

# Is about-face on Sandusky's preliminary hearing genius or folly?

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Let the critics say what they may, Joseph Amendola - the outspoken and often unorthodox lawyer representing former Penn State assistant football coach Jerry Sandusky - isn't one to be cowed by a little second-guessing.

With a client facing 50 sexual-abuse counts, Amendola infamously made Sandusky available for not one, but two interviews with national media last month. With state prosecutors threatening to produce at least eight young men claiming traumatic abuse, he argued that many - if not all - came forward looking for money.

And Tuesday, the 63-year-old lawyer at the center of one of the state's largest legal spectacles threw his most surprising curveball yet. After insisting for weeks that his client relished the opportunity to face his accusers in court, Amendola announced to a packed house that Sandusky would waive a preliminary hearing in which many were expected to testify.

It was only the latest decision to leave veteran prosecutors and defense lawyers wondering if Amendola is crazy like a fox - or just plain crazy.

"This cockamamie about-face is consistent with everything else [Amendola's] done in the case - it's inconsistent," said Jeffrey M. Lindy, a lawyer who has prosecuted and defended child sex-abuse cases. "This certainly hasn't been your textbook defense strategy."

The court proceeding took just more than a minute. But Amendola spent an hour on the steps of the Centre County Courthouse in Bellefonte addressing critiques such as Lindy's. He described the decision to forgo the hearing as "a tactical measure."

Prosecutors, Amendola said, agreed to speed up the discovery process and not press for a higher bond for the embattled former coach.

"All that would have happened today is that the commonwealth would have had the opportunity to basically recite the allegations contained in the presentment, which really would have left us in the worst of all worlds," said Amendola, a Pennsylvania State University graduate who cut his teeth as an assistant district attorney in Philadelphia before moving back to State College.

Typically, preliminary hearings play out as courtroom formalities. Prosecutors must meet a low standard to show there is enough evidence to take a case to trial. And there is little opportunity for the defense to make headway. It cannot present its own witnesses, and opportunities for cross-examining witnesses are limited.

High-profile defendants often waive the proceeding to avoid the publicity.

Yet Amendola had insisted he would proceed. Some saw his reversal Tuesday as a prelude to a possible plea deal, something Amendola adamantly denied.

By skipping the preliminary hearing, Sandusky can say he spared his purported victims the trauma of having to publicly take the stand, the thinking goes. That might work in his favor in a plea deal, said Edward D. Ohlbaum, a professor at Temple University's law school and a former public defender.

"Otherwise, he's given up . . . the chance to cross-examine those folks and use their testimony to challenge them at trial," he said.

Amendola's choice came on the heels of two eyebrow-raising interviews last month given by his client - the first with NBC News' Bob Costas, the second with the New York Times. The interviews were arranged by Amendola, who sat in on both.

Many lawyers felt Sandusky's statements in the interviews damaged his defense. While denying that he had sexually abused boys, he seemed to confirm key aspects of the prosecution's case: acknowledging that he had given gifts to his accusers, often had close physical contact with them, and had showered with several young boys.

"The decision to be interviewed on television by Bob Costas, bad move; the decision to be interviewed by the New York Times, bad move; and then he waives the preliminary hearing. I don't see any good moves here," said Kenneth Rothweiler, a Philadelphia personal-injury lawyer and television commentator on legal issues.

In cases where the facts, at least before trial, are overwhelmingly damaging to the accused, Rothweiler said, it is most advisable to keep the defendant out of public view. Typically, the safest course is for the defense attorney to do the talking, because those words cannot be entered by prosecutors as evidence, he said.

But Amendola's own statements on Sandusky's behalf have not always fared much better, often coming off as insensitive.

"This is the fight of Jerry Sandusky's life," he said Tuesday. "This goes beyond the Penn State-Miami game in '86."

This came moments after Amendola cautioned reporters that the eight alleged victims scheduled to testify Tuesday were not the only ones suffering in the case.

"Maybe [Sandusky's] being victimized here, too," he said. "He's being followed day and night. Media is camped outside of his house 24/7."

When asked about the credibility of one witness, Amendola jokingly suggested anyone that believed the man should call "1-800-REALITY." The number, it turns out, is a phone sex line for gay men.

"It's easy to Monday-morning-quarterback," said Brian McMonagle, who has represented several high-profile clients, including Cardinal Anthony J. Bevilacqua. "But they look like they're making decisions on a day-to-day basis, and the time for them to be doing that is quickly drawing short."

But Nino V. Tinari, a South Philadelphia defense lawyer who has represented dozens of mob clients, saw hidden genius in Amendola's actions Tuesday. By building up the preliminary hearing, the lawyer assured a bevy of media attention. By waiving it at the last minute and stopping the planned testimony of nearly a dozen accusers, he assured one message would dominate the news of the day - his own.

"It created more of a circus," Tinari said. "I would hope that was his strategy. It would be exactly my strategy."