

After Victim 1, the grand jury presentment appears to haphazardly number the victims. If placed in the chronology of when they were discovered by investigators, Victim 6 would be Victim 2.

by

Eileen Morgan and Ray Blehar

In November of 2008, Aaron Fisher (known as 'Victim 1') came forth and reported that Jerry Sandusky had been sexually assaulting him for years. He is known as Victim 1 because he was the first victim to come forward at the time. In March 2009, the Office of the Attorney General (OAG) launched an investigation into Sandusky's alleged criminal activity. The OAG numbered the victims in order as they 'discovered' new victims. As reported previously on this [blog](#), the investigators did not actually find any of the victims. The victims were either self-reported (Victims 1, 9, 10), were reported (victims 3,4,5,7) by the mother of Victim 6 (1998 shower incident), or were hearsay victims not yet identified (Victims 2, 8).

In December 2010, the OAG discovered the 2001 incident witnessed by Mike McQueary and labeled that victim, 'Victim 2.' However, when you look at the timeline of events, in June 2009, the OAG discovered the 1998 investigation. If the OAG learned of the 1998 investigation in June 2009, why was that victim not labeled 'Victim 2'? This child was the second victim the OAG learned about, eighteen months before learning about the incident that McQueary witnessed. In addition, if the OAG was doing its job, then why didn't the OAG talk with the victim's mother, who had reported it in 1998? She would have been able to identify four more victims. She did eventually do this, but not because the police contacted her in 2009. No, she contacted the police in December 2010, EIGHTEEN months after the OAG learned of the 1998 investigation.

In fact, it was only after Victim 6's mother came forth in December 2010, that the state police apparently pulled the 1998 University Park police report. Why did the OAG wait 1.5 years to obtain the police report from 1998? This is a child sexual abuse investigation and should have had the utmost importance to protect the children. The OAG should have left no stone unturned. Or did the OAG purposely conceal its knowledge of the 1998 report for 1.5 years?

It appears the OAG misnumbered the victims to make it appear that five children (Victims 3,4,5,6,7) were victimized after Victim 2 in the football shower room or on campus. Reviewing the presentment of victims 1-8, the reader psychologically

believes the victims are listed in chronological order of when the abuse by Sandusky occurred. However, this is far from the truth. Apparently this is just another deceiving tactic by the OAG to pin the blame on PSU officials.

The OAG used the 2001 account to show the 'failings' of PSU officials. These tactics subconsciously persuaded the media and public that the blame for Victims 2,3,4,5,6,7, and 8 rested squarely on the PSU officials.

If you read into the victims' testimonies in the presentment, we know all these victims (3,4,5,6,7,8) were assaulted before 2001, before Victim 2. But more importantly, if the OAG would have done its job, they would have identified FIVE more victims in June 2009 and would have had enough victims to file charges against Sandusky. Note that in June 2009, Tom Corbett was the Attorney General -- he was not sworn in as governor until January 2011. His admonitions that he couldn't have charged Sandusky and gone to trial rings hollow in light of the facts.

The often alleged claims that Corbett was gearing up for his gubernatorial campaign and didn't want to risk upsetting the large contingent of PSU alums and supporters is now looking more like the truth rather than just allegations.

The 2011 Grand Jury Presentment using alphabetical identifiers for each victim

- Victim 1, AF – Reported abuse by Sandusky
- Victim 2, U1 - Child rape was witnessed by grad assistant in 2001 in a PSU shower
- Victim 3, JS - Abused in PSU showers/facilities by Sandusky (Identified by mother of Victim 6)
- Victim 4, BH - Abused in PSU showers/facilities by Sandusky (Identified by mother of Victim 6)
- Victim 5, MK - Abused in PSU showers/facilities by Sandusky (Identified by mother of Victim 6)
- Victim 6, ZK – Reported by mother in 1998 - Abused in PSU showers/facilities by Sandusky
- Victim 7, DS - Abused in PSU showers/facilities by Sandusky (Identified by mother of Victim 6)
- Victim 8, U2 – Not known, Identified by hearsay witness (Janitor) – Reported abuse in a PSU shower by Sandusky

Victim 6 above was reported by his mother who then identified Victims 3,4,5, and 7, however Victim 6 is placed near the end of the Victims. It is also notable that the

grand jury presentment downplayed the roles of CYS and DPW in the 1998 (Victim 6) investigation, instead focusing on the University Park Police and then-DA Ray Gricar as the parties responsible for not "indicating" abuse.

