

WITNESS ACCOUNT	GRAND JURY PRESENTMENT ON JERRY SANDUSKY December, 2010	TIM CURLEY/GARY SCHULTZ PRELIMINARY HEARING TRANSCRIPT December 16, 2011	JERRY SANDUSKY TRIAL TRANSCRIPT June 11-22, 2012
<p>MIKE McQUEARY DIRECT EXAMINATION</p>	<p>-In March, 2002, Mike McQueary entered the locker room doors, was surprised to find the lights and showers on and heard rhythmic, slapping sounds. He believed the sounds to be those of sexual activity.</p> <p>-He put his sneakers in his locker, looked into the shower and saw a naked boy, Victim 2, whose age he estimated to be ten years old, with his hands up against the wall, being subjected to anal intercourse by a naked Sandusky. He was shocked but noticed that both Victim 2 and Sandusky saw him.</p> <p>-He left immediately, distraught. He went to his office and called his father (John McQueary), reporting to him what he had seen. His father told Mike to leave the building and come to his home. He and his father decided that Mike had to promptly report what he had seen to Coach Joe Paterno ("Paterno"), head football coach of Penn State.</p> <p>-The next morning, a Saturday, Mike telephoned Paterno and went to Paterno's home, where he reported what he had seen.</p> <p>-Approximately one and a half weeks later, Mike was called to a meeting with Tim Curley ("Curley") and Gary Schultz ("Schultz"). Mike reported to Curley and Schultz that he had witnessed what he believed to be Sandusky having anal sex with a boy in the Lasch Building showers.</p> <p>-Curley and Schultz assured Mike that they would look into it and determine what further action they would take. Paterno was not present for this meeting. (pp. 6-7)</p>	<p>-I opened the first door, I heard 2-3 rhythmic slapping sounds, like skin on skin. I went in the second door and heard showers running. I turned to my locker (1st in that row) immediately to the right of the second door. Facing my locker, I looked over my right shoulder into the mirrors at a 45 degree angle and saw (for 1 to 2 seconds) into the shower where Jerry was directly behind the boy in a very, very close position with Jerry's hands wrapped around the boy's waist or midsection and the boy was up against the wall with his hands up against the wall. I could not see Jerry's actual hands. I turned back to my locker, then I stepped to the right of my locker to look directly into the shower room (for 1 to 2 seconds) and I said to myself, they are in a very sexual position. I believe Jerry was sexually molesting him and having some type of intercourse with him. I did not see insertion nor was there any verbiage. So I am not 100 percent sure there was intercourse, but that is what I believed was happening. After the second look, the position of Jerry and the boy did not change. I would say there was slow movement, certainly not hard or fast movement but a little movement. I then slammed the locker door shut and then took a more brisk forward movement towards the shower and looked in and saw they had separated, about 4 or 5 feet apart and facing me, looking at me. They looked directly into my eye, both of them.</p> <p>-I then left the locker room and called my father and told him I just saw Coach Sandusky in the showers with a boy and it was wrong and sexual and I needed some advice. He told me to come home so I left and went to his house. We decided I was to tell Joe Paterno what I saw.</p> <p>-I told Joe that I saw Sandusky with a young boy in the shower and that it was way over the lines. It was extremely sexual in nature. I described the rough positioning but not in detail. I never used the words 'sodomy or anal intercourse'. (pp. 10-27)</p> <p>-I told Curley and Schultz I saw Jerry in the showers naked with a young boy and that what I had seen was extremely sexual and over the lines and it was wrong. I told them Jerry was in very close proximity behind a young boy with his arms wrapped around him. I described that is was extremely sexual and that I thought some kind of intercourse was going on. There is no doubt I believe there was a sexual act going on between Jerry and the boy. (pp. 32-36)</p> <p>Did either TC or GS ever tell you not to talk to anybody about the shower incident? No, they never said don't talk to anybody. (p. 38)</p>	<p>-That night I went to the locker room and upon opening that first door, I heard showers running and skin-on-skin smacking sounds, I went into the second door, and my locker was immediately to the right and as I'm opening my locker, I glance (one to two seconds) over my right shoulder into the mirror