

1 COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
 2 : OF
 3 : DAUPHIN COUNTY, PENNSYLVANIA
 4 V.
 5 :
 6 TIMOTHY MARK CURLEY : No. CP-22-MD-1385-2012

6 COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
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 9 V.
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 11 GARY CHARLES SCHULTZ : No. CP-22-MD-1386-2012

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 15 :
 16 GRAHAM B. SPANIER : No. CP-22-MD-1387-2012

17 TRANSCRIPT OF PROCEEDINGS

18 PRELIMINARY HEARING

19 VOLUME 2

20
 21 BEFORE: MAGISTERIAL DISTRICT JUDGE
 22 WILLIAM WENNER

23 DATE: MONDAY, JULY 29, 2013

24 PLACE: COURTROOM NO. 1
 25 DAUPHIN COUNTY COURTHOUSE
 HARRISBURG, PENNSYLVANIA

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1 **P R O C E E D I N G S**

2 **JULY 29, 2013**

3 **AFTERNOON SESSION**

4 MR. BEEMER: Can we approach?

5 THE COURT: Yes.

6 (A discussion occurred off the record at
7 sidebar.)

8
9 **JOAN COBLE,**

10 called as a witness, being duly sworn, testified as
11 follows:

12 **DIRECT EXAMINATION**

13 **BY MR. BEEMER:**

14 Q Good afternoon. Could you please state your
15 name; spell your last name?

16 A My name is Joan Coble, C-o-b-l-e.

17 Q And could you just give us, quickly, a brief
18 recitation of your career at Penn State?

19 A I worked at Penn State for 35 years. I worked
20 in the Center for State Higher Education. In 1972 I
21 was hired there. Then I was promoted to the
22 university provost office and then promoted to the
23 senior vice-president for finance and business and
24 treasurer's office and served the majority of my years
25 at university there, serving under three different

1 senior vice-presidents: Robert Patterson, Steve
2 Garban and Gary Schultz.

3 Q Could you describe what your position -- your
4 duties were under Gary Schultz?

5 A I was the administrative assistant in the
6 office and I supervised the clerical staff and we
7 processed the daily workload.

8 Q And can you give a description of your
9 day-to-day interaction with Mr. Schultz? What type of
10 manager was he?

11 A In my opinion, probably a micro manager. He
12 had his hand on the pulse of all the units that
13 reported to him.

14 Q Who did he report to?

15 A Mr. Schultz reported to Graham Spanier, the
16 president, and ultimately the board of trustees.

17 Q Was his report -- his position as senior
18 vice-president, did he report directly to the
19 president?

20 A Yes, he did.

21 Q Would you say that -- was he interested in the
22 details of the work that he was doing? Was he a
23 detail guy?

24 MR. FARRELL: Objection, leading.

25 MR. BEEMER: It doesn't suggest the answer.

1 Was he or wasn't he, in your experience?

2 MR. FARRELL: And vague as well.

3 THE COURT: Can you answer the question?

4 THE WITNESS: I will try.

5 In my opinion, he was very detail oriented.

6 BY MR. BEEMER:

7 Q How consistent would you say he was in that
8 regard?

9 A I would say consistent with all the units that
10 reported to him.

11 Q Were you familiar at all with his background?

12 A Yes. Gary was an industrial engineer, having
13 gone to Penn State for that, and then his career
14 advanced ultimately to being the senior vice-president
15 for finance and business and treasurer.

16 Q How would he go about collecting or assessing
17 information from people that worked below him or
18 reported to him, in your experience?

19 A Well, prior to the business world taking on
20 e-mail as a form of communication, we had weekly staff
21 meetings with the various unit heads that reported to
22 Mr. Schultz. And then at some point in time along the
23 way, the business world switched to e-mail as a form
24 of communication. Then the weekly meetings perhaps
25 for some of the unit heads became monthly meetings or

1 biweekly meetings, because so much was done by e-mail.

2 Q In your experience, was he an individual --
3 everybody is different in this regard. Was he an
4 individual that took notes of things?

5 A Yes, he did take notes.

6 Q How about -- how were things organized within
7 the office. Did you have files?

8 A Yes. We had different files on different
9 subject matters, issues dealing with the senior
10 vice-president organizations, in our outer office, in
11 our hallway, in his office as well. Some in my
12 office.

13 Q Where were these files kept?

14 A Well, there were filing drawers and cabinets
15 in all the places I just mentioned.

16 Q And was there any way that the files were
17 broken up in terms of what kinds of files were kept
18 where?

19 A Yes. The more confidential files were kept
20 under lock and key in his office.

21 Q By confidential, can you give me an idea of
22 what you mean?

23 A There were some files that were, I would say,
24 concerning employee misconduct, senior executive
25 contracts. Those types of files were kept under lock

1 and key and not every secretary could access them.

2 Q He had a bookcase in his office?

3 A Yes. There was a bookcase in his office with
4 three drawers in it.

5 Q Was there a particular drawer where the most
6 sensitive or confidential files were kept?

7 A The bottom of that particular bookcase. Those
8 particular files were kept there because they were
9 equipped to handle Pendaflex hanging folders.

10 Q To your knowledge, what was the time frame of
11 the years that you worked for Mr. Schultz?

12 A Oh, gee, I would have to do the math. The
13 last 14 years of my career, which I retired September
14 30, 2007. For the last 14 years I worked for Gary
15 Schultz.

16 Q At some point, did you become aware of the
17 existence of a file in that bottom drawer involving
18 Jerry Sandusky?

19 A Yes. There was a day that Gary came to me
20 while I was working at my desk and mentioned that he
21 had a note folder for Sandusky comma Jerry and it was
22 housed in the bottom drawer of the bookcase.

23 Q Did he say anything in particular about that
24 file?

25 A Yes, as I recall, he told me not to look in

1 that file.

2 Q Could you describe -- where did that
3 conversation take place?

4 A That was right in front of my desk as I was
5 sitting there working on my computer.

6 Q How did the conversation come up? Who
7 initiated it?

8 A It came out of the blue and Gary initiated it.

9 Q Was this an unusual type of conversation for
10 you to have?

11 A The unusual aspect was his tone of voice was
12 very stern. Otherwise, it was just short and sweet.
13 It was just stated and that was it, and we both went
14 to our respective workloads.

15 Q You had been in and out of that drawer on a
16 number of occasions, given your duties?

17 A Yes, for decades.

18 Q Was there ever any other times where you can
19 recall that Mr. Schultz asked you to stay out of or
20 not go into a particular file?

21 A No. There was no other time that I recall.

22 Q Was there ever any other time that you recall
23 him using what you referred to as the "stern tone of
24 voice" in discussing matters of this nature?

25 A Not that I recall. I recall this one and only

1 time.

2 Q Can you give us, to the best of your
3 recollection, a time frame -- I know this is difficult
4 to do -- as to when you think this conversation may
5 have occurred, either by year or general -- anything
6 that you can tell the Court?

7 A There is no date or specific event that sticks
8 out in my mind. I just remember thinking at the time,
9 "I wonder what Jerry's done?" Then later, a few weeks
10 later, thinking, "It couldn't have been anything too
11 serious, he continued to coach."

12 I thought maybe it was the precursor to a
13 retirement contract, because other retirement
14 contracts were also housed in that drawer.

15 Q But did he ever tell you not to look at any of
16 the other files involving other retirement contracts?

17 A No, I filed those.

18 Q Did you ever look in it?

19 A No, I didn't.

20 Q So you followed his request?

21 A Yes, I did.

22 Q Now, during the course of your 14 years, did
23 you become familiar with Gary Schultz' handwriting?

24 A Yes.

25 Q I am going to show you, just for

1 identification purposes, a series of notes. Each
2 document has four pages to it. The one directly in
3 front of you, for identification, is Commonwealth's
4 11.

5 MR. FARRELL: Are those the ones that have
6 gone in already?

7 MR. BEEMER: Yes.

8 That is Commonwealth's 12.

9 BY MR. BEEMER:

10 Q Do you recognize the handwriting in those
11 documents?

12 A Yes. The handwriting on each document is Gary
13 Schultz'.

14 Q How was it that you would know -- strike that.
15 Were you the one responsible for filing -- for
16 placing files into that bottom file drawer in Mr.
17 Schultz' office?

18 A Yes.

19 Q How was it -- how do you know whether or not a
20 particular file sort of merited going in that location
21 as opposed to some other file drawer in that, you
22 know, in the complex?

23 A Well, I worked there for so many years that I
24 knew what files were contained there. We also had a
25 master filing list. It would have stated on there

1 that it was a folder.

2 Q Typically speaking, was that file drawer
3 locked?

4 A Yes, at all times.

5 Q Who had a key?

6 A I had a key and Mr. Schultz had a key.

7 Q MR. BEEMER: One moment, Your Honor.

8 THE COURT: Yes.

9 Mr. Beemer, for qualification, did she qualify
10 the handwriting on both 11 and 12?

11 MR. BEEMER: She did.

12 BY MR. BEEMER:

13 Q I'm going to show you a document that is
14 marked for identification as Commonwealth's 14, and
15 ask if you can identify the handwriting on that
16 particular document?

17 A That is Gary Schultz' handwriting as well.

18 MR. BEEMER: At this time, I move for
19 admission of Commonwealth's 14.

20 MR. FARRELL: Is that the single page? May I
21 see it?

22 MR. BEEMER: Yeah.

23 MR. FARRELL: Okay. No objection.

24 THE COURT: It's in.

25 MR. FARRELL: Excuse me, I don't have a copy

1 of that.

2 (A discussion occurred off the record.)

3 BY MR. BEEMER:

4 Q I am going to ask you, in your experience, Ms.
5 Coble, forgetting about the handwritten items on this
6 document, was this type of note paper, did you ever
7 recall seeing this with the Penn State logo with "from
8 Gary Schultz" on white paper? Did he ever use this
9 type of paper?

10 A Yes. We had notepads printed for anyone in
11 the office to use. They were just little small
12 notepads.

13 Q Did you become somewhat familiar with Mr.
14 Schultz' handwriting over the years?

15 A Yes.

16 Q The word on top of that particular document,
17 what is that word?

18 A Confidential.

19 Q Is there a date indicated?

20 A February 12, 2001.

21 Q In your experience, did some of the
22 administrative assistants and others, did you refer to
23 other members of the administration or others, when
24 documenting things, by their initials?

25 A Oh, yes.

1 Q Who do you know in the course of your duties
2 to be referred to as TMC?

3 A That would be Tim Curley.

4 Q What is right below that? What is the first
5 line that's there?

6 A "Talked with TMC."

7 Q Yes.

8 A That would be, "Talked with Tim Curley."

9 Q They are a little bit faint on here, but
10 little bullet points. What, in your experience, does
11 it say on that document?

12 A "Talked with TMC" -- which would have been Tim
13 Curley. "Reviewed 1998 history. Agreed Tim Curley
14 will discuss with JVP" -- which would have been Joe
15 Paterno -- "and advise we think TMC" -- Tim Curley --
16 "should meet with JS" -- Jerry Sandusky -- "on
17 Friday."

18 Q Would you go to the next section, please.

19 Can you read the top line?

20 A "Unless he confirms to having a problem."

21 The whole thing?

22 Q Can you read that word that's in quotations?

23 A It is not real dark. "Unless he confirms to
24 having a problem." Confirms is in quotes.

25 Q You read that as confirms or confesses?

1 MS. ROBERTO: Objection, Your Honor.

2 MS. AINSLIE: Objection. He is building this
3 woman up as an expert in handwriting. Now he's
4 quarreling with her.

5 THE COURT: Ma'am, do you know what that is?

6 THE WITNESS: Quite honestly, I don't have my
7 glasses with me. I'm reading this like this.

8 BY MR. BEEMER:

9 Q The next line, does it say, "TMC will indicate
10 we need to have DPW review the matter?"

11 A Yes.

12 Q "As an independent agency concerned with child
13 welfare."

14 A Yes.

15 Q "TMC will keep me posted."

16 A Yes.

17 Q Now I'm going to show you what's been marked
18 for identification as Commonwealth's 15. Ask if you
19 recognize that?

