

By Ivey DeJesus  
PennLive.com  
Sunday, Feb. 10, 2013



## Attorney for Victim 5: Paterno family report is self-serving, does nothing for the victims

The attorney for one of Jerry Sandusky's victims - known in court as Victim 5 - blasted the newly released Paterno family report defending the late coach's handling of the child sex crime case as a self-serving critique of the Freeh investigation.

Philadelphia attorney **Tom Kline**, who represented Victim 5 throughout the Sandusky trial, said the Paterno family's report falls short by focusing solely on Joe Paterno, his tarnished legacy and criticism of him.

"There's nothing in this report which advances the victims," Kline said. "This is all about Joe Paterno and his legacy and restoring his reputation. When the victims, to a one, I'm quite certain, will feel the real focus should be on them and what was done to them and how it was allowed to happen on Penn State campus ... right under the nose of the coach. That's really what this is about."

Kline said the victims largely see the report as the latest answer in "an intramural squabble" between the family and those involved in the Sandusky matter.

"The clear purpose of the report is to attempt to elevate and restore Paterno's reputation when Penn State has been working to a different goal, which is to try and turn the corner for the university," Kline said. "I don't see how this personalized fight that is now picked by the Paterno family with Penn State, Louis Freeh and the NCAA advances the ball, to use a football analogy, one yard."

The Paterno family report, which found the Freeh report flawed, changes nothing, Kline said. In particular, the report cannot refute the evidence provided by e-mails and notes from 1998 and 2001, along with the Mike McQueary testimony, that points to "irrefutable" proof that Paterno had knowledge of Sandusky's crimes.

"The notion that somehow there were procedural defects in the investigation that led to conclusions which are improper is not well founded," Kline said.

"There's nothing in this report which advances the victims." - Tom Kline, attorney for Victim 5

Kline further found flawed the argument laid out by one the experts commissioned by the Paterno family, James Clemente, a former FBI investigator, that the Freeh report was based on conjecture and lacked solid evidence.

Kline countered that Freeh investigators, in addition to poring over documents and grand jury and court testimony, uncovered additional evidence that showed that Paterno was anxious about the investigation into Sandusky. The Paterno family conclusions portrays Sandusky as a cunning predator who fooled everyone,

including Paterno, and raised no suspicions about his crimes.

Kline said the testimony and evidence - including circumstantial evidence - pointed to a very different conclusion of Sandusky. In 2011, The Patriot-News published an exhaustive report of missed opportunities to halt Sandusky and his crimes.

"Mike McQueary testified in front of a jury, under oath, and was believed by a jury beyond a reasonable doubt," Kline said. "He tells a compelling story, I heard it first hand, in a courtroom as to what he told Mr. Paterno that day. He makes no bones about it in sworn trial testimony in court that he told Paterno that this was something that was really horrible."

In the end, Kline said, the Paterno family missed an opportunity to put the victims first.

"The real focus should be on the victims," Kline said.

The discussion, he added, should be focused on whether the \$60-million fine levied on Penn State by the NCAA should fund part of the victims' settlements.

[See more stories ...](#)