and see a 45-degree angle into the shower room and see Coach Sandusky standing behind a boy who is propped up against the shower and [Jerry] is right up against his back with his front. The boy's hands are up on the wall. I turned back to my locker, then I stepped probably two or three feet or paces to my right to get a better view with my own eyes and look directly into the shower at that angle and again saw what I explained, Coach Sandusky standing right up against the back of the young boy with the boy's hands up on the shower wall, Jerry's arms wrapped around the boy's Midsection. I went back to my locker, I put the shoes in the locker, slammed the locker door shut as hard as I could to make a loud sound, stepped very much closer to the shower from that second position, and at that time both individuals were separated about 3-5 ft. and looking and facing directly at me. Both saw me. I saw the fronts of their bodies. I left the locker room. There was not much movement on my glances, very slow, slow, subtle movement.</p> <p>-I went directly upstairs called my father. He said, "Get out of the building immediately and come over to the house." I went home told my father what I had seen, did not get overly, unbelievably into detail, but made sure he knew it was extremely, extremely wrong, extremely sexual. He called a friend, Dr. Dranov who came over. I told Dr. Dranov what I had seen, again not getting overly descript in terms of what I had seen, but making sure he knew it was sexual, it was wrong, it was perverse, everything. They said Mike, you need to tell Coach Paterno.</p> <p>- The next morning I went to see Paterno. I was at Paterno's house for about 10 minutes and told Paterno I saw Jerry in the shower with a boy, that it was sexual and that it was wrong. I did not go into gross detail about the actual act.</p> <p>- Later, I met with Tim Curley and Gary Schultz and told them what I saw.</p> <p>- Within a week to two weeks, Curley told me they had contacted The Second Mile to inform them of the situation. (Day 2, pp. 186-225)</p>
<p>MIKE McQUEARY CROSS EXAMINATION</p>	<p>N/A</p>	<p>(CROSS-Roberto, pp. 42-113) -When I walked in first door, I heard showers running and slapping sounds. (p. 53) I came in second door, went to locker looked over right shoulder into mirror and saw Jerry behind a boy in a very close proximity with his arms around him. I turned back to locker, put shoes in, and turned to look directly into shower for one to two seconds, saw the same thing and then turned around slammed my locker. After 4-5 seconds I looked a third time and they had separated. I was in the shower room for a about of 45 seconds. I looked at them and they looked at me. Jerry had a blank look on his face. I called my father, went to his house, spoke to him and Dr. Dranov and we decided to tell Paterno. I went to Paterno's at 8am the next morning for about ten minutes. I never used the words anal sodomy or anal sex or anal intercourse. I did not see insertion or penetration but it looked like there was intercourse going on. But I am not 100 percent sure. I did not see Jerry's genitals touching the boy. I told Paterno I heard sounds and that something extremely sexual was going on. I am sure I used the word 'fondling' to describe the act to Paterno. However, I did not see fondling, I did not see Jerry's hands on the boy's genitals because of the body positions.</p> <p>Q - How would you describe fondling then? A. (Mike)-'fondling is touching someone in a sexual way. That's my definition. That's what I thought I saw. I have talked to others about this incident since talking with Paterno, Curley and Schultz. (p. 78)</p> <p>- I told Mr. Curley it was extremely sexual and I think it was intercourse. (p. 81)</p> <p>(CROSS-Farrell, pp. 86-113)—I do not think I used the word intercourse with my father, but he knew what happened. (p. 91) I did not observe if Jerry had an erection or not. (p. 97) When I left, the boy and Jerry were still in the shower, separated. (p. 98) For a home burglary I would have called the police but not for Jerry doing what he was doing to a boy because it was delicate in nature and I tried to use my best judgment which was leaving the boy in the shower with Jerry, in which I was sure the act was over, but I do not know for sure what happened after I left. (pp. 100-101) I don't think I would have used the word intercourse with Paterno. Curley nor Schultz ever told me not to talk about this to others. Neither of them made any effort to prevent me from talking to anyone in the