

Penn State's Spanier loses conviction appeal

Unclear whether Spanier will appeal to U.S. Supreme Court; Pa. AG exploring enforcement of prison term.

By Charles Thompson
PENNLIVE.COM

State prosecutors are moving for enforcement of Graham Spanier's prison sentence following the former Pennsylvania State University president's latest defeat in appellate courts.

Spanier had petitioned to the U.S. Circuit Court of Appeals for the Third Circuit for reconsideration of a Dec. 1 decision by a three-judge panel there to reinstate his 2017 conviction on child-endangerment charges stemming from university officials' handling of early allegations against former Penn State football assistant coach Jerry Sandusky.

The Third Circuit judges, in an order dated Jan. 4, denied that request.

One day later, Senior Deputy Attorney General Patrick Schulte filed a motion in Dauphin County court seeking an order requiring the 72-year-old Spanier to begin serving his 4- to 12-month prison term.

Trial Judge John Boccabella ordered Spanier's minimum sentence split into two months of incarceration, followed by two months of home confinement.

In his previous orders, Boccabella had also permitted Spanier to serve his prison term at Centre County Correctional Facility, and he approved Spanier's eligibility for work-release while housed there.

A staffer to the judge said Wednesday that Boccabella, a Berks County senior judge who was specially appointed to hear the Spanier case after the judge originally assigned to the case died, has not yet set a date for Spanier to report to prison, in part because the official case record is still in transit from federal courts.

When it is received, the judge is expected to schedule a hearing to hear new requests from Spanier's attorney's for modification of sentence.

The Associated Press is reporting that Spanier's attorney Sam Silver on Friday asked Boccabella to revise the sentence to full house arrest with electronic monitoring.

Spanier had heart surgery in 2019 and suffers from an advanced stage of prostate cancer, Silver wrote.

Silver said in an email to the Associated Press on Wednesday



Graham B. Spanier could do 4-12 months in prison on his conviction in connection with the Jerry Sandusky scandal. AP file photo

that Spanier is a first-time, non-violent offender and called it astonishing that prosecutors want to send him to jail at this time.

"It's simply absurd and irresponsible right now," Silver said. Spanier's attorneys also still have the option to seek a review of the case by the U.S. Supreme Court, but it was not immediately clear whether they intend to do that.

In its response to the defense requests, Schulte told the judge this week that he would continue to support Spanier's admission

into work release from the prison with medical furloughs as needed, and suggested the judge could also order Spanier to report at some future date to lower the risk of COVID-19 exposure.

But the Attorney General's Office still seeks a period of incarceration.

Spanier, who became Penn State's president in 1995, has steadfastly maintained he never understood that a complaint about Sandusky and an unidentified boy in a Penn State shower facility that reached his desk in 2001 rose to the level of a criminal act or child abuse.

Emails discovered during the course of the investigation, however, showed Spanier, then-Athletic Director Tim Curley and then-senior Vice President Gary Schultz jointly reversed course on an initial plan to report the incident to child welfare officials and instead agreed to handle the Sandusky complaint in-house.

In the email thread, Spanier told the other two administrators that the "only downside" to keeping the complaint in-house was if Sandusky did not respond properly "and then we become vulnerable for not having reported it."

Their decision, prosecutors have alleged, helped give Sandusky the freedom to prey on

four more boys before a complaint in neighboring Clinton County surfaced in 2008, and it became the core of their prosecution of the former Penn State leader on child endangerment charges.

Since the expiration of a five-year separation agreement negotiated with Penn State's trustees in late 2011, Spanier has remained on Penn State's faculty as a tenured professor on paid administrative leave, with no current teaching assignments. His wife, Sandra, is a member of Penn State's English Department and a noted expert on American literary icon Ernest Hemingway.

Sandusky, the longtime defensive coordinator for the late and legendary Penn State football coach Joe Paterno, would ultimately be convicted of the serial sexual abuse of 10 boys he came to know through his now-defunct Second Mile youth charity, and the university has made civil settlements with at least 20 others totaling more than \$100 million.

Sandusky, 76, who has never conceded his own guilt in criminal acts, continues to serve a minimum 30-year prison term at a state prison in Somerset County.

The Associated Press contributed to this article.



Willie Singletary III, 28, is taken into custody after a standoff in Plymouth Township on Wednesday. DAVID MAIALETTI / Staff Photographer

Police standoff ends in surrender

Plymouth Township officers had been serving a search warrant.

By Vinny Vella
STAFF WRITER

A Plymouth Township man was taken into custody Wednesday afternoon after barricading himself inside his home for several hours.

Police were dispatched to a residence on Johnson Road just before 9 a.m. to serve a search warrant in connection with a series of armed robberies at gas stations in the Philadelphia region, as well as parts of New York state, according to township Police Chief John C. Myrsiades.

While serving the warrant, one of the home's occupants, William Singletary III, 28, refused to cooperate with officers and ran back inside. He stayed there for hours, threatening to kill officers and burn the house down, according to police.

Singletary, investigators later learned, was wanted in connection with a murder that took place in 2019 in Philadelphia. He later agreed to surrender after speaking with his brother, former Philadelphia Traffic Court Judge Willie Singletary.