20 A Yes. This is a typical e-mail that we would
21 have processed. This one's dated February 14, 2001.

22 You want me to go on?

23 Q Yes.

24 A Um --

25 Q Before you do that, does that contain e-mail

1 addresses that you recognize?

2 A Yes.

3 Q What addresses are those?

4 A Well, my address is on there. TMC3 would be
5 Tim Curley. SMR2 would be Sandy Rogus, who was the
6 administrative assistant to Tim Curley. GCS2 is Gary
7 Schultz.

8 MR. BEEMER: Your Honor, I move for the
9 admission of Commonwealth's 15.

10 MR. FARRELL: No objection.

11 MS. AINSLIE: No objection.

12 MS. ROBERTO: No objection.

13 THE COURT: So moved.

14 BY MR. BEEMER:

15 Q On Wednesday, February 14, 2001, what does the
16 e-mail say?

17 A "Tim, Sandy, a calendar confirmation per
18 Gary's voicemail of 2/13 p.m. to me. Saturday, 2/17,
19 9 a.m. TMC with GCS" -- which would be Tim Curley
20 with Gary Schultz -- "at GCS" -- Gary Schultz --
21 "home. Thanks."

22 Q Were you ever clued in as to what the purpose
23 of these meetings were? Were you just involved in
24 scheduling?

25 A My purpose was just to schedule it.

1 Q I am going to show you Commonwealth's 16, ask
2 if you recognize that?

3 A This is an e-mail. Again, you know, this is
4 the way business was conducted. It was Thursday,
5 February 22, 2001. It was from Gary Schultz to Graham
6 Spanier, which was the GSpanier; TMC3, Tim Curley; and
7 Carolyn Dolbin, who was Graham Spanier's
8 administrative assistant; Sandy Rogus, SMR2, Tim's
9 administrative assistant. It was confirming a meeting
10 to be held on Sunday.

11 Which I said -- Gary is saying, "Graham, Tim
12 and I will meet at 2:00 on Sunday in Tim's office."
13 So Gary sent this confirming the meeting so everybody
14 had it on the calendar.

15 MR. BEEMER: I move for the admission of
16 Commonwealth's 16.

17 MR. FARRELL: No objection.

18 MS. AINSLIE: No objection.

19 THE COURT: So moved.

20 BY MR. BEEMER:

21 Q Now, Commonwealth's 17 is an e-mail you were
22 cc'd on. That's an e-mail from who to who?

23 A This is an e-mail from Gary Schultz dated
24 Monday, February 26, 2001, to Tim Curley, and I was
25 copied, and the subject is, "Confidential."

1 MR. BEEMER: Your Honor, I move for admission
2 of Commonwealth's 17.

3 MR. FARRELL: No objection.

4 MS. ROBERTO: No objection.

5 MS. AINSLIE: No objection.

6 THE COURT: So moved.

7 BY MR. BEEMER:

8 Q Can you read that e-mail?

9 A "Tim, I'm assuming that you've got the ball to
10 1) talk with the subject ASAP regarding the future
11 appropriate use of the university facility; 2)
12 contacting the chair of the charitable organization;
13 and 3) contacting the Department of Welfare. As you
14 know, I'm out of the office for the next two weeks,
15 but if you need anything from me, please let me know."

16 Q At the time you would have been cc'd on that
17 e-mail, had you been made aware of the incident
18 involving Jerry Sandusky in the showers that had
19 occurred not long before that?

20 A No.

21 Q Do you know who the subject was?

22 A No.

23 Q At that time, do you know anything about a
24 1998 police investigation involving Jerry Sandusky?

25 A No.

1 Q In fact, I'm going to show you Commonwealth's
2 18, which includes this original of Commonwealth's 17,
3 and ask you to identify that. Do you recognize that?

4 A Yes.

5 Q Were you involved in that particular event?

6 A Pardon?

7 Q Were you involved in that particular e-mail?

8 A Yes. This e-mail was sent to me in response
9 to a question.

10 Q Who sent it to you?

11 A Tim Curley.

12 MR. BEEMER: Your Honor, I move for the
13 admission of Commonwealth's 18.

14 MS. ROBERTO: No objection.

15 MR. FARRELL: No objection.

16 MS. AINSLIE: No objection.

17 THE COURT: So moved.

18 BY MR. BEEMER:

19 Q That original e-mail, which is Commonwealth's
20 17, is that contained at the bottom of this particular
21 document?

22 A Yes, it is.

23 Q At some point, in response to that
24 Commonwealth's 17 that Gary Schultz sent to Tim
25 Curley, what happened? What happens? Is there any

1 sort of response?

2 A Yes. This is something I would have placed in
3 a tickler file to ensure that we got a response from
4 Tim Curley while Gary was on vacation. I asked him if
5 he updated Gary. He responded back, "I just gave him
6 the update." So I knew that my task was done.

7 Q So in other words, you wrote on 3/7/01, "Tim
8 have you updated Gary lately? Before he left for
9 Florida, he asked me to check with you re this."

10 He responded, "I just gave him the update."

11 A Correct.

12 Q At this point, other than doing your work to
13 make sure that this was followed up on, do you know
14 what the subject was?

15 A No.

16 Q In your 14 years -- and I would like to focus
17 on 1995 until you retired in 2007.

18 A Correct.

19 Q In Mr. Schultz' job, how often did he have to
20 deal with or respond to issues involving the president
21 of the university?

22 A Quite a bit, because, you know, he reported to
23 the president directly, as did the provost. So very
24 often.

25 Q So in your experience during that period of

1 time, did they have a lot of communication?

2 A Yes.

3 Q Now, do you know that one of Mr. Schultz' job
4 was to oversee the university police department?

5 A Yes. That was one of the units that reported
6 to him.

7 Q During the course of your time, did you deal
8 with issues in which Mr. Schultz was kept apprised or
9 would deal directly with the police, whether it was a
10 particular incident or some sort of campus issue
11 involving the police?

12 MR. FARRELL: Objection, leading.

13 MR. BEEMER: I'll rephrase it.

14 BY MR. BEEMER:

15 Q Did you ever know Mr. Schultz, in his job as
16 overseeing the university police department, to deal
17 directly with the police?

18 A Yes.

19 Q And how often would you say that occurred?

20 A Well, as I stated before, all the unit heads
21 had weekly talks with Gary, scheduling with Gary, and
22 they reviewed items of concern, interest, FYI with him
23 on a weekly basis. Then, at some point in time the
24 technology changed to e-mail and the need for those
25 weekly meetings was lessened to bimonthly or monthly

1 meetings because of the e-mail dialogs.

2 Q Was there a sort of set period of time in
3 which the president would meet with senior members of
4 his administration?

5 A Yes. He had weekly Monday president council
6 meetings in the afternoons.

7 Q Were those that Mr. Schultz regularly
8 attended?

9 A Yes.

10 Q Is it fair to say that unless one of them was
11 not around, they would see each other at least once a
12 week on that Monday?

13 A Yes.

14 Q If you know, did you typically get -- did you
15 receive Mr. Schultz' e-mail? Do they come directly to
16 you or did he only get them himself? In other words,
17 would you filter out e-mails that came in on that
18 GCS2@psu.edu?

19 A Not usually. There may have been cases toward
20 the end of my employment when he was on vacation, but
21 that was the only time. Normally, they went directly
22 to him.

23 MR. BEEMER: That's all I have, Your Honor.

24 THE COURT: Cross.

25

CROSS-EXAMINATION

1
2 BY MR. FARRELL:

3 Q Good afternoon, Miss Coble.

4 A Good afternoon.

5 Q I am Tom Farrell. I represent Gary Schultz in
6 this matter.

7 You described a statement Mr. Schultz made to
8 you, "Don't look in this file?"

9 A Correct.

10 Q And he had in his hand a file at that time?

11 A No. What he said to me is, "I have placed a
12 manila folder in the bottom locked drawer of the
13 bookcase where only you and I access it. Don't look
14 inside."

15 Q Did he identify that file to you?

16 A By name, yes; Sandusky, Jerry.

17 Q He told you there was a file labeled Sandusky,
18 and don't look?

19 A Correct.

20 Q And you mentioned that this was while Mr.
21 Sandusky was a coach at Penn State?

22 A To my recollection, yes.

23 Q Do you recall how long it was before Mr.
24 Sandusky retired?

25 A No, I don't.

1 Q Was it more than five years before he retired?

2 A Honestly, I don't recall. I just recall
3 thinking to myself, you know, "I wonder what this is
4 about?" Then thinking, "Well, I'm not to know," and I
5 had other workload issues and I just kept on working
6 and didn't dwell on it. I followed directives.

7 Q A brief conversation?

8 A Pardon me?

9 Q A brief remark?

10 A Very brief. It was just that and then we each
11 went on to our own work loads.

12 Q In fact, it wasn't even a conversation. It
13 was not back and forth; it was just a statement?

14 A No, it was just a statement. I said, "Okay."
15 That was it.

16 Q It could have been more than five years before
17 Mr. Sandusky retired?

18 A Honestly, I don't know.

19 Q Was anyone else present when Mr. Schultz made
20 this remark?

21 A No. He and I were in my office. He walked in
22 my office. I was working. That's when it took place.
23 There was no other person there.

24 Q You didn't make any record of that, did you?

25 A I didn't see a need to. Since I was not going

1 to disobey, I saw no need to worry about it further.

2 Q Sure.

3 You had in your office the keys to that filing
4 cabinet?

5 A I had a key and he had a key.

6 Q But a key to the filing cabinet we're talking
7 about?

8 A Correct.

9 Q Which is the bookcase in Mr. Schultz' office?

10 A Correct.

11 Q The bookcase that had, as you described it,
12 three drawers at the bottom of it?

13 A Yes, correct.

14 Q And the bottom drawer of the filing cabinet
15 contained confidential files?

16 A Yes.

17 Q Had you ever, before the day that Mr. Schultz
18 made this remark, had you ever before seen in that
19 drawer a file labeled Sandusky?

20 A No. Now that you mentioned it, no.

21 Q Do you recall if you did?

22 A I recall I did not.

23 Q Were there files pertaining to other
24 university staff in that bottom drawer?

25 A Yes.

1 Q You mentioned the master file list. Did that
2 identify which files were where?

3 A Yes.

4 Q Did it identify that Sandusky file as being in
5 that bottom file drawer?

6 A I can't say with 100 percent certainty, but in
7 my opinion I think it said on the bottom drawer -- it
8 would have listed Sandusky comma Jerry.

9 Q The master file list, to whom was it
10 distributed?

11 A The clerical staff in the office.

12 Q Meaning staff in addition to you?

13 A Correct.

14 Q There were a number of clerical staff who
15 worked in the finance and business office, let's say
16 the frame period of 1995 to your retirement, in
17 addition to you, weren't there?

18 A Yes.

19 Q There was a Miss Witherite?

20 A Yes.

21 Q Miss Barner, Miss Oyler, they were also people
22 that worked there?

23 A Correct.

24 Q A Miss Tressler?

25 A Correct.

1 Q And when you retired in 2007, did one of them
2 replace you or did someone else replace you?

3 A Someone else.

4 Q Was that Miss Belcher?

5 A Yes, correct.

6 Q Did you convey to any of the people that we
7 just went through, the instructions not to look in the
8 Sandusky file?

9 A Not to my knowledge.

10 Q I'm asking if you did. So you don't remember
11 conveying that?

12 A I don't remember conveying that, but they
13 didn't typically ever file in that drawer, so it was a
14 moot point, nor did they have the keys to it.

