR. McGETTIGAN: I understand.

7 THE COURT: Yeah.

8 BY MR. McGETTIGAN:

9 Q. Now, did you pose any questions to
10 Michael at that point which elicited any response
11 for him that you can recall?

12 A. Yes. I tried to get a more
13 description -- descriptive understanding, and I
14 asked him exactly what he saw. He was careful
15 because I was a little more descriptive than
16 myself seeing that Mike was struggling a little
17 bit. I said, well, were you watching? How free
18 can I be with description here?

19 Q. Mr. McQueary, what you can say is what
20 Michael said to you?

21 A. Okay.

22 Q. If you said something which he confirmed
23 or affirmed that's what he saw.

24 A. Okay.

25 Q. That's what we want.

1 A. I just didn't want to use language or
2 something that was inappropriate.

3 Q. I think you're allowed to use the
4 language that you used?

5 MR. McGETTIGAN: Your Honor?

6 THE COURT: Yes.

7 BY MR. McGETTIGAN:

8 Q. That you used or Mike used.

9 A. I asked him if he seen anal sex or --
10 and I got more descriptive. I said, do you --
11 did you see anything that you could verify,
12 penetration, or I might have used the word
13 sodomy. He said, no, I did not actually see
14 that. I said, so you did not actually witness
15 penetration or anything that you could be more
16 descriptive. He said, no.

17 Q. Okay. And what did you say then? Did
18 you pose any additional questions? Did he say
19 anything more to you?

20 A. I can't recall.

21 Q. Okay. And at some point were you joined
22 by a third party or no?

23 A. Yes.

24 Q. And who was that?

25 A. Dr. Dranov.

1 Q. And did you have a discussion with
2 Dr. Dranov with Michael present as well?

3 A. Yes.

4 Q. Okay. Did Michael add anything more or
5 change or alter anything that you recall in
6 specific terms, you know, from the conversation
7 you had together?

8 A. Repeat that if you would. Just want to
9 make sure.

10 Q. I'll make sure. Did Michael add
11 anything or change anything or -- from what he
12 said just to you when you were alone when
13 Dr. Dranov arrived or just rehash that same thing
14 again as much as you recall?

15 A. I would say he rehashed the same thing.
16 I don't think there was any additional
17 information.

18 Q. Okay. And did you advise your son of
19 what action to take at that point -- at some
20 point?

21 A. Yes.

22 Q. What did you tell him?

23 A. Well together with Dr. Dranov, we
24 determined that it's imperative that he report
25 this to the authorities at Penn State.

1 Q. Okay.

2 A. Meaning his immediate supervisor which I
3 thought was the appropriate thing to do.

4 Q. Okay. Who -- did the name the person
5 you told him to speak to? Did you tell him the
6 name of the person?

7 A. I did.

8 Q. Who was that?

9 A. Coach Paterno or Joe Paterno.

10 Q. And did your son at a later point tell
11 you that he had spoken to Coach Paterno?

12 A. Yes. I should go back and make clear
13 that I thought that no time should elapse. I
14 said: You've got to do this right away, Mike. I
15 said: This can't wait. To my knowledge, he went
16 over first thing in the morning of the next day.

17 Q. And at a subsequent point, did, to your
18 knowledge, did he speak to any other members of
19 the university administration about that, to your
20 knowledge?

21 A. At that time or any time?

22 Q. At a later time?

23 A. Yes. I think he met with Gary Schultz
24 and the A.D., Curley. I believe that's correct.

25 Q. You were not present at that meeting?

1 A. No.

2 Q. I'm not going to ask you about what you
3 may or may not have heard about the content of
4 the meeting but you understand that Michael met
5 with them?

6 A. Yes.

7 Q. Okay. And subsequently did you have
8 occasion to meet with one or both of those
9 parties, that's Mr. Curley or Mr. Schultz, and
10 bring up or discuss the topic -- this particular
11 topic?

12 A. Yes. I'll try to give you a time frame.
13 At the time I was employed by Centre Medical and
14 Surgical Associates as their CEO. And I had a
15 meeting scheduled, as I recall, with Mr. Schultz
16 on some other matters. But I intended to follow
17 up with him about Mike's conversation.

18 Q. Let me stop you there, Mr. McQueary.

19 A. I'm sorry.

20 Q. That's okay. That's okay. We had a
21 long conversation about this. About how long
22 after the time that you -- your son spoke with
23 you that February evening was it that you spoke
24 with -- you say Mr. Curley or Schultz?

25 A. Schultz.

1 Q. About how long was it, weeks or months,
2 or do you recall, as best you can?

3 A. I would say within a couple months but
4 for all the money, I couldn't tell you exactly.

5 Q. Okay. Did you bring up the topic or did
6 he?

7 A. I did.

8 Q. Okay. What did you say?

9 A. I was clear that I knew -- I made
10 Mr. Schultz aware that I knew of this incident
11 and understood that Mike had met with him and
12 that he had told Coach Paterno, and I was
13 inquiring as to what had been done or had they
14 followed up on it or was there any further
15 information they needed and so on.

16 Q. And did you receive a response that you
17 recall?

18 A. Yes. Mr. Schultz said that he had he
19 heard noise -- that was the word -- noise about
20 this before earlier than Mike's report.

21 Q. Mr. McQueary, I'm going to stop you for
22 a second. And Mr. Schultz or Curley?

23 A. Schultz.

24 Q. Schultz. Okay. Did he acknowledge that
25 he knew what you were speaking about?

1 A. Yes.

2 Q. Okay. You had a brief or lengthy
3 conversation about it, which was it?

4 A. I would say relatively brief.

5 Q. And did you ever speak with either him
6 or Schultz or Curley again about this matter?

7 A. I believe I may have had one occasion to
8 follow up on it and ask if it was ongoing or are
9 they continuing to look into it. I can't tell
10 you that exactly.

11 Q. Okay. Fine. And now I'm going to try
12 to phrase my question carefully. When you spoke
13 with Michael and you inquired of him and he said
14 that he hadn't seen any penetration or anything
15 of that sort, notwithstanding that, was it your
16 impression that he believed he had observed a
17 sexual act?

18 A. Yes, without question. I think -- that
19 was my conclusion, yes.

20 Q. Okay. And was that the nature of your
21 conversation with --

22 A. Schultz.

23 Q. Mr. Schultz? And did you make it clear
24 that that was the nature of the incident you're
25 inquiring about when you spoke with him?

1 A. Yes. If you're asking me whether I made
2 clear to Gary Schultz what I was talking to him
3 about, yes.

4 Q. Okay. And you didn't -- you, yourself
5 took no other action after that in terms of the
6 authorities, police, or any other law enforcement
7 officials?

8 A. No, I did not.

9 Q. Okay. And at the time you advised your
10 son to go to Coach Paterno, you knew Coach
11 Paterno. Did you know Coach Paterno well or just
12 met him?

13 A. I knew him as a coach. I was not a
14 personal friend or anything like that.

15 Q. Okay. And did you know the defendant,
16 Jerry Sandusky, at that time?

17 A. I knew who he is, yes.

18 Q. Had you ever met him even?

19 A. Yes.

20 Q. Once or more than once?

21 A. As a coach maybe once but, of course, he
22 lives in the community. So I did see him on
23 occasion.

24 Q. From time to time?

25 A. From time to time.

1 Q. Not a personal friend or not somebody
2 that you had a connection with?

3 A. Not at all.

4 Q. Okay. Was there any question in your
5 mind then or now that when your son spoke about
6 Mr. Sandusky, it was the defendant he was
7 speaking of?

8 A. Yes.

9 Q. Thank you.

10 MR. McGETTIGAN: Your Honor, nothing
11 further.

12 CROSS-EXAMINATION

13 BY MR. ROMINGER:

14 Q. My name is Carl Rominger. I represent
15 Jerry Sandusky. If I ask you a question and you
16 don't know what I said or can't understand me,
17 just ask me to repeat it. If you answer it, I'll
18 assume you understood the question. Fair?

19 A. Understood.

20 Q. You were the CEO of a medical practice?

21 A. Yes.

22 Q. You know what a mandatory reporter is?

23 A. Would you repeat that?

24 Q. Suspected child abuse, a mandatory
25 reporter, are you aware of that?

1 A. No.

2 Q. Dr. Dranov is a physician, correct?

3 A. Yes.

4 Q. And he worked at that practice as well?

5 A. Yes.

6 Q. He met with you on the night of
7 Michael's phone call to you?

8 A. Yes.

9 Q. And he met with you at this meeting that
10 you just described with Mr. Schultz?

11 A. Yes.

12 Q. So Dr. Dranov was present for both of
13 those conversations?

14 A. Yes.

15 Q. You told Mr. Schultz during your
16 follow-up conversation -- well, you described
17 what you thought Michael saw to him or what he
18 described to you, correct?

19 A. Yes.

20 Q. And you previously testified on this
21 before?

22 A. Yes.

23 Q. Do you recall exactly how you described
24 what Michael said to you to Mr. Schultz that day?

25 A. Make sure I understand the time

1 reference. The day that -- I want to understand
2 what you're saying exactly.

3 Q. You told -- let's back up for a second.
4 You had a business meeting with Mr. Schultz?

5 A. Yes.

6 Q. Be it a business meeting for other
7 business?

8 A. Yes.

9 Q. At the end of the meeting, you took
10 Mr. Schultz aside and invited Dr. Dranov to talk
11 just, the three of you?

12 A. No, that's not quite right.

13 Q. Okay.

14 A. It was in my office. There was only
15 three of us to begin with. We were the three
16 from the beginning, and I don't know whether it
17 was at the very end of that meeting. I might
18 have actually got to that pretty early. I didn't
19 take him aside. It was in my office.

20 Q. So just the three of you meeting on some
21 other purpose?

22 A. Yes.

23 Q. And then at some point you decided to
24 bring up your son's allegation and Mr. Sandusky
25 with Mr. Schultz?

1 A. Yes.

2 Q. What did you say to him? How did you
3 describe what your son had told you to him in
4 that conversation?

5 A. I think very similar to what I just said
6 when Mr. McGettigan was asking me the question.
7 I told him that -- what Mike had seen and said.
8 It was the same language. I can go over it
9 again.

10 Q. Tell me again what you said.

11 A. That Mike came back to the building to
12 put sneakers in his locker and heard a noise and
13 went to investigate it and first heard some
14 sounds and, secondly, I think saw indirectly in a
15 mirror. And then he looked around the corner and
16 saw Coach Sandusky in the shower with this young
17 man.

18 Q. You didn't characterize it as a criminal
19 act at that time, correct?

20 A. At very best --

21 THE COURT: Counsel, would you approach
22 the bench, please?

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

25 MR. McGETTIGAN: Your Honor.

1 THE COURT: He's called for a very
2 limited purpose. I don't know if you were in
3 chambers when we talked about this but it's only
4 for the ability to prior inconsistent -- to
5 rehabilitate against bias on the prior
6 inconsistent is sustained. I don't know where
7 you're going with this.

8 MR. ROMINGER: I'm just going with how
9 he described it to Schultz like I have in this
10 transcript.

11 MR. McGETTIGAN: That wasn't the
12 question though.

13 MR. ROMINGER: I asked him that because
14 he told -- I'm not going -- I can just ask him
15 more directly.

16 THE COURT: No, you can't because that's
17 the first part of the conversation that you
18 missed.

19 What you have to do is identify that
20 this is his statement and impeach him with his
21 statement. So you got to show it to him. Ask
22 him if it's his statement and then, you know, is
23 that an accurate statement and then read it.

24 MR. ROMINGER: Okay.

25 THE COURT: But remember the purpose of

1 this testimony.

2 MR. ROMINGER: Is only --

3 THE COURT: The only purpose of
4 testimony is only to rehabilitate Mike McQueary.

5 MR. ROMINGER: I understand.

6 THE COURT: Okay.

7 (End of sidebar discussion.)

8 BY MR. ROMINGER:

9 Q. You testified under oath previously in
10 this case?

11 A. Yes.

12 Q. I should say in a different hearing but
13 under oath regarding this, in front of a grand
14 jury and in front of a judge in Dauphin County?

15 A. Not in front of a judge in Dauphin
16 County, no.

17 Q. I have a transcript from Friday,
18 December 16, 2011, in Dauphin County Courthouse.
19 Were you present there?

20 A. No.

21 Q. I'm going to show you -- I'm going to
22 show you a transcript from the Dauphin County
23 proceeding?

24 A. Okay.

25 Q. Do you recall this, what I would call a

1 preliminary hearing?

2 MR. ROMINGER: May I approach the bench,
3 Your Honor?

4 THE COURT: Yes.

5 BY MR. ROMINGER:

6 Q. I'm going to show you a transcript and
7 turn to the list of witnesses. Do you see your
8 name there?

9 A. Yes.

10 Q. Do you recall testifying -- it says the
11 Dauphin County Courthouse?

12 A. Can you tell me where that is?

13 Q. Harrisburg, Pennsylvania?

14 A. I have been to a grand jury.

15 Q. You don't recall going to a preliminary
16 hearing?

17 A. No.

18 Q. Okay. I'm going to show you what
19 appears to be a certified copy of a transcript.
20 You see your own name on it, correct?

21 A. Yeah, I do.

22 Q. I'm going to show you page 137. You
23 were asked the question and gave an answer. Can
24 you just look at that and see -- here -- if
25 that's what you said. And then it follows up

1 over here.

2 A. I was not in that courthouse to my
3 knowledge. Something is not right here.

4 Q. All right. You don't think you said
5 this?

6 THE COURT: He just said that,
7 Mr. Rominger. Let's go.

8 MR. ROMINGER: Your Honor, can we
9 approach?

10 THE COURT: No.

11 BY MR. ROMINGER:

12 Q. So you are saying you didn't testify --

13 THE COURT: He just said that,
14 Mr. Rominger.

15 BY MR. ROMINGER:

16 Q. -- in Dauphin County Courthouse? I'm
17 going to show you another excerpt from that
18 transcript.

19 THE COURT: Mr. Rominger, he just said
20 he wasn't there.

21 MR. ROMINGER: Your Honor, I'm having
22 some difficulty because according to the
23 Commonwealth he was there.

24 THE COURT: He said he wasn't there,
25 Mr. Rominger. I don't know what more I can say

1 to you.

2 BY MR. ROMINGER:

3 Q. What would your son have had to tell you
4 that night for you to call 911?

5 A. What would he have had --

6 Q. Versus what you heard?

7 A. He would have had to tell me he saw
8 somebody injured, crying, screaming for -- I
9 don't know the answer to that. That sounds like
10 it's sort of what if to me. I would say I don't
11 know what he would have had to tell me.

12 Whatever had taken place was over by the
13 time he saw me. It's not like I walked in on it.

14 MR. ROMINGER: Nothing further, Your
15 Honor.

16 THE COURT: Redirect?

17 MR. McGETTIGAN: No, Your Honor.

18 THE COURT: Thank you. You can step
19 down.

20 THE WITNESS: Thank you.

21 MR. McGETTIGAN: Ryan Rittmeyer.

22 Whereupon,

23 RYAN RITTMAYER

24 was called as a witness and having been duly
25 sworn, was examined and testified as follows:

1 MR. McGETTIGAN: May I, Your Honor?

2 THE COURT: Yes, you may.

3 DIRECT EXAMINATION

4 BY MR. McGETTIGAN:

5 Q. Mr. Rittmeyer, how old are you?

6 A. I'm 25.

7 Q. I'm going to ask you to speak as loud as
8 you can.

9 A. Okay.

10 Q. Can you move close to the microphone for
11 me?

12 A. Yep.

13 Q. Thank you. What is your date of birth?

14 A. February 27, 1987.

15 Q. And can you tell me where you were
16 living back in 1998?

17 A. 1998 I was living in Moshannon.

18 Q. And can you tell the jury who you lived
19 with back in 1998 in Moshannon?

20 A. My mother, my stepfather and my
21 stepbrother.

22 Q. Okay. Where was your father?

23 A. I'm not sure. Was out of the picture.

24 Q. Well, in 1998 you were -- in the summer
25 that year you were 11. Do you recall when the

1 last time you saw your father was?

2 A. I was four.

3 Q. How were things going living with your
4 mother and stepfather and stepbrother in
5 Moshannon when you were 11?

6 A. Not very good.

7 Q. Okay. Did you end up living someplace
8 else?

9 A. Yes, I did.

10 Q. In the year 1998?

11 A. Yes, sir.

12 Q. Where was that?

13 A. Milesburg.

14 Q. With whom did you live then?

15 A. Cheryl Sharer.

16 Q. And what relation to Ms. Sharer did you
17 have?

18 A. That was my foster mother.

19 Q. How did that work out?

20 A. That was nice.

21 Q. Did you go to The Second Mile program in
22 1988, 1999?

23 A. Yes, sir.

24 Q. Okay. Let me -- before I ask any more
25 about that, Mr. Rittmeyer, did you want to be

1 here today?

2 A. No, I didn't.

3 Q. And did I force you to be here today?

4 A. No.

5 Q. Why are you here today?

6 A. Because you asked me to testify, and
7 it's the right thing to do.

8 Q. Do you have a lawyer?

9 A. No, I don't.

10 Q. Have you looked for a lawyer?

11 A. No, sir.

12 Q. Looking to make any money?

13 A. No, sir.

14 Q. How did you get to Centre County
15 yesterday?

16 A. Agent Krager came and picked me up in
17 Columbia.

18 Q. When you're done testifying, where are
19 you going?

20 A. Back home.

21 Q. Now, I'm going to ask you about some
22 events back in 1998. When you went to The Second
23 Mile, did you have occasion at any time to meet
24 or come in contact with the defendant, Jerry
25 Sandusky?

1 A. Yes, sir.

2 Q. Where was the first time you came in
3 contact with him?

4 A. At The Second Mile camp.

5 Q. And after the first time you came in
6 contact with The Second Mile camp, did you ever
7 have occasion after that to be alone with the
8 defendant?

9 A. Yes, I have.

10 Q. And how did that happen?

11 A. He contacted my guardian at the time.
12 Told them that he wanted to come pick me up and
13 take me to a football game.

14 Q. Did you go to a game?

15 A. Yes, I did.

16 Q. Okay. And after that game, or at any
17 other time, did you go to the defendant's home?

18 A. Yes, I did.

19 Q. When you were at the defendant's home,
20 at any time, were you alone with the defendant?

21 A. Yes, I was.

22 Q. And was that upstairs in the home or
23 downstairs in the home or do you recall?

24 A. It was in the basement of the home.

25 Q. Okay. And can you tell the ladies and

1 gentlemen of the jury what happened when you're
2 in the basement with the defendant?

3 A. Well, we were wrestling, and the
4 defendant pinned me to the ground. He pulled my
5 shorts down and started performing oral sex on
6 me.

7 Q. What did you do?

8 A. I freaked out. I got nervous. I got
9 scared.

10 Q. Did you even know how long that lasted?

11 A. No, a couple minutes.

12 Q. What did the defendant do after that
13 couple minutes?

14 A. He went back upstairs.

15 Q. And did he ever say anything to you then
16 or at any time about what he had done?

17 A. No.

18 Q. Did he talk to you about your family or
19 anything like that?

20 A. Yes, afterwards he did.

21 Q. What did he say?

22 A. He told me that if I told anybody that I
23 would never see my family again.

24 Q. And you were living in foster care then?

25 A. Yes, sir.

1 Q. What did you say when he said that?

2 A. I didn't say anything.

3 Q. Did he ever say anything to you later
4 about those words -- saying those words to you?

5 A. Yes, he had apologized for saying that.
6 Told me that he didn't mean it and that he loved
7 me.

8 Q. Did you say anything then?

9 A. No.

10 Q. Now, do you know how many times you went
11 to the defendant's home?

12 A. At least five times.

13 THE COURT: I'm sorry. How many times?

14 THE WITNESS: At least five.

15 BY MR. McGETTIGAN:

16 Q. Did you want to?

17 A. No.

18 Q. At some point when the defendant called
19 your home and -- well, at some point did you say
20 you wouldn't go any more?

21 A. Yes, I did.

22 Q. Who did you say that?

23 A. I told my foster mother, Cheryl, that.

24 Q. And did you tell her why?

25 A. No, I didn't.

1 Q. Did you tell her what the defendant had
2 done to you?

3 A. No, I didn't.

4 Q. Over the years after that, did you ever
5 tell anyone, before you talked to the
6 authorities, what he had done to you?

7 A. No.

8 Q. Why not?

9 A. Because I was scared. I was ashamed. I
10 was embarrassed.

11 Q. Now, Mr. Rittmeyer, after you were in
12 foster care for a while, did you end up going
13 back to living with your mom or did you go
14 someplace else to live?

15 A. Directly after foster care, I went to
16 stay with my grandparents in Maryland.

17 Q. Did you ever end up living back again
18 with your mom and your stepfather?

19 A. Yes, I did.

20 Q. How did that work out then?

21 A. It was still pretty shady between myself
22 and my stepfather.

23 Q. Okay. Mr. Rittmeyer, after those years
24 when you were 11 and 12, did you end up getting
25 in trouble?

1 A. Yes, I did.

2 Q. Okay. Trouble with drugs?

3 A. Yes.

4 Q. Trouble with alcohol?

5 A. Yes.

6 Q. Trouble with the law?

7 A. Yes.

8 Q. Did you go to jail?

9 A. Yes, I did.

10 Q. Did you do some bad things?

11 A. Yes, I did.

12 Q. How are you doing now?

13 A. I'm doing a lot better.

14 Q. Are you single or married?

15 A. I'm married.

16 Q. Anything else about your marriage?

17 A. I'm expecting.

18 MR. McGETTIGAN: May I approach the

19 witness, Your Honor?

20 THE COURT: Yes.

21 BY MR. McGETTIGAN:

22 Q. Who's that?

23 A. Me.

24 Q. Just going to ask you some questions.

25 Mr. Rittmeyer, you have been handed two

1 photographs which are labeled Commonwealth 59, I
2 believe, and Commonwealth 60?

3 A. Yes.

4 Q. Can you take a look at them?

5 A. Yes, sir.

6 MR. McGETTIGAN: Your Honor, may I
7 publish them?

8 THE COURT: Did he identify them?

9 BY MR. McGETTIGAN:

10 Q. Who's in the picture?

11 A. That's pictures of me.

12 THE COURT: Yes.

13 BY MR. McGETTIGAN:

14 Q. Mr. Rittmeyer, who's that?

15 A. That's me.

16 Q. Is that about the age you were when you
17 knew the defendant?

18 A. Yes, sir.

19 Q. Can I have the next one please.

20 And who's that?

21 A. That's also me.

22 Q. And is that about the age you were when
23 you knew the defendant and he did what he did to
24 you?

25 A. Yes, sir.

1 Q. You're a lot bigger now, aren't you?

2 A. Yeah.

3 Q. Thank you.

4 MR. McGETTIGAN: I have nothing further,
5 Your Honor.

6 CROSS-EXAMINATION

7 BY MR. AMENDOLA:

8 Q. Ryan, my name is Joe Amendola. I
9 represent Mr. Sandusky. I'm going to ask you
10 some questions.

11 A. Okay.

12 Q. If you don't understand what I'm asking,
13 just let me know, okay. I'll ask it another way.

14 A. Okay.

15 Q. Do you recall when you first got
16 involved with The Second Mile?

17 A. I believe it was in 1997.

18 Q. Can you do me a big favor. Can you
19 maybe talk a little bit closer to the mic? I'm
20 having a little trouble hearing you.

21 A. I'm sorry. It was in 1997.

22 Q. And I believe you said it was a referral
23 of some sort. You were referred to The Second
24 Mile?

25 A. I believe counselor from school referred

1 it to my mother.

2 Q. And do you recall where you spent that
3 first time with The Second Mile in 1997?

4 A. It was at the Penn State campus in one
5 of the dorm rooms.

6 Q. And how long, if you recall, were you
7 there that particular first occasion?

8 A. It was five weeks -- I'm mean, I'm
9 sorry. Five days.

10 Q. Did you stay in the dorms?

11 A. Yes.

12 Q. Did you have a roommate?

13 A. Yes.

14 Q. Do you recall what the name of the
15 roommate was?

16 A. In the first year?

17 Q. Yes.

18 A. I can't say for sure. I had --

19 Q. That's fine. Did you meet Mr. Sandusky
20 that first year?

21 A. Yes, I did.

22 Q. How did you meet him, do you recall?

23 A. He was in the outdoor swimming pool. He
24 was going around introducing himself to people.

25 Q. So you were swimming in the outdoor pool

1 at Penn State?

2 A. Yes, sir.

3 Q. With a group of other kids?

4 A. Yes, sir.

5 Q. And Mr. Sandusky came into the pool
6 area?

7 A. Yes, sir.

8 Q. Did he get into the pool with you?

9 A. Yes.

10 Q. And did anything unusual happen in the
11 pool?

12 A. No, not the first year.

13 Q. Did he have any physical contact with
14 you that time, that first year in the pool?

15 A. No.

16 Q. So you went back home at that point
17 after camp was over?

18 A. Yes, sir.

19 Q. Did you apply to come back to The Second
20 Mile the next year or did The Second Mile send
21 you an application and ask if you wanted to come
22 back?

23 A. I'm not sure.

24 Q. But you went back in 1998?

25 A. Yes, sir.

1 Q. That would have been in the summer?

2 A. Yes, sir.

3 Q. Was that for another five or six days?

4 A. Yes, sir.

5 Q. And did you stay in the dorms again?

6 A. Yes, sir.

7 Q. Do you recall if you had a roommate on
8 that occasion?

9 A. Yes, sir.

10 Q. And do you recall that roommate name?

11 A. I believe that year it was Jason
12 Simcisko.

13 Q. And are you aware that Jason Simcisko is
14 one of the accusers in this case?

15 A. I do now, yes.

16 Q. The police or the Attorney General told
17 you that?

18 A. I don't think the Attorney General told
19 me, no.

20 Q. Have you been in contact with Jason
21 Simcisko in the last year or two?

22 A. I haven't talked to him, no.

23 Q. I'm sorry. What?

24 A. I haven't talked to him, no. I'm sorry.

25 Q. But in any event, you knew that he was

1 one of the accusers involved in this matter?

2 A. Yes.

3 Q. And somebody told you that?

4 A. Yes.

5 Q. Now, that second year, tell us a little
6 bit about your contact with Mr. Sandusky.

7 A. The second year, I met Mr. Sandusky in
8 the pool again. He came up from behind me. Swam
9 under in between my legs and went to lift me up
10 on his shoulders. He stuck his hands up the
11 front of my swim trunks.

12 Q. This was in the outdoor pool?

13 A. Yes.

14 Q. Would you describe that, what you're
15 talking about now, as kind of horseplay, playing
16 around in the pool?

17 A. Yeah.

18 Q. Was there anything in your mind during
19 that particular time that led you to believe that
20 Mr. Sandusky was doing anything inappropriate
21 with you sexually?

