



Sign in or register with your favorite social identity

- **WATCH LIVE: Boston Bombing Suspect Manhunt Update**
(<http://5newsonline.com/on-air/cbs-news-live/>)

Sexual Abuse Investigation Unfairly Named Joe Paterno, UA Prof Says

Posted on: 10:26 pm, April 18, 2013, by [Shain Bergan](http://5newsonline.com/author/kfsmshain/) (<http://5newsonline.com/author/kfsmshain/>), updated on: 10:37pm, April 18, 2013



A University of Arkansas law professor argues a grand jury should never have been allowed to link legendary college football coach Joe Paterno to a prolific sexual abuse investigation that rocked the American sports world.

The grand jury investigation into former Penn State assistant football coach Jerry Sandusky unfairly mentioned former Penn State football coach Joe Paterno and led to the late coach's firing, according to an article by UA Professor Brian Gallini in the *Tennessee Law Review*.

Gallini penned an article he said shows the flaws in Pennsylvania's grand jury system. The state's system, unlike most, includes the public release of documents showing a grand jury's internal investigation. Such documents were used in Pennsylvania to link Paterno to the investigation into Sandusky.

After serving on Penn State's coaching staff for 30 years, Sandusky was convicted last year of 45 sexual abuse charges stemming from allegations that he sexually abused young boys over a 15-year period in Penn State facilities.

Paterno never should have been mentioned by the grand jury because he was not the subject of the investigation, according to Gallini's article.

Results from the Pennsylvania's grand jury investigation stated Paterno saw Sandusky sexually abusing a boy during his coaching tenure.

The university's board of trustees later said Paterno did not react appropriately after the incident and could have done more. The board fired Paterno four days later, ending the coach's 61-year career at Penn State. Paterno died two months later at the age of 85.

"The problem is that naming Paterno in the Sandusky presentment more than implied that Paterno had committed a crime, without having gone through the appropriate steps to establish probable cause that he actually did commit a crime," Gallini states in the article.

The professor's article goes on to criticize grand jury systems across the country, stating their status as an entity outside the three bodies of government causes confusion and inconsistencies.

"The court's long-held characterization of the grand jury as a body 'acting independently of either prosecuting attorney or judge' promotes and allows for the extreme position taken by Pennsylvania's statutory scheme," Gallini states. "The Supreme Court's desire for grand jury independence does not equate to the investigative recklessness so prevalent in Pennsylvania's grand jury system."

☺