15 Q When you retired in 2007, someone else took
16 over?

17 A Yes, Kim Belcher.

18 Q Kim Belcher. She took over the keys to that
19 drawer?

20 A Correct.

21 Q You had, by the side of your desk, a cabinet
22 for keys, didn't you?

23 A By the side of my desk?

24 Q Yes, in your office?

25 A (No response.)

1 Q Was there a cabinet which held keys to various
2 filing cabinets?

3 A In the hallway, yes.

4 Q Was the key to the bottom bookcase drawer in
5 that filing cabinet in the hallway?

6 A To my recollection, no. There was a key in my
7 desk and a key in Gary's desk.

8 Q You say there was a key in Gary's desk. How
9 do you know that?

10 A Because if I were in his office filing and I
11 forgot to take my key in, I would access with his key
12 and put it back.

13 Q Did you ever see Mr. Schultz do any filing of
14 his own?

15 A I never saw him filing, but I had been in his
16 office when the drawer was open and I knew he was, you
17 know, perhaps working on something and had retrieved
18 it from there. You know, he would go down the
19 hallway, the drawer was closed, so I knew he had been
20 in there.

21 Q To get something out and perhaps put it back
22 in?

23 A Correct.

24 Q The normal course of business; however, with
25 notes like we saw, it was to the secretarial staff to

1 file those. It was left to you folks to file them in
2 the various files?

3 A The notes like were displayed?

4 Q Yes.

5 A Not those particular notes, no. I never saw
6 them before.

7 Q You don't know if someone else might have
8 filed them?

9 A Let me rephrase. The e-mails concerning
10 scheduling of meetings, yes. The other notes, no.

11 Q When you say the e-mails concerning scheduling
12 of meetings, you mean the exhibits we saw?

13 A The exhibit where Tim Curley has said, "I just
14 provided him the update." That would have tied in
15 with a meeting confirmation or a tickler file that I
16 was monitoring to make sure that Tim had responded.
17 That would have been treated differently.

18 Q Treated differently from notes, is that what
19 you are saying?

20 A That would have been -- yes, because I was
21 responsible for the organization of the office and
22 that tied in with scheduling of calendar and tickling
23 of files.

24 The other notes I had never seen before, so I
25 can't address that.

1 Q In the general course of your work, you
2 mentioned that Mr. Schultz took notes?

3 A Yes.

4 Q You saw him take notes during meetings,
5 correct?

6 A Correct.

7 Q Not in every meeting he was in, but some
8 meetings?

9 A Correct.

10 Q And the notes from those meetings, did you
11 file those notes or did Mr. Schultz?

12 A It would depend on the meeting we're talking
13 about.

14 Q Sometimes you, sometimes him?

15 A Sometimes. It depends on the meetings. If it
16 were a subjective meeting where the file was kept in
17 the outer office file or hallway files, yes, I would
18 have filed that.

19 Q The bookcase in Mr. Schultz's office, you did
20 do filing in that bookcase?

21 A Correct.

22 Q So if notes went into that bookcase, you might
23 have filed them?

24 A Correct, but not in the Jerry Sandusky file.

25 Q Let me show you what I am going to mark

1 Defense Exhibit A for identification.

2 Does the first page of Exhibit A -- I
3 apologize for talking to you with my back to you.

4 A I heard you.

5 THE COURT: Mr. Farrell, can I have a copy of
6 what you are referencing?

7 MR. FARRELL: Sure.

8 BY MR. FARRELL:

9 Q What I marked as Defense Exhibit A, does it
10 look to be the same series of e-mails on February
11 26th, March 7th, and on March 7th, between you and Mr.
12 Schultz and Mr. Curley, as also appears in
13 Commonwealth Exhibit 18. Do you have 18 in front of
14 you?

15 A Yes. They seem the same.

16 Q Okay, except Exhibit 18 has at the top a
17 stamp, OAG?

18 A Which one are you talking about?

19 Q 18, the one Mr. Beemer showed you.

20 A Okay.

21 Q You see that OAG?

22 A Yes.

23 Q Which stands for Office of Attorney General, I
24 will tell you?

25 A Correct.

1 Q That was not something that was printed at
2 Penn State, was it?

3 A No.

4 Q Exhibit A, at the top it says, "Tim Curley, re
5 forward confidential?"

6 A That's correct.

7 Q At the bottom of Exhibit A, there is also
8 something printed that is not on Exhibit 18. What is
9 at the bottom of Exhibit A? Can you read that for us?
10 The very last line?

11 A I should have brought my glasses. Of all the
12 things.

13 Q Can you see what it says?

14 A "As you know," is that what you mean?

15 Q No, no. It says, "Printed for Joan Coble?"

16 A Yes, I printed this.

17 Q So you printed that, this e-mail?

18 A Yes.

19 Q And you filed it then?

20 A I filed it in a specific location.

21 Q Do you remember where?

22 A Absolutely.

23 Q Do you remember where you filed it?

24 A Absolutely. We had a color-coded filing
25 system. Gary was on vacation, so I would have put it

1 in a red rush folder, so when we returned he would
2 immediately see this and refresh his memory that Tim
3 had given him the update. Then my task of tickling
4 this was completed.

5 Q And then do you know what happened to it after
6 it went into the red tickler folder?

7 A I will be very candid, this is many years ago.

8 Q Sure.

9 A No.

10 Q Was it the usual course of business that you
11 would then file those documents away?

12 A The usual course of business, yes.

13 Q You don't remember if that usual course was
14 that was filed or not filed, this document?

15 A Not this many years ago. There were many,
16 many, documents that we printed from e-mail and filed.
17 Quite honestly, after Tim said that he provided the
18 update and my tickler administrative task was
19 completed, I would have ripped up my copy.

20 It could have ended that this was the mail
21 copy, put it in the file.

22 Q And you would put the mail copy in the file?

23 A No. It could have ended up that Gary kept the
24 mail copy and put it in the file.

25 Q But you don't know?

1 A I don't know because this was many, many years
2 ago.

3 Q Would you look at the next two pages stamped
4 -- stamped Exhibit A, page 2. I will read it. Tell
5 me if I got it right. I'm trying to help you out.

6 A I can probably read it.

7 Q Go ahead, please?

8 A Are you talking about TMC?

9 Q Yes.

10 A "If TMC" -- which is Tim Curley -- "hasn't
11 updated GCS" -- Gary Schultz -- "by next week, 3/16,
12 JLC" -- meaning myself -- "to ask Tim Curley to send
13 Gary Schultz an e-mail to update regarding status of
14 enclosed." And I would have stamped this confidential
15 and I would have put it in the tickler file to ensure
16 that this actually happened.

17 Q A tickler file to tickle your memory?

18 A Correct.

19 Q This confidential stamp was a stamp you kept?

20 A Correct, which was because I was watching this
21 while Gary was on vacation.

22 Q Were you aware that this, this update,
23 concerned Jerry Sandusky?

24 A No.

25 Q You don't recall being told anything about

1 what the topic of the update was?

2 A I recall never being told the topic, nor did I
3 ask, because my task was the tickler. You didn't
4 always have a need to know and you didn't ask.

5 Q If your eyes are pretty good, I think that's
6 three slash six, not three one six.

7 A Well, I need my glasses.

8 Q I'm sorry. I don't mean to embarrass you, but
9 the next - - -

10 A No, you are just being very factual. Of all
11 the things not to bring in.

12 Q I think my glasses are in the Pita place down
13 the road.

14 A Yours wouldn't work.

15 Q Mine are kind of greasy now, unfortunately.
16 Now, what you just read so well, "status of
17 enclosed," does that appear to refer to the next page
18 in Exhibit A?

19 A Yes.

20 Q Is that an e-mail -- that's a copy of the
21 February 26, Tim-I'm-assuming-you've-got-the-ball
22 e-mail?

23 A Correct.

24 Q So what appears to have happened is you staple
25 the tickler reminder to a printout of Mr. Schultz'

1 February 26th e-mail?

2 A Correct.

3 Q And kept that to remind you to do what he had
4 requested you do if Tim had not called by March 6th?

5 A That's right.

6 Q And on 8:54 am on March 7th, you did call him?

7 A Right.

8 Q So as soon as March 6th passed, you did what
9 you were instructed to do. It seems -- you were very
10 diligent in making sure that Mr. Schultz' instructions
11 were carried out in all matters?

12 A Right. That was my job.

13 Q Did you also have supervisory authority over
14 the other staff, administrative staff in finance and
15 business?

16 A Over two of the other administrative staff,
17 because our offices merged several years prior with
18 the business office. Over those clerical people, not
19 as much directly.

20 Q What two people were those?

21 A There was a number of individuals that came
22 and went.

23 Q But when you left, Miss Belcher took over
24 those responsibilities?

25 A That's correct.

1 Q Was there some -- there was overlap in time
2 between you and Miss Belcher, wasn't there?

3 A She trained with me for a period of one month.
4 Actually, it was three weeks, because I had the flu
5 the one week.

6 Q Well, during that three-week period, you
7 explained to her the office procedures, right?

8 A As much as we could get accomplished, yes.

9 Q You reviewed with her the location of various
10 important materials in the office?

11 A Yes.

12 Q Showed her the master file list and reviewed
13 that with her?

14 A I showed her the master file list. I didn't
15 go through them one-by-one because it was obvious.

16 Q Did you communicate to her Gary Schultz'
17 instruction that no one was to look in the Sandusky
18 file?

19 A Not to my knowledge, because that was years
20 past. It was on the list. I just didn't go through
21 one-by-one.

22 Q You had forgotten about that instruction?

23 A It didn't come to mind to single that out to
24 her, no.

25 Q So did you ever communicate that instruction

1 not to look in the Sandusky file to any other member
2 of the administrative staff at any time?

3 A Not to my recollection. Again, as many years
4 prior, I don't remember saying it to anyone.

5 Q It sounds like you did nothing to prevent
6 anyone else on staff from looking in the file other
7 than possessing the keys?

8 A Well, they couldn't have looked in if they
9 wanted to, they didn't have the keys to access it.

10 Q After you retired, the keys passed to Miss
11 Belcher?

12 A Correct.

13 Q Who had not been instructed not to look in
14 that file?

15 A I did not instruct her, to my memory. Perhaps
16 Gary did, but I did not, that I recall. We covered a
17 lot of material in three weeks.

18 Q Did you ever hear Gary Schultz tell Miss
19 Belcher not to look in that file?

20 A No, because the time I spent with her was
21 one-on-one and did not include Gary.

22 Q So the answer is no?

23 A Correct, the answer's no.

24 Q Um, did you attend -- sit in on the
25 president's council meeting with Mr. Schultz?

1 A No. Administrative assistants and clerical
2 people normally never were included in those meetings.
3 It was for the administrators.

4 Q Sometimes the director of police services
5 attended the meeting, as far as you knew?

6 A You are making a distinction between
7 administrative assistants and department heads, VPs or
8 assistant VPs. Yes, they could have attended.

9 Q But not you?

10 A No. You would have had to have been invited
11 with a specific purpose.

12 Q Did you attend -- how frequently did you
13 attend meetings that Mr. Schultz may have had with Tom
14 Harmon?

15 A I never attended meetings with his
16 vice-president counterparts that reported to him,
17 because that wasn't in my job description, unless
18 there were minutes to be taken and I was specifically
19 invited to a meeting. That would have been the only
20 case.

21 Q But as you sit here today, you don't recall
22 ever attending a meeting between Mr. Schultz and Mr.
23 Harmon?

24 A No, I don't.

25 Q So you wouldn't know what level of detail Mr.

1 Schultz and Mr. Harmon may have discussed things in
2 those meetings that you did not attend?

3 A That's correct.

4 Q Just two more brief areas to follow-up.

5 A Okay.

6 Q The system of having confidential files in
7 that bottom bookcase filing drawer, did that exist
8 before Mr. Schultz started or did it start with him?