22 A. Yes.

23 Q. Tell us what that was.

24 A. Mr. Sandusky reached his hands up the
25 front of my shorts and grabbed a hold of my

1 genitals.

2 Q. Now, did you tell him that's what he
3 did? Did you ask him to stop?

4 A. I didn't tell him, no. I was just
5 trying to get off of his shoulders.

6 Q. Did you tell anybody else after that
7 happened that that had happened?

8 A. No.

9 Q. Not even Jason, your roommate?

10 A. No.

11 Q. Now, after that particular incident
12 occurred, when was the next time you had contact
13 with Mr. Sandusky?

14 A. It was later that fall.

15 Q. How did that occur? Tell us a little
16 about that.

17 A. Mr. Sandusky contacted my parental
18 guardian and told them that he wanted to take me
19 to a football game.

20 Q. Okay. And did he pick you up?

21 A. Yes.

22 Q. Now, where were you living at that
23 point, not the exact address, but what town?

24 A. I'm sorry?

25 Q. What town were you living in when

1 Mr. Sandusky picked you up?

2 A. Well, he's picked me up when I was
3 living in Moshannon and he's picked me up as well
4 as when I was living in Milesburg.

5 Q. In Milesburg?

6 A. Milesburg, yes.

7 Q. And he took you to the football game?

8 A. Yes.

9 Q. Do you recall -- obviously, Penn State
10 was playing, but do you recall who Penn State was
11 playing?

12 A. No, I don't. I know it was a home game.

13 Q. How old would you have been at that
14 time?

15 A. In --

16 Q. This is 1998?

17 A. In '98 I was 11.

18 Q. And did anything unusual happen either
19 during the time Mr. Sandusky took you to the game
20 or after the game?

21 A. No.

22 Q. So no sexual contact occurred?

23 A. Not when he took me to the game. There
24 was people with us.

25 Q. When did the next sexual contact occur?

1 A. He took me to his house.

2 Q. Can you give us an idea, not the exact
3 date. I realize that would be next to impossible
4 but can you give us a ball park time when that
5 contact could have occurred? Was it, for
6 example, in 1998? Later in 1998?

7 A. It was later in the fall.

8 Q. So it was after the football game --

9 A. Yes.

10 Q. -- and before the end of the year?

11 A. Yes.

12 Q. So that would have made it some time
13 maybe in October, November, December?

14 A. Possibly, yes.

15 Q. Was it cold out? Do you recall was it
16 cold? Snowy?

17 A. I don't recall.

18 Q. And how did it come about that you went
19 to Mr. Sandusky's house?

20 A. I'm sorry?

21 Q. How did it come about that you went to
22 Mr. Sandusky's house?

23 A. He took me there.

24 Q. Pardon me?

25 A. He took me there.

1 Q. Did he call and ask --

2 A. Yes.

3 Q. -- if you wanted to go?

4 A. He would always initiate contact with my
5 parental guardian.

6 Q. Was it a weekend because, obviously, you
7 would have been in school at that point. Would
8 it have been on Friday night or Saturday?

9 A. It would have been on the weekend, yeah.

10 Q. And what grade would you have been in at
11 that time; do you know?

12 A. Seventh.

13 Q. When he picked you up, was he alone in
14 the vehicle and, obviously, you were in the
15 vehicle?

16 A. Yes.

17 Q. And he took you back to his home?

18 A. Yes.

19 Q. Did anything unusual happen on the way
20 back to his home?

21 A. He had his hand on my inner thigh.

22 Q. So you are in the passenger front seat?

23 A. Yes.

24 Q. And he had his, I would assume his right
25 hand on your thigh?

1 A. Yes.

2 Q. Is that he just put his hand on your
3 thigh?

4 A. Yeah.

5 Q. Anything else that he did?

6 A. No.

7 Q. Did he say anything when he did that?

8 A. No.

9 Q. And you got back to his home?

10 A. Yes.

11 Q. And tell us what happened then that you
12 believed was sexual.

13 A. We went down in the basement. I went
14 down in the basement first and Mr. Sandusky came
15 down a little later after that. We started
16 wrestling. He pinned me to the ground, and he
17 pulled my gym shorts down and started to perform
18 oral sex on me.

19 Q. Did he say anything before he did that?

20 A. No, sir.

21 Q. Did he say anything while he was doing
22 that?

23 A. No, sir.

24 Q. Did he say anything after that?

25 A. No, sir.

1 Q. Was anyone else at his residence during
2 that time?

3 A. I believe his wife was.

4 Q. Do you have -- maybe you don't know
5 where she was. She was in the residence but,
6 obviously, not where you two were?

7 A. She wasn't in the basement, no.

8 Q. After that occurred, did you stay at the
9 residence that night?

10 A. No, I didn't.

11 Q. You went back home?

12 A. Yes.

13 Q. Mr. Sandusky drove you back on Friday
14 night?

15 A. Yes.

16 Q. Did you ask to go home or was that just
17 the arrangement, you would come over and visit?

18 A. That was just the arrangement.

19 Q. When you got back home, is that when you
20 were living with Mrs. Sharer? Is that her name?

21 A. Yes.

22 Q. Was she home when you got home?

23 A. Yes.

24 Q. Did you tell her what happened?

25 A. No, I didn't.

1 Q. Did you tell anybody up until you
2 contacted the police in this situation that that
3 happened?

4 A. No, sir.

5 Q. Not even Jason Simcisko?

6 A. No.

7 Q. And when is the next time you saw
8 Mr. Sandusky?

9 A. It would have been --

10 Q. I'm not asking for an exact date. No
11 one expects you to give us an exact date. But
12 was it later that year? Was it the next year?

13 A. It was later that year.

14 Q. Tell us a little bit about that.

15 MR. McGETTIGAN: Your Honor, object to
16 the defendant's question. I am not sure tell us
17 a little bit about that.

18 MR. AMENDOLA: Well, I'm asking for the
19 circumstances, Your Honor.

20 THE COURT: That's okay. Go ahead.

21 BY MR. AMENDOLA:

22 Q. Can you tell us, for example, where did
23 you see him?

24 A. He came and picked me up. Took me
25 shopping. We went to the Nittany Mall.

1 Q. Was that on a Friday night, a Saturday
2 night, or was it on a week night?

3 A. I don't know.

4 Q. Okay. But it was at night?

5 A. I don't know. It might have been during
6 the day, later afternoon. I'm not sure. I can't
7 recall.

8 Q. Again, I'm having a little trouble
9 hearing you, if you can speak into the mic.

10 A. I can't recall for sure.

11 Q. Okay. But he took you to the Nittany
12 Mall?

13 A. Yes.

14 Q. Did he buy you anything?

15 A. Yes, he did.

16 Q. What did he buy you?

17 A. He bought me some shoes, some clothes
18 for school. He bought me a video game.

19 Q. And did he take you back home
20 afterwards?

21 A. I believe we went to his house
22 afterwards.

23 Q. And did anything sexual happen at that
24 time?

25 A. Yes, it did.

1 Q. And was that oral sex again?

2 A. Yes.

3 Q. Mr. Sandusky performed oral sex on you?

4 A. And vice versa.

5 Q. Was that in the basement?

6 A. Yes.

7 Q. Was anybody home on that occasion?

8 A. I'm not sure.

9 Q. So you didn't see Mrs. Sandusky?

10 A. No.

11 Q. You didn't see anybody else in the home?

12 A. Not at that time, I can't recall, no.

13 Q. And then did Mr. Sandusky take you home
14 after that?

15 A. Yes, sir.

16 Q. Back to Mrs. Sharer's?

17 A. Yes.

18 Q. Did you tell her what happened on that
19 occasion?

20 A. No, I didn't.

21 Q. Did you tell anybody what happened?

22 A. No.

23 Q. And when do you recall was about the
24 next time you saw Mr. Sandusky?

25 A. It would have been later that year.

1 Q. Still that year?

2 A. Yeah. It would have been --

3 Q. How often -- let me ask it another way.
4 How often would you say approximately did you see
5 Mr. Sandusky during the remainder of that year?

6 A. I would have only seen him maybe three
7 times that year. That would have been my last
8 year that I attended camp.

9 Q. Now, did there come a time when you
10 decided you did not want to see Mr. Sandusky any
11 more?

12 A. Yes.

13 Q. When was that?

14 A. After the last time that he took me to
15 his house.

16 Q. The time you just described or was there
17 another time after that?

18 A. The time that I just described.

19 Q. That would have been the end of 1998?

20 A. It would have been '99.

21 Q. Okay. I thought we were still in '98.
22 So maybe I was wrong.

23 A. It may have been the beginning of '99.

24 Q. So the last time -- the last time you
25 saw Mr. Sandusky would have been in 1999?

1 A. Yes.

2 Q. And can you give us a ball park time
3 frame within 1999? Was it summer? Was it
4 spring? Was it fall? Was it winter?

5 A. It was after my last year of summer
6 camp.

7 Q. In 1999?

8 A. Yes.

9 Q. So you went to summer camp even after
10 the events you have described in 1998?

11 A. Yes.

12 Q. And while you were at summer camp -- The
13 Second Mile summer camp?

14 A. Yes.

15 Q. At Penn State University?

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

17 Q. And during that time in 1999, you saw
18 Mr. Sandusky?

19 A. Yes.

20 Q. And your testimony is the sexual acts
21 continued?

22 A. Yes.

23 Q. But you decided to stop it. You decided
24 you didn't want to go back to Second Mile camps
25 and have any contact with Mr. Sandusky after

1 that?

2 A. That's correct.

3 Q. Did you apply to go back to The Second
4 Mile summer camp in 2000?

5 A. No. I never applied. My parental
6 guidances (sic) always took care of that. I
7 didn't.

8 Q. If your guidance counselor had said on
9 an application that you applied in 2000 for the
10 summer camp and that's because you enjoyed
11 spending time at the camp at The Second Mile?

12 MR. McGETTIGAN: Objection. I think the
13 witness just responded he never applied. His
14 parental guardian did.

15 THE COURT: I think the question was if.
16 If your guidance counselor had said that.

17 MR. AMENDOLA: If.

18 THE COURT: We'll let the question get
19 out and then --

20 MR. McGETTIGAN: I understand.

21 BY MR. AMENDOLA:

22 Q. If your guidance counselor had indicated
23 on your application that you enjoyed The Second
24 Mile and wanted to go back in 2000, would that be
25 a wrong statement?

1 A. That would be a wrong statement.

2 Q. Mr. Rittmeyer, you have had some
3 problems with the legal system, haven't you?

4 A. Yes, sir.

5 Q. In fact, you served time in a state
6 prison recently, didn't you?

7 A. Yes, sir.

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

9 A. Yes, sir.

10 Q. You robbed another young person?

11 A. I robbed an older gentleman.

12 Q. And how much time did you spend in state
13 prison?

14 A. I spent 23 months.

15 Q. And you also had a burglary in your
16 background, a theft?

17 A. Yes, sir.

18 Q. That was around 2004?

19 A. Yes, sir.

20 Q. And did you spend time in jail for that?

21 A. Yes, sir.

22 Q. You didn't come forward in this matter
23 until after Mr. Sandusky was arrested, did you?

24 A. That's correct.

25 Q. At the end of November of last year?

1 A. Yes, sir.

2 Q. That's because somebody brought this
3 situation, his arrest to your attention?

4 A. Yes, sir.

5 Q. And you called the police over a
6 hotline; is that correct?

7 A. Yes, sir.

8 Q. So the police didn't find you in this
9 instance. You actually reached out to them?

10 A. Yes, sir.

11 Q. Do you recall -- do you recall talking
12 to a police officer initially about what had
13 happened in this case?

14 A. Yes, I do.

15 Q. Was that by phone or was that in person?

16 A. That was in person.

17 Q. And do you recall what you told that
18 officer?

19 A. Not exactly, no. I might have told him
20 that I had some interactions with Mr. Sandusky.

21 Q. Now, you probably don't remember the
22 agent's name but if I mentioned an Agent Cranga,
23 C-r-a-n-g-a?

24 A. Yes, sir.

25 Q. Is that the person you recall talking

1 to?

2 A. Yes, sir.

3 Q. Again, do you recall talking by phone
4 initially or talking in person?

5 A. In person.

6 Q. And did you tell him -- do you recall
7 telling him in that interview that you had a
8 friend from your home area, Jason Simcisko?

9 A. Yes, sir.

10 Q. Do you recall telling him that you and
11 Jason were involved in The Second Mile?

12 A. Yes, sir.

13 Q. Do you recall time -- telling him -- do
14 you recall telling him that when you went to The
15 Second Mile camp that you felt uncomfortable
16 because Mr. Sandusky would grope your genitals
17 whenever you were in the pool?

18 A. I don't know if I told him that's why I
19 was uncomfortable going to The Second Mile camp.
20 I might have told him that's what happened.

21 Q. Do you recall telling Agent Cranga --

22 MR. McGETTIGAN: Objection.

23 THE COURT: Sustained. I think this is
24 what we discussed before court this morning that
25 -- the procedure and the mechanics of how to do

1 this.

2 MR. AMENDOLA: Yes.

3 BY MR. AMENDOLA:

4 Q. What did you tell Agent Cranga?

5 A. I told him that I had contact with Agent
6 (sic) Sandusky. I didn't go into any great
7 detail as to situations because my wife and my
8 mother-in-law was present at the time.

9 Q. Was there an incident in a car in which
10 Mr. Sandusky asked you to perform oral sex?

11 A. Yes, there was.

12 Q. And did you perform oral sex?

13 A. No, I didn't.

14 Q. Was the car that you were in a silver
15 colored convertible?

16 A. Yes, to the best of my recollection it
17 was a silver sports vehicle.

18 Q. But it was silver, correct?

19 A. Yes.

20 Q. And it was a convertible?

21 A. It was either convertible or had a moon
22 roof, sunroof.

23 Q. Was the top down or was the top up when
24 this situation occurred?

25 A. When the situation occurred? The top

1 would have been up.

2 Q. I'm sorry. What?

3 A. The top was up.

4 Q. And your testimony is that Mr. Sandusky
5 did what?

6 A. He told me that he wanted me to perform
7 oral sex on him and I told him no. He got
8 displeased with what I told him. He made a
9 threat to me.

10 Q. When you first spoke with Agent Cranga,
11 did you tell him during that first interview that
12 you had ever performed sex on Mr. Sandusky?

13 A. No, sir.

14 Q. Did you tell him that you had ever
15 performed sex or Mr. Sandusky had ever performed
16 oral sex on you?

17 A. No, sir.

18 Q. Do you recall that there was a second
19 time when you spoke with Agent Cranga?

20 A. Yes, sir.

21 Q. And do you recall during that particular
22 time telling Agent Cranga that you performed oral
23 sex on Jerry Sandusky?

24 A. Yes, sir.

25 Q. You did? And do you recall whether you

1 told Agent Cranga that Jerry Sandusky performed
2 oral sex on you?

3 A. I'm not sure if it was Agent Cranga but
4 it was one of the agents that was dealing with
5 the case.

6 Q. When Mr. Sandusky, in this silver
7 colored convertible, asked you to perform sex on
8 him -- oral sex on him, what was his reaction
9 when you said you wouldn't do it?

10 A. He got angry.

11 Q. He got angry?

12 A. He made a threat to me and then he
13 apologized shortly after for what he had said.
14 Told me that he loved me.

15 Q. Did you ever tell anybody that on that
16 occasion Mr. Sandusky did not get angry?

17 A. I don't understand the question.

18 Q. Did you ever -- well, you testified
19 before a grand jury in this matter?

20 A. Yes, sir.

21 Q. Did you tell the grand jury that when
22 this situation occurred that Mr. Sandusky did not
23 get angry, he got quiet?

24 A. Yeah, I told them that he got quiet but
25 he had a look on his face that was displeasing.

1 Q. Have you retained private counsel in
2 this case?

3 A. No, sir.

4 Q. So you're not represented by anybody?

5 A. No, sir.

6 Q. The times that you are over at
7 Mr. Sandusky's home, do you recall anybody else
8 being there besides Mrs. Sandusky?

9 A. There was times when there was other
10 children there.

11 Q. Do you recall any names of those
12 children?

13 A. No, sir.

14 Q. Your testimony today is that you and
15 Mr. Simcisko have not been in contact with each
16 other?

17 A. No, sir.

18 Q. Going back to the times that you
19 indicated you were there -- and I know you can't
20 be specific but just I'm going to ask you to help
21 maybe with a more tighter timeline. The first
22 time that you went to Mr. Sandusky's home, can
23 you give us, as specific as you can be, a
24 timeline on that?

25 A. It would have been sometime in the fall

1 after my first year at Second Mile.

2 Q. After your first year. That would have
3 been 1997 or 1998?

4 A. It was somewhere in that period. I'm
5 not sure exact date. It might have been '97 to
6 '98.

7 Q. Would it have been after a football
8 game?

9 A. Yes.

10 Q. On a Saturday?

11 A. You said after a football game?

12 Q. Yes.

13 A. No, we went to his house before a
14 football game.

15 Q. Pardon me?

16 A. We went to his house before a football
17 game.

18 Q. So this would have been before a
19 football game --

20 A. Yes.

21 Q. -- was played. On the same day? On a
22 Saturday?

23 A. Same day.

24 Q. Would it have been in the morning?

25 A. It would have been in the morning.

1 Q. Would it have been early morning? Late
2 morning?

3 A. I don't know. I don't know, maybe.

4 Q. So Mr. Sandusky took you to his home on
5 the day of a football game?

6 A. Yes.

7 Q. And this would have been in 1998?

8 A. '97 or '98.

9 Q. '97 was the first year you are in The
10 Second Mile program?

11 A. Yeah.

12 Q. And you are saying that this would have
13 been after that first summer?

14 A. After that first summer.

15 Q. So this would have been the fall of
16 1997?

17 A. Yes.

18 Q. He took you to his home on a Saturday?

19 A. I don't know if it was a Saturday or
20 not.

21 Q. Well, you said before a football game?

22 A. Yes. I don't know what days the
23 football games are on.

24 Q. And you believe that would have been in
25 the morning?

1 A. Yes.

2 Q. Did you go to the football game?

3 A. Yes.

4 Q. Was anyone at Mr. Sandusky's house when
5 he took you back there before the football game?

6 A. There were other children and his wife
7 was present.

8 Q. But did oral sex occur that day?

9 A. No.

10 Q. It did not. Okay. When did the first
11 oral sex occur in terms of time frame?

12 A. It would have been after my second year
13 at The Second Mile.

14 Q. 1998?

15 A. Yes.

16 Q. And what time of year, if you can tell
17 us?

18 MR. McGETTIGAN: This has been asked and
19 answer, Your Honor. I object.

20 MR. AMENDOLA: I'm trying to get a
21 specific timeline, Your Honor.

22 THE COURT: I understand. I'll give you
23 some leeway.

24 BY MR. AMENDOLA:

25 Q. Was it in the fall?

1 A. It would have been in the fall.

2 Q. Was it before or after a football game?

3 A. I'm not understanding what you are
4 saying.

5 Q. Well, you went over to his home. He
6 took you to his home?

7 A. Yes.

8 Q. And was it during a time when you were
9 going to go to a football game?

10 A. There was several times that year.
11 Sometimes we would go to a football game.
12 Sometimes we would go to his house for a cookout.
13 Sometimes he would take me to the mall.

14 Q. Well, when this occurred, this first
15 sexual encounter, was it for a cookout? Did he
16 take you there for a cookout?

17 A. The first time he -- it was for a
18 cookout -- I don't -- it might have been for a
19 cookout. I'm not sure. I can't recall exactly.

20 Q. Can you tell us what time of year it
21 was? Was it summer? Was it warm out?

22 A. I just told you it was in the fall,
23 football time.

24 Q. So this would have been the fall of
25 1998?

1 A. Yes.

2 Q. Would it have been on a weekend?

3 A. I don't know. I can't recall. It was a
4 long time ago.

5 Q. Okay. But you do recall there was a
6 cookout that day?

7 A. There might have been a cookout that
8 day. There was numerous activities that he would
9 take us to.

10 Q. And was anyone else there?

11 A. Sometimes there was. Sometimes there
12 wasn't.

13 Q. But that specific time, do you recall?

14 A. Which specific --

15 Q. The first time that you said that
16 Mr. Sandusky took you to his home?

17 A. There was nobody else there.

18 Q. Nobody else?

19 A. No.

20 Q. Not even Mrs. Sandusky?

21 A. I'm not sure. She might have been but I
22 didn't see her face.

23 Q. And on the other occasions that you
24 talked about where Mr. Sandusky took you to his
25 home and performed sex on you or you performed

1 sex on him, were they on weekends? Were they on
2 weekdays? Do you know? Can you tell us?

3 A. I can't recall days.

4 Q. Did you go to football games after that
5 on occasion?

6 A. I believe I went to one football game
7 after that and a basketball game.

8 Q. Do you recall if these occasions, where
9 there was sex involved, occurred on those
10 occasions when you went to football or basketball
11 games?

12 A. Usually not, no. Usually there was
13 other children with us.

14 Q. So these are occasions when other people
15 weren't present, correct?

16 A. Correct.

17 Q. And football and basketball games were
18 occurring?

19 A. No.

20 Q. He would just pick you up and bring you
21 over?

22 A. Yes.

23 Q. And no one else was ever in the home
24 when that occurred?

25 A. I didn't see anybody physically.

1 Q. Did these events usually occur at night?

2 A. No. They were usually later in the
3 afternoon to evening time. I would always go
4 home at night.

5 Q. Thank you.

6 MR. AMENDOLA: That's all I have, Judge.

7 MR. McGETTIGAN: Very brief.

8 REDIRECT EXAMINATION

9 BY Mr. McGETTIGAN:

10 Q. Mr. Amendola asked you if you told your
11 foster mother, Mrs. Sharer, what happened at the
12 time back in 1998. Did you tell her what the
13 defendant had done then?

14 A. No, sir.

15 Q. Okay. Have you seen her since then?

16 A. Yes.

17 Q. Did you tell her since then that the
18 defendant molested you?

19 A. Yes, I have.

20 Q. Did you tell her any specifics or just
21 that he molested you?

22 A. I didn't go into any great detail.

23 Q. When did you do that? When did you
24 first tell her that?

25 A. That would have been when I came to

1 Harrisburg to testify.

2 THE COURT: I'm sorry. I couldn't hear
3 the answer.

4 THE WITNESS: When I came to Harrisburg
5 to testify for the grand jury.

6 BY MR. McGETTIGAN:

7 Q. Have you seen Mrs. Sharer since then?

8 A. Yes, I have.

9 Q. When is the most recent time you saw
10 her?

11 A. Last night.

12 Q. And before you saw her last night, did
13 you want to just turn around and go back to
14 Columbia, Maryland?

15 A. Yes, I did.

16 Q. Did you want to not testify?

17 A. That's correct.

18 Q. Did you have a chance to talk with her?

19 A. Yes, I did.

20 Q. Did the defendant do what you told the
21 ladies and gentlemen of the jury that he did, did
22 he do that to you?

23 A. Yes, sir.

24 Q. Does that look like you?

25 A. Yes, sir.

1 MR. McGETTIGAN: I have nothing further,
2 Your Honor.

3 MR. AMENDOLA: Nothing, Your Honor.

4 THE COURT: Thank you. You can step
5 down.

6 THE WITNESS: Thank you.

7 MR. McGETTIGAN: Cheryl Sharer.

8 Whereupon,

9 CHERYL SHARER

10 was called as a witness and having been duly
11 sworn, was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. McGETTIGAN:

14 Q. Good morning, Ms. Sharer. How are you?

15 A. Good.

16 Q. I'm going to ask you if you can move a
17 little closer to the microphone so you can speak
18 into the microphone, okay?

19 A. Okay.

20 Q. Ms. Sharer, we don't want your address
21 but can you tell us where you live?

22 A. Milesburg.

23 Q. Okay. And you lived there for a long
24 time?

25 A. Thirty years, yes.

1 Q. I'm going to ask you about some events
2 back in 1998 to 1999. Did you know a little boy
3 then, a young man now, a little boy then by the
4 name of Ryan Rittmeyer?

5 A. I did.

6 Q. Okay. How did you happen to know Ryan?

7 A. He was a foster son.

8 Q. For you?

9 A. For me.

10 Q. Could you tell the ladies and gentlemen
11 of the jury how you happened to have a foster
12 child and why you had one?

13 A. I was working with Centre County
14 Children and Youth Services and they -- I was a
15 foster parent for them and Ryan was having some
16 problems and he came to stay with me a while.

17 Q. Why did you decide to have a foster
18 child?

19 A. Well, my daughter was grown and out of
20 the house, and I had a home. I just wanted to
21 share it with somebody and I like kids and it
22 seemed like the thing to do.

23 Q. Do you have any foster children now?

24 A. Not now, no.

25 Q. Are you in any humane activities now?

1 A. Yes. We just opened an animal shelter.

2 Q. Okay. Now, back in 1998 when Ryan came
3 to you, do you recall how old he was
4 approximately?

5 A. He was, I think ten, nine or ten or 11.

6 Q. Did he celebrate a birthday in your
7 home?

8 A. He did. Yes, we had a bowling birthday
9 party.

10 Q. How was Ryan as a child in your home?
11 Did how did he behave in your home?

12 A. He was very sweet, a little shy. He was
13 an excellent student, good in math at school. He
14 wrestled for the school team, and I didn't have
15 any problems with him at all.

16 Q. And now I'm going to ask you back in
17 1998, did you know the defendant, Jerry Sandusky?

18 A. I knew of him. I didn't know him.

19 Q. How did you know of him? You are a
20 football fan?

21 A. Football, yeah. I lived here all my
22 life.

23 Q. Now, did you ever receive a phone call
24 on or more than one phone call from the
25 defendant?

1 A. Yes.

2 Q. Okay. Can you tell the ladies and
3 gentlemen of the jury about the first time you
4 received a phone call what your response was?

5 A. He called and said, you know, I'm Jerry
6 Sandusky. I was, like, okay. But he had known
7 Ryan from The Second Mile camp and he wanted to
8 know if he could go on an outing with him.

9 Q. And you thought that would be okay?

10 A. Pardon me?

11 Q. You thought that would be okay?

12 A. Yeah. Yeah. Yeah, he said he was with
13 The Second Mile and that he had known Ryan from
14 before so.

15 Q. So you allowed Ryan to go?

16 A. Right.

17 Q. Did you receive other phone calls about
18 Ryan to go out with him on other occasions? I am
19 not going to ask you exactly how many?

20 A. Yes, some other ones, yeah.

21 Q. And did there come a time when Ryan
22 didn't want to go or did not go to any further
23 outings or go with the defendant?

24 A. Yes. At one point Mr. Sandusky called
25 and Ryan just said he didn't want to go. He

1 didn't want to go with him any more.

