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Judge's ruling in Penn State cover-up case brings final chapter of Jerry Sandusky scandal into view

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Three former Penn State administrators suffered a big defeat Wednesday in their fight to free themselves of charges that they lied about their early knowledge of and responses to allegations of child sexual abuse by Jerry Sandusky.

In a detailed, 53-page opinion and order, Dauphin County Judge Todd Hoover methodically shot down the foundations of an attorney-client privilege argument the defendants collectively hoped would kill the prosecution's case.

With that decision in place, it now appears more likely than ever that the defendants – former Penn State President Graham Spanier, former Athletic Director Tim Curley and former senior vice president Gary Schultz – will face a trial on the Sandusky cover-up allegations.

Sandusky, the longtime defensive coordinator to legendary Penn State football coach Joe Paterno, was convicted in 2012 in a stunning case of serial child sexual abuse that spanned multiple years and multiple victims.

Spanier, Curley and Schultz, meanwhile, are accused of choosing to protect the pristine Penn State brand over sexually abused kids.

An attorney for one of Sandusky's victims expressed relief Wednesday night that a long-delayed second phase of their clients' quest for justice has life.

"It's important to recognize all of the good that Penn State has done (in the scandal's after-

math)," said Philadelphia attorney Thomas R. Kline, who represented one of the abuse victims who testified at Sandusky's 2012 criminal trial.

"It is equally important to still hold accountable those high-ranking Penn State officials who were in charge at the relevant time... And this ruling is the springboard for that final accountability phase – not in the court of public opinion but in a court of law.

"That's important in an era of: 'Let's restore the (Joe Paterno) statue; and let's restore the (vacated football) wins,'" Kline said.

Spanier, Curley and Schultz face trial on perjury, obstruction of justice and other charges stemming from allegations that they failed to report a 2001 Sandusky locker-room assault reported to them by then-graduate assistant Mike McQueary; and that, years later, they lied to state investigators about what they were told about that case and their response to it.

For more than a year, legal experts have gone back and forth over whether the charges could stick.

Hoover, in his ruling, was much more decisive.

Point by point, he found:

* Former Penn State attorney Cynthia Baldwin properly attended the defendants' grand jury appearances while representing them as agents of the university in connection with university business. None of the men, in pre-trial hearings, were able to

meet key legal tests that they ever sought personal representation from Baldwin, Hoover held.

* At the time the defendants testified before Sandusky grand jury, Baldwin had no way to know that their individual interests "would diverge from the interests of the university."

Rather, Hoover wrote, she reasonably believed all sides were trying to offer "truthful information... as agents of the university, regarding the apparent target of the investigation, Sandusky."

* As Penn State's counsel, the university held the key to Baldwin's later grand jury testimony as the obstruction investigation progressed, and Penn State's post-Spanier leaders properly agreed to waive that.

Having made those findings, Hoover dismissed motions seeking direct dismissal of the perjury and obstruction of justice counts; voiding the defendant's grand jury testimony that the perjury counts spring from; and barring Baldwin's potential appearance as a witness for the prosecution.

A spokesman for Attorney General Kathleen Kane's office cautiously celebrated the long-awaited win.

"We are currently reviewing the order, but it appears that this decision is a significant step toward holding these three individuals accountable for their actions," said Aaron Sadler. "The Attorney General is pleased that this case is moving forward."

The Spanier case is being prosecuted by an OAG team led by Bruce Beemer, Kane's First Deputy.

Still, attorneys for the defendants were conceding nothing.

Spanier's lawyer, Elizabeth Ainslie, said she expected to appeal Hoover's ruling, though even she couldn't say immediately whether that fight will come as a fresh pre-trial matter, or simply be preserved as a post-trial issue in the event her client is convicted.

Hoover still has other pre-trial matters on his plate.

The judge stated Wednesday that he will rule separately on challenges to additional charges against the former Penn State leaders of endangering the welfare of children and failing to report suspect child abuse.

It's still way too early to tell how this case will end up.

Perjury is a notoriously difficult charge to prove, and the Penn State administrators will no doubt make a case that prosecutors are assuming they knew much more about Sandusky than they did at the time.

But the ruling – coming more than two full years after some of the defense motions were initially filed - did provide all sides a sense of a logjam being broken.

And for many Pennsylvanians still stunned by the breadth of the scandal, it just might lead to one last chance to fill in some missing blanks in the sordid history of the Sandusky affair.