9 A That existed before.

10 Q So previous senior vice-presidents kept
11 confidential files in that locked bottom drawer,
12 right?

13 A Correct.

14 Q And the Sandusky file might have existed in
15 there before Mr. Schultz took that position?

16 A No.

17 Q You say no, why?

18 A Because as I said before, there was a day when
19 Gary came and interrupted me and said, "I have placed
20 a manila folder in the bottom case of the bookcase,
21 Sandusky, Jerry. Don't look in it." It was he
22 himself did that on that day.

23 Q Okay. The manila -- do you know if otherwise
24 there was a file, a Pendaflex file?

25 A We had hanging Pendaflex green files with

1 manila files placed inside, because typically this
2 bookcase was not designed and it had to be fitted for
3 Pendaflex files. It was designed to be a piece of
4 furniture in your office and not a filing cabinet.

5 Q I think I understand now.

6 That bottom drawer, did it contain any police
7 matters that you knew of?

8 A Yes. There were employee misconduct files
9 along with executive contract files. At one point,
10 malpractice files.

11 Q Both during Mr. Schultz's term and before,
12 those were the kinds of files that were there?

13 A Before, they were basically contract files and
14 there could have been a few employee misconduct files.

15 Q Did Mr. Schultz ever tell you to destroy any
16 documents?

17 A No.

18 Q To your knowledge, did he ever destroy any
19 confidential files?

20 A Not to my knowledge.

21 Q Or any files of any kind?

22 A Not to my knowledge, but I'm not certain I
23 would always be privy to that. To my knowledge, no.

24 Q Were you aware of the system he had to save
25 his e-mails?

1 A Yes, but again, you are talking many years ago
2 and our computer network staff was far more
3 understanding of that than I was. But I knew about
4 it. I just wasn't involved in it.

5 Q So you knew -- well, what do you know about
6 that?

7 A I knew to call Steve Neeper and not get myself
8 in trouble.

9 Q But you knew, basically, Mr. Schultz had set
10 up with Mr. Neeper a system to archive?

11 A Right. I knew about an archiving system.

12 Q To archive or save all of Mr. Schultz'
13 e-mails?

14 A Right.

15 Q As far as you knew, that was followed?

16 A As far as I knew, yes.

17 MR. BEEMER: I have no other questions.

18 BY MS. ROBERTO:

19 Q Hello, Ms. Coble. I am Caroline Roberto. I
20 am Mr. Curley's attorney.

21 These are magnifying glasses.

22 A I may need to use them.

23 Q You may need to.

24 You said earlier in your testimony that Mr.
25 Schultz would have weekly staff meetings with units, I

1 thought you said?

2 A Unit heads.

3 Q Unit heads. How would you define a unit?

4 A If you get the Penn State work chart out, a
5 unit head is a vice-president or assistant
6 vice-president that governed a certain section that
7 reported in to the senior vice-president, to the
8 president, to the board.

9 Q So a unit head would not be a department head?

10 A Well, maybe I spoke generally.

11 A unit head is different from a department
12 head. That is lower on the hierarchy; a department
13 head.

14 Q A department head.

15 Now, you knew Mr. Curley to be the athletic
16 director, so he was the head of the athletic
17 department; is that fair to say?

18 A Yes, he was the athletic director or the head
19 of the athletic department.

20 Q How would you characterize his relationship,
21 his working relationship, with Mr. Schultz?

22 A Very congenial, very professional.

23 Q Was Mr. Schultz in a supervisory capacity of
24 the athletic department?

25 A You would have to look at the Penn State

1 history, because athletics was moved different times
2 under different administrators. I think there was a
3 brief period of time when yes, that was the case.

4 I do not recall the dates.

5 Q Okay.

6 Was that during your period, though, when you
7 were working for that 14 years?

8 A Yes, because I worked there for a very long
9 time.

10 Q And in the time period that you were working
11 for Mr. Schultz, how often would you be aware that Mr.
12 Curley and Mr. Schultz were meeting together in
13 person, maybe at your offices?

14 A I would say a good bit of the time, because a
15 lot of this was corresponded by e-mail. Especially if
16 there was a meeting that had to be put on the
17 calendar, I would have been copied. So a good bit of
18 the time, unless it was social, I would have known to
19 get it on the calendar.

20 Q Would you say that Mr. Curley and Mr. Schultz
21 would meet weekly at your offices, if you recall?

22 A I would say the same thing as I've said
23 before. Probably yes, until the point in time when
24 the technology changed the business to e-mail and then
25 less so. However, you know, they were social

1 acquaintances too.

2 Q And -- strike that.

3 With these e-mail confirmation of meetings, I
4 want to call your attention to Commonwealth Exhibit
5 number -- I believe it's No. 15?

6 A Where are these marked?

7 THE COURT: Bottom left-hand.

8 THE WITNESS: I'm not sure these will work.

9 MS. ROBERTO: They are pretty strong.

10 BY MS. ROBERTO:

11 Q I will call your attention to Commonwealth
12 Exhibit No. 15.

13 A Okay.

14 Q And on the subject line of that e-mail, it
15 says, "Confirming Saturday 2/17 meeting?"

16 A Right.

17 Q Is there any notation on that particular
18 e-mail that the meeting was confidential or this
19 document was confidential?

20 A It does not specifically say confidential on
21 it, no.

22 Q The next exhibit is Commonwealth Exhibit 16.
23 It's another e-mail. I want to call your attention to
24 the subject line again. The subject line states, does
25 it not, "Meeting on Sunday?"

1 A Correct.

2 Q And that e-mail also does not have any
3 notation that it was confidential, correct?

4 A Correct.

5 Q Now, the next e-mail is, or the next exhibit,
6 is Commonwealth Exhibit No. 17.

7 A Okay, got it.

8 Q The subject line on that e-mail does state
9 "confidential," does it not?

10 A Yes, correct.

11 Q Other than these dates of these three e-mails.
12 Commonwealth 15, Commonwealth 16, Commonwealth 17,
13 other than them being close in time, is there any
14 notation on the e-mails themselves that 15 and 16 are
15 related to 17 in subject matter?

16 A No.

17 Q And did you have any personal recollection of
18 whether those meetings were related to the
19 confidential --

20 A No.

21 MS. ROBERTO: May I have my glasses back?

22 THE WITNESS: I guess. If you must.

23 BY MS. ROBERTO:

24 Q Now, as you said, Mr. Curley and Mr. Schultz
25 would meet often on a variety of matters; is that fair

1 to say?

2 A Yes.

3 Q So when they were meeting on February 17th, it
4 could have been on a variety of different matters.
5 You have no knowledge what the meeting was about?

6 A That is correct, I have no knowledge of the
7 specifics.

8 Q And as well, on the Sunday at 2:00 meeting in
9 Tim's office, as stated in Commonwealth's 16, you have
10 no idea what that meeting was about either?

11 A That's correct. I do not.

12 MS. ROBERTO: That's all I have. Thank you.

13 MS. AINSLIE: My turn.

14 BY MS. AINSLIE:

15 Q Good afternoon.

16 A Good afternoon.

17 Q I'm Elizabeth Ainslie. I am Graham Spanier's
18 lawyer. I have just a few questions.

19 A Okay.

20 Q Maybe only one subject matter.

21 You said, I think, there was a time that -- I
22 think actually many of us remember -- where things
23 switched over to electronic and e-mails became more
24 common?

25 A Correct.

1 Q Do you have any recollection as to about what
2 years those were?

3 A No. Honestly, I would have to sit down with a
4 Penn State calendar. Then I could tell you very
5 easily. Off the top of my head, no particular date
6 comes to mind.

7 Q But during that -- if I suggested to you that
8 it was in the 1996 to 2003 period, does that sound
9 about right? Somewhere in there?

10 A It sounds reasonable, yes.

11 Q Okay. And whenever it was during that period,
12 roughly, were there glitches?

13 A Were there glitches?

14 Q Glitches?

15 A What do you mean by "glitches?"

16 Q When e-mails got eaten up, when the system
17 went down, when you would get three e-mails identical,
18 or any of those things. Was it trouble free, is what
19 I am trying to say?

20 A Technology is never trouble free, but Steve
21 Neeper, the computer expert, could speak to that with
22 more certainty. But it was never 100 percent perfect.

23 Q So in your experience? I will ask Mr. Neeper.

24 A In my experience, there were occasional
25 glitches, but more often than not it worked fairly

1 well.

2 Q Sometimes there were glitches, that's all I
3 wanted.

4 And one last thing, the president's council,
5 Gary Schultz regularly went to those, I take it?

6 A Yes, always. If he did not, there was a
7 representative from finance and business who attended.

8 Q If he was on vacation?

9 A Correct.

10 Q And to your knowledge, all the other
11 vice-presidents and deans went there, to the
12 president's council, as well on a weekly basis?

13 A Correct.

14 MS. AINSLIE: Thank you. I have nothing
15 further. Thank you, Miss Coble.

16 MR. BEEMER: No redirect.

17 MR. FARRELL: Your Honor, may I move into
18 evidence Defendant's Exhibit A?

19 THE COURT: Any objections?

20 MR. BEEMER: No.

21 THE COURT: So moved.

22 You can step down. Thank you very much.

23 MR. BEEMER: Can we approach for one second?

24 (A discussion occurred off the record at
25 sidebar.)

1 (The Court took a recess.)

2

3

AFTER RECESS

4

KIMBERLY BELCHER,

5 called as a witness, being duly sworn, testified as
6 follows:

7

DIRECT EXAMINATION

8 BY MR. BEEMER:

9 Q Good afternoon. Could you please state your
10 name.

11 A Kimberly Belcher.

12 Q Spell your last name.

13 A B-as in boy-e-l-c-h-e-r

14 THE COURT: Kim, I need you to keep your voice
15 up. Talk as close to the mike as you can. It is hard
16 to hear.

17 BY MR. BEEMER:

18 Q Ms. Belcher, you are here to testify in this
19 particular preliminary hearing. And do you understand
20 that this morning Judge Hoover signed an order
21 granting you immunity from prosecution for anything
22 that you may testify to here today?

23 A Correct.

24 Q You understand that was requested by your
25 attorney, who I believe is in the courtroom?

1 A He is.

2 Q You understand that the immunity order does
3 not insulate you from your duty to tell the truth here
4 today or from possibly being prosecuted for perjury if
5 you fail to tell the truth?

6 A I do.

7 Q And you understand that this -- it's called --
8 this particular immunity agreement deals with
9 something that we're going to have you testify about
10 regarding your removal of documents from Mr. Schultz'
11 office and transporting those documents to a
12 particular location?

13 A Correct.

14 Q You understand that is the subject of the
15 immunity order?

16 A I do.

17 Q You've had an opportunity to discuss this with
18 your counsel?

19 A I have.

20 Q Miss Belcher, back in 2007, did you take a job
21 at Penn State University?

22 A I started at Penn State in 2006, but I did
23 move into a position in 2007.

24 Q What was your previous employment history
25 prior to taking a job at Penn State?

1 A I was in the Air Force for 20 years.

2 Q What did you do in the Air Force?

3 A Administrative and contracts, contract
4 management.

5 Q What was your first job at Penn State in 2006?

6 A I was a contract specialist at the applied
7 research lab.

8 Q At some point in 2007, you took on a new job
9 there?

10 A Correct.

11 Q Can you describe that?

12 A That's at the time that I moved into the role
13 of the assistant to the senior vice-president for
14 finance and business.

15 Q At the time, who was that?

16 A Gary Schultz.

17 Q Who did you replace?

18 A Joan Coble.

19 Q And did you work for Gary Schultz from 2007 up
20 'til 2011, with there being a gap in time when you
21 worked for Al Horvath?