2 Q. That was that?

3 A. That was that.

4 Q. And after a time that Ryan was with you,
5 did he -- eventually he left your home. Do you
6 know where he went after that? Back to his mom
7 or grandparents?

8 A. I think he went back with his mom. And
9 we had -- you know, I had contact with him off
10 and on.

11 Q. Pleasant contact I assume?

12 A. Of course.

13 Q. Did Ryan ever tell you about anything
14 that the defendant had done to him back during
15 the time he was living with you or before that?

16 A. No.

17 Q. Okay. Has he told you that since then?

18 A. Yes.

19 Q. When did he first tell you what he was
20 molested?

21 A. I think it was December. This last
22 December or November.

23 Q. What was your response?

24 A. It made me sick because I had that
25 feeling that as soon as I heard what was going on

1 I was just sick because I would know Ryan had
2 been with him.

3 Q. And you saw Ryan last night?

4 A. Yes.

5 Q. Did he want to come here today?

6 A. No.

7 Q. Did you chat with him for a while?

8 A. I did.

9 Q. When he told you he was molested back in
10 1998, when he told you that in December and he
11 told you that last night, did you believe him?

12 A. Absolutely.

13 MR. McGETTIGAN: I have nothing further,
14 Your Honor.

15 MR. AMENDOLA: Thank you.

16 CROSS-EXAMINATION

17 BY MR. AMENDOLA:

18 Q. Mrs. Sharer, My name is Joe Amendola. I
19 represent Mr. Sandusky. I'm only going to ask
20 you one or two questions.

21 A. Okay.

22 Q. How long, over what time frame were you
23 a foster parent for?

24 A. For Ryan?

25 Q. Yes.

1 A. Or for the Children and Youth?

2 Q. I'm sorry?

3 A. For Ryan or Children and Youth?

4 Q. For Ryan, yes.

5 A. I'm thinking about maybe 10 or 11 months
6 he was with me.

7 Q. Can you give us the years?

8 A. It was '98 and '99, I think.

9 Q. '98 and '99?

10 A. I think so, yep.

11 Q. Could it have been '97 and '98?

12 A. I know my daughter was pregnant in '98
13 and Ryan was with us then, you know. I don't
14 know for sure.

15 Q. But in any event, it was either in '98,
16 '99 and you're pretty sure it was in that time
17 frame?

18 A. Yeah.

19 Q. And at some point you indicated that
20 Ryan told you he didn't want to go back to The
21 Second Mile camp?

22 A. Right.

23 Q. Can you give us a more specific timeline
24 on when he told you that? Was it in '98, for
25 example, or was it in '99?

1 MR. McGETTIGAN: Your Honor, I believe
2 that misstates the testimony.

3 MR. AMENDOLA: I'm sorry.

4 MR. McGETTIGAN: The witness didn't say
5 he didn't want to go to The Second Mile camp. He
6 said he didn't want to go with the defendant.

7 THE COURT: Rephrase your question.

8 MR. AMENDOLA: Yes, I'll ask it a
9 different way.

10 BY MR. AMENDOLA:

11 Q. What exactly did Ryan tell you?

12 A. He said he didn't want to go back with
13 Mr. Sandusky.

14 Q. I'm sorry. You have to keep your voice
15 up?

16 A. He said he didn't want to go back with
17 Mr. Sandusky any more.

18 Q. He didn't want to go with Mr. Sandusky
19 any more?

20 A. When he called, yeah.

21 Q. Did he say anything about The Second
22 Mile program?

23 A. I don't think he wanted to go back to
24 that either.

25 Q. So you don't think he wanted to go back

1 to that either?

2 A. Uh-huh.

3 Q. He told you that?

4 A. Um-hum.

5 Q. As far as you can tell, you're pretty
6 sure that was in 1998, 1999?

7 A. As far as I can remember, yeah.

8 Q. Can you give us a time of year that it
9 might have been that he told you these things?

10 A. About the camp you mean? About Second
11 Mile camp?

12 Q. I'm sorry?

13 A. About The Second Mile camp?

14 Q. Yes.

15 A. It was after he was there the last time.
16 It was in the summer.

17 Q. Okay. Well, we know he was there in
18 1998. Was he with you that year?

19 A. Yeah.

20 Q. Do you think it would have been after
21 that camp?

22 A. Probably.

23 Q. Can you tell us how many times
24 approximately, because I'm sure you weren't
25 keeping tabs, but can you tell us about how many

1 times that Ryan went with Mr. Sandusky?

2 A. I know he had been with him before Ryan
3 came to my house. He had gone to Ryan's home I
4 think a couple times. He had taken him to the
5 mall. Ryan told me and he had -- I know he got a
6 backpack from him and some shoes.

7 And when he was at my house it was -- it
8 was more than once but probably not more than
9 four times.

10 Q. Okay. It was more than once while he
11 lived with you?

12 A. Um-hum.

13 Q. But not more than -- and, again, I had a
14 little trouble hearing you. Not more than?

15 A. Four times.

16 Q. In between one and four times?

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

18 Q. If you can tell us this, do you remember
19 the month or about the month when Ryan came to
20 live with you in 1998?

21 A. I can't remember. I'm sorry. I just --

22 Q. Do you recall the time of year it might
23 have been?

24 A. I know he was with me a summer but I
25 can't remember the exact days, no.

1 Q. So you are sure he was with you in the
2 summer of 1998?

3 A. Yes.

4 Q. And he was with you, I believe you said,
5 for about 11 months?

6 A. I think so.

7 Q. But you're not sure exactly when he came
8 to live with you?

9 A. No.

10 Q. Do you have any idea about,
11 approximately, when he left?

12 A. I think he left at the end of the school
13 year maybe.

14 Q. At the end of the school year?

15 A. Yeah.

16 Q. Which would have been 1999?

17 A. '99, yeah.

18 Q. So that would have been some time in
19 June of 1999 that he left?

20 A. I think so.

21 Q. If we were to backtrack 11 months, that
22 would generally mean that he probably came to
23 live with you sometime over the summer of '98?

24 A. Um-hum.

25 Q. Is that a fair statement?

1 A. I think so.

2 Q. Thank you.

3 MR. AMENDOLA: That's all I have.

4 MR. McGETTIGAN: Just one.

5 REDIRECT EXAMINATION

6 BY MR. McGETTIGAN:

7 Q. Mrs. Sharer, didn't ask a lot of
8 questions -- well, do you mind me if I ask about
9 dates? You have a great deal of uncertainty
10 about the dates, months that Ryan was with you?

11 A. I'm not completely certain, no. That
12 was many kids ago, 13 years ago.

13 Q. Best estimate?

14 A. Best estimate, yeah.

15 Q. Thanks very much.

16 MR. McGETTIGAN: I have nothing further.

17 MR. AMENDOLA: Nothing further.

18 THE COURT: Thank you. You can step
19 down.

20 MR. McGETTIGAN: May we see you at
21 sidebar about a scheduling matter?

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

24 THE COURT: We'll take the jury out.

25 You can take the jury out.

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

3 THE COURT: We'll be in recess until
4 10:45.

5 (Whereupon, a recess was taken.)

6 THE COURT: You May be seated, but,
7 counsel, would you approach the bench please?

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

10 THE COURT: Over the break, Mrs. Ishler,
11 the Court Administrator, brought me this
12 document. It appears to be the entry of an
13 appearance on behalf of Gerald Sandusky.

14 MR. McGETTIGAN: For this case? Let me
15 look it over.

16 MR. FINA: I don't want to take your --

17 THE COURT: That's all right.

18 Do any of you know anything about this?

19 MR. McGETTIGAN: Your Honor, I must
20 confess. I hired the man. I'm sorry, Your
21 Honor.

22 MR. FINK: From Brooklyn?

23 THE COURT: It's obvious it's specious
24 but appears to be. There's no Pennsylvania I.D.
25 number on it.

1 MR. AMENDOLA: Well there's -- no one
2 has contacted us.

3 THE COURT: Okay.

4 MR. ROMINGER: Just -- we'll just ask
5 Jerry.

6 MR. McGETTIGAN: They should inquire of
7 their client.

8 THE COURT: We don't have to do it right
9 now but I guess I'll just advise the
10 Prothonotary -- we can bring the jury in. I'm
11 sorry.

12 (Whereupon, the jury was escorted into
13 the courtroom during the sidebar
14 discussion.)

15 THE COURT: I'll advise the Prothonotary
16 that you know nothing about it; that she can
17 consult her solicitor about what she wants to do
18 with it but basically --

19 MR. ROMINGER: There's no knowledge
20 about it.

21 THE COURT: Well, yeah. We don't know
22 whether -- there's no Pennsylvania I.D. number.
23 This is all new to you?

24 MR. AMENDOLA: Yes.

25 THE COURT: All right. Okay. Okay.

1 MR. AMENDOLA: It wasn't our big
2 surprise, Judge.

3 THE COURT: The other thing is that the
4 jury, through Ms. Gallo, told me they're having
5 trouble hearing.

6 MR. AMENDOLA: We all are.

7 THE COURT: You mentioned that a number
8 of times. They missed some names of the
9 witnesses when they testified. So I reminded
10 them to raise their hand if there's a problem.

11 MR. AMENDOLA: Well, I think --

12 THE COURT: Let's just be conscious of
13 that.

14 MR. AMENDOLA: I think if we used the
15 microphones, that would be a big help.

16 THE COURT: The microphone is on.

17 MR. AMENDOLA: Yes, but I think at times
18 what happens is the witness or sometimes
19 Mr. McGettigan gets up and he's away from the
20 microphone.

21 MR. McGETTIGAN: I try to speak up.

22 MR. AMENDOLA: Because I have had a lot
23 of problems, Joe, hearing you.

24 MR. McGETTIGAN: The jury isn't talking
25 about counsel, are they? They're just talking

1 about witnesses?

2 THE COURT: Well, we'll all speak a
3 little louder. Okay?

4 MR. McGETTIGAN: As I say just to
5 counsel, the next witness is Dustin Struble. We
6 have another victim. Might be Kajak who was
7 available. I thought Your Honor suggested if we
8 take, as we expect to, 11:30 a quarter to 12:00,
9 at that time take a longer lunch, we can discuss
10 what to do about the afternoon session and see if
11 we can arrive at some stipulations that will
12 allow us to move forward with some other
13 evidence. Would that be okay, Your Honor?

14 MR. AMENDOLA: Okay.

15 THE COURT: They're running out of
16 witnesses.

17 MR. AMENDOLA: Yes.

18 THE COURT: Okay.

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

21 (End of sidebar discussion.)

22 THE COURT: Ladies and gentlemen, I'm
23 not sure what the technical difficulties are
24 about you hearing. But we're all going to make a
25 collective effort here to make sure that counsel

1 speak loudly enough, that the witnesses speak
2 loudly enough or into the microphone, that
3 counsel's microphones are turned on. But please
4 don't be bashful about this. If you can't hear,
5 raise your hand. Let me know, and I'll do
6 whatever it takes to make sure that you can hear.
7 Okay.

8 All right. Okay.

9 Mr. McGettigan, go ahead.

10 MR. McGETTIGAN: The Commonwealth calls
11 Dustin Struble.

12 Whereupon,

13 DUSTIN STRUBLE

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

16 THE COURT: Go ahead, Mr. McGettigan.

17 DIRECT EXAMINATION

18 BY MR. McGETTIGAN:

19 Q. Good morning, Mr. Struble. How are you?

20 A. I'm here so.

21 Q. Okay. I am going to ask you first how
22 old you are today?

23 A. Twenty-seven.

24 Q. Okay. And can you tell the jury what
25 your date of birth is?

1 A. 10/10/84.

2 Q. And I'm going to ask you where you were
3 living when you were a little kid, when you were
4 like nine, ten years old? Did you live here?

5 A. No, I lived in Milesburg, which is about
6 20 miles away from here.

7 Q. And with whom did you live?

8 A. My parents and my two sisters.

9 Q. And did you have occasion when you were
10 in grammar school to go to The Second Mile camp?

11 A. Yes, I did.

12 Q. Okay. And can you tell the ladies and
13 gentlemen of the jury what your apprehension of
14 The Second Mile was when you first went? What
15 did you think of it and tell them what it was.

16 A. Well, as far as The Second Mile goes, I
17 had some problems in school and The Second Mile
18 was more towards troubled kids and to kind of get
19 them to do more team-based things and, you know,
20 just get you to be a little bit more social.

21 I was reported by my -- actually was
22 told by my guidance counselor to go into the
23 program in about '95.

24 Q. Okay. Did you go in 1995, your first
25 year?

1 A. Yes, '95 was my first year.

2 Q. Did you like it?

3 A. Yeah, actually the camp itself I loved.

4 Q. Okay. Did you -- where was the camp
5 that you first went to in 1995?

6 A. It was actually in one of the dorms on
7 Penn State campus.

8 Q. Okay. Did you have a roommate there?

9 A. Yeah. Don't really remember how it's
10 set up. I believe there was two of us in each
11 room going along the hallway.

12 Q. So if your date of birth was 10/10/84,
13 in 1995 you were 10, about to turn 11 in the
14 summer?

15 A. Yes.

16 Q. Okay. And during the course of your
17 time at The Second Mile camp, either that year or
18 at a later time, did you come across the
19 defendant, Jerry Sandusky?

20 A. Yes, sir.

21 Q. Okay. Was that your first year or
22 second year or later?

23 A. One of the first couple years.

24 Q. Okay. And can you tell the ladies and
25 gentlemen of the jury how you happened to meet

1 him?

2 A. I met him at the natatorium which we
3 were all taken to during one of the summer camps,
4 and we were all kind of just playing around at
5 the pool. And I just remembered getting out of
6 the pool, being approached by Mr. Sandusky, and
7 him asking me if I was interested in going to
8 Penn State games, if I liked Penn State, things
9 like that. And I said yes.

10 Q. At the time were you a football fan?

11 A. I was a little bit. I think I was a
12 little bit too young to be, you know, a real big
13 fan but I thought it was pretty cool.

14 Q. Okay. And after the defendant
15 approached you -- the first time you said he
16 approached you was at the natatorium?

17 A. Yes.

18 Q. Okay. After he approached you that
19 time, when if you remember was the next contact
20 or what kind of contact did you have with him in
21 terms of telephone or in person or anything like
22 that, can you tell us?

23 A. Well, he actually had called my mother
24 and talked to her, asked her permission to come
25 pick me up. And then at that point started

1 picking me up, and I would stay at his house.
2 Generally it was Friday nights going into
3 Saturday.

4 And I remember going to his son's, Matt,
5 high school football games at State High. I went
6 with Jerry and Dottie actually. Went to a couple
7 of those. Went to Holuba Hall and went to the
8 building across from Holuba Hall and, you know,
9 started getting involved.

10 Q. Well, Dustin -- I mean Mr. Struble, I'm
11 going to go back to the first time the defendant
12 called your mom, and we don't know what he said
13 to your mom. But as a result of that, do you
14 remember the first time you went someplace with
15 the defendant, if you recall?

16 A. The first thing I can recall going to is
17 Texas Tech game. That's the first thing I can
18 remember going to. That was in '95, fall of '95.

19 Q. Okay. Now, tell us how you happened to
20 get to the game. Did you go there just that
21 Saturday? You know, were you alone with the
22 defendant? What do you remember?

23 A. No, he would come pick me up on Friday
24 nights and -- typically alone. We would go to
25 the games the next day. You know, Friday nights,

1 like I said, we would go to State High games and
2 things like that. Then the next day go to
3 tailgates. Hang out at the house and then we
4 would go to the games.

5 Q. Okay. The Texas Tech game, was that on
6 a Saturday, as best you can recall?

7 A. I believe so, yes.

8 Q. So are you saying that you recall going
9 to the defendant's house on the Friday night
10 before or, no, or do you?

11 A. I'm not sure actually.

12 Q. Okay. The first game you're not sure?

13 A. Yes, I am not sure.

14 Q. Now, before when you went to the game,
15 did you just go right to the game or were there
16 activities before? Let's say the Texas Tech
17 game, the very first time, what do you recall
18 about things that happened before the game?

19 A. Well, as far as the Texas Tech game
20 goes, I actually remember being at the game. I
21 can't say for sure what we did before that. I
22 just remember actually going to the game, being
23 there and just kind of thinking how cool it was
24 to be at a Penn State game and it was a new
25 experience for me.

1 Q. Was that your first Penn State game?

2 A. Yes.

3 Q. First time in that big stadium?

4 A. Yes.

5 Q. Okay. Is that why -- that's all you
6 remember about that day?

7 A. Yes. I just remember it was a close
8 game and that Penn State had won that day and
9 that's -- you know, that's what I remember as far
10 as going to the first game, yes.

11 Q. Well, do you remember were you in the
12 stands or someplace else during the game?

13 A. In the stands.

14 Q. Okay. Were there other kids with you,
15 grown-ups? What do you remember about that?

16 A. I remember there was a small group. I
17 believe it was Dottie, Jerry's mother, and a few
18 of the other kids. I don't know for sure who
19 they were but I just know there was a small group
20 of us that went.

21 Q. Okay. After that game, did you go to
22 other Penn State games?

23 A. Yes.

24 Q. Okay. That same year, I guess '95, was
25 it?

1 A. Yes.

2 Q. Did you go to other games that year?

3 A. Yes.

4 Q. Okay. How many, if you know?

5 A. About six I would say. Roughly about
6 six home games a year, and I went to every single
7 one for a while.

8 Q. Okay. While we're on games, did you go
9 to games in 1996?

10 A. Yes.

11 Q. '97?

12 A. Yes.

13 Q. '98?

14 A. Yes.

15 Q. '99?

16 A. Yes.

17 Q. 2000?

18 A. Yes.

19 Q. Let's start at the back end. Did you go
20 to every game of those years we just talked
21 about?

22 A. Yes.

23 Q. Okay. And when's the last year that you
24 went to every game in a year?

25 A. 2009.

1 Q. Okay. And how did you get -- in 2009
2 say, working backwards, how did you get tickets
3 to the those games? Did you go buy tickets at
4 the box office?

5 A. Well, no, I bought tickets from scalpers
6 actually.

7 Q. Okay.

8 A. Basically if I could find a ticket for
9 somewhere, I mean, they weren't the best seats
10 but I was still interested in going to Penn State
11 games.

12 Q. In 1996 did you buy tickets?

13 A. No.

14 Q. Okay. Where did you get them?

15 A. Jerry.

16 Q. In '97?

17 A. Same, Jerry.

18 Q. '98?

19 A. Jerry.

20 Q. '99?

21 A. Jerry.

22 Q. 2000?

23 A. Jerry.

24 Q. Okay. So you had extended contact with
25 the defendant which you are getting tickets to

1 games and going to games?

2 A. Yes.

3 Q. Okay. Now, in '95 when you went to
4 games then, were you still going with the
5 defendant?

6 A. Yes.

7 Q. Okay. And after that Texas Tech game,
8 did you ever go to the defendant's house on a
9 Friday?

10 A. Yes.

11 Q. Okay. Can you tell the ladies and
12 gentlemen of the jury what would happen when you
13 would go to his house on a Friday night and the
14 sequence of events from the time you got there
15 through the games, what would that be typically?

16 A. Well, I would remember getting picked up
17 at my parents' house in Milesburg on Friday
18 nights. Then we would go to either his son's
19 football game. A couple times we would go to
20 Holuba Hall, throw the football around. Then
21 also we would go to the building across from
22 Holuba Hall where the showers occurred.

23 And then when I would stay at his house,
24 some of the things that would happen, we would
25 pull in the driveway and he had this habit of

1 putting his right hand on my left leg and
2 squeezing. He would squeeze around my knee cap
3 and sometimes would squeeze to the point where I
4 would just about cry out in pain. It hurt. And
5 then eventually he would start to work his hand
6 up my leg. If I was wearing shorts, his hand
7 would actually go inside my shorts toward my
8 groin area, and there was actually a time when I
9 was wearing pants and I was wearing a belt and
10 his hand actually went inside the pants and the
11 belts and touched my penis.

12 Q. Okay. And did this happen during the
13 first season, that 1995, that you were going to
14 games?

15 A. Yes.

16 Q. Okay. And did -- you know, when the
17 defendant would put his hand on your knee and
18 squeeze, would you say anything or complain?

19 A. I think I would cry out. But my primary
20 reaction was since I was in the passenger's seat,
21 I would try to scoot as far over to the right as
22 I could. I didn't want to upset Mr. Sandusky in
23 any way. So I just kind of tried to do my best
24 to get away and to not make him angry I guess.

25 Q. Well, you liked going to the games?

1 A. Yes. Yes.

2 Q. At home were you do anything -- did you
3 have any activities outside the home when you
4 were just hanging around the house at the time?

5 A. Yeah, my home life at that time, we
6 didn't go out and do a whole lot. It was a lot
7 of -- on the weekends we would go on family
8 gatherings on Sunday and that was about it. I
9 didn't really get to go out and do a whole lot.
10 I wasn't exposed to a whole lot. So going to
11 games was very, very special to me.

12 Q. Now, after the defendant put his hand on
13 your knee, did you -- you just told us about, did
14 you tell anybody about that?

15 A. No.

16 Q. Did you complain to him?

17 A. I'm not sure what I said. I may have
18 cried out to it but I'm not sure exactly I said.
19 I just remember trying to scoot over as far as I
20 could.

21 But also it would occur when there were
22 other kids in the car, too. It was pretty much
23 seemed, like, whoever was in the passenger's seat
24 or in the middle seat behind him. So once we
25 were, you know, in groups, went to games and

1 things, I started to try to get into the back of
2 the vehicle as far as I could so that it wouldn't
3 be me.

4 Q. Okay. And you talked about going to his
5 house and staying over. You said Holuba Hall.
6 Can you tell the ladies and gentlemen what Holuba
7 Hall is?

8 A. Yeah. It's basically an indoor practice
9 facility for the football team. We would go,
10 obviously, when it wasn't in use. They had, you
11 know, field goal nets. They had a couple of half
12 football fields, just footballs and, you know,
13 just equipment for practicing with. And we would
14 go to Holuba Hall and throw the football around,
15 and it became a practice that myself and some of
16 the other kids that went to games that at one
17 point we would actually go to Holuba Hall and all
18 play pickup games together while Jerry was
19 coaching. And then we would just throw the ball
20 around and go to the game right after that.

21 Q. And you liked that a lot?

22 A. Oh, yeah.

23 Q. Okay. And now, is the first physical
24 contact that the defendant had with you this
25 touching on the knee?

1 A. Yes.

2 Q. Okay. And was that in his car,
3 obviously?

4 A. Yes.

5 Q. Okay. Can you describe again -- I'm not
6 sure I got specific detail where else he would
7 place his hand on your body in the car when you
8 were driving with him, when you were in the front
9 seat?

10 A. Where else on my body?

11 Q. Where on your body beside your knee?

12 A. Inside the belt of my pants in touching
13 my penis. If I was wearing shorts, I don't
14 recall him going the whole way up my shorts but I
15 remember him putting his hand up my shorts
16 several times.

17 Q. Did you ever push his hand away or say
18 anything to him?

19 A. I am not sure what I did other than
20 trying to get away from. I'm sure I did say no
21 or stop that but I don't remember for sure.

22 Q. Okay. Now, at some point did you stay
23 overnight at the defendant's house?

24 A. Yes.

25 Q. Okay. Was that first in 1995, that

1 first season you went to games or was that later?

2 A. I think it was '95 and '96.

3 Q. Okay. How did you end up staying at his
4 house? Do you know? Did you talk with your mom
5 about that or did he talk to your mom? How did
6 that happen?

7 A. He had arranged for my mother to go over
8 there which I obviously agreed to. I thought it
9 would be neat.

10 And then when I would spend the night,
11 that's when some of the things that made me
12 uncomfortable would happen primarily.

13 Q. Okay. Well, did anything occur that
14 made you uncomfortable on the first night that
15 you stayed over at the defendant's house, if you
16 remember?

17 A. Yeah. I remember when I would spend the
18 night, I spent the night in the bedroom upstairs.
19 If you were to go into Jerry's house, you go up
20 the flight of stairs on the left side. There was
21 a spare room up there. I'm not sure if it was
22 air mattress or a futon but it was some kind of
23 mattress close to the ground. And whenever I
24 would go to sleep at night, I had a habit of kind
25 of reading myself to sleep. I was into Calvin

1 and Hobbes comics, *Far Side*, getting into things
2 like that and I think I was even starting getting
3 into *Goose Bumps* which was popular at the time.

4 But basically I remember laying down and
5 Jerry coming in behind me, laying his front to my
6 back pressed up against me and sort of -- I like
7 to use the word cuddle but it was more like him
8 just wrapping himself around me, just sort of,
9 you know, holding me tightly. I'm not sure any
10 other words I could use to describe it. And
11 basically I would say I'm ready to go to sleep.
12 I am going to read myself to sleep now. Could
13 you please go? And I need to go to sleep, and
14 then typically he would.

15 Q. Okay. Now, how were you dressed when
16 you are getting ready to go to sleep up there on
17 that futon or air mattress? How would you be
18 dressed?

19 A. I remember I always had mesh athletic
20 shorts that were given to me to wear by Jerry. I
21 had never, that I can recall, taken them home,
22 taking them with me. And I'm not sure what
23 exactly I did with them, and I think that I just
24 left them in the hallway for laundry and then
25 that was it. But I never -- I never wore them

1 home or took them with me. They always stayed
2 there.

3 Q. How was the defendant dressed when he
4 would get in bed behind you or on this futon or
5 air mattress? How was he dressed, if you recall?

6 A. Usually a T-shirt and mesh shorts or
7 sweat pants, sometimes without a shirt.

8 Q. Okay. How do you know -- do you recall
9 anything particular about those times when he had
10 no shirt on?

11 A. I just -- to this day I'm sort of
12 repulsed by chest hair now, and I just remember
13 the feeling of it pressed up against my back and
14 looking at it that it just, for whatever reason
15 it just made me hate it. I don't know. I just
16 have this thing now where I just hate chest hair.

17 Q. Now, the first time the defendant did
18 this to you, did you say anything to him like get
19 off me or don't?

20 A. Yeah. That's the point when I would
21 say, okay, I need to go to sleep. I am going to
22 start reading and go to bed.

23 Q. Did you tell anybody that he was getting
24 into bed with you?

25 A. No.

1 Q. Why not?

2 A. Part of it was -- I didn't really know
3 how to respond to it. I didn't really know what
4 to think. It felt very uncomfortable to me but I
5 wasn't real sure how to handle it and it's just
6 something I didn't want my family or anybody to
7 know. Just -- I just figured, you know, I'll
8 keep it to myself and, you know, I get to go to
9 these games. So I will push that part to the
10 back of my mind.

11 Q. Okay. At some point during the time
12 you're staying at the defendant's house and he'd
13 get into bed with you and as you said wrap his
14 arms around you, did he touch any other parts of
15 your body? And, if so, what did he do? Can you
16 tell us the next thing you remember, the next
17 kind of contact, if any, that he had?

