

**By Peter Hall**  
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## **Confronting evil**

***Sandusky's victims get a chance to tell the court how he tarnished their youth***

Two days from now in a Centre County courtroom, eight young men will have the chance to look Jerry Sandusky in the eye and describe the shame and agony he brought into their lives.

Sandusky will be forced to listen as each is given the opportunity to describe the damage done by the man who reached out as a father figure to boys in need only to prey on their trust and vulnerability.

And before the judge reveals Sandusky's fate, a sentence likely to amount to life in prison, the retired Penn State assistant football coach once known as a good guy with a heart of gold will be allowed to address the court.

Sandusky's lawyers haven't hinted at what he will say or even if will address the court. And with his hopes pinned on an appeal for a new trial, it's unlikely he'll take responsibility for his crimes and provide closure for his victims.

One, a 24-year-old man known as Victim 5 who was 11 when his abuse began, hopes to hear Sandusky acknowledge his wrongdoing rather than continue to maintain his innocence, his attorney Tom Kline said.

**"He would hope to hear Mr. Sandusky finally take responsibility for not only what he did but for the impact of what he did, not only to my client, but all the other young men he terribly and dramatically affected," Kline said.**

Sandusky, 68, will learn Tuesday how many years in prison he will serve for molesting and raping 10 young boys he befriended through his State College-based charity for disadvantaged children.

Convicted of 45 offenses, some of which carry 10- to 20-year mandatory prison terms, his sentence could approach 400 years.

The proceedings will also include a hearing where prosecutors will try to persuade Judge John M. Cleland to brand Sandusky a sexually violent predator, subject to the most stringent registration requirements under Megan's Law if he ever gets out of prison.

The charges, first filed in November, set off a sweeping scandal at Penn State that cost legendary head football coach Joe Paterno and longtime university President Graham Spanier their jobs. Two other university officials, retired Vice President Gary Schultz and Athletic Director Tim Curley, await trial on charges they lied to the grand jury that investigated Sandusky.

After an independent investigation led by former FBI Director Louis Freeh in July found evidence the university's

top leaders acted to conceal allegations against Sandusky, the NCAA slapped Penn State with an unprecedented \$60 million fine and a four-year ban on playing in college bowl games.

Some of Sandusky's victims will not attend the sentencing, preferring to leave the weight of their trial testimony on the judge's mind. But civil attorneys for two of the young men who took the witness stand during Sandusky's trial in June say their clients plan to return and offer more testimony against their attacker.

Although the eight men who did testify used their names in court, The Morning Call does not identify victims of sex crimes. Two of Sandusky's victims did not testify at his trial and have never been publicly identified.

Victim 5 was thrust into the Sandusky case when investigators tracked him down. He saw his cooperation with the state attorney general's office as a duty, Kline said.

Like Sandusky's other victims, Victim 5 met Sandusky through The Second Mile, a charity he formed in 1977 to provide foster homes for children and that later served a broader group of troubled kids.

Victim 5 stood apart from Sandusky's other victims in that he had a good relationship with both of his parents, but a school counselor thought the boy would benefit from attending a Second Mile summer camp in 1999 because English was not his native language.

Victim 5 testified that although he and Sandusky, who bonded over their shared Polish heritage, spent many days together over the next two years, he was uncomfortable when Sandusky touched his leg while they were riding in his car. And when Sandusky forced him against a wall in a locker room shower and grabbed the boy's penis, Victim 5 ended all contact with Sandusky.

Now, the opportunity to tell a judge how Sandusky's abuse deprived him of a normal childhood and left him with permanent emotional scars gives Victim 5 hope for closure, Kline said.

The right of crime victims to tell a judge how the offense affected their lives is set in Pennsylvania law. Their statements can help a judge decide how severe a criminal's sentence should be.

"The victim impact has a lot of weight because judges are human beings too," said Barbara Ashcroft, a Temple University law professor who worked as a sex crimes prosecutor in Montgomery County.

"Hearing the impact that this had on a child's life can really tug on a judge's robes, so to speak," she said.