The Revised Timeline For Identifying Sandusky's Victims

- Nov. 2008, Victim 1, AF – Reported abuse from 2005-2008 by Sandusky
- June 2009, Victim 2, ZK - Reported by mother in 1998 - Reported abuse in PSU showers/facilities by Sandusky (acquittal on indecent assault)
- June 2009, Victim 3 BK – 2nd child in 1998 investigation. Reported abuse in PSU showers/facilities by Sandusky. Never brought to trial.
- June 2009, Victim 4, JS – Identified by ‘Victim 2’ mother – Reported abuse in Sandusky home, on trips, and at PSU
- June 2009, Victim 5, BH – Identified by ‘Victim 2’ mother – Reported abuse in Sandusky home, on trips, and at PSU
- June 2009, Victim 6. JK – Identified by ‘Victim 2’ mother – Reported abuse in PSU shower by Sandusky
- June 2009, Victim 7, DS – Identified by ‘Victim 2’ mother – Reported abuse in PSU pool
- Nov. 2010, Victim 8, U1 - Child rape was witnessed by grad assistant in 2001 in a PSU shower
- March 2011, Victim 9, U2. Identified by hearsay witness (Janitor) – Reported abuse in a PSU shower by Sandusky

As you can see above, the 2001 incident that McQueary witnessed was the second to the last victim account known to the OAG. If the GJ would have written the presentment with the victims in the order the OAG became aware of them then the 2001 shower incident would have been labeled as Victim 8 and would not have had the same impact on perceptions of PSU being at fault for enabling Sandusky's crimes.

Jerry Sandusky was free for THREE years following the first reported abuse by Aaron Fisher in November 2008. By June 2009, the OAG learned of the 1998 investigation which would have produced SIX more victims. It appears the OAG dragged its feet until learning of the Mike McQueary eye witness incident in November 2010. Furthermore, the 30th grand jury that heard McQueary's testimony was dismissed in January 2011, thus the statement that the 33rd grand jury found McQueary to be "an extremely credible witness" is not supported by the timeline.

The "Psychology" of the November 2011 Grand Jury Presentment

Let's look closely at the Grand Jury Presentment (GJP). The GJP was drafted in such a way that it psychologically steered the reader into a conclusion that the PSU officials must have looked the other way when McQueary reported his account to them and that they must have been complicit with Sandusky's crimes. What many people don't know is that a GJP is drafted solely by the prosecution and uses only what the prosecution deems necessary to get an indictment. The witnesses are only examined by the prosecution and there is no cross examination.

The following accounts demonstrate how the Grand Jury Presentment (GJP) presented the information in a biased fashion to shift the blame toward the PSU officials and relieve the state investigators, Central Mountain HS officials, CYS, and DPW of responsibility for bringing Sandusky to justice sooner.

Victim 1(AF):

The GJP claimed that the school officials at Central Mountain High executed perfectly regarding Victim 1's (Aaron Fisher) report of abuse by Sandusky. The GJP states that when Aaron and his mother reported the abuse to the school, 'Sandusky was barred from the school district from that day forward and the matter was reported to authorities as mandated by law.' That is anything but what actually happened. The school officials actually told Aaron and his mother to 'go home and think about it' and that 'Jerry has a heart of gold and would never do that.' The school did not believe Aaron's account and did not report the abuse until they learned that Aaron and his mother were going to Child and Youth Services (CYS). In addition, the GJP front-loaded the discussion of abuse early in the presentation, then spent the latter part explaining how difficult it was for investigators to identify additional victims.

Victim 2 (U1):

As much as the GJP falsely claimed the Central Mountain High officials followed the law to a T, the GJP unjustly incited the public and alleged that PSU officials did not follow the law regarding Victim 2. First, we know they had the day, the month and the year wrong of the incident. We also know that Mike McQueary did not see Victim 2 being subjected to "anal intercourse" by Sandusky because in the Curley/Schultz Hearing and Sandusky Trial, McQueary testified under oath that he did not see a sexual assault, he did not see Sandusky's hands fondling the boy's genitals, he did not see an erection nor penetration. The presentment regarding Victim 2 is full of lies. However, once this information was disseminated, regardless of its validity, the world had already concluded that the PSU Officials were complicit

and were as much to blame as Sandusky himself. The Grand Jury, that did not hear their testimony, also concluded that Tim Curley and Gary Schultz were not credible witnesses. Gary Schultz and Wendell Courtney recall that CYS was informed but the GJ found no reported file for 2002. Well, the year was wrong for one thing. In addition, CYS expunges its records if there is 'no finding.' Therefore, there would be no record. Although the GJ never heard from Victim 2, this account was 6.5 pages long. The average account of Victims 1-8 was 2.5 pages long.

Victim 3 (JS):

The GJP mentions first and emphasizes the shower assaults versus the assaults at Sandusky's home. This feeds into the narrative that the PSU Officials were to blame because incidents continued in the football showers. What the GJP does not disclose is that most of the assaults to Victim 3 (and the first assault) happened on school nights at Sandusky's home. The GJP never mentions that Sandusky took Victim 3 on overnight trips to Latrobe, Pennsylvania, and Syracuse, New York.

When approached by police in July 2011, Victim 3 said nothing inappropriate happened. Within a month, on August 18, 2011, Victim 3 changed his story and said Sandusky molested him. The GJP fails to disclose that Victim 3 became very upset and heart broken when he was taken away from the Second Mile and put into foster care. He kept waiting for Jerry to call or come get him and bring him back to the State College area. He was very confused that Sandusky never reached out to him. In July 2011, the investigators for the OAG contacted Victim 3 and Victim 3 said nothing inappropriate had happened. In August 2011, Victim 3 recanted and said Sandusky abused him.