22 A Gary retired and later came back.

23 Q He came back in 2011?

24 A Correct.

25 Q Could you describe, in your position working

1 for Gary Schultz, how would you describe him?

2 A Um, I would say that he was -- as a boss, he
3 was fair, demanding. He trusted his people to know
4 their jobs, but also wanted to make sure that he was
5 informed on everything so that he did not want to be
6 caught off guard. So he needed to be informed of
7 everything so he wasn't caught off guard.

8 Q How would you describe -- in your experience,
9 did you sit in meetings with him?

10 A I was in staff meetings, just the staff
11 meetings. I didn't sit in on other meeting.

12 Q Did you ever observe him take notes?

13 A Like I would see when he would come back from
14 meetings, because I would take his folders back. So
15 yes, there were notes from the meetings that he
16 returned from.

17 Q How often did you observe, during your course
18 of time there with Mr. Schultz, did he regularly
19 communicate with the president, the president's
20 office?

21 A Yes, he did.

22 Q How often would that occur?

23 A Frequently. Daily, depending on, I guess,
24 what was going on. If there was something urgent that
25 the president needed to be made aware of, he would

1 schedule to see him that day, if he could get in.

2 Q If you know, how would you describe their
3 relationship?

4 A I think they had a very good relationship.

5 Q Now, when you were working for Gary Schultz,
6 did you become aware of a particular way that files
7 would get -- was there a particular filing system or a
8 way that files would end up in certain places?

9 A Yes. There was the main central files, I
10 guess, if you will, that was out in more of the outer
11 office where ordinary files would go, and then he had
12 some files that were more of a confidential nature
13 that were kept in his bookshelf or bookcase in his
14 office.

15 Q And were you -- I'm going to kind of fast
16 forward you to the first week in November of 2011;
17 specifically, November 5th, 2011, a Saturday. Was
18 Gary Schultz your boss at that time?

19 A Yes.

20 Q At that time, say Friday, November 4th, were
21 you aware of the existence in that office of a file
22 involving Jerry Sandusky?

23 A No.

24 Q Did anybody ever tell you about the existence
25 of any sort of file involving Sandusky?

1 A Not that I can recall, no.

2 Q Do you know who Sandusky was?

3 A No.

4 Q So prior to that day, if somebody had said the
5 name Jerry Sandusky, you wouldn't have known he was a
6 prior football coach at Penn State?

7 A No.

8 Q On that Saturday, did you become aware of
9 something going on at Penn State?

10 A I did.

11 Q Tell the Judge about that.

12 A Um, I received an e-mail sometime, I think it
13 was that morning of Saturday, November 5th, that Dr.
14 Spanier was calling a meeting, a president's council,
15 and that the finance and business direct reports were
16 invited to attend that meeting.

17 I think at that time that first e-mail was
18 that the meeting was going to be held on Sunday, but
19 then there was another e-mail that came out saying
20 that it had been changed to Saturday.

21 So normally I would not attend president's
22 council meetings, so even when Gary's direct reports
23 went, I normally did not. So I sent Gary an e-mail
24 and asked him, Gary, if this should be a meeting that
25 I should plan to attend, and he said yes, I should

1 plan to be there.

2 Q Was the president of the university, Graham
3 Spanier, there?

4 A Yes.

5 Q How about the chairman of the board of
6 trustees, Steve Garban?

7 A He was there.

8 Q Was Tim Curley there?

9 A He was not.

10 Q Was anybody from his staff there?

11 A Not that I am aware of, but I don't know for
12 certain, but I don't believe so.

13 Q And what occurred during the meeting?

14 A At that point, Gary was there. His attorney,
15 Tom Farrell, was on the phone. Cynthia Baldwin was
16 there and Dr. Spanier was talking and he -- and I
17 don't remember exactly word for word who said what,
18 but basically the events that were happening to Gary
19 and Tim at the time were told to us.

20 Q And how would you characterize Graham
21 Spanier's attitude towards Gary Schultz and Tim
22 Curley?

23 A Supportive.

24 Q Why do you say that? Was it something
25 specific?

1 A Because he said they were still planning to
2 come to work on Monday. As of this meeting on
3 Saturday, they would still be reporting back to work
4 on Monday and I believe he said that they would
5 support them; that they were planning to support them.

6 Q And did that, in fact, happen? Did Gary
7 Schultz come to work that Monday?

8 A No, sir.

9 Q That would have been Monday, November 7th?

10 A Correct.

11 Q Did you see him again in the office?

12 A No.

13 Q Did you end up going into that bottom file
14 drawer that you knew contained confidential files?

15 A I did.

16 Q Why?

17 A I was taking -- it was earlier in that week
18 when Gary let me know that he would not be returning
19 back to work, obviously, and that he would need to
20 coordinate a time for him to get his personal things
21 out of the office.

22 He later let me know that there was only one
23 thing that he needed. It was called the transitory
24 file. It was basically a folder that had some
25 documents that had to do with his transition back into

1 the position, but there were some other personal
2 documents that were in that file. So he asked me to
3 bring that to him. So that file was in that office
4 next to the bookcase.

5 When I went in to pick that file up, it
6 occurred to me that if there was a file on Sandusky,
7 it would be in that bottom drawer. And with every
8 other meeting that Gary had ever gone to, it was my
9 job to prepare him, to pull files from previous
10 meetings so that he could refresh his memory as to
11 what was said in those previous meetings, why
12 decisions were made. And I wanted to be helpful, and
13 I thought that if he had those notes to look at
14 that --

15 Q How do you know there were notes in there?

16 A Well, I didn't, unless I looked. If there was
17 a Sandusky file, it would have been in that drawer.

18 When I first opened the drawer, I did not know
19 that it was there. I learned that it was there after
20 I opened the drawer and looked for it.

21 Q What did you find when you opened the drawer?

22 A There were two sets of documents in the file.
23 One was a contract file or a contract document. The
24 other one was a set of documents that I looked through
25 and they specifically pertained to the Sandusky

1 conversations.

2 Q How do you know that?

3 A Because I looked at them.

4 Q What did you see when you looked at them?

5 A It was Sandusky's name. It had to do with
6 conversations that had been had. I don't recall
7 specifically what all it said.

8 Q Were these documents that were handwritten or
9 were they other types of documents?

10 A I believe they were both. I believe they were
11 handwritten and maybe an e-mail or two.

12 Q Did you recognize the handwriting?

13 A I did.

14 Q Whose handwriting was it?

15 A Gary's.

16 Q So you believed those to be documents relevant
17 to Sandusky?

18 A I did.

19 Q Did you think at that time that maybe Penn
20 State or law enforcement should be notified of the
21 existence of that file?

22 A At that point, I didn't consider that. I
23 didn't think about that. I went and I made a copy of
24 them.

25 Q Why did you make a copy?

1 A My intention was to give Gary the copies and
2 put the originals back inside.

3 Q Did that happen?

4 A It did not.

5 Q Explain that.

6 A I made the copies when I was on my way out the
7 door. The copy machine was right across from the
8 door. I made the copies, put the folders in my bag
9 and I walked out the door. I went to Gary's house to
10 deliver him the transitory files and the copies. When
11 I got out, I grabbed the two files and I walked in the
12 house and I handed them to him.

13 Q Why did you not -- if the copier was right
14 there, why did you not put the originals back in the
15 file?

16 A I was on my way out the door. It was just a
17 matter of -- I understand that had I just gone back in
18 and unlocked the drawer and put it back in, but I
19 didn't. I grabbed everything, put it in my bag and
20 walked out the door because it was right there and I
21 was on my way out.

22 Q What day was this?

23 A It was toward the end -- I don't know the
24 specific date. It was toward the end of that first
25 week after November 5th.

1 Q So it's your testimony that by November 9th or
2 November 10th of 2011, Gary Schultz was in possession
3 of the original handwritten notes and other items that
4 you provided for him out of the Sandusky file?

5 A Correct.

6 Q What did you do with the copy?

7 A Once I realized I had the copy, I kept them.
8 I was concerned at that point about what -- the fact
9 that the originals were gone; that I had removed
10 documents from Penn State.

11 Q Did you read them?

12 A I looked through them. I did not read them
13 word for word.

14 Q Did you -- did you make any sort of assessment
15 about them in looking through them?

16 A Only that they pertained to the matters at
17 hand.

18 Q Did you make any sort -- did you make any sort
19 of decision as to whether or not they would be of
20 interest to Penn State or the authorities?

21 A Well, yes, I knew that they would be. It was
22 never my intention for the authorities not to see
23 them. It was just a matter of once I realized that I
24 had gotten rid of the original ones and I still had
25 the copies, or that I only had the copies, that I

1 panicked a little bit. I didn't act -- I didn't make
2 the right choices.

3 Q Well, did you ever go back to -- did you ever
4 call Gary Schultz? Did you ever go back to his house
5 and say, "Hey, I think I gave you the wrong set of
6 documents, I need the originals back?"

7 A No, I did not.

8 Q Why?

9 A It didn't occur to me to do that. I did, in
10 one phone conversation, tell him that I was concerned
11 about the fact that I had given him the documents and
12 he told me that if I was -- if I was asked about it,
13 that I should tell the truth.

14 Q Did anybody come to ask you about the
15 document?

16 A I'm sorry?

17 Q Did anybody come to ask you about the
18 documents or the Sandusky file?

19 A Anybody from like Penn State?

20 Q Let's start with Penn State.

21 A I was interviewed by the Freeh group and I was
22 interviewed by --

23 Q When was that?

24 A January.

25 Q So a couple of months after you actually took

1 the documents out of the file?

2 A Right.

3 Q Did you leave what was left in the file in its
4 same location?

5 A I did.

6 When I went to the Freeh group interview, I
7 had expected that I was going to tell them in that
8 meeting, but when I went into that meeting and I met
9 with both -- both the Freeh group and when I met with
10 Duane Morris, there was an attorney there and I was
11 told that the attorney represented Penn State, but I
12 didn't have representation. I was already starting to
13 feel at that point that I had these documents; hadn't
14 told anybody about the documents. I hadn't put the
15 documents back. I felt that I had done something
16 wrong.

17 Q That same month did you get a subpoena?

18 A I did.

19 Q What was the subpoena for?

20 A I got a subpoena in April.

21 Q Did you get a subpoena before that?

22 A No. In January, I did not have a subpoena. I
23 was told, though, that I would be meeting with the
24 attorney general's office. That was supposed to be
25 toward the end of the month at some point, but that

1 meeting was postponed.

2 Q Something happened in April. Did you get a
3 document?

4 A I did. I got a subpoena. I got a subpoena in
5 April.

6 Q Who did you get subpoenaed by?

7 A The attorney general's office.

8 Q And what happened after that?

9 A After that, I got my attorney, which was what
10 I had been waiting for, in order for these documents
11 to come to light. I received a phone call from Tom
12 Farrell maybe -- maybe a week -- I don't know. I
13 don't know exactly how many days. Maybe a week or so
14 after my subpoena -- a few days after the subpoena.

15 Q Had you ever talked to him before?

16 A No. I had heard his voice over the speaker
17 phone at the November 5th meeting.

18 Q And what happened?

19 A He asked me if I had told anybody about the
20 documents and I said, "No." I said I was going to
21 have to now. He asked me if Cynthia Baldwin or anyone
22 else at the university had asked me to destroy any
23 documents, and I said, "No."

24 He said that they had not yet decided what
25 they were going to do with the documents because they

1 were Gary's notes, so he hadn't determined at that
2 point whether or not they were going to turn them over
3 or not. Then he asked for my attorney's name and
4 asked for my attorney to call him.

5 Q At some point did you turn over the copies
6 that you had made of the items in this file?

7 A I did. I sent the copies to my attorney and
8 at the first meeting with the attorney general's
9 office, the date of that subpoena, I turned them over
10 to the staff in the attorney general's office.