world. (p. 113)</p>	<p>-I told Trooper Rossman that I saw into the shower from two different locations, not three. My written statement indicates two views. Now I'm recollecting a third view that's not contained in my written statement that I gave to the OAG. I was sworn under oath in front of a grand jury and told the grand jury two views. But, I recollect three brief instances now. (pp. 226-233)</p> <p>-Now, on the first view, I told Sassano and Rossman -- on the way to the locker I looked into the mirror and I saw Jerry standing behind the young boy with his front side against the back side of the boy, and Jerry was moving his body towards and away from the boy. On 12/14/2010, I said to the grand jury that I recollected that, on the second view, the boy had turned around and could see me. In the second view they were engaged in a very extreme sexual position. And that's when [the boy] turned his head and he saw me and I saw him. I told the grand jury at that point: Upon seeing them in the shower, I tried to open the locker as fast as I could. I put my shoes in there and closed it up, began to walk out of the locker room. I walked out, directly out, as fast as I could, to be honest with you, when they were still in that position and he was turned. I was nervous and flustered, so I just didn't do anything to stop it. (pp. 271-285)</p> <p>- I sent out an email in Nov. 2011 that said 'I did stop it, not physically, but made sure it was stopped when I left that locker room...I am getting hammered for handling this the right way, or what I thought was the right way.'</p> <p>- I never told my father or Joe Paterno the graphic sexual nature of what I saw.</p> <p>- I told the grand jury that when I discussed this with Joe Paterno I didn't leave out any details.</p> <p>- That night I did not see an erection. I didn't see any insertion. I did not see an actual penis. I didn't see any genitals or anyone touching genitals. (pp. 251-252) (Full Cross Examination: Day 2, pp. 226-298)</p>
<p>JOHN McQUEARY</p>	<p>N/A</p>	<p>- Mike told me that he saw Jerry Sandusky and a boy in the shower room and there was something at best inappropriate going on and it was sexual in nature. I called Dr. Dranov that night before Mike got home from the Lasch Building and asked him to come over. I told Mike he needed to report it to Joe Paterno. Dr. Dranov and I met with Gary Schultz, subsequently, and I told Gary Schultz about the incident Mike saw and that Mike thought it was at least sexual overtones to it, that is was sexual in nature, and it appeared to be sexual. But, I wasn't there. I never used the words crime, rape, anal sex, sodomy, or sexual assault. (p. 133-158)</p>	<p>-Mike called me from his office and said he saw Sandusky in the shower with a young boy. I said, where are they? He said I don't know. I said, are they still in the building? He said, I don't think so. When Mike got home he told me he entered the locker room and as he went towards the noise, a rhythmic, thrusting, slapping sound. And he said: I peeked my head around the corner into a mirror saw the two in the shower. And then further looked around the corner and saw them kind of eye to eye. He said that [Jerry] was positioned behind the young man, up against the shower wall. I asked him if he seen anal sex or if he could verify, penetration, or I might have used the word sodomy. He said, no. I told him he needed to tell Joe Paterno. - Rominger showed a transcript from The Curley/Schultz hearing from Friday, December 16, 2011, in Dauphin County Courthouse with John McQueary listed as a witness, but John McQueary denied being there or testifying. (Day 3, pp. 4-27)</p>
<p>DR. JON DRANOV</p>	<p>N/A</p>	<p>N/A</p>	<p>Mike said he entered a locker room and heard what he described as sexual sounds. I asked him what he meant and he said, well, sexual sounds, you know what they are. I said, no, Mike, you know, what do you mean? And he couldn't go on. And then he said he looked toward the shower and a young boy looked around. He made eye contact with the boy. Then, an arm reached out and pulled the boy back. After that, it was something about going back to his locker and then he turned around and faced the shower room and a man came out and it was Jerry Sandusky. I told him to report it to Joe Paterno. He implied [something sexual] had gone on with what he talked about with sexual sounds. But he did not give me any kind of graphic description. I asked him three times what did you see and each time he would come back to the sounds. (Day 7, pp. 9-16)</p>