Victim 4 (BH):

The GJP begins with 'Victim 4 was repeatedly subjected to Involuntary Deviate Sexual Intercourse and Indecent Assault at the hands of Sandusky.' The GJP never uses the word 'alleged' and these accusations had not yet been proven in a court of law. Within the first two sentences, the GJP mentions that the abuse took place on 'Penn State University Park campus, in the football buildings.' This again set the narrative that PSU officials were responsible. However, not until page 2 of this incident does it mention that the first assault actually occurred at Toftrees Resort. In fact, the first assault and most of the assaults occurred at the hotel or Sandusky's home and began in '96 or '97. The first shower incident didn't occur until '97. Victim 4 said that he was teased a lot in school by the kids because he was hanging out with Sandusky. The kids teased him saying that Sandusky was molesting him and that he

was Sandusky's 'butt buddy.' Victim 4 said the kids were 'just jealous and that they would have switched places in a heartbeat' to get to hang out with Jerry. Victim 4 did not tell the OAG investigators the first time he spoke to them that Sandusky abused him.

Victim 5 (MK):

Sandusky was acquitted of indecent assault of Victim 5, who claimed that Sandusky forced him to touch his penis. However, it is interesting that Victim 5 claimed he met Sandusky in 1995 or 1996 and showered with him sometime between 1996 and 1998 - at ages 8 to 10. At trial, Victim 5 changed the date of his alleged assault to 2001, which does not fit the previous/established pattern of abuse, in which Sandusky would identify a potential child in the first year of camp, then make contact in the second year. In this case, Sandusky waited six or seven years, when Victim 5 was 13 to begin grooming him. Given what is known about pedophile behavior, children are groomed at an earlier age when they are unsure about what is appropriate sexual activity. The change of the year to 2001 is suspicious to say the least.

Victim 6 (ZK):

This victim was the 1998 victim who reported a shower incident to police which led the local police, UP police, CYS, DPW, and DA to investigate but found no wrong doing by Sandusky. What the GJP does not mention is that in 1998, a licensed psychologist, Dr. Chambers, determined Sandusky to be 'exhibiting grooming behaviors' and was a 'likely pedophile.' The GJP also fails to mention that after the 1998 investigation, Victim 6 continued to see Sandusky on a regular basis. Victim 6 continued to go over to Sandusky's house to visit and eat and Victim 6 would be picked up and dropped off at his house by Sandusky, all with the mother's approval. Around 2009 Sandusky gave Victim 6 money to go on a mission trip. In 2009, Victim 6 texted messages to Sandusky on Father's Day and Thanksgiving, thanking him for being a great friend and that he was blessed because Sandusky was in his life. In 2010, Victim 6 borrowed Sandusky's car for the weekend. In January 2011, the OAG investigators contacted Victim 6, but Victim 6 did not accuse Sandusky of any wrongdoing. In the spring 2011, Victim 6 and Sandusky had lunch. It was not until June, 2011 that Victim 6 told the GJ that Sandusky abused him. The friendship that Victim 6 maintained with Sandusky for 13 years after the 1998 investigation was completely omitted in the GJP.

Victim 7 (DS):

Victim 7 started going to all the home football games in '95 until 2009 and most of the assaults occurred at Sandusky's house. Victim 7 refers to having a 'blurry memory' about a shower incident that occurred at the end of '95. Around '97, Sandusky stopped calling Victim 7, which made Victim 7 very upset. Jerry did eventually continue to have contact with Victim 7, getting him tickets for home games for years. Victim 7 also would go to tailgates prior to the games and Sandusky would drive him. In February 2011, the OAG investigators contacted Victim 7, but Victim 7 said there was no inappropriate behavior by Sandusky. In April 2011, Victim 7 told the GJ there was inappropriate behavior.

Victim 8 (U2):

This is a hearsay account by a janitor at the football locker room. This account is highly questionable based on the timelines of news reports and the physical evidence. However, in terms of psychological effects on readers of the grand jury presentment, it is the coup de grace. A horrific crime committed in front of a janitor, who now suffers from dementia (and will be viewed sympathetically) and can't testify, who allegedly stated what he witnessed was worse than anything he saw in the Korean War. To add the icing on the cake, the OAG writes that the janitors didn't report it because they feared they would lose their jobs.

After reading the accounts written in the grand jury presentment, the public had little choice but to be outraged at Penn State officials and have little or no understanding of how the child protection system and the police/OAG investigators totally missed on bringing Sandusky to justice at an earlier point in time.

This narrative continued through Sandusky's trial and was also set forth in the Freeh Report.

No doubt, Sandusky's crimes were horrific, but they weren't the only crimes committed during the investigation and prosecution of Sandusky.

Kathleen Kane's investigation will undoubtedly reveal the other crimes. The evidence is overwhelming.