11 Q And were you aware of the fact at that time
12 that Mr. Farrell had provided the original documents
13 to the attorney general's office? Do you know whether
14 or not that had happened yet?

15 A We learned of it that morning. I was meeting
16 with my attorney prior to going over to the attorney
17 general's office that afternoon and my attorney had a
18 phone call from Tom Farrell, where I believe at that
19 point he was informed that they had turned in their
20 copy or the original set copy of the documents, I
21 believe the day before.

22 Q Do you know -- did you tell Gary Schultz that
23 you had a copy of the notes?

24 A I don't recall doing that, no.

25 MR. BEEMER: Call for cross.

CROSS-EXAMINATION

1
2 BY MR. FARRELL:

3 Q Good afternoon, Miss Belcher. I'm Tom
4 Farrell.

5 This Sandusky file, it was in the bottom
6 horizontal filing drawer of Gary Schultz' bookcase?

7 A Correct.

8 Q The bookcase that was in his office?

9 A Correct.

10 Q And that bookcase, what kind of files did it
11 hold?

12 A Mostly employee misconduct or there were a
13 couple of contract-type files, like Graham Spanier's
14 file, Joe Paterno's file, Tim Curley's file. Those
15 files were kept in there, as well as personnel files,
16 misconduct-type files or sensitive, I should say.

17 Q About Penn State employees?

18 A Right.

19 Q Mostly higher-level employees?

20 A Correct.

21 Q That filing cabinet drawer, was it usually
22 kept locked?

23 A It was.

24 Q Who had the keys?

25 A I did.

1 Q Only you?

2 A The key was kept in my desk drawer. So it
3 wasn't always just me. In my absence, one of the
4 other staff assistants knew where the key was. If
5 Gary, or whoever was the vice-president at the time,
6 if they had needed something, they had access to it.

7 Q So if Gary or Al Horvath, who replaced him,
8 needed access to that drawer, that confidential
9 drawer, they had to go to you or a secretary to get
10 the key?

11 A I don't -- he may have known -- they may have
12 known where the key was. But yes, the key was kept in
13 my drawer and that's normally the way it happened.

14 Q In other words --

15 A That was normally the way it happened. If he
16 needed something, he would come and say, "Can you get
17 me something," whatever it was out of the drawer.

18 Q Because you had the only key?

19 A Yes.

20 Q Mr. Schultz did not have a key?

21 A I don't know for sure that he did or did not.
22 I just know that the normal procedure was that he
23 would normally come and ask. Whether or not he had a
24 key, I don't know.

25 Q Okay. But the normal procedure was he would

1 use your key?

2 A Correct.

3 Q The same for Mr. Horvath?

4 A Correct.

5 Q Now, Mr. Horvath replaced Mr. Schultz as
6 senior vice-president of finance and business, right?

7 A Right.

8 Q Approximately June of 2009?

9 A Approximately. Upon Gary's retirement.

10 Q That's when Gary retired?

11 A Yes.

12 Q And Mr. Horvath occupied that position until
13 about September of 2011, right?

14 A Right.

15 Q Before we get to that time period, who
16 preceded you in your position?

17 A Joan Coble.

18 Q And Joan Coble, did she teach the filing
19 procedures and protocols and locations for the office?

20 A She showed me the files and that there was a
21 filing list. We went through the filing list.

22 Q Did that filing list describe the files that
23 were in the bottom drawer of that bookcase?

24 A Somewhat. It was not all inclusive, but it
25 had some of them listed on the list.

1 Q Ms. Coble never said to you not to look into a
2 particular file, did she?

3 A No.

4 Q And it was Miss Coble who showed you which
5 keys went to which filing cabinets?

6 A Yes.

7 Q Including the key to this drawer we're talking
8 about?

9 A Yes.

10 Q And did she ever tell you that there was
11 another key that the senior vice-president of finance
12 and business had?

13 A No.

14 Q So to your knowledge then, that was the only
15 key?

16 A To my knowledge.

17 Q And when you were away on vacation or just
18 away from the office, there were other members of the
19 staff who would access the keys if Mr. Horvath and Mr.
20 Schultz needed a file out of that bottom drawer?

21 A That's correct.

22 Q No restrictions on that?

23 A Well, I wouldn't say, I guess, no
24 restrictions. There was -- we tried to limit, so
25 there was usually somebody else who was next in line.

1 You know, we kind of went down. Everybody knew where
2 the key was, but for the most part, people were told
3 that was a sensitive file and for the most part people
4 shouldn't go into it. So if they needed something out
5 of it, they should go to whoever was senior to get it.

6 Q Mr. Sandusky or Mr. Sandusky's file wasn't
7 singled out, was it?

8 A No.

9 Q Let's go to 2011. In the whole of 2011 until
10 September, you were working for Mr. Horvath, not for
11 Mr. Schultz, right?

12 A Correct.

13 Q During the time until Mr. Schultz returned in
14 September of 2011, were you ever shown any grand jury
15 subpoena relating to Mr. Sandusky?

16 A No.

17 Q Were you ever asked to look for any files
18 relating to Mr. Sandusky?

19 A No.

20 Q Were you ever told that there was a subpoena
21 for Sandusky files?

22 A No.

23 Q You were not told that until after Mr. Schultz
24 was charged and forced into retirement in November of
25 20 --

1 A Right.

2 Q When you removed that file, you didn't know
3 there was a subpoena for that file?

4 A Correct.

5 Q And you weren't told of any subpoenas for
6 e-mails relating to Mr. Sandusky before November of
7 2011, were you?

8 A That's correct. I was not aware of that, no.

9 Q You weren't asked to try to find e-mails
10 relating to Mr. Sandusky?

11 A I was not.

12 Q And Mr. Schultz, when he returned in September
13 of 2011, he did not discuss the investigation with you
14 until that first weekend in November, did he?

15 A That's correct.

16 Q Did he tell you to destroy any documents?

17 A He did not.

18 Q Did he tell you to delete any e-mails?

19 A He did not.

20 Q Now, when you -- in fact, he didn't ask you to
21 get the Sandusky file for him, did he?

22 A No, he did not.

23 Q He was asking for that transitory file?

24 A That's correct.

25 Q And was there anything in that file relating

1 to Mr. Sandusky or any employee's misconduct?

2 A In the transitory file?

3 Q Yes.

4 A I did not look in the transitory file. I knew
5 that was his transitory file because it had his name
6 on the top of it. So I didn't know what was in it.

7 Q What do you mean by "transitory?"

8 A It was the file -- Al Horvath was
9 transitioning out, Gary Schultz was transitioning back
10 in. They each had their file of transition documents
11 and one file had Al Horvath's name at the top, one
12 file had Gary Schultz' name on the top it. So when
13 they were both sitting -- they kept those on the table
14 in his office or in their office and so when Gary had
15 asked me for the transition file, I knew what that
16 was, so I just picked that up.

17 Q And he asked you for some personal files as
18 well, did he?

19 A There were, apparently -- in that transition
20 file were supposed to be some personal documents.

21 Q Just to be clear, that was on a table in his
22 office?

23 A Correct.

24 Q It was not in the bookcase?

25 A Correct.

1 Q And the Sandusky files or notes and e-mails
2 were not in the transitory file?

3 A Correct.

4 Q And Mr. Schultz never asked you to get any
5 Sandusky files for him?

6 A That's true, um-hum.

7 Q And the one -- you mentioned having a phone
8 conversation with him about your removal of a file?

9 A Yes.

10 Q And when was that, do you know? Do you
11 remember?

12 A I don't. I don't know. I don't know
13 specifically when that was. I don't know if it was a
14 couple of weeks or a month. I don't know how long it
15 was after, but at some point I mentioned that I was
16 concerned; I was worried about it.

17 Q And his response was, "If you are asked about
18 it, tell the truth?"

19 A Correct.

20 Q That was before you spoke to the Freeh folks?

21 A Yes, correct.

22 Q Before you spoke to Duane Morris folks?

23 A Correct.

24 Q And before you spoke to representatives of the
25 attorney general, right?

1 A Correct.

2 Q You worked with Mr. Schultz on a daily basis,
3 right?

4 A Um-hum.

5 Q For about -- what was it? About two years?

6 A Um-hum, yes.

7 Q Did he ever give you cause to doubt his
8 honesty?

9 A No.

10 Q Did you find him to be an ethical and honest
11 person?

12 A I did.

13 Q Were you surprised by the charges?

14 A I was.

15 MR. BEEMER: Objection to relevance.

16 THE COURT: Sustained.

17 BY MR. FARRELL:

18 Q At some point did the attorney general
19 eventually show you the original file that I returned
20 to them?

21 A (No response.)

22 Q The Sandusky file?

23 A I don't recall if they did that or not. I
24 don't recall that.

25 Q They have never shown you it?

1 A No.

2 Q To see if it matched with what you took?

3 A I don't recall that.

4 Q Let's -- the conversation I had with you on
5 the phone, that was the Friday before the Tuesday when
6 you talked to your lawyer, right?

7 A Okay.

8 Q And in that conversation, you told me that you
9 had not told the Freeh folks or the university about
10 your removal of the file, right?

11 A Right. I said I hadn't told anybody.

12 Q In that conversation, I told you, "Well, Gary
13 would not want you to get in trouble for that," right?

14 A You may have. I don't recall that, but --

15 Q But I, like Gary, told you, you should tell
16 them the truth about the file and its removal?

17 A Okay.

18 Q I did say that?

19 A Okay. I don't recall, but --

20 Q But then I spoke to your lawyer, right?

21 A Right.

22 Q You told the attorney general the truth about
23 the removal of the file?

24 A I did.

25 Q The agents -- which representatives of the

1 attorney general's office did you talk to? Do you
2 remember? Was it Mr. Beemer, the big guy over here?

3 A I have talked to Mr. Beemer. Initially it was
4 with Frank Fina and other members.

5 Q The tall, mean-looking guy?

6 A (No response.)

7 MR. FARRELL: I'll take that as a yes.

8 MR. BEEMER: Let the record reflect that
9 probably means that I'm not the mean looking one.

10 MR. FARRELL: I might even stipulate to that,
11 Bruce.

12 BY MR. FARRELL:

13 Q And you told Mr. Fina that it was not Mr.
14 Schultz that suggested to you that you remove the
15 file. You told Mr. Fina that?

16 A I did.

17 Q And Mr. Fina insisted that you were not
18 telling the truth, right?

19 A He did not believe I was telling the truth,
20 that's correct.

21 Q He tried to get you to say that Gary Schultz
22 took the files, didn't he?

23 A It was my understanding that he was looking
24 for me to say that.

25 Q Mr. Fina was looking for you to say that Gary

1 Schultz told you to take the file, right?

2 A Right.

3 Q But --

4 MR. BEEMER: Objection, relevance.

5 THE COURT: Sustained.

6 MR. FARRELL: I have no further questions.

7 THE COURT: Thank you, Mr. Farrell.

8 Ladies?

9 MS. AINSLIE: No questions.

10 MS. ROBERTO: No questions, Your Honor.

11 THE COURT: All right, you can be excused.

12 Thank you very much, ma'am.

13

14 **JOHN CORRO,**

15 called as a witness, being duly sworn, testified as

16 follows:

17 **DIRECT EXAMINATION**

18 **BY MR. BEEMER:**

19 Q Sir, can you please state your name and spell
20 your last name.

21 A My name is John Douglas Corro. The last name
22 is spelled C-o-r-r-o.

23 Q Who do you work for, sir, and what do you do?

24 A I am currently employed by the Pennsylvania
25 State University in ITS security operations and

1 services. Specifically, I am the lead for the
2 computer forensic team.

3 Q What you do in that capacity?

4 A We have three major areas that I work on. One
5 is computer forensics; one is e-discovery, and the
6 third is special projects for the university.