WITNESS ACCOUNT	GRAND JURY PRESENTMENT ON JERRY SANDUSKY January 12, 2011	CURLEY/ SCHULTZ PRE. HEARING TRANSCRIPT Dec. 16, 2011	JERRY SANDUSKY TRIAL TRAN- SCRIPT June 11-22, 2012
JOE PATERNO	<p>-Joseph V. Paterno testified to receiving Mike's report at his home on a Saturday morning.</p> <p>-Paterno testified that Mike was very upset and told him he saw Jerry 'fondling, or whatever you may call it. I'm not sure what the term would be. I'm not sure exactly what it was. I knew some kind of inappropriate action was taken by Jerry with a youngster.'</p> <p>-Paterno called Tim Curley ("Curley"), Penn State Athletic Director and Paterno's immediate superior, to his home the very next day, a Sunday, and reported to Tim that Mike had seen Jerry Sandusky in the Lasch Building showers fondling or doing something of a sexual nature to a young boy.*</p> <p>(p. 7 and p. 175 of Curley/Schultz Preliminary Hearing)</p> <p>* [Author's note: Joe Paterno DID NOT testify as to exactly what he told Curley. JVP answered 'yes' to: 'Was the information you passed along (to Tim) substantially the same that Mike had given you?' (p. 177 of Curley/Schultz Preliminary Hearing, Transcript from Grand Jury Testimony)]</p>	N/A	N/A
TIM CURLEY	<p>-Curley testified that Mike reported to them that "inappropriate conduct" or activity that made him "uncomfortable" occurred in the Lasch Building shower in March 2002.</p> <p>-Curley specifically denied that Mike reported anal sex or anything of a sexual nature whatsoever and termed the conduct as merely "horsing around".</p> <p>-When asked whether Mike had reported "sexual conduct" "of any kind" by Sandusky, Curley answered, "No" twice.</p> <p>-When asked if Mike had reported "anal sex between Jerry Sandusky and this child," Curley testified, "Absolutely not."</p> <p>-Curley testified that he informed Dr. Jack Raykovitz, Executive Director of the Second Mile of the conduct reported to him and met with Sandusky to advise Sandusky that he was prohibited from bringing youth onto the Penn State campus from that point forward.</p> <p>-Curley testified that he also advised Penn State University President Graham Spanier of the information he had received from Mike and the steps he had taken as a result.</p> <p>-Curley was not specific about the language he used in reporting the 2002 incident to Spanier.</p> <p>(p. 8 and pp. 179-204 of Curley/Schultz Preliminary Hearing, Transcript from Grand Jury Testimony)</p>	N/A	N/A
GARY SCHULTZ	<p>-Schultz testified that Paterno reported "disturbing" and "inappropriate" conduct in the shower by Sandusky upon a young boy, as reported to him by Mike.</p> <p>-Schultz was later with Curley when Mike reported the incident in the shower involving Sandusky and a boy. Schultz was very unsure about what he remembered Mike telling him and Curley about the shower incident, that Sandusky might have inappropriately grabbed the young boy's genitals while wrestling. Schultz conceded that the report Mike made was of inappropriate sexual conduct by Sandusky. Schultz testified that the allegations were "not that serious" and that he and Curley "had no indication that a crime had occurred." Mike and Joe both described what was observed in a very general way, with no details.</p> <p>-Schultz denied that sodomy was reported to him either by Paterno or Mike.</p> <p>-Schultz confirmed that University President Graham Spanier was apprised in 2002 that a report of an incident involving Sandusky and a child in the showers on campus had been reported by an employee.</p> <p>(pp. 8-9 and pp. 204-235 of Curley/Schultz Preliminary Hearing, Transcript from Grand Jury Testimony)</p>	N/A	N/A
DR. GRAHAM SPANIER	<p>-Graham Spanier testified that Curley and Schultz came to him in 2002 to report an incident with Jerry Sandusky that made a member of Curley's staff "uncomfortable."</p> <p>-Spanier described it as "Jerry Sandusky in the football building locker area in the shower with a younger child and that they were horsing around in the shower." Spanier denied that it was reported to him as an incident that was sexual in nature and acknowledged that Curley and Schultz had not indicated any plan to report the matter to any law enforcement authority, the Commonwealth of Pennsylvania Department of Public Welfare or any appropriate county child protective services agency.</p> <p>-Spanier also denied being aware of a 1998 University Police investigation of Sandusky for incidents with children in football building showers. (pp.10-11)</p>	N/A	N/A
DR. GRAHAM SPANIER	<p>From the Freeh Report, Exhibit 2J: "Curley and Schultz met with me for about 10-15 minutes and shared a report that a staff member reported something to Joe and Joe had passed the report on to them. The report was that Jerry Sandusky was showering with one of his Second Mile youth and they were 'horsing around' (or 'engaged with horseplay'). It was reported that the staff member was not sure what he saw because it was around a corner and indirect. I asked, 'Are you sure it was described as horsing around? They both said 'yes.' I asked are you sure that was all that was reported? Both said 'yes.'"</p>	N/A	N/A

