

COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF: Westmoreland
 Magisterial District Number: 10-01-04
 MDJ: Hon. Cheryl Peck Yakopec
 Address: 46 Town Center Dr., Leechburg PA 15656
 Telephone: (724)236-0274



POLICE CRIMINAL COMPLAINT
 COMMONWEALTH OF PENNSYLVANIA
 VS.

DEFENDANT: (NAME and ADDRESS):
 John Thomas Sweeney
 First Name Middle Name Last Name Gen
 2900 Seminary Dr.
 Greensburg, PA 15601

NCIC Extradition Code Type

| | | | |
|--|---|--|--|
| <input checked="" type="checkbox"/> 1-Felony Full | <input type="checkbox"/> 5-Felony Pending Extradition | <input type="checkbox"/> C-Misdemeanor Surrounding States | <input type="checkbox"/> Distance: _____ |
| <input type="checkbox"/> 2-Felony Limited | <input type="checkbox"/> 6-Felony Pending Extradition Determ. | <input type="checkbox"/> D-Misdemeanor No Extradition | |
| <input type="checkbox"/> 3-Felony Surrounding States | <input type="checkbox"/> A-Misdemeanor Full | <input type="checkbox"/> E-Misdemeanor Pending Extradition | |
| <input type="checkbox"/> 4-Felony No Extradition | <input type="checkbox"/> B-Misdemeanor Limited | <input type="checkbox"/> F-Misdemeanor Pending Extradition Determ. | |

DEFENDANT IDENTIFICATION INFORMATION

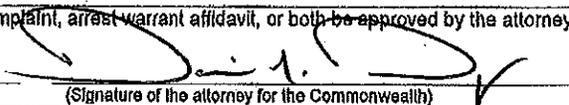
| | | | | | |
|---|---------------------------|--|---------------------------|--|---|
| Docket Number | Date Filed | OTN/LiveScan Number | Complaint/Incident Number | SID | Request Lab Services? |
| | | | 63-328 | 167-38-13-1 | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| Gender | DOB 10/30/1942 | Place of Birth Michigan | Add'l DOB | Co-Defendant(s) <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female | First Name | Middle Name | Last Name | Gen. | |
| Race <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Unknown | | | | | |
| Ethnicity <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown | | | | | |
| Hair <input type="checkbox"/> BLK (Black) <input type="checkbox"/> BLN (Blonde/Strawberry) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> BRO (Brown) <input checked="" type="checkbox"/> GRY (Gray) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> XXX (Unk/Bald) | | | | | |
| Color <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> PLE (Purple) <input type="checkbox"/> ONG (Orange) <input type="checkbox"/> RED (Red/Aubn.) <input type="checkbox"/> SDY (Sandy) <input type="checkbox"/> WHI (White) | | | | | |
| Eye <input type="checkbox"/> BLK (Black) <input type="checkbox"/> BLU (Blue) <input checked="" type="checkbox"/> BRO (Brown) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> GRY (Gray) | | | | | |
| Color <input type="checkbox"/> HAZ (Hazel) <input type="checkbox"/> MAR (Maroon) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> MUL (Multicolored) <input type="checkbox"/> XXX (Unknown) | | | | | |
| Driver's License State PA | License Number 11 772 102 | Expires 10/31/2020 | Weight 180 lbs. | | |
| Defendant Fingerprinted <input type="checkbox"/> YES <input type="checkbox"/> NO | FBI Number 446762EA7 | Height 5' 11" | | | |
| Fingerprint Classification | MNU Number | | | | |
| DNA <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | DNA Location | Defendant a Veteran? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | | |

DEFENDANT VEHICLE INFORMATION

| | | | | | | | |
|--------------|-------|---------------------------------|--------------------------------|--|--------------------------------------|----------------------|--|
| Plate Number | State | Hazmat <input type="checkbox"/> | Registration Sticker / (MM/YY) | Commercial Veh. <input type="checkbox"/> | School Veh. <input type="checkbox"/> | Other NCIC Veh. Code | Reg. same as Def. <input type="checkbox"/> |
| VIN | Year | Make | Model | Style | Color | | |

Office of the attorney for the Commonwealth Approved Disapproved because: _____

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa.R.Crim.P. 507).