For survivors of sexual abuse, who often suffer in silence for years, confronting an attacker can be empowering.

"This is really their one opportunity to speak from their heart and to deliver the pain and the agony that the defendant's behaviors and actions have caused them," Ashcroft said.

But those still healing sometimes lack the emotional strength to speak in court, Ashcroft said. In those cases, victim impact statements can be submitted to the judge before sentencing.

An Easton woman, who was abused by a family member when she was between the ages of 10 and 16, said writing a letter to a judge in 2010 about how the experience harmed her was among the most difficult things she has ever done.

"I wanted him to know what it caused me to be like, so closed off and screwed up," the 20-year-old woman

said.

She recalls that her letter, read to the court by a victims advocate, was brief and fell short of saying what she wanted to say.

"At the time when I actually wrote it, I felt very used and abused and messed up," she said. "I couldn't get my mind to focus."

Her mother, also of Easton, remembers the letter as an emotionally wrenching account of her daughter's confusion as a 10-year-old girl when the abuse began, and her loneliness and despair as she abided her abuser's order to hide the truth from her family.

"Whether she was happy or not, she had to put on a front and make everyone believe that she was OK," the woman's mother said. "She was suicidal, making lists of ways to kill herself. She said in her letter how he made her feel very dirty and worthless."

When her attacker had his turn to speak, his words provided little solace, the woman's mother said.

"He said basically two words, 'Just sorry,' " the woman's mother recalled. "For six years of sexually abusing my kid, that's all he had to say."

Although both the woman and her mother have contemplated seeking more of an apology from the abuser in prison, they both say the greatest comfort comes from knowing he is behind bars.

"There is no answer that he could give me that would make me feel any better or take away the pain of what he did," the woman's mother said.

Ashcroft said it's not unusual for survivors of sexual abuse to leave an attacker's sentencing unhappy with the lack of remorse or responsibility.

"When they get into court, the final piece is to have that person say, 'I'm sorry I molested you, I ruined your life.' I think that's a closure these victims rarely get," Ashcroft said. "The vast majority of them say I didn't do it."

John Waldron, an Allentown attorney who defends people charged with sex crimes, said Sandusky's best move may be to say nothing.

Sandusky's lawyer Joe Amendola has said he has warned Sandusky about making a statement at sentencing because going into specifics could haunt him if he gets a new trial.

Amendola said in an interview last month that he intends to appeal Sandusky's convictions and ask for a new trial.

He plans to argue that the trial court wrongly denied his repeated request for more time to prepare, and consequently, Amendola and his co-counsel, Karl Rominger, were unable to mount an effective defense.

If Sandusky speaks, anything he does say could be used against him in a new trial.

"His best strategy is to not say anything, take the conviction and pursue the appeal," Waldron said.

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## AT SENTENCING

In two hearings Tuesday, Jerry Sandusky will learn his punishment for sexually abusing 10 young boys between 1994 and 2009 and whether he will be classified among the most dangerous sex offenders.

### The sexually violent predator hearing

State prosecutors have asked Judge John M. Cleland to designate Sandusky a "sexually violent predator" subject to a lifetime registration requirement under Megan's Law.

A member of the state Sex Offender Assessment Board will testify about the circumstances of Sandusky's crimes and his personal history, including any instances of mental illness or substance abuse.

Sandusky's lawyers have the opportunity to rebut the testimony.

### The sentencing hearing

Under Pennsylvania's Crime Victims' Bill of Rights, the men Sandusky abused will have the opportunity to address the judge about the impact of the crimes.

Sandusky also has the right to make a statement about the sentence.

His lawyers may present mitigating circumstances, such as Sandusky's educational and family background and his lack of a criminal record.

The judge will review a pre-sentence report that includes a range of sentences in accordance with state law.

The judge must follow state sentencing guidelines or provide a clear reason for deviating from them. Sandusky's worst offenses range from 10 to 20 years, though the judge will have some leeway to decide whether the sentences should run consecutively or concurrently.