18 A. Yeah. I remember a few times -- I'm not
19 sure exactly how many. I think it was just two
20 or three times that whenever he was laying
21 pressed up against my back, he would bring his
22 arms around my front and sort of kind of caress
23 my nipples/chest area and that's another thing
24 that now I cannot stand anybody going near.
25 That's the reason why.

1 I remember that and then there was also
2 an occasion when he turned me over and was -- I
3 don't know if I would call it blowing or kissing
4 on my stomach but something along those lines. I
5 don't really have words to describe it. I didn't
6 really understand it at the time but, yeah,
7 that's.

8 Q. Did you say anything to the defendant
9 when he did those things, touch your chest or
10 blew on your stomach, did you say I don't like
11 that or push him or do anything like that?

12 A. I just would roll away and say that, you
13 know, I was ready to go to sleep.

14 Q. Okay. Did he say anything to you?

15 A. Not that I recall. I don't remember
16 what was said.

17 Q. Okay. Did he ever object or force you
18 to do anything then, if you recall?

19 A. Not that I recall.

20 Q. Okay. Was there any other kind of
21 physical contact that he had with you in that --
22 in the bedroom that you can recall that made you
23 uncomfortable? Did it extend beyond that which
24 you have just told us about?

25 A. As far as in the bedroom, no.

1 Q. Okay. Now, you had contact with the
2 defendant and -- in the car, in the bedroom. Was
3 there anyplace else that you had physical contact
4 with the defendant that he initiated?

5 A. Yeah. The only other one in the house
6 was wrestling in the downstairs basement area.
7 And that would only occur if I was the last
8 person to be taken home. Say it was an afternoon
9 game, Saturday nights we would all stay -- we
10 would all stay after and eat, kind of hang out.
11 And then Jerry would sometimes take us home one
12 by one, sometimes small groups. It varied a lot.

13 But there was a couple times I was the
14 last one there, and he would just kind of wrestle
15 around with me. And it was very uncomfortable
16 just because at that age I was very, very
17 scrawny, very lean, and then Jerry was just -- I
18 don't know three, four times my size it seemed,
19 and I didn't really understand what was going on.
20 But as far as I can recall, nothing else came of
21 that.

22 Q. You didn't win any wrestling matches?
23 You didn't win any of the wrestling matches?

24 A. No. No, I don't think even close.

25 Q. Okay. Now, besides the house, did you

1 have physical contact with the defendant that he
2 initiated at any other place?

3 A. Yes. In the -- I'm not sure what the
4 building was called at the time but building
5 across the parking lot from Holuba Hall.

6 Q. Okay. And what kind of building was it?
7 Was it a classroom building, an athletic
8 facility?

9 A. It was some kind of locker room. When
10 you walked in and you go to the left, that was
11 actually where the showers were located.

12 Q. Okay. And did you ever take a shower
13 there?

14 A. Yes.

15 Q. Do you remember the first time you took
16 a shower there?

17 A. Yes.

18 Q. Okay. And can you tell us what happened
19 just before you took a shower there, what were
20 you doing?

21 A. We were at Holuba Hall throwing the
22 football around. Now, I don't think it was
23 anything strenuous but he had said that we were
24 sweaty. We needed to take a shower before we go
25 back and turn in. I really didn't understand it.

1 I kind of just thought that it was a little odd.
2 But I wasn't real sure how to handle it and,
3 again, I didn't really want to make him angry.

4 So I just went with it. And he took his
5 clothes off. I took my clothes off and got into
6 the shower. He had turned on the showerhead
7 beside me, and I had gotten in the shower with
8 him. I remember him trying to basically shampoo
9 my hair and shampoo my back shoulders at which
10 point I slid down another shower stall and tried
11 to get away.

12 I don't remember the showers being that
13 long. I just remember coming out of the showers
14 then and he had tried to dry me off and I -- he
15 started to dry off my back and then I said, no, I
16 can dry myself. And I took the towel and dried
17 myself off.

18 Q. Okay. What had you been doing before
19 you took that first shower with the defendant?

20 A. Just throwing the football.

21 Q. Okay. And was this in the first season
22 after the Texas Tech game in 1995 or was it
23 another year?

24 A. I think it was the end of that year,
25 yes.

1 Q. Okay. So you were -- you hadn't -- you
2 might have turned 11 by then?

3 A. Yeah.

4 Q. Okay. Had you ever taken a shower
5 before with an adult male?

6 A. No.

7 Q. Had you ever taken a shower that you
8 ever remembered with anybody before that?

9 A. No.

10 Q. Okay. Now, in school you didn't go in
11 the gym class and take showers with other people?

12 A. No, and that kind of stuff didn't occur
13 until high school. But, yeah, at that age, no.

14 Q. Well, did you need to take a shower
15 after you were throwing the football around, did
16 you think?

17 A. No, I did not think so.

18 Q. Okay. When the defendant said let's
19 take a shower, what did you think or say, do you
20 remember?

21 A. I didn't -- I think I might have said
22 something along the lines of I didn't think I was
23 sweaty. I didn't think I needed a shower. He
24 kind of just pushed the issue and said we need to
25 take a shower, you know. You're sweaty. I'm

1 sweaty. We need to take a shower.

2 Q. Okay.

3 A. And --

4 Q. How did you feel about that?

5 A. Just extremely uncomfortable about it
6 but I just -- I went along with it. I didn't
7 know really what else to do.

8 Q. Okay. When you first walked in the
9 shower, did you walk in first or the defendant or
10 do you even remember?

11 A. I want to say that he walked in the
12 shower first. Now, I can't say that for sure. I
13 may have but, to the best of my knowledge, I
14 believe that he walked in the shower first.

15 Q. Okay. And did you ask the defendant to
16 put soap on your body or shampoo your hair?

17 A. Absolutely not.

18 Q. Did you expect him to?

19 A. No, no, not at all.

20 Q. Did you want him to?

21 A. No.

22 Q. Okay. After that time -- how long --
23 was it a long time or just seemed like a long
24 time or did it seem fast?

25 A. I am not actually sure how long it was.

1 If I had to guess, I would say maybe 15 minutes
2 but I really have no idea. It didn't -- it
3 didn't seem like it took too long for a typical
4 shower.

5 Q. Did you tell your parents or anybody
6 else that you had taken a shower with the
7 defendant?

8 A. No, no.

9 Q. Did you see any other persons in the
10 shower?

11 A. No.

12 Q. Okay. Now, that happened you said
13 towards the end of the -- end of the season of
14 1995 or end of the year? I guess they were both
15 the same?

16 A. I'm not exactly sure. Around the end of
17 the year, yes.

18 Q. Okay. And were you still staying over
19 at the defendant's house during the course of
20 this time?

21 A. Yes.

22 Q. On Friday nights sometimes?

23 A. Yes.

24 Q. Did you ever take another shower with
25 the defendant?

1 A. Yes.

2 Q. Okay. One or more than one after that
3 first one?

4 A. After the first one, at least five more,
5 possibly more.

6 Q. Okay.

7 A. But at least six total.

8 Q. Okay. And did the same thing happen on
9 those subsequent showers that happened the first
10 one, lessor more in terms of physical contact
11 between you and the defendant?

12 A. It was the same type thing. It was
13 trying to soap me up. I would move away. There
14 came a point where he actually came up behind me.
15 Pressed his front to my back. Put me in what I
16 call bear hug which was basically he put his arms
17 around me and squeezed. Again, just basically to
18 the point where it would physically hurt. And
19 then would actually lift me up off the ground
20 which seemed playfully. I'm not real sure why.

21 And then same thing, would try to drop
22 me off and I would push him away and I would do
23 it myself.

24 Q. At the time or times that the defendant
25 picked you up in the shower, were you naked?

1 A. Yes.

2 Q. Was he naked?

3 A. Yes.

4 Q. Did he pick you completely off the
5 ground?

6 A. Yes.

7 Q. Were you 11 years old?

8 A. Yes, or -- well, 10 or 11, yes.

9 Q. Okay. Did he say anything to you during
10 any of the times that he did this stuff? Like
11 when he started washing your hair, did he tell
12 you what he was doing? When he picked you up and
13 hugged you, did he tell you what he was doing?

14 A. No, I remember him saying something
15 along the lines of let me wash your hair for you,
16 something like that.

17 And then when he did the bear hug in the
18 shower and picked me up, I don't remember him
19 saying anything. I just remember him sort of
20 grunting. I don't remember any words in
21 particular.

22 Q. Okay. And when he picked you up and off
23 the ground in the shower naked and hugged you,
24 did his private parts, did his -- touch your
25 body?

1 A. Yes.

2 Q. What parts of his body touched what
3 parts of your body?

4 A. His entire front touched my back side.

5 Q. Okay.

6 A. Pressed up against me.

7 Q. Okay. And at that time you were either
8 10 or 11; is that right?

9 A. Yes.

10 Q. Okay. Did you know what an erection was
11 in those days?

12 A. No.

13 Q. Okay. So did you ever -- do you have
14 any recollection of what you saw the defendant
15 when you saw him naked?

16 A. No. The one thing in particular I
17 remember is just chest hair.

18 Q. Okay. Did he ever ask you to wash him
19 or make you wash him?

20 A. Not that I recall, no.

21 Q. Okay. Okay. And did he pick you up on
22 one or more than one of the five or so times that
23 you took a shower with him or do you remember?

24 A. Just once that I remember.

25 Q. Okay. And did you tell him don't do

1 that? Did you ever tell him to stop?

2 A. No, I think with he picked me up and
3 lifted me in the air I had cried out. I'm not
4 sure exactly what I said but probably put me
5 down, something like that. So that actually
6 hurt. I mean, I was so skinny. My ribs were
7 probably sticking out. It hurt.

8 Q. Well, was there anybody else in the
9 shower on any of the occasions when he took a
10 shower with you?

11 A. None of those.

12 Q. Okay. Were they in the daytime or
13 nighttime or evening hours, if you recall?

14 A. I don't remember specifically but I know
15 it was dark out and I want to say evenings.

16 Q. Okay. And did some or all those showers
17 take place in '95 or '96 or do you recall?

18 A. I think both. I'm little spotty.

19 Q. Some in each. Okay. Did you tell your
20 parents about this?

21 A. No.

22 Q. Okay. And why not?

23 A. I was kind of ashamed about it. I
24 really -- I didn't want anybody to know.

25 Probably, most importantly I didn't want my

1 parents to keep me from going to games. I didn't
2 want them to, I guess, sort of freak out because
3 I knew it didn't feel right. It felt like
4 something that they would get mad about and I
5 just -- I wanted to go to games and I had chosen
6 to just try to block that stuff out and just
7 focus on the positives.

8 Q. Okay. And so you got to keep going to
9 games?

10 A. Yes.

11 Q. Okay. And did you keep staying over at
12 the defendant's house into the '96 football
13 season as a marker, like the following year?

14 A. I think so, yes.

15 Q. Okay. How about '97, were you still
16 staying at his house after the '96 season?

17 A. I don't think so. I'm not entirely sure
18 but I don't think.

19 Q. Okay. Do you know why?

20 A. There came a point where I'm not sure if
21 I did something in particular but there came a
22 point where the relationship with Jerry had kind
23 of changed. I was very confused by it but
24 basically he had stopped calling me to go to
25 games. He had stopped, you know, offering me

1 tickets and things. And I had thought that I did
2 something wrong and was very, very upset by it.
3 It was to the point where my mom got a little bit
4 upset and was confused and then she had actually
5 called. To my knowledge she actually called and
6 talked to Dottie who had said that there he --

7 MR. ROMINGER: Objection, hearsay.

8 THE COURT: Sustained.

9 BY MR. McGETTIGAN:

10 Q. Without telling us what Dottie or your
11 mom said, you know that your mom called the
12 Sandusky residence?

13 A. Yes.

14 Q. Okay. And did anything change after
15 that?

16 A. Yeah. I still went to games. And at
17 that point he had started calling me usually
18 Wednesday, Thursday nights basically offering me
19 tickets. You know, you want to come to the game
20 this weekend? It's against this team, that kind
21 of thing.

22 Q. Okay. You got tickets?

23 A. Yes.

24 Q. Okay. Did he come get you?

25 A. No, no.

1 Q. Okay. Now, I want to go back to -- up
2 until say the '96 season, toward the end of the
3 '96 season, you had stayed at the defendant's
4 house?

5 A. Yes.

6 Q. Okay. And would you stay over before
7 every home game or just some or a few?

8 A. I think some.

9 Q. Okay. Both in the '95 and '96 season,
10 you would -- the defendant would take you into
11 the shower with him?

12 A. Yes.

13 Q. Okay. And did he touch you in the ways
14 you discussed already during the '95 and '96
15 season?

16 A. Yes.

17 Q. Okay. And did you go to The Second
18 Mile -- did you have any contact with him at all
19 after the season was over?

20 A. No. He had contacted me for different
21 events, I believe like Lady Lion basketball game,
22 go out with a group of them bowling, and things
23 like that.

24 But for one reason or another, I
25 remember one occasion I was sick but I never

1 actually went to anything with him outside of
2 football season.

3 Q. Okay. And now come around to the '97
4 football season. You expected to go to football
5 games. You go to camp that year?

6 A. Yes.

7 Q. Did you see the defendant at camp that
8 year?

9 A. I believe so, yes.

10 Q. Okay. Had you been to his house
11 recently?

12 A. Not other than the football games.

13 Q. Okay. And you expected to go to games
14 and stay at the defendant's house that year?

15 A. Yeah.

16 Q. Okay. And he just stopped calling?

17 A. Yeah. And I had just -- I thought that
18 I did something that offended him or made him
19 angry. I really had no clue. I still -- still I
20 don't really know what happened.

21 Q. Did you call him or did you just ask
22 your mom to call?

23 A. I didn't even ask my mom to call. I was
24 a little upset when she called. I was just
25 confused and upset by it, and she went out of her

1 way to call.

2 Q. Up to that point, had you ever told your
3 parents any of the physical contact that you had
4 with the defendant including getting in bed with
5 you and taking showers with you? Had you told
6 them anything about that?

7 A. No, none of that.

8 Q. Okay. And, in fact, when's the first
9 time, if ever, that you told your parents about
10 any of the contact the defendant had with you?

11 A. After I was questioned by the police.

12 Q. Okay. And speaking of that, did you go
13 to the police or did the police come to you?

14 A. No, they came to me.

15 Q. Okay. Do you recall when that was?

16 Best estimate.

17 A. A little over a year ago, around there.

18 Q. And did you want to talk to the police?

19 A. Absolutely not.

20 Q. Okay. Were you looking forward to
21 talking to the police?

22 A. No. No. I did not want to go. I did
23 not want to talk to them. I didn't want to be
24 involved at all.

25 Q. Okay. And did the police ask you to say

1 anything in particular or tell you anything in
2 particular or just want to know what had happened
3 to you?

4 A. They just wanted to know what happened.

5 Q. Okay. Did you tell them everything --
6 all the contact that had occurred between you and
7 defendant the first time you spoke to the police?

8 A. No. I had sort of blocked out that part
9 of my life. Obviously, going to footballs games
10 and those kind of things, I had chose sort of to
11 keep out in the open, so to speak. And then the
12 more negative things, I had sort of pushed into
13 the back of my mind, sort of like closing a door,
14 closing -- putting stuff in the attic and closing
15 the door to it. That's what I feel like I did.

16 Q. But now you said that after the '96
17 season you didn't go to the defendant's house any
18 more or go to the games with him or anything; is
19 that right?

20 A. After the '96 season?

21 Q. '96, 97, something like that?

22 A. I went -- I actually still went to games
23 with them sometimes, not all the time. But there
24 was always a tailgate at the stadium. So a lot
25 of times I would go over shortly before the game,

1 probably about a couple hours before the game,
2 and then we would all kind car pool over, and we
3 would tailgate, and then after the game hang out
4 for a little bit and Jerry would either drive me
5 home or my parents would come pick me up until I
6 got my license. And then when I got my license,
7 I drove myself.

8 Q. Okay. And you were happy to go to
9 games. That's what you wanted to do?

10 A. Yeah.

11 Q. Okay. Did you continue to get tickets
12 from the defendant, Jerry Sandusky, in the '98
13 season say?

14 A. Yes.

15 Q. Okay. Did you tailgate with him in
16 those seasons or stay at his house or either?

17 A. I didn't stay at his house, no. I
18 probably tailgated most of those games. I don't
19 know about all of them. Yeah, tailgated at least
20 part of the season the whole way up until about
21 2008.

22 Q. You would go tailgate with the
23 defendant?

24 A. Yes.

25 Q. Okay. Did you ever stay at his house

1 after say the 96-97 season?

2 A. No.

3 Q. Okay. Did you ever take showers with
4 him after that?

5 A. No.

6 Q. Okay. Did you ever wonder why you
7 didn't stay at his house or take showers?

8 A. Yeah. It was just -- I thought I did
9 something to upset him. It was just very, very
10 confusing too me. And there was a point when
11 there was a concert that came up, I believe in
12 '99, and I was into the kind of music that was
13 going on for that concert. And I had found out
14 through some of the other kids bragging that they
15 were going to it and they got free tickets from
16 Jerry. And at that point I was a little bit
17 upset that I wasn't offered to go, and it seemed
18 like from that point, when I started thinking
19 about it, that he kind of had favorites and that
20 there were people that got, I guess, special
21 treatment.

22 Q. Is that what you thought? Some people
23 got special treatment?

24 A. Yeah. I was pretty upset about it but
25 -- and then I was just resigned to the fact that,

1 you know, I just going to go to Penn State games
2 and that would be it.

3 Q. So you went to Penn State games from
4 1995 until when?

5 A. About 2009.

6 Q. Okay. And up until when were you going
7 to Penn State games, getting tickets from the
8 defendant, Jerry Sandusky?

9 A. Up until 2009.

10 Q. Okay. And did the defendant ever say
11 anything to you about how he felt about you at
12 any time?

13 A. Other than saying, you know, I love you
14 whenever I would leave his house, get picked up,
15 get dropped off, and, you know, get the bear hugs
16 where he would put his arms around me and
17 squeeze, other than that, not -- I don't recall
18 anything in particular.

19 Q. Did you go to games with any particular
20 friends during the course of the year more
21 consistently than with others?

22 A. Yes.

23 Q. Who's that?

24 A. Zach.

25 Q. Zach's last name?

1 A. Konstas.

2 Q. Okay. Did you ever tell Zach about the
3 stuff that the defendant had done to you?

4 A. No.

5 Q. Okay. Did he ever tell you anything
6 about the defendant had done to him?

7 A. He was very vague. He had just
8 mentioned that.

9 MR. ROMINGER: Objection.

10 THE COURT: Sustained.

11 MR. McGETTIGAN: Okay.

12 BY MR. McGETTIGAN:

13 Q. Without telling -- Zach said something
14 to you and you never talked about -- did you talk
15 about it once or more than once?

16 A. Once.

17 Q. Okay.

18 MR. McGETTIGAN: May I approach the
19 witness, Your Honor?

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

21 MR. ROMINGER: Your Honor, I would have
22 sidebar on one of the exhibits.

23 MR. McGETTIGAN: Your Honor, so as to
24 take advantage of time, can I have the witness
25 look at all of them while we're doing that?

1 THE COURT: Yes.

2 MR. McGETTIGAN: Thank you.

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

5 MR. FINA: By the way just -- before we
6 start, I just want to give everybody a heads up.
7 Our friend Jonathan Lee Riches, the guy who filed
8 -- this fellow here Jonathan Lee Riches, I just
9 had him run. He's a former federal inmate for
10 wire fraud. He's filed over 2,600 lawsuits
11 across the country including against
12 President Brush, Brittany Spears, Michael Vick,
13 the Somolie Pirates. He got out of federal
14 prison about a month ago for his wire fraud. And
15 that number on there is actually his federal
16 inmate number. So he's, of course, not
17 registered to practice law anywhere in the United
18 States. I just wanted to give everybody --

19 MR. AMENDOLA: Your Honor, I say we
20 bring him in as co-counsel.

21 MR. FINA: I have all this here if you
22 want it. It's sort of an interesting history.

23 THE COURT: I'll just incorporate this
24 into the record.

25 MR. FINA: Yeah, I thought it might be

1 helpful.

2 THE COURT: Thank you.

3 Okay. Turning to more serious matters.

4 MR. McGETTIGAN: Your Honor, I think
5 counsel is objecting to Exhibit 69.

6 MR. ROMINGER: Commonwealth 69, Judge.

7 MR. McGETTIGAN: We don't care. This
8 one?

9 MR. FINA: It was just to give context
10 to the larger --

11 MR. ROMINGER: I understand but it has
12 an arrow on it. It's Commonwealth 69. 69 is a
13 colloquialism for certain sex act. Combining all
14 that I think it's more prejudice than probative
15 and has the word growing on it. However, 69A
16 which gives the point is not objectionable to the
17 defense.

18 THE COURT: 69A is okay but 69 is
19 objectionable?

20 MR. McGETTIGAN: Your Honor, I don't
21 think we care one way or the other.

22 MR. FINA: It was just to give the year.

23 MR. AMENDOLA: Who drew that symbol?

24 MR. FINA: That's on there from -- this
25 is a scrap book in his house. It's been on

1 there. I don't care. I'm just saying it's just
2 context.

3 MR. McGETTIGAN: You object to 69?

4 MR. ROMINGER: Confused with the exhibit
5 number.

6 MR. FINA: That was completely random.

7 THE COURT: That's all right. That's
8 fine.

9 (End of sidebar discussion.)

10 THE COURT: Mr. McGettigan, go ahead.

11 MR. McGETTIGAN: Your Honor, May I
12 approach the witness again to take out the one
13 photograph?

14 THE COURT: Yes.

15 MR. McGETTIGAN: Thank you, Your Honor.

16 BY MR. McGETTIGAN:

17 Q. Mr. Struble, during the time that we
18 have been talking, have you had a chance to look
19 at the photographs that's been marked
20 collectively C-65 through C-71?

21 A. Yes.

22 Q. Okay. Do you recognize the person and
23 some of -- the person as yourself and some other
24 persons that are in those photographs?

25 A. Yes.

1 MR. McGETTIGAN: Your Honor, if I may
2 publish them to the jury individually.

3 THE COURT: Is C-70 in that group?

4 MR. McGETTIGAN: Yes, it is, Your Honor.
5 What I'll do is glean over that until I inquire.

6 THE COURT: Skip 70.

7 MR. McGETTIGAN: Yes. Until I inquire.
8 Thank you, Your Honor.

9 THE COURT: Thank you.

10 BY MR. McGETTIGAN:

11 Q. Mr. Struble, ask you to take a look up
12 here and who do you see in C-65?

13 A. A younger me.

14 Q. How old were you, if you recall?

15 A. Probably 10 or 11.

16 Q. Okay. Well, let's take a look at C-65A
17 and does that refresh your recollection, the back
18 of that photograph?

19 A. Yeah.

20 Q. And may I see. Do you recognize
21 yourself anywhere in that photograph?

22 A. Yes, the far left.

23 Q. Is that you with the blonde hair up
24 there with the blue T-shirt on?

25 A. Yeah.

1 Q. Do you remember recognize any of the
2 other individuals in there?

3 A. Yes.

4 Q. Who's the first person next to you?

5 A. That is Jason Fromm.

6 Q. And the person in the yellow T-shirt?

7 A. Brett Swisher.

8 Q. And the person in front of Brett?

9 A. I'm not quite sure.

10 Q. And the person with the defendant's hand
11 on his shoulder there?

12 A. Brenton.

13 Q. And the little kid with the big smile in
14 the front, if you know?

15 A. I'm not sure, no.

16 Q. And the person right behind the kid with
17 the big smile?

18 A. Actually the kid behind -- the kid in
19 the blue shirt on the right side, that's Brenton.
20 The one -- got him mixed up with -- the one
21 that's on Jerry's left arm, I know who he is but
22 I can't think of his name.

23 Q. Okay. And who's that over in the
24 right-hand corner there with the white with
25 T-shirt with Joe on it there?

1 A. That's Zach.

2 Q. Okay. Do you know when that was taken
3 approximately?

4 A. With my hair like that, probably around
5 16 years old. So around 2000ish, maybe '99.

6 Q. Okay. Great. Thanks.

7 May I have the next picture please?

8 And your name there on your second mile
9 achievement awards?

10 A. Yes.

11 Q. Next please.

12 Second mile also in '96 then. You went
13 to The Second Mile in '96 as well?

14 A. Yes.

15 Q. Okay. And what's that picture from?

16 A. That's a class picture from elementary
17 school.

18 Q. And next one.

19 Is that you?

20 A. Yes, and this is just a blown up of that
21 other picture with the Penn State shirt I was
22 wearing was autographed by Wally Richardson,
23 Bobbie Engram and I'm not sure who the other one
24 was.

25 Q. Where did you get that shirt?

1 A. Actually I'm not sure. I know there was
2 one point when I went through a players' locker
3 room and I had that shirt that was autographed
4 and I also had a little sort of like a football
5 yearbook-type booklet and I had autographs in
6 that. It was one or the other. I'm not sure
7 which that I actually got players to autograph
8 them.

9 Q. Can we have 69A please?

10 Is that you with the arrow pointing to
11 you there?

12 A. Yes.

13 Q. Do you think it looks like you?

14 A. I think I look a little different.

15 Q. Can we have 71 now please, not 70?

16 A. That was picture that my mother took of
17 the first time that Jerry came and picked me up,
18 and that's my younger sister in the background.

19 Q. Okay. That would have been '95 then?

20 A. Yeah.

21 Q. Okay. How long after that picture was
22 taken did you find yourself in the shower with
23 Jerry Sandusky? A couple months or longer?

24 A. A couple months I would guess.

25 Q. Thank you very much.

1 I would like to ask you to take a look
2 at other exhibit that's been marked
3 Commonwealth's C-70 for identification. Do you
4 have that?

5 A. Yes.

6 Q. That's a sketch?

7 A. Yes.

8 Q. And can you tell us if you know anything
9 about the sketch?

10 A. Yes. I remember I was trying to draw a
11 description of the shower, the shower stalls.
12 I'm not a very good artist but it's basically a
13 little box with an opening. You would walk in --
14 you would walk into the building. On the left
15 side were the showers and there's also some
16 leather couches and things like that.

17 Then from what I remember, you walk into
18 the shower, there's the opening, the showerhead
19 right inside it and one beside that and one
20 beside that.

21 Q. Okay. I'm asking you now about C-70.
22 You said you try to be artist. Is that your
23 drawing?

24 A. Yes.

25 Q. Is that your signature underneath it?

1 A. Yeah.

2 Q. Who did you draw the picture for?

3 A. I believe this was for one of my police
4 questioning sessions.

5 Q. Okay.

6 MR. McGETTIGAN: Your Honor, may I
7 publish C-70?

8 MR. AMENDOLA: No objection.

9 THE COURT: Yes.

10 BY MR. McGETTIGAN:

11 Q. You're not much of an artist, are you?

12 A. No, at not at all.

13 Q. Mr. Struble, I think you told us a
14 little earlier that you didn't wish to speak to
15 the police when they first came to speak with
16 you?