SDAG Daniel Dye (Name of the attorney for the Commonwealth)  (Signature of the attorney for the Commonwealth) 7/21/17 (Date)

I, SA Regis Kelly / SA Kelly Roberts (Name of the Affiant) Badge # 105 Badge # 107 (PSP/MPOETC -Assigned Affiant ID Number & Badge #)
 of PA. Office of Attorney General BCI/WRO (Identify Department or Agency Represented and Political Subdivision) PA 0222400 (Police Agency ORI Number)
 do hereby state: (check appropriate box)
 1. I accuse the above named defendant who lives at the address set forth above
 I accuse the defendant whose name is unknown to me but who is described as _____
 I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have heretofore designated as John Doe or Jane Doe
 with violating the penal laws of the Commonwealth of Pennsylvania at _____ (Subdivision Code) _____ (Place-Political Subdivision)
 in Westmoreland County [65] (County Code) on or about 1991 / 1992 (Offense Date)



POLICE CRIMINAL COMPLAINT

| | | | |
|----------------|---------------|---------------------|-------------------------------------|
| Docket Number | Date Filed | OTN/LiveScan Number | Complaint/Incident Number 63-328 |
| Defendant Name | First John | Middle Thomas | Last Sweeney |

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.

| | | | | |
|------------------|--|---|---|---|
| Inchoate Offense | <input type="checkbox"/> Attempt 18 901 A | <input type="checkbox"/> Solicitation 18 902 A | <input type="checkbox"/> Conspiracy 18 903 | Number of Victims Age 60 or Older _____ |
|------------------|--|---|---|---|

| | | | | | | | | | |
|--|----------|-----------------|------------|--------|--------------------|-------------------------------------|--------------------------------------|------------------------------------|----------------|
| <input checked="" type="checkbox"/> | 1 | 3123 | (a)(7) | of the | PA 18 | 1 | F-1 | | |
| Lead? | Offense# | Section | Subsection | | PA Statute (Title) | Counts | Grade | NCIC Offense Code | UCR/NIBRS Code |
| PennDOT Data (if applicable) | | Accident Number | | | | <input type="checkbox"/> Interstate | <input type="checkbox"/> Safety Zone | <input type="checkbox"/> Work Zone | |
| Statute Description (include the name of statute or ordinance): The actor engaged in involuntary deviate sexual intercourse with JK (a male ten (10) years of age) and the actor was four or more years older than that person and he or she and the actor were not married to each other in violation of Section 18 PA C.S. 3123 a 7. | | | | | | | | | |

| | | | | |
|------------------|--|---|---|---|
| Inchoate Offense | <input type="checkbox"/> Attempt 18 901 A | <input type="checkbox"/> Solicitation 18 902 A | <input type="checkbox"/> Conspiracy 18 903 | Number of Victims Age 60 or Older _____ |
|------------------|--|---|---|---|

| | | | | | | | | | |
|---|----------|-----------------|------------|--------|--------------------|-------------------------------------|--------------------------------------|------------------------------------|----------------|
| <input type="checkbox"/> | | | | of the | | | | | |
| Lead? | Offense# | Section | Subsection | | PA Statute (Title) | Counts | Grade | NCIC Offense Code | UCR/NIBRS Code |
| PennDOT Data (if applicable) | | Accident Number | | | | <input type="checkbox"/> Interstate | <input type="checkbox"/> Safety Zone | <input type="checkbox"/> Work Zone | |
| Statute Description (include the name of statute or ordinance): | | | | | | | | | |

| | | | | |
|------------------|--|---|---|---|
| Inchoate Offense | <input type="checkbox"/> Attempt 18 901 A | <input type="checkbox"/> Solicitation 18 902 A | <input type="checkbox"/> Conspiracy 18 903 | Number of Victims Age 60 or Older _____ |
|------------------|--|---|---|---|

| | | | | | | | | | |
|---|----------|-----------------|------------|--------|--------------------|-------------------------------------|--------------------------------------|------------------------------------|----------------|
| <input type="checkbox"/> | | | | of the | | | | | |
| Lead? | Offense# | Section | Subsection | | PA Statute (Title) | Counts | Grade | NCIC Offense Code | UCR/NIBRS Code |
| PennDOT Data (if applicable) | | Accident Number | | | | <input type="checkbox"/> Interstate | <input type="checkbox"/> Safety Zone | <input type="checkbox"/> Work Zone | |
| Statute Description (include the name of statute or ordinance): | | | | | | | | | |

Set forth a *brief* summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 – 213.7.

Acts of the accused: **SEE ATTACHED:**



POLICE CRIMINAL COMPLAINT

| | | | |
|----------------|---------------|---------------------|-------------------------------------|
| Docket Number | Date Filed | OTN/LiveScan Number | Complaint/Incident Number 63-328 |
| Defendant Name | First John | Middle Thomas | Last Sweeney |

- I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
- I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.
- This complaint consists of the preceding page(s) numbered ___ through ___.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.
(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

_____ (Date) _____ (Signature of Affiant)

AND NOW, on this date _____ I certify that the complaint has been properly completed and verified.
 An affidavit of probable cause must be completed before a warrant can be issued.

