

By Jeremy Roebuck and Jeff Gammage
Oct. 7, 2012



Sandusky wants a chance to speak out But his lawyers might not let him when he is sentenced Tuesday. Four civil suits are pending.

When he stood trial on accusations that he was a serial molester of young boys, Jerry Sandusky considered, then thought better of, taking the stand to defend himself.

Now a convicted sex offender, the former Pennsylvania State University assistant football coach will be in Centre County Court again Tuesday to be sentenced. Sandusky, his lawyer says, is pressing for another opportunity to speak for himself.

"He continues to hope he'll get another shot," defense attorney Joseph Amendola said. "This sentencing is going to be very difficult for Jerry."

Sandusky's legal team, however, has said it is leery of letting him talk. There are appeals to consider, the lawyers say. Anything he says could be used against him in future court proceedings.

And there is the memory of the awkward television interview he gave after his arrest - one that prosecutors later played to devastating effect at his trial.

His hesitance in answering the question "Are you sexually attracted to young boys?" during the interview with NBC's Bob Costas helped solidify a presumption of guilt in the minds of many.

"We've talked about being very cautious with our decision," Amendola said.

Sandusky has been held in a Centre County jail since his June conviction of sexually abusing 10 boys, some on the Penn State campus. During the two-week trial, eight young men took the stand and told harrowing tales of abuse at the hands of Sandusky, a man they once considered a mentor and a friend.

Convicted of 45 counts of child abuse, each of which can bring five to 20 years in prison, the 68-year-old Sandusky seems sure to spend the rest of his life behind bars.

The decision on where Sandusky will be imprisoned won't be made until he is formally turned over to the state corrections system.

Pennsylvania does not have a special prison for sex offenders. Instead, it has a housing unit at each prison for inmates determined to be at greater risk of victimization, who can include sex offenders. Others may be held there because of their mental capacity, lack of social skills, physical condition, or age.

Generally, Corrections Department spokeswoman Susan McNaughton said, all new male inmates first go to the State Correctional Institution at Camp Hill in Cumberland County. There they undergo an evaluation, lasting weeks or months, to determine their security level, medical needs, ability to work, and risk of reoffending. A complete history is also compiled.

All of that is used to decide which of the state's 25 prisons for men is the appropriate place, she said.

Four civil lawsuits - with more expected to follow - have been filed against the university by Sandusky's victims.

Two Penn State administrators, suspended athletic director Tim Curley and retired vice president Gary Schultz, face trial in January on charges of perjury and failing to report suspected abuse.

Since being convicted, Sandusky has regretted not speaking up for himself at his trial, Amendola said. During opening statements, the lawyer suggested his client would likely testify. But in a last-minute shift in strategy, Sandusky was never called to the witness stand.

Trial transcripts released late last month suggest defense lawyers scuttled the plan after Sandusky's adult son Matt, who earlier agreed to testify for his father, switched sides and told prosecutors he, too, had been molested.

Though no explanation was given in court for Sandusky's decision to remain mum, the transcripts depict a heated back-and-forth between the lawyers in the judge's chambers.

Prosecutors said they would call the younger Sandusky as a rebuttal witness if his father testified, the documents show. And though they later softened that stance, they were adamant that Matt Sandusky's story would be part of any cross-examination of Sandusky should he take the stand.

That, Amendola said in the transcripts, left the defense with no choice. Their client couldn't risk it.

"Mr. Sandusky had always wanted to testify. . . . He always wanted to tell people his side of the allegations," Amendola said in the judge's chambers. "However, that potential evidence, whether true or not, was so devastating."

Amendola claimed in that same meeting, the elder Sandusky's testimony was so crucial to his defense that without it there was no chance to win an acquittal.

Though it remains unclear whether Sandusky will speak at his sentencing, several of his victims have announced they will again face him. Each will be given the opportunity to deliver a victim-impact statement, whether spoken in court or delivered in writing to the judge.

For the 23-year-old man from State College, Pa., identified in court documents as Victim 5, the choice was clear from the day of Sandusky's conviction, according to his attorney, Thomas Kline.

"He felt very strongly that it was very important for him to let the court - first and foremost - but also Jerry Sandusky know the consequences of his actions and how deeply and profoundly they have affected him," Kline said.

For some, the decision has not been easy. Attorneys for several other of Sandusky's accusers said their clients had decided not to relive the emotionally wrenching experience of the trial, or had not yet made up their minds

whether to speak again in court.

Much has changed since Sandusky was convicted, and that plays into their decisions, attorneys said.

In July, the scathing university-backed inquiry led by former FBI Director Louis Freeh implicated deceased former head football coach Joe Paterno, ex-Penn State president Graham B. Spanier, and others for failing to report and fully investigate reports of a February 2001 assault.

Days after the release of the Freeh report, the NCAA imposed crippling sanctions that vacated more than a decade of Penn State football wins and created obstacles for the team's future success through the imposition of fines, removal of scholarships, and bans on postseason play.

For Victim 5, whom Sandusky molested in a locker room shower in late 2001, the ripple effect that his coming forward has had on the university and football program he once loved have created a whirlwind of complicated emotions, Kline said.

"It's now well-known through the Freeh report, had Penn State acted in February 2001, the incident affecting my client would have been prevented," he said. "That realization carries with it real consequences."

He added, speaking of his client: "There's no doubt he was very close to Penn State and now feels so betrayed and let down."