7 Q And what do you mean when you say
8 "e-discovery?"

9 A E-discovery is electronic discovery. So for
10 certain orders from the general counsel's office, we
11 preserve data for cases needed in the future for a
12 trial or hearing or as part of a discovery process.

13 Q During the course of investigation into Jerry
14 Sandusky matters surrounding Penn State, were your
15 services requested in your capacity as head of the
16 computer forensic team?

17 A Yes.

18 Q First of all, can you describe when did you
19 first become aware of the existence of an
20 investigation or the need for your particular
21 services?

22 A I first became aware my services were first
23 needed in April of 2011. The general counsel, Judge
24 Baldwin, asked me to collect the e-mails from a number
25 of people and search them for specific key words.

1 Q Did you, in fact, do that?

2 A Yes.

3 Q Who were the people?

4 A I might forget names, but the best of my
5 recollection it was Mr. Paterno, Dr. Spanier, Mr.
6 Curley, Mr. Schultz, Mike McQueary, Mr. Sandusky, and
7 I think that's about it.

8 Q How do you go about collecting those?

9 A Due to the distributive nature of the
10 university's systems and computer networks, I go to
11 each respective person's unit. For example, Mr. Curly
12 would be athletics. I go to that unit and I enlist
13 the help of the assistant administrator to collect the
14 e-mail from that specific server or that unit server.

15 Q Now, did you get a much larger request for
16 information later in 2011?

17 A Yes.

18 Q Can you describe that, please?

19 A Starting in November, 2011, we were asked by
20 the attorney general's office, by the Freeh group and
21 -- -- I might have the time slightly off, but
22 basically we were given instructions to provide --
23 collect electronic data and provide it to the AG, the
24 attorney general, sorry, the Freeh group, and various
25 other investigators.

1 Q How do you go about collecting that
2 information?

3 A Depending on what we were asked to collect, we
4 would go to each unit and collect either data from
5 them, copy data from the server, collect desk top
6 computers, laptops, phones, PDA's and basically
7 image -- make forensic copies of all of that data and
8 then provide copies to various investigators.

9 Q Now, was it your role or your job to obtain --
10 just basically obtain the data and turn it over or
11 were you also charged with some sort of reviewing
12 responsibility to review the data?

13 A My job was specifically just to collect the
14 data and make copies and turn it over.

15 Q Where -- can you give us an idea, we're
16 talking about November, 2011. I understand it was a
17 much more limited search than was apparently done in
18 April of 2011, but in November to December of 2011,
19 can you give us an idea about the amount of data we're
20 talking about?

21 A If you think about a gigabyte -- do you really
22 want me to explain gigabytes, megabytes and terabytes?

23 Q No. I just want you to tell me how much data
24 you took.

25 A If you take all the paper in the library of

1 Congress, save it to a computer, it is roughly the
2 equivalent of about a terabyte; a little bit more. We
3 collected upwards of around 30 terabytes of data.

4 Close to 30 terabytes of data.

5 Q So a lot?

6 A Yes, a whole lot.

7 Q Where did you get it from?

8 A We collected it from all over the university,
9 but mostly a lot of -- the majority of it came from
10 the administrative unit, athletics, and some from ITS,
11 my own unit, and bits and pieces from other places,
12 depending on where people were assigned.

13 Q It was your responsibility to collect this
14 information and disseminate it to the appropriate
15 parties?

16 A Correct.

17 Q Who did you work with from the attorney
18 general's office in that regard?

19 A I think Special Agent Tony Sassano was the
20 supervisor. Majority of the work was done with
21 special agents from the technical service computer
22 forensic units.

23 Q Was there anybody in particular?

24 A The person I worked with most of the time was
25 Special Agent Braden Cook.

1 Q So you would collect this data and then you
2 turned it over to the attorney general's office?

3 A Most -- well, initially most of the data was
4 collected by Special Agent Cook -- well, by members of
5 my office and members of the computer forensic team
6 from the AG's office together.

7 Q Okay.

8 A So when we collected most of the computers in
9 Old Main or in the athletics department, they were all
10 done together.

11 Q Where did you go? Is there a central network
12 where you get this stuff?

13 A No. Most of the university's network is
14 distributed. Each of the units holds its own data.
15 If we were collecting stuff from, say, the football
16 team, we would collect the actual computers from the
17 Lasch Building. And for the server data, we would go
18 to either the Bryce Jordan Center or the east area
19 locker room and collect it from the assistant
20 administrators in those areas.

21 Q I want to talk to you a little bit about that,
22 back up for a minute and talk to you about the course
23 of your recovering data in response to the request you
24 got in April or so of 2011?

25 A Okay.

1 Q Was there anything of note, for example,
2 relative to -- let's start with Mr. Gary Schultz. Was
3 there anything of note relative to the information
4 that you obtained at that time?

5 MS. AINSLIE: Objection. Of note? Can we
6 have something a little more specific than "of note?"

7 BY MR. BEEMER:

8 Q Let me ask it this way, Mr. Corro. Was there
9 anything that you noticed about Mr. Schultz' inbox?

10 A It was big.

11 Q How big?

12 A Honestly, I don't remember without actually
13 looking at the files.

14 Q What caused you to say it was big?

15 A It was bigger than all the other persons that
16 I collected for on that week.

17 Q How about Graham Spanier's?

18 A The only thing I remember from Dr. Spanier is
19 that it was unusual because the inbox was nearly
20 empty.

21 Q The inbox was nearly empty. What does that
22 mean?

23 A Mail comes in and it gets delivered to your
24 inbox. You either save it, delete it, sort it,
25 whatever. There were almost no messages there.

1 Q This was in April of 2011?

2 A Correct.

3 I might be getting my dates confused, sorry.

4 Q Now, I want to ask you a question about that
5 March/April time frame of 2011. Were you aware of the
6 fact of -- were you made aware what you were searching
7 for; why you were searching for it? Were you told
8 that it was as a result of a subpoena?

9 A Miss Baldwin told me that she received a
10 subpoena, but I never saw the subpoena.

11 Q Okay.

12 How about in the November/December time frame?
13 What was you -- why did you understand that you were
14 working with agents of the attorney general's office?

15 A I was given direction by the university
16 attorneys.

17 Q To do that?

18 A Yes. I think I would have to go back over my
19 notes. I think the AG's -- the AG actually had
20 subpoenas that they showed us.

21 Q How big is your computer forensics unit?

22 A Two people.

23 Q How big is the IT department?

24 A For the entire university?

25 Q Yeah.

1 A 1200.

2 Q So it's just you and who else?

3 A The other gentlemen that works with me is
4 Daniel Ehrlich.

5 Q And if you ever get your -- if you ever look
6 at something -- can you describe what wiping data is?

7 A Wiping data?

8 Q Yeah.

9 A Wiping data is basically you're deleting data
10 from a hard disk so it can't be seen anymore; erasing
11 it.

12 Q How is that done?

13 A Normally?

14 Q Yeah, normally.

15 A Normally, somebody, when you delete a file,
16 depending on your operating system, you put it into a
17 trash bin, or recycle bin, or waste basket on the
18 computer, which is basically a holding area, and then
19 at some point either your computer automatically, or
20 you can manually do it, and tell the computer to
21 delete everything that's in that waste bin and recycle
22 bin.

23 Q Can that be done without -- in Penn State, can
24 that be done without the permission of the IT
25 department?

1 A Yes.

2 Q You can do it just the way you described it?

3 A Pretty much all users can do that.

4 Q All of the 30 terabytes of data --

5 A Give or take.

6 Q -- that you collected, was that all turned

7 over to the attorney general's office?

8 A Yes.

9 Q And was that all done in that time frame, that

10 November/December, 2011 time frame or was it

11 done --

12 A No, it continued on through January, February,

13 March. We were told to give -- supply the attorney

14 general with whatever they needed. So if there was an

15 area or another person of interest, the AG was

16 interested in, they would e-mail me. I would run it

17 by our attorneys and then go collect it for them.

18 Q Fair to say that the scope in November and

19 December was much more expansive than the one that was

20 done in April?

21 A Yes.

22 MR. BEEMER: That's all I have.

23

24

25

CROSS-EXAMINATION

1
2 BY MS. ROBERTO:

3 Q Hello, Mr. Corro. I'm Caroline Roberto and I
4 have some questions for you.

5 Before we really begin, I want to ask you if
6 you can explain if there were problems with, in either
7 search, April 2011 or later in November/December of
8 2011, whether you were able to access pre-2004 e-mails
9 from the athletic department?

10 A That's hard for me to say, considering I
11 haven't looked at most of the data.

12 Q Did you attempt to access the 2004 e-mails
13 from the athletic department in either of those
14 searches?

15 A I searched all the e-mail that was present --
16 the data that was collected in November, December,
17 January, February going on to 2012, I did not search.

18 Q Okay.

19 A That's not true. I actually searched it a
20 couple of times on request, but for very specific
21 items. No general searches. The only general
22 searches I've done were from the April, 2011 data.

23 Q So in April of 2011, were you instructed to
24 gather or collect the e-mails from the designated
25 persons that you mentioned on direct examination?

1 A Yes.

2 Q And you were able to access, let's say from
3 the athletic department, those e-mails by going to the
4 system administrator for the particular unit, right?

5 A Correct.

6 Q And the system administrator would then give
7 you the ability to access the e-mail accounts,
8 correct?

9 A Sometimes. Sometimes I let them do the work
10 and I supervised.

11 Q Okay.

12 A But we pulled the data for those specific
13 users.

14 Q So just limiting it to the fellows who are in
15 the room today and who you mentioned from the athletic
16 department, Mr. Paterno, Mr. McQueary, Mr. Curley, did
17 you collect the e-mails as you were requested to do in
18 April of 2011?

19 A I did.

20 Q Okay. And did you save those in some way?

21 A Yes.

22 Q How did you save those?

23 A I basically -- those were transferred from the
24 servers onto a sterile forensic drive which I had
25 brought along with me. The data was then copied onto

1 the sterile drive and then taken back to my office and
2 copied to our forensic server.

3 Q And did you provide that raw material that you
4 received -- eventually did you provide that in any
5 form to your contact at that time, general counsel?

6 A Yes.

7 Q Did you -- I'm sorry. Go ahead.

8 A I didn't provide all of it. I provided a
9 portion of it.

10 Q And what portion did you provide?

11 A Miss Baldwin and I came up with a list of
12 search terms -- actually that is not true. I gave her
13 -- I was mistaken. I gave her one entire set on a USB
14 key and two other USB keys with the reports of the
15 search list. She had the entire set.

16 Q So for Mr. Schultz, Mr. Curley and Dr.
17 Spanier, you provided general counsel with the
18 gathered or collected material prior to the search
19 terms, correct? Is that what you just said?

20 A No, the data was all provided at once.

21 Q Okay.

22 But there were two USB drives?

23 A Three.

24 Q And what did they contain?

25 A One was a copy of the entire data set, so all

1 the e-mails for all the individuals I collected.

2 Q Without the search terms, just the whole kit
3 and caboodle?

4 A Correct.

5 Q Okay.

6 A That was in April. Then I provided two other
7 keys which were copies of the search data. So
8 basically the subset that hit on one of the key terms.

9 Q And you provided that to general counsel?

10 A Correct.

11 Q And Mr. Beemer asked you if -- I think he
12 asked if you ever saw in March and April of 2011, when
13 your contact person was general counsel, if you
14 actually saw a subpoena?

15 A No.

16 Q You did not see a subpoena?

17 A I saw a couple of lines of basically what the
18 specific search request was.

19 Q And I'm going to read to you a portion of a
20 policy from Penn State regarding office of general
21 counsel and subpoenas. It says, "All legal documents,
22 including subpoenas, are to be referred to or routed
23 through the office of general counsel. The office has
24 the prerogative to send them to other parties after
25 receipt."