17 A. Absolutely not.

18 Q. Okay. Did you actually agree to speak
19 with them and speak with them the very first time
20 they contacted you?

21 A. Yes. Yeah. I didn't feel like I had a
22 choice in the matter the first time I went.

23 Q. At that time did you have a lawyer?

24 A. No.

25 Q. Okay. Do you recall the first time that

1 you met me?

2 A. I remember the first time I met you but
3 not the date.

4 Q. Sometime last year?

5 A. Yeah, later in the year last year, yeah.

6 Q. Okay. By that time had you testified in
7 front of a grand jury?

8 A. Yes.

9 Q. Had you spoken to the police on one or
10 more than one occasions?

11 A. Yes.

12 Q. Had anybody ever told you what to say to
13 the police when you talked to them?

14 A. No.

15 Q. Had anybody ever told you what to say in
16 front of the grand jury when you talked to the
17 grand jury?

18 A. No.

19 Q. And when you met me for the first time,
20 or any time thereafter, did I or anybody else
21 ever tell you what you had to say?

22 A. No.

23 Q. Anybody tell you what you had to say
24 here?

25 A. No.

1 Q. When you met me for the first time, did
2 you have a lawyer?

3 A. No, I didn't the first time.

4 Q. Okay. I didn't advise you to get a
5 lawyer, did I?

6 A. No.

7 Q. Why did you get one?

8 A. Because I wanted somebody to help me to
9 get through this. I feel like I had a sense of
10 what was coming. I wanted to keep my privacy as
11 long as I could, and I felt that a lawyer would
12 help me do that.

13 And at first I was actually a little
14 reluctant to get a lawyer. At first I was
15 resigned to going through it myself. And then I
16 had gotten some messages from my mother and she
17 had said this is the number of a lawyer who's a
18 friend of a friend and it's not going to cost you
19 anything. Just go talk to him. What do you have
20 to lose type thing.

21 Q. You identified some of the persons in
22 that group photograph with the defendant and you?

23 A. Yes.

24 Q. Have you ever -- you talked about some
25 conversation you had with Zach. Have you ever

1 talked about them -- with any of them or anyone
2 else about the things that either happened to
3 them or happened to you?

4 A. No.

5 Q. Thank you very much.

6 MR. McGETTIGAN: I have nothing further
7 of this witness at this time. Thank you.

8 MR. AMENDOLA: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. AMENDOLA:

11 Q. Mr. Struble, I'm waiting for you to get
12 your water. Are you ready?

13 A. Yes, I'm ready.

14 Q. My name is Joe Amendola. I represent
15 Mr. Sandusky. I'm going to ask you some
16 questions. If you're not sure about the way I'm
17 asking a question or what I am asking, just let
18 me know. I'll ask it a different way, okay?

19 A. Okay.

20 Q. The lawyer that you say represents you,
21 is he a local lawyer?

22 A. I believe so, yes.

23 Q. And are you aware that he advertises
24 representing alleged victims of Penn State sexual
25 abuse?

1 A. No, I'm not aware, no.

2 Q. He never told you that?

3 A. No.

4 Q. Are you aware that he represents at
5 least one other person involved in this case?

6 A. Yes.

7 Q. But your testimony today is the only
8 reason that you have retained him is to protect
9 your anonymity in this matter?

10 A. No, that's not the only reason. I
11 just -- I didn't want to go through this alone.
12 I wanted somebody that could help me, somebody
13 that could help me with some of the
14 behind-the-scenes legal things.

15 Basically when I went to the grand jury
16 and I did testimony there, I had no idea what was
17 going on. It was a complete surprise to me, and,
18 you know, I didn't know what was happening. It
19 just happened so fast. After that, I started to
20 open my mind towards it and still it wasn't
21 until, you know, my mother had mentioned it that
22 I thought, you know, what can it hurt?

23 Q. When did that happen, do you know? When
24 did you contact this attorney?

25 A. I'm not sure exactly. It was probably

1 pretty shortly after the grand jury, coming back
2 from that.

3 Q. That would have been April 11 of 2011?
4 That's what my notes reflect you appear before
5 the grand jury?

6 A. Yes.

7 Q. Are you computer literate?

8 A. Yes.

9 Q. Did you out of curiosity ever go to his
10 website -- this attorney's website to see what
11 kind of law he practices?

12 A. No, I didn't.

13 Q. Didn't ask him what kind of law he
14 practices?

15 A. No, I have never had a lawyer before for
16 anything.

17 Q. Have you paid him for anything?

18 A. No.

19 Q. Not a penny?

20 A. No.

21 Q. Did he go to the grand jury with you?

22 A. No.

23 Q. How many --

24 A. Because it was --

25 Q. Go ahead.

1 A. It was after the grand jury.

2 Q. Has he appeared anywhere on your behalf,
3 in court, in proceedings?

4 A. No.

5 Q. How many times have you seen him?

6 A. I'm really not sure. Maybe 10, 15
7 times.

8 Q. And about how much time in terms of
9 minutes or hours that each time that you saw him?

10 A. I think it would vary anywhere from half
11 hour to an hour.

12 Q. And when you met with him, did he
13 discuss your testimony in court and what you
14 should and shouldn't say?

15 A. No.

16 Q. He never talked about your testimony?

17 A. No.

18 Q. He's never sent you a bill?

19 A. No.

20 Q. Did you know this lawyer before you went
21 to see him?

22 A. I didn't hear the question.

23 Q. Did you know this lawyer, this attorney
24 before you first saw him?

25 A. No.

1 Q. Before you saw him for the first time?

2 A. No, I didn't.

3 Q. To your knowledge, have you signed any
4 sort of fee agreements with him?

5 A. I signed something. I'm not sure what
6 it was.

7 Q. You have no idea what you signed?

8 A. No.

9 Q. Do you have a copy of it?

10 A. No.

11 Q. But you signed an agreement with him?

12 A. Yes.

13 Q. Are you familiar with the term
14 contingency fee agreement?

15 A. No.

16 Q. You said a lot of things today,
17 Mr. Struble, and I just caught a few of them.
18 But you mentioned in your testimony I believe,
19 and correct me if I'm wrong, that Mr. Sandusky
20 would give you bear hugs, wash your hair in the
21 shower?

22 A. Yes.

23 Q. Prior to today, did you tell any of the
24 investigators, any of the representatives from
25 the Attorney General that Mr. Sandusky had done

1 that?

2 A. My lawyers, yes.

3 Q. No, not your lawyers. I'm saying did
4 you tell members of the Attorney General's Office
5 or any of the investigators prior to today that
6 in the shower Mr. Sandusky would give you bear
7 hugs and wash your hair?

8 A. Yes. One person.

9 Q. Do you recall who you told?

10 A. Joe McGettigan.

11 Q. And when was that?

12 A. I'm not sure of the exact date.

13 Probably just a few months ago.

14 Q. Was that after you hired this attorney?

15 A. Yes.

16 Q. You mentioned today I believe that
17 Mr. Sandusky would dry you off after you got a
18 shower?

19 A. Yes.

20 Q. Did you tell any of the investigators or
21 the Attorney General's staff that Mr. Sandusky
22 would dry you off after you got a shower prior to
23 today?

24 A. I'm not sure. I think I might have but
25 I don't know for sure.

1 Q. You mentioned today that Mr. Sandusky
2 when he was in the vehicle with you would put his
3 hand down your pants and touch your penis?

4 A. Yes.

5 Q. Prior to today, did you ever tell
6 members of the Attorney General's Office or any
7 of the investigators in this case that
8 Mr. Sandusky when he drove around with you would
9 put his hand down your pants and touch your
10 penis?

11 A. Yes, one.

12 Q. Who did you tell?

13 A. Joe McGettigan.

14 Q. When did you tell him that?

15 A. Whenever I had that meeting with him
16 which was --

17 Q. A couple months ago?

18 A. Yeah.

19 Q. After you retained this private
20 attorney?

21 A. Yes.

22 Q. With whom you signed an agreement?

23 A. Yeah, I guess so, yeah.

24 Q. But you don't know what the agreement
25 is?

1 A. No.

2 Q. Do you recall testifying in front of the
3 grand jury in this matter?

4 A. Vaguely, yes.

5 Q. The record shows that was April 11,
6 2011?

7 A. Correct.

8 Q. I don't expect you to remember the date
9 but you recall testifying, correct?

10 A. Yes.

11 Q. You only testified once?

12 A. Yes.

13 Q. I'm going to read this and ask you if
14 you remember the question and answer from the
15 grand jury transcript.

16 Mr. McGettigan I assume, whoever was
17 asking the questions that day had just gotten
18 done asking you about Mr. Sandusky putting his
19 hand on your knee and squeezing. And then the
20 follow-up question was -- this is on page, bottom
21 of page 15, Mr. McGettigan, of the grand jury
22 transcript and the top of page 16.

23 The question from the Commonwealth
24 attorney: Did he ever touch any other part of
25 you and any other part of him?

1 And the answer that's reflected in the
2 record, Mr. Struble, is: Another thing he did --
3 there was a few times I can remember that he
4 stuck his hand inside my pants, right inside my
5 waist, like, right inside the zipper and my
6 button. I can say he never went the whole way
7 down and grabbed anything.

8 Do you remember that question and
9 answer?

10 A. I can recall saying that at that time,
11 yes.

12 Q. You recall saying that at that time?

13 A. Yes.

14 Q. But today now you recall that he put his
15 hand down pants, Mr. Sandusky, and grabbed your
16 penis?

17 A. Yes. That doorway that I had closed has
18 since been reopening more. More things have been
19 coming back and things have changed since that
20 grand jury testimony. Through counseling and
21 different things, I can remember a lot more
22 detail that I had pushed aside than I did at that
23 point.

24 Q. Since April 11, 2011?

25 A. Yes. Because up until around that time

1 I had not talked about this with anybody. So
2 those police investigations that I had, that was
3 the first time that I had even brought it back
4 into my mind.

5 Q. Again, at that grand jury hearing where
6 you testified, on page 18, I'm going to read the
7 following question from the Commonwealth
8 attorney.

9 Did he ever kiss you?

10 Your answer was: No, he did not.

11 Question: You're saying he never
12 touched your privates, skin over skin.

13 Your answer: No, he did not or, no, he
14 didn't.

15 Question: Did he ever fondle you at all
16 over your clothes?

17 Your answer: No, he did not.

18 Do you recall those questions and
19 answers?

20 A. Yes. And, again, at that time it was a
21 little different mind-set.

22 Q. Today you testified that Mr. Sandusky in
23 the shower grabbed you from behind and put the
24 front of his body up against the back of your
25 body; do you recall that?

1 A. Yes.

2 Q. Prior to today did you tell any of the
3 members of the Attorney General's Office or any
4 of the investigators in this case that
5 Mr. Sandusky had done that?

6 A. Yes.

7 Q. Who was that?

8 A. Joe McGettigan.

9 Q. Is this going back a couple months
10 again?

11 A. Yeah.

12 Q. After you had retained private counsel?

13 A. Yes.

14 Q. Do you recall testifying, again, at the
15 grand jury hearing in this matter on April 11th
16 of this last year, being asked the question by
17 the attorney general staff.

18 Question: Did he ever have any physical
19 contact you at all, any kind of contact while you
20 were in the shower with him?

21 Your answer: While we were in the
22 shower, I don't think so.

23 Question: Are you sure?

24 Answer: I'm not sure. That's something
25 I guess in a blurry memory I didn't think so.

1 Do you remember that question -- those
2 questions and that answer?

3 A. I think so, yes.

4 Q. But today you're telling us no blurry
5 memory any more, correct?

6 A. Through counseling and through talking
7 about different events, through talking about
8 things in my past, different things very
9 triggered different memories and have had more
10 things come back, and it's changed a lot about
11 what I can remember today and what I could
12 remember before because I had everything negative
13 blocked out.

14 Now, with the grand jury testimony was
15 when I was just starting to open up that door, so
16 to speak.

17 Q. Do you recall when you started
18 counseling?

19 A. It was a little over a year ago.

20 Q. Was it before -- was it before the grand
21 jury appearance on April 11, 2011?

22 A. I'm not sure. I know that after my
23 police questioning, I was in the mind-set, I was
24 very confused, didn't know what to do. Very
25 panicky. So I called a counselor, local

1 counselor line and set myself up for some
2 counseling.

3 Q. Do you recall interviewing -- going
4 through an interview in February of 2011 with
5 Corporal Leiter and Trooper Rossman? I'm not
6 holding you to the date. I realize I wouldn't
7 remember the date. But in terms of interviewing
8 with Corporal Leiter in February 2011 and Trooper
9 Rossman?

10 A. Around that time sounds right, yes.

11 Q. Do you recall telling them in that
12 interview that you had scheduled an appointment
13 to see a counselor on February 22, 2011?

14 A. Yeah. That was the second interview
15 that I had with them. The first one that I had
16 was the one that afterwards I wasn't sure how to
17 react. Didn't know what to do and I have never
18 been a person to think highly of going to
19 counseling but I had decided that that's what I
20 was going to do.

21 Q. You were in the car about how many times
22 with Jerry Sandusky during the time that you had
23 a relationship with him?

24 A. A lot.

25 Q. Fifty, 75, a hundred?

1 A. At least 50. I'm not sure exactly.

2 Q. This was during what time period in
3 terms of what year was this or years?

4 A. From '95 until probably the early 2000s.

5 Q. I'm sorry. Pardon me?

6 A. '95 until the early 2000s.

7 Q. And during that '95 to the year 2000,
8 did you ever see Jerry Sandusky driving a silver
9 colored convertible?

10 A. No.

11 Q. To your knowledge -- you were over at
12 his house quite a bit, right?

13 A. What's that?

14 Q. Were you over at his house quite often?

15 A. Yes.

16 Q. Did you ever see Jerry Sandusky in his
17 driveway, in his garage, him driving a silver
18 colored convertible?

19 A. I was never ever in his garage. So it's
20 possible that there's one in there but I did not
21 see it.

22 Q. Never saw it?

23 A. Nope.

24 Q. When you got showers with Mr. Sandusky
25 at Penn State in the shower locker room area, did

1 you ever see other people in the shower area?

2 A. No.

3 Q. Never saw anybody?

4 A. Never.

5 Q. You never saw coaches or players walk
6 by?

7 A. No.

8 Q. I'm going to refer your attention back
9 to your grand jury testimony.

10 A. Okay.

11 Q. Again, you recall testifying. And the
12 question was asked --

13 MR. McGETTIGAN: Your Honor, I'm not
14 sure that's a proper way to pose the question
15 unless he has --

16 MR. AMENDOLA: I'm taking it right off
17 the transcript, Your Honor.

18 THE COURT: Unless what?

19 MR. McGETTIGAN: Lay the proper
20 foundation. He's just asking about his testimony
21 without any basis to ask.

22 THE COURT: Show him his testimony.

23 MR. AMENDOLA: I'm sorry what?

24 MR. McGETTIGAN: Or just ask the
25 question first without reference to the grand

1 jury testimony.

2 MR. AMENDOLA: Yes.

3 BY MR. AMENDOLA:

4 Q. I'll ask you a question again. When you
5 were in the shower on several occasions with
6 Mr. Sandusky, was anyone else around?

7 A. No, not that I saw.

8 Q. Do you recall testifying at the grand
9 jury in this matter?

10 A. Not specifically this matter, no.

11 Q. I'm going to ask you the question that
12 was asked by the Attorney General's Office.

13 Dustin, how many times do you think you
14 were alone in the shower with --

15 THE COURT: Wait a second.

16 MR. McGETTIGAN: That's not the way he's
17 supposed to do it, Your Honor. We discussed
18 that.

19 THE COURT: This is a little different
20 though. This is testimony --

21 MR. AMENDOLA: Yes.

22 THE COURT: -- apparently presented
23 under oath at the grand jury.

24 MR. McGETTIGAN: Differentiating between
25 that and the police statement?

1 THE COURT: Yes.

2 MR. McGETTIGAN: That's fine.

3 THE COURT: That's his statement, not
4 the --

5 MR. McGETTIGAN: Fine. I understand. I
6 thought he was supposed to show him the
7 testimony.

8 THE COURT: That's different matter.

9 MR. AMENDOLA: If I may approach, Your
10 Honor?

11 THE COURT: Yes.

12 BY MR. AMENDOLA:

13 Q. Mr. Struble, I'm going to point you --
14 so you don't have to read this and try to figure
15 out where it is, I am going to point you to page
16 23 of your grand jury testimony. I am going to
17 point you to the question that starts: Dustin,
18 how many times do you think you were alone in the
19 shower with Jerry? Do you see where I am?

20 A. Yes.

21 Q. Can you read your answer?

22 A. Probably three or four times.

23 Q. And then the next question from the
24 Commonwealth attorney: Do you ever remember
25 anyone else walking in on you when you were in

1 the shower?

2 And your answer?

3 A. No, I remember there was other assistant
4 coaches or players or there was a couple random
5 people that were in there from time to time but
6 they would be -- they would just been passing
7 through and say hi but that wasn't -- they never
8 really came in while we were in the shower.

9 Q. So there were other people around,
10 correct?

11 A. No. That testimony is what I had
12 recalled at that time. Through -- again through
13 counseling, through talking about things, I have
14 remembered a great deal more things that I had
15 blocked out. And at that time that was, yes,
16 that's what I thought but at this time that has
17 changed.

18 Q. That was after you retained private
19 counsel; is that correct?

20 A. Around that time, yeah.

21 Q. You mentioned you know Zach Konstas?

22 A. Yes.

23 Q. And how long have you and Zach been
24 friends?

25 A. Probably about 12 years, 13 years maybe.

1 Q. To your knowledge, do you know any of
2 the other accusers in this case?

3 A. I think I do but I'm not sure.

4 Q. How often are you in contact with Zach?

5 A. Well, right now not very often since he
6 moved to Colorado.

7 Q. Do you communicate by e-mail or by
8 Facebook or by texts or phone calls?

9 A. He doesn't have a Facebook but, yeah,
10 the occasional phone call or text.

11 Q. Can you tell us about, approximately
12 when was the last time that you communicated in
13 any fashion with Zach?

14 A. I talked to him a few days ago whenever
15 he flew into State College from Colorado.

16 Q. And before that, do you recall the last
17 time that you talked with him? When I say
18 communicate, talked, communicated in any fashion?

19 A. Before that I'm not actually sure. It
20 was -- I believe it was a significant time, at
21 least a couple months.

22 Q. A couple months?

23 A. Yeah.

24 Q. Is it your testimony today that in the
25 various times that you communicated with Zach

1 over the past several years, say, for example,
2 since 2008, is it your testimony that you and
3 Zach had never discussed this issue with
4 Mr. Sandusky?

5 A. We have very vaguely.

6 Q. Can you explain what you mean by very
7 vaguely?

8 A. Meaning Zach would ask me sort of what
9 happened to me almost -- I feel so that he could
10 confide in me. But he had asked me if I
11 remembered anything more, if counseling was
12 helping, just all kinds of random things at which
13 point I would change the subject or move on.
14 Because I'm not comfortable talking about that
15 really even with my own family more or less Zach.
16 But at the same time I wanted to sort of be there
17 for him. So I still had contact with him but
18 just not regarding the case.

19 Q. Did Zach tell you if he had a private
20 attorney?

21 A. He did. I believe so, yes.

22 Q. So he also had counsel?

23 A. I think so. I don't know for sure.

24 Q. Now, in your testimony today you said a
25 couple other things that I would just like to

1 address briefly. I believe you mentioned that
2 Mr. Sandusky had touched your nipples and blown
3 on your stomach at various times?

4 A. Yes.

5 Q. And do you recall -- let me ask it
6 another way. Did you tell any of the Attorney
7 General staff or did you tell any of the
8 investigators in this case that Mr. Sandusky
9 touched your nipples or blew on your stomach
10 prior to today?

11 A. Yes.

12 Q. Was that Mr. McGettigan again?

13 A. Yes.

14 Q. A couple of months ago?

15 A. Yes.

16 Q. After you had an attorney?

17 A. Yes.

18 Q. At what point did you cut off your
19 association with Mr. Sandusky?

20 A. I believe it was around mid-season in
21 2009.

22 Q. And up until that time how often would
23 you see him?

24 A. I think I was going to most of the games
25 the last couples years but not all of them.

1 Q. Was he providing the tickets for you?

2 A. Yes.

3 Q. And was he providing rides or was he
4 providing other type of positive things for you?

5 A. No. He seemed a lot more standoffish
6 towards me the last couple years and it seemed
7 harder to get ahold of him for tickets.

8 Q. Did there come a time after you were in
9 your teens that you stopped going to his house or
10 stopped getting rides with him?

11 A. Yeah. I am not sure specifically when.
12 But, yeah, there was a time when I would drive
13 myself.

14 Q. Is this late nineties, early 2000s?

15 A. I was 17. So it would be about 2001ish,
16 maybe 2002.

17 Q. At that point, given what you have told
18 us today and what you have told the police and
19 the investigators and the Attorney General's
20 staff, were you harboring any ill will toward
21 Mr. Sandusky?

22 A. No.

23 Q. When did you first realize that maybe
24 the things that you have told us Mr. Sandusky was
25 doing with you were inappropriate, were not

1 appropriate things to do?

2 A. Well, at first, I had a conversation
3 with Ryan Dixon who is now -- he's deceased and I
4 had asked why --

5 Q. He told you something. I understand.
6 That's hearsay. But he told you something. So
7 is that how I got started?

8 MR. McGETTIGAN: Your Honor, counsel
9 asked the question and doesn't want to hear the
10 answer.

11 MR. AMENDOLA: But I didn't ask for
12 hearsay, Your Honor.

13 MR. McGETTIGAN: I'm not objecting to
14 the hearsay. He asked the question.

15 THE COURT: Just rephrase your question,
16 and we'll get back to it.

17 MR. AMENDOLA: I thought I said when,
18 not what.

19 BY MR. AMENDOLA:

20 Q. When did you learn something or find
21 something out that led you to kind of change your
22 relationship with Mr. Sandusky? What year? What
23 year?

24 A. I believe it was either 2008 or 2009. I
25 believe 2009. And that was the point when I

1 stopped -- I stopped even seeking football
2 tickets.

3 Q. But prior to that how often were you
4 seeing Mr. Sandusky, Mrs. Sandusky, and other
5 people associated with this family, football
6 games, and things like that?

7 A. How often?

8 Q. How often?

9 A. Through the 2000s probably two-thirds of
10 the games, if not more.

11 Q. After a you graduated from high school,
12 did you continue your education?

13 A. Yes.

14 Q. Where was that?

15 A. South Hills.

16 Q. What did you study?

17 A. Business management.

18 Q. And when you went to South Hills, did
19 you apply for any sort of scholarship, financial
20 aid?

21 A. Yes.

22 Q. Did you apply for financial aid with The
23 Second Mile?

24 A. Yes.

25 Q. Did you fill out an application?

1 A. I'm not sure what I filled out. I just
2 remember I had to write a thank you letter.

3 MR. AMENDOLA: Your Honor, if I may
4 approach the witness.

5 THE COURT: Yes.

6 BY MR. AMENDOLA:

7 Q. Mr. Struble, I'm going to show you
8 what's been marked as Defendant's Exhibit No. 1,
9 and I have no idea whether you can identify this.
10 I wanted it marked just so we had a record of
11 what it is. Can you look at this document and
12 tell me what this is, if you know?

13 A. It looks like an application form for
14 Second Mile scholarships.

15 Q. And it looks like it's filled in long
16 hand. In other words, it's not typed, would you
17 agree with that?

18 A. Yes.

19 Q. Is that your handwriting?

20 A. It appears to be, yes.

21 Q. Can you tell on the upper right-hand
22 corner of this scholarship application to The
23 Second Mile, can you tell us there's a time stamp
24 there. Can you tell us what that time stamp is?

25 A. June 15, 2004.

1 Q. You would agree that this is your
2 handwriting?

3 A. Yes.

4 Q. I'm going to refer you to what's marked
5 on the application as page 3 of this and it's
6 under the number 3 and the question that's asked,
7 choose one of the following topics to let us know
8 something about you that we might not learn from
9 the rest of your application. You answered all
10 three, a, b, and c.

11 But would you please read your answer to
12 number b?

13 A. Yes. It is Jerry Sandusky. He has
14 changed my perceptions on life in a positive way.

15 Q. In your handwriting?

16 A. Yes.

17 Q. Now, I am going to show you another form
18 apparently was attached to that, scholarship
19 recommendation form optional. Would you agree
20 that the upper part of that applicant's name and
21 home address is your handwriting?

22 A. Yes.

23 Q. And on the back page of that particular
24 front document, again we have that question
25 number 3, who is one of the following topics to

1 let us know something about you that we might not
2 learn from the rest of your application. And
3 again you answered all three. Would you please
4 read b again?

5 A. Jerry Sandusky, he has helped me
6 understand so much about myself. He is such a
7 kind and caring gentleman and I will never ever
8 forget him.

9 Q. And you filled this application out in
10 2004, correct?

11 A. Yes.

12 Q. That's your handwriting, correct?

13 A. Yes.

14 Q. To get a scholarship to go to school,
15 correct?

16 A. Yes.

17 Q. This is the same Jerry Sandusky you have
18 been telling this jury about for the last hour,
19 correct?

20 A. Not to me, no.

21 MR. AMENDOLA: That's all I have, Your
22 Honor.

23 MR. McGETTIGAN: Very briefly.

24 REDIRECT EXAMINATION

25 BY MR. McGETTIGAN:

1 Q. Mr. Struble, are you mad at the
2 defendant?

3 A. I don't know what word I would use.
4 Disappointed I guess. Yeah.

5 Q. In the years after you first met the
6 defendant and the years after he took those
7 showers with you, you weren't mad at him then.
8 You got tickets to football games from him,
9 didn't you?

10 A. No. I wasn't mad at him or feel hostile
11 or anything towards him until fairly recently.

12 Q. I don't know about your conversation
13 with your lawyer. I want to make clear. Did I
14 ever ask you to say anything in particular about
15 anything?

16 A. No.

17 Q. Ever? Ever?

18 A. Absolutely not.

19 Q. Ever?

20 A. No.

21 Q. Did I ever ask you to say anything
22 because you said it before?

23 A. No.

24 Q. Did I ever ask you to say anything
25 because I wanted you to think I wanted to hear

1 it?

2 A. No.

3 Q. Did I ever ask you to say anything
4 because it made me the defendant look bad or
5 anybody else look bad or anybody look good?