FINDINGS

TESTIMONY DISCREPANCIES

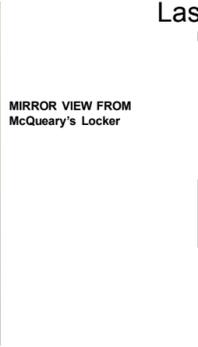
- The GJ Presentment states that Mike McQueary saw a young boy 'being subjected to anal rape' by Jerry Sandusky and that Mike reported what he had seen to his father, John, and to Joe Paterno, Tim Curley and Gary Schultz. Mike testifies on two more occasions that he believed there was anal sex going on, however, Mike admits under oath that he never saw a penis, an erection, penetration or touching of genitals (fondling). None of the five men Mike talked to said Mike told them he saw intercourse. None of the five men, two (John McQueary and Dr. Dranov) who are mandatory reporters, thought a crime occurred. Should they be charged?
- Paterno said that Mike told him Jerry was 'fondling, or whatever you may call it, a boy.' But Mike testified later that *his* definition of 'fondling' is 'touching someone in a sexual way.' He also testified that he never saw Jerry's hands or Jerry fondling the boy's genitals. Mike said he met with Joe for about 10 minutes, but only gives about one minute of conversation. What was said in the other 9 minutes? Maybe that Mike didn't see anything but had preconceived notions of something sexual because of the sounds, but it wasn't verifiable?
- Curley, Schultz and Spanier testified that they were never told it was intercourse but that it was described as 'inappropriate' and 'horseplay.'
- At Curley/Schultz hearing Mike said he went into first door and heard slapping sounds, then went into second door and heard the showers. But on cross-exam and at Sandusky trial he said he heard the showers and slapping sounds when he opened the first door.
- Before the grand jury, Mike's account is that he heard sounds, put shoes in locker, looked in shower, saw Jerry molesting a boy, that they saw him and he left, distraught. Later, he tells detectives that he had two looks into the shower. Later, he then testified that he had three looks into the shower.
- Mike testified he looked 3 times and the boy and Jerry only saw him on the third look and they were separated looking at him. But he told the grand jury he only looked twice and the boy saw Mike during the second look while still against the wall in the 'sexual' position and then Mike left immediately and did nothing to stop it. Mike never testified to the grand jury about slamming the locker nor that the two separated nor that he looked a third time. The 'slamming of the locker to stop it' was added later because he says 'he was getting hammered for the way handled it' in an email.
- At Sandusky trial, Mike said he left the two in the shower and went and called his dad to tell him. His dad asked if Jerry and the boy were still in the building and Mike said he 'didn't think so.' He had just seen them in the shower. How could they be gone already? And how would he know that if he just left them in the shower?
- Mike testified that each of his glances/looks lasted only one to two seconds. He also testified that he saw very, slow, slow, subtle movement of Jerry's midsection. How can you see very, slow, slow movement if you are only glancing for a second? (In a mirror?)
- Mike testified he never told his dad or Joe the graphic sexual nature of it. But told the grand jury that when talking to Joe he 'didn't leave out any details.'
- Dr. Dranov testified that Mike said he saw a boy look around, made eye contact, and then an arm pulled him back. Then Mike looked again and saw Jerry walking out. This is in harmony with what Spanier said was reported to him by Curley and Schultz which was reported to them by Paterno.
- Mike testified he told others and was never told not to tell others. If the PSU officials were covering this up they would have silenced Mike.

THE JERRY SANDUSKY SCANDAL 2001 MIKE McQUEARY TESTIMONY COMPARISON CHART

* To view locker room photos along side the testimony, keep this panel closed and open the third panel.

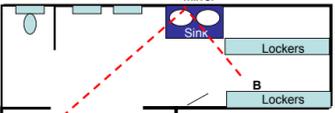


VISIBLE AREA OF SHOWER



MIRROR VIEW FROM McQueary's Locker

Lasch Building Staff Locker Room
Mike McQueary's Recollection of Feb. 9, 2001 Incident



1 - 2 second glance.
Sees Sandusky in shower behind boy. Boy has hands against wall.



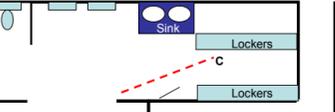
SHOWER



VIEW INTO SHOWER FROM POINT C

McQueary stated he saw Sandusky behind boy from this angle

Lasch Building Staff Locker Room
Mike McQueary Recollection of Feb. 9, 2001 Incident



1 - 2 second glance.
Sees Sandusky in shower behind boy. Boy has hands against wall.

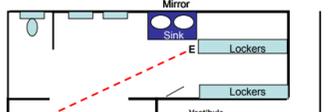


SHOWER



VIEW FROM SINK AREA

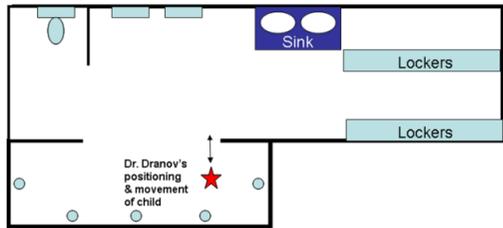
Lasch Building Staff Locker Room
Mike McQueary Versions 3 and 4 of Feb 2001 incident



1 - 2 second glance.
Sees Sandusky and boy separated - about 3-5 feet apart. Makes eye contact with both.



Child would have looked around this wall before being pulled back.



Dr. Dranov's positioning & movement of child

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