1 So what was happening in April of 2011, was
2 that consistent with general counsel exercising the
3 prerogative whether or not to show you the subpoena?

4 A General counsel -- it was -- usually we saw
5 the subpoena, but not always.

6 Q And with your work with Cynthia Baldwin, did
7 you always see the subpoenas or did you not?

8 A It's hard to say. Most of the time we saw a
9 subpoena.

10 Q And you didn't see the entire subpoena in this
11 particular case; is that true?

12 A I never saw the subpoena. I was given a
13 couple of lines that were copied from another
14 document.

15 Q Okay, so you never saw the subpoena?

16 A No.

17 Q But you knew that you were responding to a
18 Sandusky subpoena in collecting this information?

19 A That is what I was told.

20 Q Okay.

21 Now, when you were then asked later in the
22 year, in November, December of 2011, to begin
23 searching again, I think you said your contact person
24 was Braden Cook?

25 A He was one of the special agents I worked

1 with, yes.

2 Q Right. And were you available in 2011 to work
3 with Braden Cook, if that was requested?

4 A I'm not sure I understand the question.

5 Q Would you have worked with him in 2011, if the
6 AG's office sent him over?

7 A Yes, as long as he had the proper paperwork.

8 Q Yeah, okay.

9 So when you say that you worked with him in
10 November, 2011, that was because whoever was a higher
11 authority asked him to work with you, presumably?

12 A Yes, I think so, if I understand.

13 Q Let me rephrase. You didn't reach out to him
14 and ask him to work with you?

15 A No.

16 Q So somebody sent him to your office?

17 A Correct.

18 Q And in April of 2011, the only person that you
19 had as your contact was Cynthia Baldwin; is that
20 right?

21 A Umm --

22 Q For this particular search?

23 A For this particular search, yes.

24 Q Okay.

25 Now, when you began searching the e-mails in

1 2011, did you notify Mr. Curley?

2 A No.

3 Q And did Mr. Curley ever contact your office
4 during that period of time --

5 A Not to my knowledge.

6 Q -- about the collection of the e-mails?

7 Not to your knowledge?

8 A Not to my knowledge?

9 Q Did you ever speak to him about -- did you
10 ever speak to him at all during the process of
11 collecting these e-mails?

12 A No.

13 Q So there was no contact from Mr. Curley or his
14 office instructing you to limit or delete or destroy
15 e-mails?

16 A No.

17 MS. ROBERTO: I have no other questions.

18 BY MS. AINSLIE:

19 Q Good afternoon, Mr. Corro.

20 A Good afternoon.

21 Q I am Elizabeth Ainslie. I'm here for Dr.
22 Spanier.

23 A Hello, Miss Ainslie.

24 Q Now, I think you said, I think in response to
25 one of Mr. Beemer's questions, that Dr. Spanier's

1 e-mail file was unusual because there wasn't much in
2 his inbox?

3 A Yes.

4 Q But there was a lot of stuff in his outbox;
5 isn't that right?

6 A Yes.

7 Q Is it fair to say there was something like
8 84,000 e-mails in his outbox?

9 A I have no idea without looking at the data.

10 Q Okay. But there was a lot?

11 A That was my recollection.

12 Q In your experience and in your investigation,
13 is it fair to say that Dr. Spanier got hundreds or at
14 least 100 e-mails every day?

15 A It would not surprise me.

16 Q And the -- did someone explain to you that
17 there had been a changeover -- well, for that matter,
18 I didn't hear you say how long you had been working in
19 the IT department at Penn State. Did you say it and I
20 missed it?

21 A I don't think I did.

22 Q How long have you been working at IT at Penn
23 State?

24 A I started working at the university in 1994.
25 I have been in my current unit since 1996.

1 Q Okay, great.

2 And did it come to your attention then that
3 there was a switchover in systems at Old Main, the
4 administrative wing of Penn State, in 2004? Do you
5 recall that?

6 A Not the specific year. But there is constant
7 turnover over of the computer systems. I don't really
8 recall what year who changed out what.

9 Q Do you recall that in that -- whichever year
10 it was, 2004 or 2003 or 2005, whatever, do you recall
11 that the e-mails prior to that time were rendered
12 inaccessible, wiped out?

13 A I think I know what you are talking about. I
14 was informed by -- somewhere along the way, we learned
15 that the e-mail system in the administrative unit of
16 Old Main was switched out roughly in that time frame.

17 Q When you say, "switched out roughly in that
18 time frame" --

19 A It was upgraded to a new version.

20 Q Well, did you then learn that the e-mails
21 prior to 2004, or whatever the precise date was, were
22 rendered inaccessible? Basically lost into
23 cyberspace?

24 A Yes.

25 Q So if Dr. Spanier were to try to go back to

1 his e-mail file at Old Main before 2004, it would have
2 been impossible, correct?

3 A Correct, to my knowledge.

4 Q Now, do you know whether Dr. Spanier travels a
5 great deal?

6 A That's my --

7 MR. BEEMER: Objection. Relevance.

8 MS. AINSLIE: I will connect it up, Your
9 Honor. I won't be long on this.

10 THE COURT: Okay.

11 BY MS. AINSLIE:

12 Q Do you know if he does?

13 A Only by reputation.

14 Q And by reputation he does?

15 MR. BEEMER: Objection.

16 MS. AINSLIE: I'll withdraw.

17 THE COURT: Yes, thank you.

18 BY MS. AINSLIE:

19 Q Do you know when people at Penn State travel,
20 do they ask you for assistance in staying in touch
21 with the university while they're abroad or in
22 California or Hawaii or wherever?

23 A Rarely. Only -- they usually only do when
24 they were leaving the country.

25 Q When they are leaving the country do they take

1 a Blackberry with them?

2 A That is determined by the unit and the
3 individual.

4 Q How long have you -- if an individual has a
5 Blackberry and is using it abroad, how long ago did
6 those come into common use?

7 A I think you are asking a specific question.
8 My office only provides general guidance to faculty
9 staff and students about computers they take with them
10 overseas. We only answer the questions they typically
11 ask.

12 Q I'm not asking for what guidance you gave. I
13 was wondering if I had been at Penn State, had been
14 somebody important and had gone, for instance, to
15 London in 1998 or 1997, would there have been a
16 Blackberry, if you recall, for me to take with me?

17 A I have no idea.

18 MS. AINSLIE: May I have a moment, Your Honor?

19 THE COURT: Yes.

20 (Discussion off the record at counsel table.)

21 MS. AINSLIE: Thank you, Your Honor. I have
22 nothing further.

23 THE COURT: Thank you.

24 BY MR. FARRELL:

25 Q Hi, Mr. Corro. Tom Farrell.

1 When you did that April, 2011 gathering of
2 electronic data, you had no communications with Mr.
3 Schultz about it, did you?

4 A No.

5 Q Mr. Schultz at that time was retired, wasn't
6 he, April of 2011, March, 2011?

7 A I honestly don't remember. I know he was
8 retired at one point and asked to come back. I'm not
9 sure what the dates of that were.

10 Q Does June, 2009 for his retirement, September
11 of 2011 for his return, sound right?

12 A I have no idea.

13 Q In this March/April, 2011 time frame -- well,
14 first of all, you didn't talk to Mr. Schultz, whether
15 retired or not, right?

16 A No.

17 Q You didn't talk to Miss Belcher, his former
18 administrative assistant, about your search for
19 electronic data, did you?

20 A No.

21 Q The -- you mentioned -- you were asked some
22 questions. I don't know where they were going about
23 the wiping of data.

24 During the forensic work you did in response
25 to the Sandusky subpoena in April and then later in

1 2011 and 2012, did you see any indication that Mr.
2 Schultz had wiped any data, as you used that term?

3 A I couldn't tell that from the data I had.

4 Q Is that something that often you can tell from
5 electronic data; that files had been moved into
6 recycle and trash bin and then deleted from there?

7 A Sometimes from the systems themselves, but we
8 collected e-mails from the servers. I did not collect
9 the logs.

10 Q The logs would have shown that?

11 A Possibly.

12 Q In fact, with respect to Mr. Schultz' e-mails,
13 was it found that he had made a special effort to
14 preserve or carry over his e-mails from the pre-2004
15 period on to the new Penn State system?

16 A My understanding and my recollection is that
17 Mr. Schultz had the system administrator at the time
18 create a backup copy of all of his data and had saved
19 that on a different system other than the mail server.
20 So when the migrated mail systems went from the old
21 one to the new one, he would have that backup copy of
22 all of his data.

23 Q It was the system administrator who set that
24 up?

25 A Correct.

1 Q He set up the location of where that would be
2 saved?

3 A I think that's up to Mr. Schultz.

4 Q And, in fact, you did find e-mails that had
5 been saved by Mr. Schultz dating back to at least
6 1998?

7 A Again, I have not looked at the file, so I
8 really couldn't tell you when they started and when
9 they ended.

10 MR. FARRELL: It is time to say thank you and
11 have a good afternoon.

12 THE WITNESS: Thank you, sir.

13 MR. BEEMER: Nothing further.

14 MS. ROBERTO: I wanted to follow-up to clarify
15 one thing.

16 BY MR. ROBERTO:

17 Q I understand, Mr. Corro, that you haven't had
18 the opportunity to look back in the files and see
19 exactly when the athletic department's e-mails date
20 back to; the earliest e-mails you were able to access.
21 But do you recall in the course of April, 2011 through
22 the rest of 2011 and even into 2012, in working with
23 Agent Cook, that there was an effort to reconstruct
24 the athletic department's former e-mail server
25 pre-2004?

1 A There was an idea to reconstruct the old mail
2 server --

3 Q Yes.

4 A -- but it was determined somewhere along the
5 way -- again, this is the best of my recollection. It
6 was determined somewhere along the way that we could
7 not rebuild the old system and could not restore it.

8 Q Okay. But there was an effort made by those
9 individuals that were trying to search for the
10 athletic department pre-2004 e-mails, correct?

11 A Correct. If I remember vaguely, the hardware
12 was there, but the actual drives -- I can't remember
13 exactly. It is very, very vague. I would have to go
14 -- I don't even know if I wrote it down in my notes.

15 Q Well, so you don't have any clear recollection
16 if there were any pre-2004 e-mails that were found
17 from the athletic department, or do you?

18 A Again, I was given specific orders from Miss
19 Baldwin not to look at the data, except for that April
20 part I was searching. Even then, I ran the searches,
21 but I didn't look through all the e-mails. I
22 basically checked one or two to make sure the data was
23 legible and it turned out correctly and then packed it
24 all up for Miss Baldwin.

25 Q And when you were working with Agent Cook,

1 were you permitted to look at the data?

2 A I was requested not to look other than my
3 standard verification procedure.

4 Q So the question should really be directed to
5 Agent Cook about when -- about how far back the e-mail
6 servers were able to collect data from the athletic
7 department?

8 A He probably would have a very good idea.

9 MS. ROBERTO: Thank you very much.

10 MR. BEEMER: Nothing further.

11 THE COURT: Sir, you are dismissed. Thank you
12 very much.

13 We'll adjourn until --

14 MS. AINSLIE: Your Honor, may I make one last
15 request to Mr. Beemer that we can look at Dr.
16 Spanier's grand jury transcript? I haven't seen it
17 yet.

18 THE COURT: Bruce, are you going to allow her
19 to do that?

20 MR. BEEMER: Yes.

21 MS. AINSLIE: Thank you.

22 THE COURT: We'll adjourn to tomorrow morning
23 at 9:00. Thank you very much.

24 (The proceedings concluded for the day.)

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CERTIFICATION

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the hearing of the above cause, and that this is a correct transcript of the same.

Date

Nativa P. Wood, RDR
Official Court Reporter

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