6 A. Absolutely not.

7 Q. Ever?

8 A. No.

9 Q. And if you recall, when you were
10 questioned before the grand jury, was that by me
11 or Ms. Eshbach?

12 A. Eshbach.

13 Q. Okay. And when you met me, how many
14 times have you heard the phrase repeated tell the
15 truth as best you recollect, one, twice, 10
16 times, 50 times or a hundred times?

17 A. Probably a hundred times.

18 Q. Okay. Has anybody -- and tell me --
19 anybody and tell this Court and this jury if
20 anybody has asked you to say anything other than
21 the truth in this courtroom?

22 A. Absolutely not.

23 Q. Thank you.

24 MR. McGETTIGAN: I have nothing further.

25 MR. AMENDOLA: I have nothing, Your

1 Honor.

2 THE COURT: How much additional time are
3 you going to need to do your technical issues?
4 Is it an extra half hour?

5 MR. McGETTIGAN: At least, Your Honor.

6 THE COURT: Okay.

7 May we dismiss the witness, Your Honor?

8 THE COURT: Yes. You can step down.

9 MR. McGETTIGAN: Thank you.

10 THE COURT: We're going to have to take
11 a little bit of an extended lunch hour because
12 there are some technical issues that the
13 prosecution has to address which may delay things
14 a little on the lunch hour but will expedite
15 things later on. So just bear with us.

16 So we'll reconvene -- we'll remain
17 seated while the jury is taken out and we'll
18 reconvene at 1:45.

19 (Whereupon, the jury was escorted out of
20 the courtroom.)

21 THE COURT: We'll be in recess until
22 1:45.

23 (Whereupon, a recess was taken.)

24 THE COURT: Counsel, would you approach
25 the bench please?

1 (Whereupon, a sidebar discussion was
2 held off the record.)

3 THE COURT: Good afternoon again, ladies
4 and gentlemen. I think we are ready to proceed.

5 Mr. McGettigan, go ahead.

6 MR. McGETTIGAN: Thank you, Your Honor.
7 Your Honor, the Commonwealth would call Michal
8 Kajak.

9 Whereupon,

10 MICHAL KAJAK

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

13 THE COURT: I think we have a technical
14 problem. Is that microphone on?

15 We're all right.

16 MR. McGETTIGAN: Thank you, Your Honor.

17 DIRECT EXAMINATION

18 BY MR. McGETTIGAN:

19 Q. Mr. Kajak, can you spell both your first
20 and last name for the young lady please?

21 A. M-i-c-h-a-l K-a-j-a-k.

22 Q. Mr. Kajak what is your date of birth?

23 A. August 8, 1988.

24 Q. '88?

25 A. Yes, sir.

1 Q. You don't forget that date?

2 A. Nope.

3 Q. That would make you 23 now?

4 A. That is correct.

5 Q. Okay. I'm going to be asking you some
6 events that occurred back when you were a little
7 kid back in the beginning of 1999, 2000, 2001.
8 Can you do that?

9 A. Yep.

10 Q. Okay. Who were you living in 1999,
11 2000, 2001?

12 A. My mother Barbara and my father Mietek
13 and my older brother Peter.

14 Q. You're going to spell Mietek for this
15 young lady as well, aren't you?

16 A. M-i-e-t-e-k.

17 Q. Okay. Where did you live? What town
18 did you live? We don't need your address, just
19 what town did you live in?

20 A. State College.

21 Q. And did -- can you tell us what you
22 recollect what The Second Mile program is? Did
23 you know anything about it and have anything to
24 do with it?

25 A. Yes I attended a few camps at the

1 suggestion of my counselor in elementary school.

2 Q. Do you know why your counselor suggested
3 you go to Second Mile?

4 A. From what I remember, he thought it
5 would be a better idea for me to learn how to
6 speak English with a bunch of kids over a summer
7 camp.

8 Q. Why would your counselor think you
9 couldn't speak English well?

10 A. Because I lived in a household where
11 Polish was the prominent language.

12 Q. Did you think you had a problem with
13 English?

14 A. No.

15 Q. Okay. Did you go to The Second Mile
16 camp?

17 A. I did.

18 Q. Okay. And do you remember the first
19 camp that you went to, the first time that you
20 went?

21 A. I do.

22 Q. Okay. And where was it?

23 A. It was on Penn State campus.

24 Q. And was it an overnight or a day camp?

25 A. It was an overnight camp.

1 Q. Have a roommate?

2 A. Yes, one.

3 Q. Do you remember who it was?

4 A. I don't.

5 Q. Okay. And did you like the camp?

6 A. I did.

7 Q. Do you remember some of the activities
8 that you engaged in?

9 A. Yep. Swimming, soccer, football.

10 Q. Pretty cool for a little kid?

11 A. Yep.

12 Q. Okay. And in 1999, you would have been
13 just about to turn 11 then?

14 A. Correct.

15 Q. And did you have occasion to meet the
16 defendant, Jerry Sandusky, back at Second Mile
17 camp either that first year or thereafter?

18 A. I did.

19 Q. Did you meet him the first year, if you
20 remember?

21 A. I believe it was my first year, yes.

22 Q. Okay. And can you tell the ladies and
23 gentlemen of the jury how you happened to meet
24 the defendant, Jerry Sandusky?

25 A. There was a skit performed by

1 Mr. Sandusky where he was a Polish gangster, and
2 I'm Polish, and I approached him and told him
3 that I was Polish. And it was just cool to meet
4 the camp director.

5 Q. Okay. So it was your idea?

6 A. Um-hum.

7 Q. Okay. And did the defendant say
8 anything to you after you told him you were
9 Polish?

10 A. He was like, oh, cool. I'm Polish, too.
11 He said something in Polish but I don't recall
12 what he said.

13 Q. Okay. It was a good Polish?

14 A. No.

15 Q. Now, after that did you come into
16 contact with the defendant, you know, during that
17 same camp or another camp in a different year, if
18 you recall?

19 A. I received a phone call at my parents'
20 home.

21 Q. You didn't see him at camp any more?

22 A. I don't believe so, no.

23 Q. Okay. And did you get the call or
24 somebody else in your household get the call?

25 A. I believe my mother picked up the first

1 call.

2 Q. And what happened -- who was calling
3 you?

4 A. It was Jerry.

5 Q. Okay. Did you end up talking to him on
6 the phone?

7 A. Um-hum.

8 Q. And can you tell the ladies and
9 gentlemen of the jury what, if anything, the
10 defendant had called you for?

11 A. He asked me if I wanted to go to some
12 Penn State football games and hang out with kids
13 and go throw the football with a bunch of other
14 kids.

15 Q. And what did you think of the idea?

16 A. I thought it was going to be a lot of
17 fun.

18 Q. Did you go to a football game?

19 A. I did.

20 Q. And can you tell the ladies and
21 gentlemen of the jury -- well, how did you get
22 there first of all?

23 A. He came and picked me up at my house
24 with a bunch of other kids in the vehicle.

25 Q. Okay. So he drove you?

1 A. Um-hum.

2 Q. And did you go just right to the game or
3 did you go anyplace else first?

4 A. We usually got dropped off by the indoor
5 football field and that's where we got, like,
6 dropped off, the older kids led us around to play
7 football in the building and just mess around.

8 Eventually we would go to a tailgate
9 where we would go and have food before we went
10 into the football game.

11 Q. Do you remember the teams that played
12 during the first game that you went to by any
13 chance?

14 A. Not a clue.

15 Q. Okay. Did you go to one game or more
16 than one game?

17 A. I went to many over a few seasons.

18 Q. When you say many, do you have an idea,
19 half a dozen or more?

20 A. A few, like, eight, ten.

21 Q. Did you get to every game the same way
22 or some games in different ways?

23 A. I usually was picked up in the mornings.

24 Q. Who would pick you up?

25 A. Mr. Sandusky.

1 Q. Okay. Did he call first and invite you
2 or did you just expect to be picked up?

3 A. I usually got a phone call the day
4 prior.

5 Q. Did he call you or talk to your mom or
6 both?

7 A. It was me.

8 Q. Okay. What would he say?

9 A. I'm going.

10 Q. What did you say?

11 A. I was excited.

12 Q. Did you ride in the car -- in the
13 defendant's car each time you went to one of
14 those games that you recall?

15 A. Yes.

16 Q. Okay. Did you ever sit in the front
17 seat?

18 A. Yes.

19 Q. Did anything uncomfortable or did
20 anything that made you feel uncomfortable occur
21 while you were riding in the car with
22 Mr. Sandusky?

23 A. He would usually reach over and put his
24 hand on my left leg while he drove.

25 Q. Did that make you uncomfortable?

1 A. In some sense. My father would always
2 squeeze my knee to help me relax because there's
3 a pressure point there.

4 Q. So that wasn't that unusual to you?

5 A. Correct.

6 Q. Okay. Did he do anything else to you in
7 the car that made you uncomfortable, if you
8 recall and, if not --

9 A. No.

10 Q. Did you ever stay overnight at the
11 defendant's home?

12 A. I did not.

13 Q. Now, did you ever go to work out with
14 the defendant?

15 A. I did.

16 Q. On one occasion or more than one
17 occasion?

18 A. On one occasion.

19 Q. Now, you went to camp in '99, 2000, and
20 2001?

21 A. Correct.

22 Q. Had you gone to football games in '99
23 and 2000?

24 A. Correct.

25 Q. Okay. And during that time had you been

1 in the company with the defendant with other kids
2 as well?

3 A. Yes.

4 Q. Had you been to his home?

5 A. Yes.

6 Q. And what did you do at his home?

7 A. Ate food, played games, played in the
8 grass.

9 Q. Everything okay? You like that?

10 A. Yep.

11 Q. Okay. Now, did there come a time when
12 the defendant asked you if you wanted to go work
13 out?

14 A. Yes.

15 Q. Okay. That's the only time you worked
16 out with the defendant?

17 A. Yes.

18 Q. Is this 2002?

19 A. Yes.

20 Q. In 2001 you would have been 12, about to
21 turn 13?

22 A. Correct.

23 Q. Had you ever worked out before?

24 A. No.

25 Q. Okay. Did you know -- did you even know

1 what it meant?

2 A. Not really.

3 Q. And can you tell the ladies and
4 gentlemen of the jury where you went to do this
5 workout?

6 A. The building next to the Holuba Hall on
7 Penn State campus.

8 Q. Do you remember how you were invited to
9 go work out and how you got there?

10 A. I got -- my mother received a phone call
11 and it was Jerry asking if he could talk with me.

12 Q. Um-hum.

13 A. And he asked me if I wanted to go to the
14 gym to go work out.

15 Q. Okay. And you said sure because it was
16 something to do?

17 A. Yep.

18 Q. Okay. Well, did the defendant pick you
19 up that day?

20 A. He did.

21 Q. Do you remember was it early in the day,
22 midday or later or do you recall?

23 A. I don't recall.

24 Q. When you got to the gym, why don't you
25 tell the ladies and gentlemen of the jury what

1 happened when you got to the gym and did your
2 workout?

3 A. There was a bunch of fitness equipment
4 and I believe he put me on a treadmill type of
5 unit, and we're on it for a few minutes and then
6 he showed me how to do some chin-ups on a bar but
7 it wasn't a chin-up bar. It was one of the
8 things you pull down on your lap. And I wasn't
9 strong enough to pull it down. So I lifted
10 myself up on it.

11 Q. How long was did you work out for?

12 A. Very short period of time.

13 Q. Did you get any benefit out of that
14 workout?

15 A. Not really.

16 Q. Okay. And what happened after that?
17 Did the defendant do or say anything that you can
18 recall?

19 A. Said let's go in the sauna. I said
20 sure. I have heard of what a sauna was but I
21 didn't really know what the point of it was.

22 Q. Well, you didn't know what a sauna was
23 then?

24 A. I just knew it was hot back then.

25 Q. Now, how were you dressed when you went

1 into the sauna?

2 A. We got undressed and we had just towels
3 on.

4 Q. Was that the first time you had
5 undressed with somebody else outside of your
6 family?

7 A. Yes.

8 Q. Was that your idea?

9 A. No.

10 Q. Why did you do it?

11 A. Jerry suggested go in the sauna.

12 Q. Okay. Tell the jury what happened when
13 you went in the sauna.

14 A. We sat down in the sauna, and it was
15 really hot, and I was sitting there with my towel
16 on, and Jerry had his towel and then he parted
17 the towel out. He sat down on his towel and he
18 sat back and exposed himself to me.

19 Q. Did this make you uncomfortable, Michal,
20 Mr. Kajak?

21 A. It did.

22 Q. Did you say anything?

23 A. No.

24 Q. Did you do anything or try and leave?

25 A. No.

1 Q. Now, after that did you stay in the
2 sauna for a long time or do you even know how
3 long you stayed there?

4 A. It felt like forever. It was really
5 hot.

6 Q. Since then have you ever been in a
7 sauna?

8 A. I have not.

9 Q. After that, did you go to some other
10 part of the building that you were in?

11 A. Yes.

12 Q. Okay. Tell the jury where you went
13 after that.

14 A. We left the sauna, and we went down like
15 a long hallway and ended up in the shower area.
16 And he hung up his towel and turned on a bunch of
17 the showers.

18 Q. Where were you when he did that?

19 A. Behind him.

20 Q. What happened next?

21 A. I went to the far end of the shower and
22 I stood under the showerhead and I tried to face
23 the wall as much as I could.

24 Q. And then?

25 A. I kept looking over at my shoulder, and

1 I saw that he was standing a few feet away from
2 me but it was just uncomfortable and I could
3 just -- I felt like he was looking at me.

4 Q. And then what?

5 A. I noticed that his penis was enlarged
6 but I didn't understand the significance of it
7 back then and just stood in my corner area. And
8 I noticed he started coming in my direction and
9 he threw some soap at me and started lathering my
10 shoulders. And I crept forward a little bit more
11 as did he, and I felt his body on my back, and I
12 kept lurching forward but I didn't have any more
13 -- anywhere to go, and I just felt his penis on
14 my back. I kind of like turned away and I felt
15 his arm move forward and he touched my hip, my
16 genitalia. And then he took my hand and he
17 placed it on his. That was -- I don't know how
18 long that was but I was able to just round around
19 the corner and get away. I just remember just
20 drying off. That's pretty much it.

21 Q. Now, when you got away, as you say and
22 got out, did the defendant stay in the shower or
23 did he leave before or did he leave after you
24 did?

25 A. He left after I did.

1 Q. Did you get dressed yourself then?

2 A. To what I remember, yeah.

3 Q. And what were you feeling then? What
4 did you feel like then?

5 A. He was upset with me.

6 Q. Why did you think that?

7 A. Because he didn't talk to me.

8 Q. Did you look at him or did he look at
9 you?

10 A. No. Just no eye contact.

11 Q. How did you get home?

12 A. He drove me home.

13 Q. And did you tell anyone in your family
14 what he had done to you?

15 A. I did not.

16 Q. Why not?

17 A. I wanted to forget, and I was
18 embarrassed.

19 Q. Did you ever go to work out with the
20 defendant after that?

21 A. I did not.

22 Q. Did you go to a football game with him
23 after that?

24 A. I didn't.

25 Q. Did he ever call you again, if you

1 recall?

2 A. No.

3 Q. Did he ever say anything to you and tell
4 you not to tell anybody or just anything at all
5 about what had happened in the shower that day?

6 A. He didn't talk to me at all.

7 Q. Did you want to go back to the shower,
8 to the games, or to his house?

9 A. I wanted to go to the games.

10 Q. Did you go to any after that?

11 A. Not with him.

12 Q. Now, this is when you were not quite 13
13 and did you tell anybody when you were 14?

14 A. No.

15 Q. Fifteen?

16 A. No.

17 Q. Sixteen?

18 A. No.

19 Q. Who's the first person you talked to
20 about this happening?

21 A. My girlfriend.

22 Q. And how long ago was that?

23 A. About a year ago.

24 Q. And at some point did you speak to the
25 police?

1 A. I did.

2 Q. Did you go to them or did they come to
3 you?

4 A. They came to me.

5 Q. Did you want to talk to them?

6 A. Not really.

7 Q. Did you tell them what had occurred the
8 first time you spoke with them?

9 A. I did.

10 Q. And did you testify before a grand jury
11 as well?

12 A. I did.

13 MR. McGETTIGAN: May I approach the
14 witness, Your Honor.

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

16 BY MR. McGETTIGAN:

17 Q. Take a look at those please.

18 Mr. Kajak, have you had a chance to look
19 through the photographs which have been marked as
20 -- C-5 is the first one and C-61 through C-64.
21 Have you had a chance to look through them?

22 A. I have.

23 Q. Do you recognize what's depicted on the
24 photographs and the one which is a sketch?

25 A. I do.

1 Q. Okay. May I have --

2 THE COURT: Just a second.

3 MR. ROMINGER: Your Honor, there's one
4 diagram that will require the similar testimony
5 as we had before, I believe.

6 MR. McGETTIGAN: Well the same thing,
7 Your Honor.

8 THE COURT: Okay.

9 MR. McGETTIGAN: Fine.

10 THE COURT: Do you have a set of those
11 for me?

12 MR. FINA: I'm sorry. I put them over
13 to the side.

14 THE COURT: That's what that was.
15 Sorry. I didn't realize that's what it was.
16 Okay.

17 MR. McGETTIGAN: May I, Your Honor?

18 THE COURT: Yes, go ahead.

19 BY MR. McGETTIGAN:

20 Q. Can you take a look at what's C-5 and
21 tell us, do you see yourself in there?

22 A. I do.

23 Q. Okay. Where are you?

24 A. Standing in front of Jerry.

25 Q. Okay. The little guy with the gray

1 shirt on?

2 A. Yep.

3 Q. Okay. Do you know what year is that
4 taken? Is that your first year or second year at
5 The Second Mile or do you recall?

6 A. I don't recall.

7 Q. Okay. Was that before the defendant
8 took you to the shower?

9 A. Yes.

10 Q. I'm going to go to C-61 please. I think
11 that's just same picture. Is that you again?

12 A. That's me.

13 Q. Okay. Moving on to C-63.

14 And is that your certificate from The
15 Second Mile for '99?

16 A. It is.

17 Q. And going to C-64 please.

18 Your certificate from 2001?

19 A. Yes.

20 Q. Now, does this last, C-63 or some other
21 event, help you place in time the year and the
22 month, if you can, of the time that the defendant
23 took you in the shower and did the things you
24 just testified to?

25 A. 64.

1 Q. Okay. When approximately was it, to the
2 best of your recollection, that the defendant
3 took you in the shower and did the things you
4 testified to?

5 A. At the end of summer.

6 Q. Of? What year?

7 A. 2001.

8 Q. I am going to ask you to take a look
9 yourself?

10 THE COURT: Could I ask him to repeat
11 that?

12 MR. McGETTIGAN: I beg your pardon.

13 BY MR. McGETTIGAN:

14 Q. Can you speak up a little louder,
15 Michal?

16 A. The end of 2001 summer.

17 Q. I'm going to ask you to take a look now
18 at what's marked -- the sketch that marked C-62.
19 Take a look at that.

20 A. Um-hum.

21 Q. Do you recognize that?

22 A. I do.

23 Q. What is it?

24 A. It's a picture I drew for the two
25 officers that came to my apartment.

1 Q. When they came to speak with you about
2 the defendant and what he had done?

3 A. Correct.

4 Q. Okay. Did you draw that yourself?

5 A. I did.

6 Q. Were you taking art classes?

7 A. No.

8 MR. McGETTIGAN: Your Honor, may I now
9 publish it?

10 MR. ROMINGER: No objection.

11 BY MR. McGETTIGAN:

12 Q. Now, can you tell us what all those
13 little marks on your sketch are there, the square
14 and round marks as best you can, Mike?

15 A. The little ones along the perimeter are
16 the shower spigots.

17 Q. And then there's a couple circles over
18 there in the left-hand corner. I think there's
19 something written underneath them. Can you tell
20 what they represent?

21 A. The one with the arrow from the circle,
22 that was me.

23 Q. And the other one?

24 A. The other one was Mr. Sandusky after he
25 approached me.

1 Q. Okay. And is that kind of where you
2 were in the corner, that one little rectangular
3 thing that's supposed to be the shower spigot, is
4 that where you were when the defendant came
5 behind you?

6 A. It was.

7 Q. Okay. Can you tell us is that where you
8 stayed or did you move from the time he came
9 behind you and end up someplace else?

10 A. The other circle back there, that was
11 where he was when we first got in the showers.

12 Q. Okay. After he came up and touched you,
13 did you stay in that same place or did you move?

14 A. I moved forward.

15 Q. Well, you're right up against the wall.
16 Where did you go?

17 A. More towards the corner.

18 Q. Okay. In the center of the shower or
19 against the wall of the shower?

20 A. Against the wall of the shower.

21 Q. All right. And was it after that that
22 you left the shower anyway?

23 A. It was.

24 Q. Now, after you spoke with the police,
25 did you testify before the grand jury?

1 A. I did.

2 Q. Has anyone ever asked you to say
3 anything in particular, either then or now, about
4 what happened between you and what the defendant
5 did?

6 A. Just the truth.

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

9 MR. AMENDOLA: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. AMENDOLA:

12 Q. Mr. Kajak, my name is Joe Amendola. I
13 represent Mr. Sandusky. I'm going to ask you
14 some questions, okay. If you're not -- uncertain
15 about what I am asking, just let me know, and
16 I'll ask it another way.

17 When did you get involved in The Second
18 Mile, what year?

19 A. At the end of my fifth grade year which
20 was 1999.

21 Q. Can you keep your voice up? I'm having
22 trouble with the fans and everything.

23 A. The end of fifth grade in 1999.

24 Q. 1998?

25 A. I believe it was 1999.

1 Q. Go ahead.

2 A. I believe it was '99.

3 Q. And the first year did you attend the
4 summer camp?

5 A. It was '99.

6 Q. I'm sorry?

7 A. The summer of '99.

8 Q. The summer of '99. You went to the
9 summer camp?

10 A. Yes.

11 Q. How many days was that?

12 A. I believe it was about a week.

13 Q. And was that on the Penn State
14 University Park Campus?

15 A. It was.

16 Q. Did you meet Mr. Sandusky that year?

17 A. Yes.

18 Q. Personally?

19 A. Yes.

20 Q. Did you have a roommate? Did you stay
21 in the dorms?

22 A. I did stay in the dorms.

23 Q. Did you have a roommate?

24 A. I believe I did.

25 Q. Do you remember what your roommate's

1 name was?

2 A. No, but it was another male.

3 Q. Now, that summer, the summer of '99, did
4 you do anything one-on-one with Mr. Sandusky?

5 A. I did not.

6 Q. And after you left the summer camp in
7 '99, did you see Mr. Sandusky before the next
8 summer camp in 2000?

9 A. I did.

10 Q. And can you tell us about that? Where
11 did you see him?

12 A. I went to the football games with Jerry.
13 He picked me up at my house.

14 Q. So he started taking you to football
15 games?

16 A. Yes.

17 Q. And at some point you said there was
18 some sort of contact, and again I had a little
19 trouble hearing you earlier. But can you tell us
20 did anything unusual occur when you and Jerry
21 were, for example, in his vehicle driving around?

22 A. We went to Reading once to a football
23 game. I believe it was just him and I. I think
24 it was an Albright Lions football game, and on
25 the way down to Reading, he placed his hand on my

1 thigh.

2 Q. On your thigh or on your knee?

3 A. On my thigh.

4 Q. And did he do anything else?

5 A. No.

6 Q. That was in what year? 1999? This was
7 a game --

8 A. That happened after I went to a few
9 football games. So it would have been probably
10 2000.

11 Q. It was just you and Jerry in the car at
12 that time?

13 A. Yes.

14 Q. His wife, Dottie, and his son -- none of
15 his kids were with him?

16 A. No.

17 Q. Where did you stay that night?

18 A. At my parents' house. He drove me back.

19 Q. Okay. So you came back?

20 A. Um-hum.

21 Q. Now, the shower incident that you talked
22 about, you indicated today that that took place
23 when?

24 A. In the end of the summer of 2001.

25 Q. And can you specifically, as

1 specifically as you can, can you tell us in maybe
2 a little bit more detail where the shower
3 location, where was that located?

4 A. It was on Penn State campus. It was the
5 building next to Holuba Hall.

6 Q. I think there might be a couple of
7 buildings. Can you be maybe a little bit more
8 descriptive?

9 A. I know it now as Lasch Hall.

10 Q. Okay. So in 2001 you got a shower with
11 Jerry in Lasch Hall?

12 A. Yes.

13 Q. It was late summer; is that fair?

14 A. Correct.

15 Q. Now, do you recall testifying at a grand
16 jury hearing in this matter?

17 A. I do.

18 Q. And I'm going to read you the following
19 question that was asked by the Commonwealth
20 attorneys and then read you your answer at that
21 time.

22 The question was: Do you remember, I
23 believe you indicated to the investigator you
24 thought it was during the 1998 football season;
25 does that sound about right? That's referring to

1 the shower situation.

2 Your answer: You went um-hum, meaning
3 you had nodded approvingly.

4 And then they went on to ask about
5 something unusual happening in the shower. You
6 go to describe what you've described today.

7 Was that a separate incident or the same
8 incident just the wrong time frame?

9 A. It was the same incident just an
10 incorrect time frame.

11 Q. And when did you determine that that was
12 the wrong time frame?

13 A. When I sat down and figured out what
14 grade I was in reference to what year it was.

15 Q. Now, this grand jury hearing was held on
16 June 17, 2011. So about a year ago. And at that
17 time you still -- did you still believe,
18 obviously, you still believe that this situation
19 occurred in 1998, correct?

20 A. At that time.

21 Q. And then afterwards, what caused you to
22 recollect that this actually had occurred in the
23 late summer of 2001 three years later, over three
24 years later?

25 A. I sat down and thought about it, and I

1 remembered that I was switching schools at the
2 time. I went to Park Forest for sixth and
3 seventh grade and then I switched to Mount
4 Nittany Middle School for eighth grade, and I
5 remember the incident didn't happen prior to me
6 going to Mount Nittany. And I recalled September
7 11th being a significant day that I remember and
8 I knew it happened after my birthday and before
9 September 11 of 2001.

10 Q. Okay. But just so we're certain about
11 this, are you clear in your own mind that the
12 incident that you described today to the jurors
13 and to us occurred in late summer 2001?

14 A. Absolutely.

15 Q. It did not occur some time in 1998?

16 A. Correct.

17 Q. If you want to take a break, Mr. Kajak,
18 that's okay.

19 A. I'm all right.

20 Q. Can you describe -- I saw -- I know you
21 put the diagram up. Can you describe the
22 building where you had the shower? Can you
23 describe maybe in more detail, for example, what
24 did the outside of the building look like and --

25 A. It had a lot of windows for the fitness

1 area where all the units were for exercise.

2 Q. When you walked in -- when you walked
3 into the building, did you have to go far to get
4 to the locker rooms and the shower area?