The elder Singletary said his brother initially came out of the home when



Willie Singletary (second from left), a former Philadelphia Traffic Court judge, talks with Plymouth Township police near the standoff involving his brother.

commanded by officers, but ran back inside after someone shot a rubber bullet at him. Fearing for his life, he stayed in the house until his brother was able to calm him down, with the assistance of negotiators at the scene, Singletary said.

Singletary III remained in custody

late Wednesday at the Montgomery County Correctional Facility, and will be transferred to Philadelphia in connection with the murder investigation.

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SEPTA to get \$252M more in COVID relief

By Patricia Madej
STAFF WRITER

SEPTA will see about \$252 million in additional federal relief to stem losses from the COVID-19 pandemic, spokesperson Andrew Busch said Tuesday.

The funds will help pay for operating expenses, such as labor and maintenance, as the virus continues to keep fare-paying riders off public transportation. The \$252 million comes in addition to the \$644 million SEPTA received from the CARES Act in the spring.

During a virtual rally last month with transit leaders calling for additional relief, SEPTA general manager Leslie Richards said the authority expects an operating budget shortfall of at least \$622 million through the end of fiscal year 2023.

"It's great assistance, and it's absolutely what is needed," Busch said, "but obviously we know that for us to

be viable and sustainable moving forward, that we have to have ridership returning, and that we have to be raising the revenue through those streams."

On Monday, the Federal Transit Administration announced \$14 billion in funding to help public transportation across the country. The funds come as part of the latest COVID-19 relief effort. Agencies received \$25 billion in COVID-19 relief for public transportation in April.

Over the past months, public transit agencies and advocates rallied for much more — at least \$32 billion as the pandemic continued.

"This additional \$14 billion in transit infrastructure grants will help ensure our nation's public transportation systems can continue to serve the millions of Americans who depend on them," U.S. Transportation Secretary Elaine L. Chao said in a statement Monday.

The lion's share of SEPTA's current operating budget comes from \$481 million in passenger revenue and \$780 million in state subsidies. Ridership is just a portion of pre-pandemic levels, down about 65% on transit and 85% on Regional Rail.

The authority has said it's considering service cuts, layoffs, and fare increases without funding to help it through the pandemic, as well as solutions to long-term financial challenges it faced previously.

"We still do have to look at everything," Busch said. "This is a lifeline, there's no doubt about it. This helps us get through an extremely difficult period of time. But in that period of time, we are going to need to see some movement somewhere in terms of growth of ridership."

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Judge tosses claim Delco violated poll watcher rules

The group's challenge was slammed as lacking a "scintilla of legal merit." Lawyer was chastised for filing so long after the matter was ruled on.

By Vinny Vella
STAFF WRITER

A Delaware County judge on Wednesday dismissed an election challenge brought by two Republican poll watchers and a failed congressional candidate, saying their petition lacked a "scintilla of legal merit."

The challenge, filed Dec. 22, sought sanctions against the county's Board of Elections, saying poll observers were kept too far away from the areas where absentee and mail-in ballots were being counted in the November election. The challengers said the practice violated the terms of a judge's Nov. 4 order clarifying the rules for poll observers.

But Judge John P. Capuzzi Sr., who issued that order, dismissed those claims Wednesday and chastised the group's lawyer for filing the challenge so long after the matter had been ruled on by the state Supreme Court, calling the petition "frivolous" and "contemptible."

"Strikingly, at the time of the filing of this frivolous action, the issue now brought forth by the petitioners has been adjudicated by the highest court in the Commonwealth, i.e. the Delaware County Board of Elections had full authority to establish observation areas as it deemed fit," Capuzzi wrote. "Consequently, there is a total absence of legal merit in the petitions."

The attorney who filed the challenge, Deborah Silver, said Wednesday that she hasn't decided if she is going to appeal the case, given the "current legal climate."

"I did the best I can, I have nothing to be sorry for," Silver said. "It's in everyone's best interests, the entire country, to have a fair, free, transparent election. All this case was about, all I was seeking to do is to enforce what the election code and Judge Capuzzi's order said, to allow observers to at least be in the room where these votes and ballots were being counted."

In his ruling, Capuzzi noted that the state Supreme Court issued a ruling Nov. 9 in response to a legal challenge by President Donald Trump's campaign, saying the election code requires only that authorized representatives be allowed to "remain in the room" while ballots are being processed. It does not, the judge noted, set a mandatory distance for their observation.

Silver's petition — filed on behalf of poll observers Gregory Stenstrom and Leah Hoops, and Dasha Pruett, a Republican challenger to U.S. Rep. Mary Gay Scanlon — asserted that Stenstrom and Hoops couldn't properly see how the absentee ballots were being counted. They also were only let into a back room where the ballots were being kept for five minutes every two hours.

"Consequently the BOE created a system whereby it was physically impossible for the political candidates' and political parties' observers to view the ballots and verify that illegally cast ballots were not opened and counted," the challenge said.

Their petition called for the county to hold an evidentiary hearing on the issue, and for the court to take disciplinary action against the election staff who had denied them further entry.

The county's Republican Executive Committee initially called on Scapuzzi for clarity on the rules, leading to the issuing of an order by the judge late on Nov. 4. But Scapuzzi, in Wednesday's order, noted that the executive committee did not file its own legal challenge saying the order was violated and did not support the petition filed by Silver.

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