5 A. Yes.

6 Q. You are certain today that the building
7 was the Lasch Building and this was late summer
8 2001?

9 A. Yes, because when we got dropped off for
10 the football games, it was the same parking lot.

11 Q. Thank you.

12 MR. AMENDOLA: That's all I have.

13 MR. McGETTIGAN: I have no redirect,
14 Your Honor.

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

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

19 THE COURT: We'll be back in session.

20 The next piece of evidence is just a
21 little bit unusual. That's why we were having
22 some discussion here about it.

23 Mr. Fina, go ahead.

24 MR. FINA: Your Honor, ladies and
25 gentlemen of the jury, you're going to hear a

1 clip of questions and answers between the
2 defendant and Bob Costas. This is a clip that
3 was aired on November 14, 2011 on a show called
4 *Rock Center with Brian Williams*.

5 By agreement of the Commonwealth and
6 Mr. Sandusky's attorneys, we're going to play the
7 question and answers and we have taken out the
8 other parts of the interview. It will just be
9 audio and just an image on the screen -- a still
10 from the interview.

11 THE COURT: And how long does this last?

12 MR. FINA: It's approximately ten
13 minutes, ten minutes and maybe 20 seconds.

14 THE COURT: Now, what would you want to
15 do about making a record of this? Do you have a
16 transcript of it? Do you want the court reporter
17 to transcribe it?

18 MR. McGETTIGAN: Your Honor, we can
19 generate a transcript and provide it to counsel,
20 and they already have a copy of the tape. They
21 can generate their own and we can compare them
22 and submit them to your court reporter for the
23 record purposes.

24 THE COURT: Any objection to that?

25 MR. ROMINGER: No objection, Your Honor.

1 THE COURT: So you don't need to
2 transcribe it.

3 Thank you.

4 (Whereupon, an audiotape was played.)

5 MR. McGETTIGAN: That concludes the
6 tape, Your Honor.

7 THE COURT: Okay.

8 MR. McGETTIGAN: Your Honor, the
9 Commonwealth will call Ron Petrosky.

10 MR. ROMINGER: Your Honor, may we
11 approach the bench to make a motion?

12 (Whereupon, a sidebar discussion was
13 held off the record.)

14 THE COURT: I'll ask you to go back out.

15 From time to time in the case there are
16 some delicate legal issues that are presented.

17 And counsel have asked for a few minutes
18 to think about a potential problem that might be
19 presented. It may not be presented. I don't
20 know. We're going to try to sort this out a
21 little bit.

22 So we're going to take about a
23 ten-minute recess, and we'll remain seated while
24 the jury is taken out.

25 (Whereupon, the jury was escorted out of

1 the courtroom.)

2 THE COURT: This is not going to be an
3 extended recess. So for practical reasons, I
4 mean you can leave if you want. I don't know if
5 you're going to get back in or what it's going to
6 be or you can just stay right here. I don't know
7 if we're going to discussing this at the bench.

8 Feel free to stand and stretch. We
9 won't do anything more than that.

10 (Whereupon, a recess was taken.)

11 THE COURT: You may be seated.

12 We will note for the record that the
13 jury is out of the room; that I have met with
14 counsel, and counsel have agreed that I could
15 communicate with the jury that there would be a
16 15- or 20-minute delay while we attend to some
17 matter outside of their presence.

18 That matter will be attended to by an
19 offer of proof on behalf of the Commonwealth and
20 then legal argument.

21 MR. McGETTIGAN: Thank you, Your Honor.

22 THE COURT: Anything else you want to
23 put on the record before we start?

24 MR. McGETTIGAN: Very briefly maybe
25 we'll do it at sidebar. I apologize.

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

3 MR. McGETTIGAN: Your Honor, just so
4 counsel does not think I'm misleading them but my
5 offer of proof is based upon my most recent
6 conversations with the witnesses which consist of
7 my previous two. That does not mean that it will
8 be entirely consistent with the written records
9 just as the testimony has not been.

10 I can only say as an officer of the
11 Court that I spoke with him. I don't think
12 there's anything dramatically different but, you
13 know, the written statements, grand jury
14 testimony, they have what I have spoken with him
15 and my understanding.

16 THE COURT: I don't think you could fake
17 representation. If that person takes the stand,
18 that's what they're going to say.

19 Mr. McGETTIGAN: Absolutely.

20 THE COURT: If they don't stay it, we'll
21 have a problem.

22 MR. McGETTIGAN: There is graphic
23 language involved in it.

24 THE COURT: That's all right.

25 MR. McGETTIGAN: Thank you, Your Honor.

1 The discussion of two witnesses,
2 Petrosky and Witherite. Thank you, Your Honor.

3 (End of sidebar discussion.)

4 THE COURT: Mr. McGettigan, go ahead.

5 MR. McGETTIGAN: Your Honor, the
6 Commonwealth has been offered the opportunity to
7 make an offer of proof as to the testimony of two
8 witnesses who the Commonwealth would call. The
9 testimony is of Jay Witherite, W-i-t-h-e-r-i-t-e,
10 he will be called second, and Ron Petrosky, R-o-n
11 P-e-t-r-o-s-k-y.

12 The testimony they would offer is as
13 follows:

14 That on a fall evening in the year 2000,
15 both of them, that is Mr. Petrosky and
16 Mr. Witherite, were employed as janitors,
17 maintenance men at The Pennsylvania State
18 University. Petrosky had been employed there for
19 two, approximately two years. Witherite was more
20 senior. I think, I believe his testimony would
21 be his employment was in excess of a dozen years.

22 That at that time the defendant, Gerald
23 Sandusky, was known to them both visually
24 obviously. And Witherite would say that he had
25 seen the defendant on many occasions and knew him

1 to say hello to.

2 Both he and Petrosky would say that they
3 had seen the defendant in the company of one or
4 more children on numbers of occasions.

5 They would testify on that night they
6 were working, and in the hours between 8:00 and
7 9:30 in the evening on a fall -- on a fall day,
8 they were working with an older gentleman named
9 James Calhoun, C-a-l-h-o-u-n, who was a part-time
10 temporary worker at that time and older than
11 they.

12 Mr. Petrosky would testify that one of
13 his tasks was cleaning the staff shower in the
14 Lasch Building and that he was prepared to do so
15 in those evening hours. He had a bucket and some
16 other equipment including chemicals and that he
17 entered the staff shower at the Lasch Building
18 again between 8:00 and 9:30, he believes, knowing
19 that Mr. Calhoun was in that locker area. The
20 area contained lockers, urinals, one toilet, a
21 mirror, and a shower with multiple showerheads.

22 As he entered the area, he looked down
23 at his equipment, looked to his left into the
24 shower area and observed two pairs of legs. One,
25 which I believe he would testify, was hairy legs

1 like a man and the other is smaller like a boy's.
2 And that seeing that and hearing the shower on,
3 he decided to remove himself out of modesty.

4 He withdrew from the room which had two
5 doors, an interior door and exterior door, to the
6 hallway to a vestibule.

7 He knew at that time that Mr. Calhoun
8 was in there cleaning the toilet area. He
9 withdrew and within three to five minutes or
10 perhaps slightly longer, the defendant, Jerry
11 Sandusky, exited followed by a small boy. Their
12 hair was wet, each of them, and both of them
13 proceeded down the hallway away from him.

14 Some way just down the hallway, he saw
15 the defendant take the little boy's hand. At
16 that point, Mr. Petrosky made -- had to re-enter
17 the bathroom locker/shower area. As he entered
18 through the interior door, he was met by
19 Mr. Calhoun.

20 Mr. Calhoun to Mr. Petrosky's vision,
21 and to his description now, would be that
22 Mr. Calhoun was white as a ghost and shaking.
23 Mr. Petrosky looked at him and out of concern
24 because of his age and he knew he was a veteran
25 asked him what was wrong.

1 Mr. Calhoun said -- he said: I have
2 seen friends of mine killed and blowed up and
3 nothing -- nothing shook me up like that or words
4 very close to that effect.

5 And Mr. Petrosky said, what do you mean,
6 Jim? Are you okay? What do you mean?

7 And Mr. Calhoun replied, he said that
8 old man, that dirty man, that old man.

9 And Petrosky interrupted and said who?

10 And Mr. Calhoun said you know who I
11 mean.

12 And Petrosky said, Sandusky? He said,
13 yeah, that dirty old man. He had that little boy
14 holding him up against the wall licking on his
15 privates.

16 At that point Mr. Petrosky said what?
17 You had better take it easy because in his words
18 he said he feared for Mr. Calhoun's health. He
19 thought he was going to pass out. He was shaking
20 in agitation.

21 At that point Mr. Petrosky would say, he
22 thought he would gather on some coworkers which
23 he did. He gathered a few coworkers and
24 dispatched one to find Mr. Witherite who was
25 upstairs as he was the senior member of the work

1 crew, although not a supervisor.

2 Mr. Witherite came downstairs and within
3 a few moments, they were all together, that is
4 Mr. Witherite, Mr. Petrosky, and Mr. Calhoun, in
5 a room with a number of other of the maintenance
6 workers. And Mr. Petrosky who was present
7 throughout and Mr. Witherite would both say that
8 Mr. Calhoun remained in this agitated state and
9 continued to say that dirty old man, that old
10 man. He had that boy up on the wall sucking on
11 his dick.

12 And at that point Mr. Witherite would
13 say -- he would say, whoa, stop. Jim, you need
14 to talk to a supervisor if you have something to
15 say about that.

16 And he continued to try and calm down,
17 as did Mr. Petrosky, calm down Mr. Calhoun. They
18 said those words to him. Calm down. Take it to
19 a supervisor. Mr. Petrosky and Mr. Witherite
20 would testify that they spoke with their
21 coworkers and thought that, well, if Mr. Calhoun
22 had something to say about this, he should go to
23 a supervisor, and they themselves did not and
24 declined to do so.

25 They would both note that later that

1 evening, within some short period of time after
2 that, they went out into the parking lot and they
3 observed the defendant not once, but twice,
4 driving slowly through the parking lot area.

5 That would essentially be the testimony
6 of those individuals about the events of that
7 evening.

8 Additional details, which I like to
9 cover early on, are the time, the sequence of
10 events, that is Mr. Petrosky would say that it
11 was within three to five minutes of the time that
12 he withdrew from the locker room that the
13 defendant and the little boy with wet hair
14 exited.

15 He would further say that the entry that
16 he went through was the only entry and exit into
17 that area and that no one came out or entered
18 during the time he was standing outside and that
19 he was the next person to go through those doors
20 after the defendant and the little boy, and that
21 then he entered -- encountered Mr. Calhoun. All
22 these events occurred within approximately three
23 to five or, at the outside, ten minutes from the
24 time Mr. Petrosky would say that he entered, saw
25 the defendant, and removed himself and the time

1 that Mr. Calhoun within two, three to five
2 minutes maximum came out after the defendant had
3 departed with the little boy.

4 That would be, I believe, Your Honor,
5 the sum and substance of the Commonwealth's offer
6 of proof.

7 With one addition, that Mr. Calhoun
8 departed employment of the Pennsylvania State
9 University not that long after. I believe he was
10 what they call -- there's a term they use, a wage
11 worker, something like that, but he was a
12 part-time temporary worker. And that
13 Mr. Calhoun, the Commonwealth would offer, is
14 presently unavailable to testify live before this
15 Honorable Court and the jury because of
16 incapacity. He is hospitalized and would be not
17 competent as a witness, and that would be our
18 offer of proof, Your Honor.

19 THE COURT: I know that there are two
20 issues because we have talked about them for
21 months.

22 The first issue is whether a hearsay
23 statement comes in as an excited utterance when
24 there is independent or question whether there is
25 independent evidence that the excited utterance

1 actually occurred other than the excited
2 utterance.

3 And, if it does come in, whether that is
4 sufficient under *Commonwealth versus Barnes* to
5 support the -- to support the Commonwealth's
6 case.

7 Those two issues, Mr. Rominger, go
8 ahead.

9 I think I got the law. Go ahead and
10 state it.

11 MR. ROMINGER: Your Honor, I believe
12 that *Idaho v Right*, a U.S. Supreme Court case
13 from 1990, really encapsulates the issue here.

14 There's not independent corroboration of
15 the crime and you have to look at the
16 Commonwealth's case in chief. They brought Mike
17 McQueary in to say that possibly other coaches
18 showered with their children. They brought you
19 Accuser No. 4 who told you that he actually
20 showered with other coaches and adults in the
21 showers. Therefore, it's pretty clear the Penn
22 State locker room, under the facts of this case,
23 to see an adolescent and an adult in the shower
24 of itself, is not independent proof of a crime.

25 Further, in this case there was a

1 curtain in the way. This witness is going to say
2 he saw what he thought were younger legs and
3 older legs. But, again, the strength there -- I
4 think the U.S. Supreme Court and the progeny from
5 that case suggests there has to be strong
6 independent corroboration before you allow this
7 hearsay statement to come in as an excited
8 utterance precisely because it creates a
9 confrontation problem.

10 We're not in the same issue as *Crawford*
11 and *Melendez Diaz* because it's not a testamentary
12 statement, and we can see it wasn't given for a
13 future use in court.

14 Even if it's an excited utterance, there
15 is an insufficient corroborated circumstance in
16 this instance as laid out in the factual evidence
17 of proof here.

18 Maybe if the witness had come running
19 out of the locker room and said I just saw this.
20 It's unclear how long before he saw it. His
21 state of agitation is unknown. He's generalized,
22 I guess, it would be some agitation.

23 So particularized circumstances allow
24 for an excited utterance but at the same time
25 there's nothing else surrounding it independently

1 with the criminal activity, because again under
2 our law an adult and a youth in a shower with
3 nothing more, and Mr. Calhoun wouldn't have known
4 the relationship of the parties, whether they
5 were -- whether or not it was Mr. Sandusky's
6 children or not, there's not enough particular
7 information on that basis to assure reliability
8 without confrontation. Therefore, we submit the
9 conviction cannot rely on that evidence.

10 Under the *Barnes* case if you let it in,
11 here we'll have again no independent proof of a
12 crime except for an excited utterance hearsay
13 statement. I guess the Court could try to read
14 in the context of all the other evidence but this
15 is a discrete episode, and we don't believe the
16 Commonwealth has sustained its burden of proof.

17 THE COURT: Mr. Fina.

18 MR. FINA: Thank you, Your Honor.

19 Your Honor, I would start out by
20 expanding a little bit on the facts and do so by
21 appealing to the record that already exists.

22 Commonwealth's Exhibit 57 and 58 are the
23 photographs of the locker room in question. We
24 have those, and we can provide those to the
25 Court. If the Court recollects it is a very

1 small locker room. This is the locker room
2 dedicated -- the locker room and showers
3 dedicated solely to certain staff members. It's
4 a very contained area.

5 If the Court would further recollect,
6 the shower area in that locker room is an open
7 door. There is no curtain, and it is directly
8 across from the toilets. It is within three to
9 four feet from the toilets.

10 I say that because Mr. McQueary -- Mike
11 McQueary described his position three which was
12 standing in the doorway between the sink area and
13 the shower/toilet area and he said I was maybe
14 three feet from Mr. Sandusky and the child who
15 was standing in front of the shower.

16 If you recollect there was a photograph
17 from the perspective of Mr. McQueary's position
18 three and the two manikins standing in the shower
19 and how close that was. It's a very contained
20 area.

21 As Mr. McGettigan has already said, the
22 evidence will show Calhoun was cleaning the
23 toilets which would have been immediately across
24 from the shower area. The evidence will also
25 show, Your Honor, that there was nobody else in

1 that locker room but Mr. Sandusky, the child, and
2 Mr. Calhoun.

3 So the notion that this could have been
4 somebody else, I think, is going to be eliminated
5 from the evidence that's going to be introduced.

6 Your Honor, I would also note that there
7 is a clear pattern course of conduct behavior
8 that has been introduced to this Court through
9 these various alleged episodes of Mr. Sandusky
10 utilizing this shower.

11 THE COURT: I don't know that you can
12 buttress it with other conduct. The question was
13 whether or not this statement is sufficient
14 standing alone.

15 MR. FINA: Well, Your Honor, I'll
16 address that but I think that we may be able to
17 buttress it.

18 THE COURT: All right.

19 MR. FINA: I'm not asking you to
20 consider just that, but I think that it is
21 evidence that would be before this Court.

22 In terms of the actual excited
23 utterance, Your Honor, and whether or not it's
24 reliable, again, I think the description that --
25 of the evidence that had been provided almost

1 exactly fits the definition that has been often
2 stated by the Pennsylvania State Court. I refer
3 the Court to, I know opinions that you're well
4 familiar with, *Commonwealth versus Chamberlain*,
5 *Commonwealth versus Washington*, *Commonwealth*
6 *versus Coleman*, and there's a long progeny of
7 cases that talk about this exact issue, and in
8 there they define over and over again what a
9 reliable spontaneous declaration is and that it
10 must be suddenly made because it was -- the mind
11 was subject to an overpowering emotion caused by
12 some unexpected and shocking occurrence which
13 that person had just either participated in or
14 closely witnessed.

15 And, Your Honor, I think the description
16 here that the coworkers of Mr. Calhoun are going
17 to provide -- I mean really match that. I mean,
18 I don't know what more shocking or unexpected
19 experience, you know, could happen than as
20 Mr. Calhoun described. The timing of it really
21 seems, again, exactly consistent with what the
22 Supreme Court has said.

23 I mean, this is not a statement issued
24 at the exact moment of the crime, but within
25 moments, Your Honor. And, again, there's nobody

1 else around in this locker room. It's within
2 minutes and I think --

3 THE COURT: Isn't the problem that we
4 don't know that it was -- that the spontaneous
5 and that the occurrence was a crime. It goes
6 back to the red light/green light example that we
7 used before. There is some evidence of this
8 crime that the accident occurred, that the
9 spontaneous utterance was who ran the red light.
10 Here we've got the spontaneous utterance but
11 what's the evidence of a crime?

12 MR. FINA: I'll address that issue, Your
13 Honor.

14 THE COURT: Okay.

15 MR. FINA: But I was addressing first
16 the issue, as I understood you.

17 THE COURT: I'm sorry?

18 MR. FINA: You pointed out there were
19 two issues. One issue is whether there was an
20 excited utterance and, secondly, whether that's
21 sufficient to form.

22 THE COURT: Right.

23 MR. FINA: To those basis for the
24 criminal activity.

25 THE COURT: Okay.

1 MR. FINA: I would say first of all,
2 there was an excited utterance and we have
3 established an excited utterance.

4 THE COURT: Let me push you on that one
5 a little bit.

6 MR. FINA: All right.

7 THE COURT: The proof of the -- the
8 proof of the exciting event can't be the excited
9 utterance. That's *Barnes*. We're presented with
10 the troublesome situation in which the excited
11 utterance itself is being used to prove that an
12 exciting event did, in fact, occur. This
13 circuitous reasoning is unacceptable. That's the
14 *Barnes* problem.

15 MR. FINA: I agree that it's says that.
16 It also goes on to say that the reason that it's
17 insufficient is because -- quote -- it was --
18 it's the only evidence of the event which gives
19 rise to the statement.

20 I mean, I think -- again, I think that
21 the *Barnes* opinion, Your Honor, when you read it
22 consistently with the Supreme Court's opinions on
23 excited utterances. I know we're getting in the
24 weeds here but I think that's where we're at. I
25 mean, I think when you read it consistently with

1 the *Barnes* -- what the holding in *Barnes* really
2 comes down to is the fact that the Commonwealth
3 in that case failed to provide anything else,
4 even context. They just provided the statement
5 and said go.

6 I think that's significantly different
7 than what they're proposing here judge because
8 here we're giving context. Here we're giving
9 that -- *Barnes* simply comes down to a guy is in
10 his apartment, and I don't remember the victim's
11 name -- the alleged victim's name then. He calls
12 the precinct -- the local precinct and he makes a
13 statement to the effect that *Barnes* was just here
14 and stole \$300 from me. That's it.

15 Here what would be different, Your
16 Honor, is if somebody was standing in the hallway
17 outside of that victim's apartment, saw *Barnes* go
18 in a minute or two before he made that phone call
19 and then come -- run, come out running and run
20 down the hallway. That would be the difference,
21 Your Honor.

22 I think in that context, I think the
23 *Barnes* would have been different. I think in
24 *Barnes* they would have said albeit maybe thin but
25 that's sufficient under the law in Pennsylvania

1 which in Pennsylvania circumstantial evidence can
2 be -- alone can be a conviction.

3 And indeed a sole eyewitness can be the
4 basis for a conviction and indeed an excited
5 utterance can be the only linchpin and that's the
6 word used in *Chamberlain* -- linchpin -- the only
7 linchpin between that defendant and the crime.

8 So, certainly novel, Judge, but I would
9 assert we have gotten the ball over the finish
10 line here. Maybe by a hair.

11 THE COURT: Do you think -- let me just,
12 one other point you had started down the road and
13 I got you sidetracked.

14 In determining whether or not there is
15 other evidence of the crime, may I properly
16 consider other evidence in the case involving
17 other alleged crimes?

18 MR. FINA: I think you can, Judge, from
19 the perspective that the course of conduct
20 evidence. I think that, again, going back to
21 *Barnes*, if it was a case where they charged a
22 series of burglary say having occurred in that
23 victim's apartment by *Barnes*, I think it
24 certainly would be because there was a course of
25 conduct.

1 So let's say that there were nine
2 burglaries from that apartment over a year and a
3 half and for some reason the victim didn't
4 realize it until the tenth and the tenth is the
5 excited utterance burglary. I think you could
6 consider that because again there would be an
7 established course of conduct of that that
8 defendant going to that apartment and pocketing
9 things.

10 THE COURT: Can the jury in evaluating
11 the guilt on these particular counts consider
12 evidence that other crimes may have been
13 committed in the shower room and, therefore,
14 there is a pattern that would sustain a verdict
15 of guilty on counts involving Victim 8?

16 MR. FINA: I would believe it could,
17 yes, Your Honor, on the theory of course of
18 conduct evidence, yes.

19 THE COURT: Okay. Want to reply to
20 that?

21 MR. ROMINGER: Judge, I think the crux
22 and I go back -- I like the *Idaho* case. You got
23 to find indicia in that vent itself outside the
24 excited utterance. If you're going to start to
25 come into the full body of litigation, then I

1 should be able to say, well, to hold against him
2 there was no prompt complaint because if there
3 was an excited evidence and this fellow really
4 saw what said he saw, then certainly there would
5 have been a prompt complaint.

6 I don't think we get into an entire body
7 of criminal law litigation. We have to look at
8 the discrete incident. The indicia itself of the
9 crime at that moment in time is nothing else.

10 Further, you run the risk that the jury
11 could acquit and not find a course of conduct on
12 other charges but solely relying on this excited
13 utterance convict on this particular charge.

14 It would be different I think if the
15 government had convicted Mr. Sandusky at a
16 previous trial and brought this as a separate
17 charge later as they learned about it and had
18 prior convictions to use as a course of conduct.
19 They might have a different argument on motus
20 operandi. But here the ultimate issues that play
21 in this case involve whether or not those other
22 events actually happened where there is a course
23 of conduct or not.

24 So I think because it's a confrontation
25 issue because our Courts.

1 THE COURT: It's not a confrontation
2 issue.

3 MR. ROMINGER: Well, at one level it is.
4 If you allow the excited utterance in as
5 substantive evidence, we never get to
6 cross-examination an unavailable witness.

7 THE COURT: But it's not a *Crawford*
8 *versus Washington* situation because it's not
9 testimonial.

10 MR. ROMINGER: I agree, but from a
11 policy standpoint.

12 THE COURT: It's a *Roberts* case.

13 MR. ROMINGER: And *Roberts* was overruled
14 by --

15 THE COURT: Only as to testimony of
16 statements.

17 MR. ROMINGER: Testimony of statements I
18 agree, Judge. But the trend is -- the trend.

19 THE COURT: You're talking to the wrong
20 Court about trends.

21 MR. ROMINGER: According to the weeds,
22 the trend is the more confrontation, the more
23 sixth amendment over less. I think you go back
24 to *Roberts* and *Idaho* and you say we have got that
25 particularized indicia in *Barnes* and that event

1 itself, not -- otherwise the Commonwealth could
2 simply bring up other charges for course of
3 conduct where they have great evidence of them or
4 not and bootstrap it in. I think you got to look
5 at that discrete event and that's why it fails in
6 this instance.

7 THE COURT: You can make whatever record
8 you want but, go ahead.

9 MR. FINA: Your Honor, I was just going
10 to say briefly. I don't want to spend too much
11 time on *Crawford*. *Crawford* specifically exempted
12 I think *Idaho*. It think it refers to *Idaho* and
13 says this wouldn't change the outcome in *Idaho*.

14 Just finally, Your Honor, I think again
15 focusing on *Barnes*, I mean, what the Commonwealth
16 was asking the jury to do in *Barnes* essentially
17 was guess. And I don't think that's what we're
18 doing here.

19 I think with the course of conduct, with
20 the physical circumstances of the locker room,
21 the timing, the inherent reliability of that
22 excited utterance because it was so near the
23 event, both physically and in time, I don't think
24 that's what we're asking the jury to do here.

25 THE COURT: Okay. As a general rule

1 hearsay evidence is not admissible. There are
2 some obvious exceptions. One of them is the
3 excited utterance which is a spontaneous
4 declaration made when the opportunity for
5 reflection and precipitated by some exciting
6 event.

7 That is a well-grounded exception to the
8 hearsay rule, and I believe that the foundation
9 has been laid to get that admitted in this case.

10 The next question becomes, even if it's
11 admitted, is the evidence sufficient to support
12 the Commonwealth's case?

13 There I think that the jury would be
14 permitted to look at the entirety of the evidence
15 in the case as a whole in determining whether or
16 not any particular crime had or had not been
17 committed. In that sense I believe *Barnes* would
18 not apply. I will overrule the defense
19 objections and permit the Commonwealth to present
20 its evidence.

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

23 THE COURT: Ladies and gentlemen, I
24 think we're ready to resume. Sorry for that
25 delay.

1 Mr. McGettigan, go ahead.

2 MR. McGETTIGAN: Mr. Petrosky, Ron
3 Petrosky.

4 Whereupon,

5 RONALD PETROSKY

6 was called as a witness and having been duly
7 sworn, was examined and testified as follows:

8 MR. McGETTIGAN: May I, Your Honor?

9 THE COURT: Yes.

10 MR. McGETTIGAN: Thank you.

11 DIRECT EXAMINATION

12 BY MR. McGETTIGAN:

13 Q. Mr. Petrosky, I'm going to speak nice
14 and loud. You have a little difficult hearing
15 me?

16 A. Yes, that sounds good.

17 Q. Can you hear me okay now?

18 A. I think so, yep.

19 Q. Mr. Petrosky, where are you working at
20 now?

21 A. Penn State University.

22 Q. Okay. And were you working there back
23 in the fall of 2000?

24 A. Yes, I was.

25 Q. Can you tell the folks here what your

1 job was in the fall of 2000?

2 A. Yes. At that time I was a -- they call
3 it a grade nine janitor. What my job was -- I
4 worked in the football building, Lasch Building.
5 I would clean the showers at night, take out the
6 garbage, shampoo, you know, all the carpets when
7 they needed shampooed, clean the windows. I was
8 throughout the building, like, all night --
9 different times in the night. That's what my job
10 was.

11 Q. And did you work some nighttime hours
12 in, like, 8:00 o'clock at night until the early
13 morning sometimes?

14 A. Yes. At the football building they
15 change their shifts three times a year because of
16 football, of course. But when this incident
17 occurred we were on, I believe, it was 7:00 to
18 3:00 in the morning.

19 Q. Okay. And do you know Jay Witherite,
20 also Jake?

21 A. Yes.

22 Q. Was he working that night, too?

23 A. Yes, he was there that night.

24 Q. Okay. And did you know Jim Calhoun?

25 A. Yes, I did.

1 Q. Was he working there that night?

2 A. Yes, he was.

3 Q. Okay. How long had you been working at
4 Penn State back in the fall of 2000?

5 A. Jim?

6 Q. You?

7 A. Oh, I'm sorry.

8 Q. How long had you been there?

9 A. I was just there a little over a year.

10 Q. Okay. You have been there since though?

11 A. Yes.

12 Q. Okay. And how long had Jim been there?

13 Do you know what Jim's status was as an employee?

14 A. Yes. Jim was a part-time worker. They
15 call it wage payroll, and he was there -- I think
16 he was retired or just about ready to retire. So
17 it was just supplement income until he reached
18 retirement age.

19 Q. Okay. Now, back there in the fall 2000,
20 did you know the defendant, Jerry Sandusky, by
21 sight? Did you know him to see?

22 A. Yes.

23 Q. Okay. And now, was the staff shower
24 room the first shower that you cleaned in the
25 night or was there another one that you cleaned

1 first?

2 A. I would always start in the players'
3 locker room first. So I would do it and then go
4 to the staff and then the coaches. They were all
5 on the first floor.

6 Q. Okay. Now, what kind of equipment do
7 you use to clean the shower with? Just chemicals
8 and stuff?

9 A. Like a garden hose and then they had a
10 chemical bottle that screwed on the hose. You
11 would go in and spray the walls, wait 10 to 15
12 minutes, and then just spray it off.

13 Q. Now, can you tell the ladies and
14 gentlemen of the jury what happened that night as
15 you were getting ready to clean the staff shower,
16 locker, toilet area? Can you do that?

17 A. Okay. I came down the hall with my
18 cleaning stuff. I had a cart. I had my cleaning
19 stuff on the cart with the hose. I would always
20 go in and hook up the hose, go in and there was a
21 hose hookup under the sink. So that's what I did
22 first.

23 When I entered the room I could hear the
24 showers running which that really thrown me off
25 because a lot of times players or coaches would

1 leave the showers run after they had already
2 showered. And when I hooked the hose up, I could
3 hear Jim in the toilet area cleaning. So I
4 didn't think much of that.

5 So I hooked the hose up. Started
6 walking over towards the shower, and I just about
7 went in the shower, and I could see two sets of
8 legs in there. So I dropped my hose and just
9 backed out. Went back outside in the hall area.
10 And continued to mix my chemicals to clean.

11 Q. When you say the legs, were they both
12 the same --

13 MR. ROMINGER: Objection, leading.

14 MR. McGETTIGAN: I didn't even finish my
15 question.

16 THE COURT: Be careful how you phrase
17 it.

18 BY MR. McGETTIGAN:

19 Q. Were they both the same kind of legs or
20 did you notice a difference between them?

21 MR. ROMINGER: Objection.

22 THE COURT: Ask him what he saw.

23 BY MR. McGETTIGAN:

24 Q. What did you see? What kind of legs did
25 you see?

1 A. Well, to me it looked like there was one
2 set of hairy legs and one set of skinny legs.

3 Q. Okay. And you -- how quickly after you
4 saw that did you leave the locker area?

5 A. Pardon me?

6 Q. How soon after you saw those pairs of
7 legs did you leave the locker area? Right away?
8 Take a while or you tell me?

9 A. Yeah, I just dropped the hose and went
10 out into the hall.

11 Q. Okay.

12 A. Because I figured how long does it take
13 to take a shower? I was going to wait until
14 whoever was in there come out and then I would
15 finish my cleaning.

16 Q. How far from the door to that
17 locker/shower area were you with your chemicals
18 and stuff?

19 A. It was only maybe two feet where you
20 exit.

21 Q. Did anybody go in while you were
22 standing there?

23 A. No, nobody.

24 Q. Okay. Did anybody come out while you
25 were standing there?

1 A. Yes.

2 Q. Who came out?

3 A. Jerry Sandusky and a small boy.

4 Q. Okay. Did you see them come out --

5 A. Yes.

6 Q. -- with your eyes?

7 A. Right. I said, "good evening, coach."

8 If I ever see him, I call him coach.

9 Q. Okay. And did you see which way the
10 defendant, Sandusky, and the little boy went?

11 A. Yes. They exited the door and then took
12 a right, went out the long hallway towards double
13 doors where the stairs go up to coaches' offices
14 and that.

15 Q. Did you watch them walk down the
16 hallway?

17 A. Yes, I did.

18 Q. What, if any, physical contact did you
19 see when between the two when they were walking
20 down the hallway?

21 A. About three-quarters of the way down,
22 Jerry took the boy's hand and as they walked out
23 through the doors, and of course, the doors
24 closed and then, of course, I never -- I didn't
25 see them again.

1 Q. Did you notice anything their appearance
2 as they walked out of the shower area?

3 A. Yeah, both of their hair -- it was wet
4 and they were carrying gym bags at the time, yes.

5 Q. Okay. Now, after that, did you see Jim
6 Calhoun?

7 A. Yes, shortly after. I finished the
8 chemicals and I grabbed my bottle and I started
9 in the door and Jim was coming out. There's
10 double doors there before you go in to the locker
11 and I met Jim in between the two doors, between
12 the hall and where you entered the locker area.
13 And I could see he was upset. His face was
14 white. His hands was trembling. I thought it
15 was a medical condition. I said, "Jim, what's
16 wrong?" And this is how he said it to me. He
17 said, "Buck," -- that's my nickname. He said.
18 "Buck, I just witnessed something in there I'll
19 never forget the rest of my life." I said, "What
20 are you talking about, Jim." He said that man
21 that just left, he had this -- the boy up against
22 the shower wall licking on his privates. I said,
23 "Are you sure that man that just left?" He said,
24 "I'm sure." I said, "You know who that is?" I
25 said, "That's Jerry Sandusky." He didn't know

1 who he was but he knows what he seen that night.

2 Q. Okay. And now how long were you
3 standing there with Jim before you went someplace
4 else, if you did?

5 A. Probably like five minutes at the most.

6 Q. Now, where did you go right after that?

7 A. Well, I told -- I asked Jim if he wanted
8 to call somebody or, you know, and he said he
9 didn't. He was afraid I guess and so I calmed
10 him down. We went down the hall. There was a
11 meeting room off to the right and then the other
12 guys come down from upstairs and took -- because
13 Jim was so shook up, you know, I called for other
14 people to --

15 Q. When you were down there in that meeting
16 room, was Jim still white, shaken, and upset?

17 A. Yes, he was crying and shaking.

18 Q. Did he say anything down there?

19 A. Pardon me?

20 Q. Did he say anything down at that meeting
21 room about what he seen? Did he talk to you or
22 to Mr. Witherite?

23 A. Yes. He told the other guys the same
24 story then.

25 Q. What did he say?

1 A. He said that he told Jay and them, he
2 said that, you know, he seen Sandusky holding
3 that boy up licking on his privates.

4 Q. Okay. Did he say anything in addition
5 to that that included a different description? I
6 know you don't want to use the language.

7 A. Yes. Yeah, he said he was sucking on
8 his dick is what he said.

9 Q. Was he still shaking and white when he
10 was saying that?

11 A. Pardon me?

12 Q. Was he still shaking and white when he
13 said that?

14 A. Yes, he was. We thought he was going to
15 have a heart attack. We kept people with him all
16 night throughout the night and made sure, you
17 know, he was all right.

18 Q. Okay.

19 A. And everybody kind of just -- I had to
20 go -- you know, we had to finish our jobs, of
21 course, but it was hard to concentrate after
22 that.

23 Q. Now, did you see the defendant later
24 that night, that is Mr. Sandusky?

25 A. Yes. It was between probably 10:00 and

1 11:30 I was out cleaning the windows towards the
2 coaches' office. There's a balcony there. I
3 could see out into the parking lot, and I seen
4 Jerry Sandusky drive real slow by. That's when I
5 -- yeah, it was about 10:00, 10:30, 11:30.

6 Q. Once or more than once? Once or more
7 than once?

8 A. I seen him that time and then almost at
9 quitting time which was like -- quitting time was
10 three. So it was 2:00, 230 I was taking the
11 garbage out. We stage it out there for the
12 people in the morning to throw it in the
13 dumpster. I seen him one more time drive real
14 slow. He never got out of the car or nothing. I
15 didn't see -- he didn't have the boy with him
16 then.

17 Q. Do you know how long after that Mr.
18 Calhoun -- did Mr. Calhoun continue to work at
19 the university for long after that or do you
20 know?

21 A. My --

22 Q. No, did Mr. Calhoun, was he still
23 working there for long time after that?

24 A. Afterwards? I'm not sure. They keep
25 wage payrolls, like, 20 weeks, I believe, 21

1 weeks. So it wasn't much longer than after the
2 incident.

3 Q. Did you ever go and tell anyone what
4 Mr. Calhoun said he saw?

5 A. No, he never did.

6 Q. Did anyone else that you know ever go
7 and tell anybody else what he saw?

8 A. No, not that I recall.

9 Q. Okay. Did you see the defendant in
10 there after that?

11 A. Yes.

12 Q. Did you ever say anything to him?

13 A. No.

14 Q. Did you see him alone or with children
15 or both after that?

16 A. What?

17 Q. Did you ever see him with children
18 before or after that?

19 A. Before, yes. But afterwards, no.

20 Q. Thanks so much.

21 MR. McGETTIGAN: I have nothing further,
22 Your Honor.

23 MR. AMENDOLA: Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MR. AMENDOLA:

1 Q. Mr. Petrosky, my name is Joe Amendola.
2 I represent Mr. Sandusky.

3 A. Yes.

4 Q. Can you hear me okay?

5 A. Pardon me?

6 Q. Can you hear me? I want to make sure
7 I'm speaking loud enough for you. That's why I
8 am leaning over into the mic.

9 A. Yes.

10 Q. I am going to ask you some questions.
11 If you're not sure what I'm asking, let me know.
12 I'll ask it a different way.

13 A. Okay.

14 Q. Do you recall about when was the first
15 time that you talked to investigators about this
16 situation? The police or somebody from the
17 Attorney General's Office?

18 A. I can't really hear you. I'm sorry.

19 THE COURT: If you want to walk over
20 there, may be magnification.

21 THE WITNESS: I am sorry. I have one
22 bad ear.

23 THE COURT: That's okay.

24 Mr. Amendola, if you want to walk in
25 front here. You don't want to block the jury.

1 MR. AMENDOLA: Sorry, Your Honor.

2 BY MR. AMENDOLA:

3 Q. I know I'm having trouble hearing over
4 there, too.

5 A. Yes.

6 Q. It's the room and fans. What I was
7 going to ask you was, do you remember when you
8 first spoke to the police about this situation
9 that you are testifying today about?

10 A. Before I went to the grand jury? Well,
11 the first time I spoke to the police is when it
12 came out in the *Centre Daily Times* the story
13 about the grad student which I didn't know at the
14 time. I made the phone call to them because it
15 sounded identical to the incident that happened
16 when I was working there.

17 Q. If I told you that you spoke with
18 troopers -- state troopers in March of 2011 --

19 A. Okay.

20 Q. -- would that be something that you
21 would think was within reason?

22 A. Yes.

23 Q. And to your knowledge, between the time
24 this incident occurred that you're telling us
25 about and the time you talked to the police

1 officers for the first time, talking 10 or 11
2 years had passed?

3 A. How many?

4 Q. Ten or 11 from 2000 when this occurred
5 -- you are saying that Mr. Calhoun told you what
6 he saw?

7 A. The officers.

8 Q. And the time that you talked to the
9 police?

10 A. What time?

11 Q. Yes.

12 A. I'm sorry?

13 Q. Let me ask you another way.

14 You testified earlier today this
15 incident occurred -- Mr. Calhoun told you
16 something in 2000?

17 A. Okay.

18 Q. And you then at some point later talked
19 to the police?

20 A. Right.

21 Q. Was that 10 or 11 years later? In other
22 words, the first time you talked to the police,
23 was that in 2011?

24 A. Right. Yes, it was.

25 Q. Okay. Do you recall if you were working

1 in the Lasch Building in 1998, 1999?

2 A. '98 I wasn't but '99 I was.

3 Q. And then after '99 when you worked at
4 the Lasch Building, how long did you work there?

5 A. I believe I worked there two football
6 seasons.

7 Q. Three or four months?

8 A. No, it was years.

9 Q. Years?

10 A. Yes.

11 Q. When you went there in 1999, you were
12 there for a number of years?

13 A. Yeah, two years.

14 Q. Can you tell us the specific room that
15 you were in -- the bathroom, the locker room when
16 right before you saw or you heard what
17 Mr. Calhoun told you? Was that the assistant
18 coaches' locker room? Was that the assistant
19 coaches' locker room?

20 A. The staff.

21 Q. Staff?

22 A. Yeah.

23 Q. Is there -- how many locker rooms are
24 there in that building?

25 A. I believe there's three. There's --

1 well, there's the players'. That's the main
2 locker room. You got the coaches' locker room
3 and then the staff locker room.

4 Q. Now, is the staff locker room, is that
5 called the support locker room? Staff, support,
6 is that synonymous?

7 A. Yeah, support.

8 Q. And there's an assistant coaches' locker
9 room?

10 A. Yes.

11 Q. Which locker room was this where you
12 were cleaning?

13 A. The staff.

14 Q. Staff. That was the staff locker room.
15 Now, how many ways in and out of that locker room
16 are there?

17 A. Just one. The one that they were in.

18 Q. When you went in, when you first went in
19 and saw people in the shower, I guess you
20 couldn't actually see them. Can you describe --
21 I think you said -- your testimony was you saw
22 legs?

23 A. Legs, yes.

24 Q. Is that because there was a curtain?

25 A. There's no curtain in there.

1 Q. So it's open?

2 A. Right.

3 Q. Did you see bodies? Did you see full
4 bodies of the people in the shower?

5 A. No. What it is, you go in and there's
6 just a small wall to the left side and it kind of
7 shields the people in there. But the rest of it
8 from there is all open and whenever I got to that
9 place, that little wall, that is when I seen the
10 legs and then I backed out.

11 Q. So you just saw the bottom part of the
12 people in the shower?

13 A. Yeah, the bottom up to their knees,
14 yeah, because I had my head down carrying the
15 hose and then I backed out.

16 Q. And you mentioned today that one pair of
17 legs had hair on them and the other pair of legs
18 didn't?

19 A. Right.

20 Q. Could you tell just from looking at the
21 legs whether the one pair of legs was a smaller
22 child or a younger child or just didn't have
23 hair -- the legs didn't have hair on them?

24 A. I would say, yeah, it was a small
25 child -- not small but.

1 Q. But somebody younger than an adult?

2 A. Right. Somebody younger than the one
3 with the hair on.

4 Q. Today you said that the one pair of legs
5 had hair. You testified earlier?

6 A. Yes.

7 Q. Did you tell the police officers that
8 the one pair of legs had hair on them when you
9 first spoke with the police about this?

10 A. I don't recall.

11 Q. Do you recall talking to the grand
12 jury -- testifying before the grand jury?

13 A. Yes.

14 Q. Do you recall telling the grand jury
15 when you testified that the one pair of legs had
16 hair on them and the other pair of legs didn't?

17 A. No, I think I just said I seen pair of
18 legs. I'm not sure. I don't recall. That was
19 over a year ago now.

20 Q. I'm going to read you a question that
21 was asked by the Attorney General staff from the
22 grand jury hearing, and then -- I'm going to read
23 you the question and I'll read you the answer.

24 So this particular night, Jim he was
25 already in the coaches' box and maybe the

1 coaches' locker room -- but maybe what I have to
2 do is gone back to the full question and put it
3 in its proper context.

4 Question: Would you please tell the
5 ladies and gentlemen of the grand jury everything
6 you can remember about that incident?

7 And then your answer: Okay. This
8 night, here it was in 2000, the fall of 2000,
9 during football season and football players were
10 away. It was before a home game. Usually they
11 left Thursday or Friday night before the games.
12 If I recall right, I believe they were going to
13 play Ohio State that weekend. So the building
14 was empty. It just had five guys and the
15 janitors and that. My job was to clean the
16 showers. Jim Calhoun -- they were -- they call
17 them gray tents. They go in and pull the garbage
18 and clean up the locker room. They cleaned the
19 toilets, the urinals. My job was to go in and do
20 the showers after they were done. So this
21 particular night, Jim, he was already in the
22 coaches' -- the assistant coaches' locker room.
23 I went in to hook up the hose. The hose -- the
24 hookup to the hose, it is under the sink in the
25 locker room. I went over and hooked my hose up.

1 I heard the showers running. A lot of times the
2 coaches or the players would leave the showers
3 on. I didn't think too much of it. I was going
4 to go in the shower to, you know, start cleaning.
5 I went in, like, there was a little ledge here.
6 I could see four legs or four sets of legs --
7 excuse me. I could see four sets of legs in
8 there. So I just turned around and came back out
9 of there. I was going to wait until whoever was
10 showering in there, until they were done
11 showering, and I would go back in and clean.

12 Now, that was your answer and what it
13 says there -- and I'll ask you if this is what
14 you meant. I could see four sets of legs in
15 there. Now, four sets of legs would imply --

16 A. No, no.

17 Q. -- two times four. I believe your
18 testimony is you saw four legs?

19 A. I seen four legs.

20 Q. I understand that. Just kind of a
21 technical thing.

22 A. Okay. Yep.

23 Q. The next question to you was, from the
24 Attorney General staff: Let me clear something
25 up for you. When you say four sets of legs or

1 four separate people or two people, four legs?

2 And your answer was: Just two people.

3 A. Okay.

4 Q. And then the question was: Two people,
5 a total of four legs?

6 Now, nowhere in there does it mention
7 hairy legs. Is there a reason why you didn't
8 mention that two of the legs were hairy?

9 A. No.

10 Q. How long after you saw the legs in the
11 shower -- Mr. Petrosky, how much time passed
12 between then and when you went back into that
13 room to clean up the room?

14 A. Probably about five minutes.

15 Q. Well again, I'm going to draw your
16 attention to the grand jury testimony that you
17 gave, and this would have been on May 19th, 2011.

18 The question was just a general one from
19 the Attorney General staff: Okay.

20 And then you continued with your answer:
21 So I went back out in the hall. I noticed Jim.
22 He was already in there. He was in cleaning the
23 toilets in the stalls. I think there were three
24 or four stalls there. So I went outside to wait.
25 I started getting my cleaning stuff done. So I

1 waited, you know, approximately ten minutes or
2 so. I was standing in the hall. While I was
3 standing there, Jerry Sandusky came out followed
4 by the boy. So as they passed me, I said, "good
5 evening." They acknowledged me. There is a real
6 long hallway in the Lasch Building. As they
7 walked away from me, I just noticed that Jerry
8 took his hand and they were walking down the hall
9 together holding hands. So I went back in, and I
10 finished cleaning the shower. And I came back
11 out. I unhooked my hose and winding the hose up
12 and then Jim came up, and I could tell he was
13 upset.

14 Would you say that that was your
15 testimony? Would you say that that testimony is
16 more accurate than the five minutes or so that
17 you're talking about today? Because in this
18 testimony you said that you waited about ten
19 minutes?

20 A. Right. I was five minutes off probably
21 so.

22 Q. So the testimony before the grand jury
23 was incorrect? It wasn't ten minutes?

24 A. I can't remember.

25 Q. Then according to your testimony I just

1 read to you, you went back into the room and you
2 cleaned up. Do you recall that testimony?

3 A. Right.

4 Q. How long would that have taken you to
5 clean up?

6 A. Five, ten minutes.

7 Q. So another five or ten minutes?

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

9 Q. So using your testimony that I have just
10 read to you from the grand jury and your
11 testimony today, we would have been talking
12 anywhere from 10 to potentially 20 minutes
13 between the time that you saw the legs in the
14 shower and the time that you first spoke with Jim
15 Calhoun?

16 A. No, it wasn't that long. It was shortly
17 after.

18 Q. So you're saying --

19 A. It was shortly after they had left.
20 That's when I met Jim Calhoun. That couldn't
21 have been no more than five minutes.

22 Q. That's why I'm trying to understand
23 this. Your testimony is you saw the legs in the
24 shower, correct?

25 A. Right.

1 Q. And you went back out and waited for
2 whoever was getting a shower to finish?

3 A. Right. They were in maybe five minutes
4 or so.

5 Q. Even though you told the grand jury it
6 was approximately ten minutes?

7 A. I was just trying to remember ten years
8 ago.

9 MR. McGETTIGAN: Objection. I don't
10 believe he's accurately stating the grand jury
11 testimony, frankly.

12 THE COURT: I think he just read it.
13 We'll rely on the jury's recollection. I think
14 we can move on to the next question.

15 MR. AMENDOLA: Yes.

16 BY MR. AMENDOLA:

17 Q. So your testimony today is it was
18 shorter than the ten minutes waiting for the
19 people in the shower --

20 A. Correct.

21 Q. -- to get done?

22 A. Correct.

23 Q. And the cleaning up that you did in the
24 shower didn't take ten minutes. It took five
25 minutes?

1 A. Right.

2 Q. And then afterwards you spoke with
3 Mr. Calhoun?

4 A. Pardon me?

5 Q. Afterwards you spoke with Mr. Calhoun?

6 A. No. I spoke to him before I went back
7 in. I was starting to go back in and that's when
8 I met Jim.

9 Q. Was anyone else with you when
10 Mr. Calhoun first spoke with you?

11 A. No. Because he worked alone in that
12 area.

13 Q. How much later was it that Mr. Witherite
14 was involved in the conversation with you and
15 with Mr. Calhoun?

16 A. I can't recall.

17 Q. Give us an approximation? Minutes?
18 Hours?

19 A. I would say 15 minutes to a half hour.

20 Q. So about 15 minutes before Mr. Witherite
21 was involved?

22 A. Yes.

23 Q. To your knowledge, that's when
24 Mr. Calhoun mentioned it to him or you mentioned
25 it to Mr. Witherite?

1 A. Right.

2 Q. Thank you.

3 A. You're welcome.

4 MR. AMENDOLA: That's all I have.

5 MR. McGETTIGAN: May I have a one
6 moment, Your Honor?

7 THE COURT: Yes.

8 MR. McGETTIGAN: May I inquire of
9 counsel, I'm looking for something that he seemed
10 to indicate was in the grand jury testimony. I
11 haven't found it.

12 REDIRECT EXAMINATION

13 BY MR. McGETTIGAN:

14 Q. I neglected to ask, may I, on my earlier
15 questions. Did you note the size of the little
16 boy? Can you tell how tall the little boy was
17 that you saw walking out with the defendant when
18 he at some point held his hand? And I'll ask you
19 to use yourself or me, how high on the defendant
20 did he come up? Waist high, middle of the torso?

21 A. I would say almost to his shoulder.

22 Q. Up to here?

23 MR. AMENDOLA: Your Honor, I'm going to
24 object. He can't ask an open-ended question.

25 THE COURT: I'll sustain.

1 MR. McGETTIGAN: I'll withdraw the
2 question.

3 BY MR. McGETTIGAN:

4 Q. I just have one additional question in
5 response to what Mr. Amendola asked you. He
6 asked you -- and I misunderstood the question,
7 too. He said something about 10 minutes -- about
8 a ten-minute time span. I am going to read the
9 question now. It says a few of them.

10 Let me clear something up for you. When
11 you say four sets of legs or four separate people
12 or two people, four legs?

13 You said just two people.

14 Do you remember that?

15 A. Yes.

16 Q. And then the question was: Two people,
17 a total of four legs?

18 And you said yes.

19 A. There were just two people in that
20 shower.

21 Q. Okay. And then the question was: Okay.

22 And you said: So I went back out in the
23 hall. I noticed Jim. He was already in there.
24 He was in cleaning the toilet stalls. I think
25 there were three or four stalls in there. So I

1 went outside to wait. I started getting my
2 cleaning stuff done. So I waited, you know,
3 approximately ten minutes or so.

4 So the ten minutes you are talking about
5 was when you were waiting before Mr. Sandusky
6 came out of the shower?

7 A. Right.

8 Q. Not before you saw Mr. Calhoun after
9 Mr. Sandusky --

10 A. Right.

11 Q. -- left the shower?

12 A. That's how it was.

13 Q. Okay. Thank you very much.

14 MR. McGETTIGAN: Have nothing further,
15 Your Honor.

16 MR. AMENDOLA: Nothing, Your Honor.

17 THE COURT: Thank you. You can step
18 down.

19 THE WITNESS: Thank you.

20 MR. McGETTIGAN: Your Honor, may I see
21 you at sidebar?

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

24 THE COURT: Ladies and gentlemen, we are
25 moving along much more rapidly than it had been

1 anticipated. It would appear that this case will
2 comfortably be done by Friday on the
3 Commonwealth's side.

4 That schedule will be more clear through
5 tomorrow. As we move through tomorrow's witness
6 list, just so we have some idea through the case
7 and how much longer it would take and so on, it
8 would appear that Friday the Commonwealth will
9 comfortably have enough time to have been
10 completed. With that, we are going to adjourn
11 for the day.

12 I, again, will caution you -- really,
13 really caution you not to talk to anyone, not to
14 send any text messages, not to use your cell
15 phones to communicate about the case, or anything
16 at all about the case or permit anyone to talk to
17 you. If anyone does talk to you or approaches
18 you or asks you questions or offers information,
19 of course, you put that to Ms. Gallo and she'll
20 report that to me.

21 With that, I'll see you at 9:00 o'clock
22 tomorrow morning.

23 We'll remain seated, of course, while
24 the jury is taken out.

25 (Whereupon, jury was escorted out of the

1 courtroom.)

2 THE COURT: We stand in recess until
3 9:00 o'clock tomorrow morning.

4 MR. McGETTIGAN: Thank you very much,
5 Your Honor.

6 (Whereupon, court was recessed for the
7 day.)

8 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