_____ (Magisterial District Court Number)

_____ (Issuing Authority)





POLICE CRIMINAL COMPLAINT

| | | | |
|-----------------|--------------------|---------------------|-------------------------------------|
| Docket Number: | Date Filed: / / | OTN/LiveScan Number | Complaint/Incident Number 63-328 |
| Defendant Name: | First: JOHN | Middle: THOMAS | Last: SWEENEY |

AFFIDAVIT of PROBABLE CAUSE

Regis Kelly, Special Agent, Badge 105, and Kelly Robert, Special Agent, Badge 107, of the Pennsylvania Office of Attorney General, Bureau of Criminal Investigations and being duly sworn according to law, deposes and says:

Your Affiant is empowered by law to conduct investigations and make arrests for offenses involving violations of the Crimes Code of Pennsylvania. In the course of his official duties, your Affiant has personally been involved in an investigation and determined that J.K., a male ten (10) years of age, was the victim of a sexual assault perpetrated by John T. Sweeney.

On July 11, 2017, the 40th Statewide Investigating Grand Jury issued Presentment No. 16 recommending that criminal charges be filed against John Thomas Sweeney for violations of the Crimes Code of Pennsylvania. The aforementioned Presentment was accepted by the Honorable Norman Krumenacker, III, Supervising Judge of the Thirty-Ninth Statewide Investigating Grand Jury by order dated May 19, 2017.

Having read and reviewed the Presentment, and after having participated in this investigation and considering all facts and circumstances, your Affiant is adopting the Presentment and incorporating it fully into this Affidavit of Probable Cause (A copy of the Presentment is attached hereto). Based upon my review of the testimony given before the Grand Jury and the documents produced for the Grand Jury, I believe that the testimony of the various witnesses is accurately summarized in the Presentment and that the records referred to in the Presentment are stated accurately.

Based upon my review of the evidence, I have concluded that there is probable cause to believe that John Thomas Sweeney engaged in illegal activities which are accurately summarized in the attached Presentment. I have determined that there is probable cause to conclude that John Thomas Sweeney violated the following laws of the Commonwealth of Pennsylvania: Title 18 Pa.C.S.A. § 3123 (a)(7), Involuntary Deviate Sexual Intercourse, a felony of the first degree.

SEE ATTACHED PRESENTMENT

I, Regis Kelly & Kelly Roberts, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

(Signature of Affiant)

Sworn to me and subscribed before me this _____ day of _____

Date

, Magisterial District Judge

My commission expires first Monday of January,

SEAL

INTRODUCTION

We, the members of the Fortieth Statewide Investigating Grand Jury, having received testimony and evidence pertaining to violations of the Crimes Code of Pennsylvania occurring in Westmoreland County, Pennsylvania pursuant to Notice of Submission of Investigation No. 1, do hereby make the following findings of fact and recommendation of charges.

FINDINGS OF FACT

The Fortieth Statewide Investigating Grand Jury discovered evidence of criminal conduct as part of an investigation into the Diocese of Greensburg. The Grand Jury heard testimony from numerous witnesses and reviewed various exhibits. Through its comprehensive inquiry, the Grand Jury has identified significant criminal wrongdoing on the part of Father John Thomas Sweeney (hereinafter Sweeney), formerly an active Roman Catholic priest in the Diocese of Greensburg,

The Grand Jury heard testimony from the victim of Sweeney's sexual assault (hereinafter J.K.). The Grand Jury found this victim to be entirely credible and we appreciated his strength in enduring the difficult task of explaining the abuse to us. The Grand Jury has identified Sweeney as having criminal responsibility for intentionally committing sexual abuse against a child as he did make J.K., then a minor under the age of 12, perform oral sex on him between September, 1991 and June, 1992. This occurred while Sweeney was acting in his capacity as a Roman Catholic priest on the property of the Diocese of Greensburg.

John Thomas Sweeney

Sweeney was ordained a Roman Catholic priest in the Diocese of Greensburg on May 9, 1970 at the Blessed Sacrament Cathedral by Bishop William G. Connare. The Diocese of Greensburg consists of the counties of Armstrong, Indiana, Westmoreland, and Fayette.

Sweeney was assigned to various parishes during his tenure as a priest in the Diocese of Greensburg. The Grand Jury learned that Sweeney's assignments were as follows:

| <u>TITLE</u> | <u>ASSIGNMENT</u> | <u>START</u> |
|------------------|---|-------------------|
| Associate Pastor | Holy Family Church, Latrobe | June 24, 1970 |
| Associate Pastor | Blessed Sacrament Cathedral, Greensburg | August 8, 1975 |
| Pastor | St. Hedwig Church, Smock | May 22, 1980 |
| Pastor | St. Mary, Freeport | February 16, 1982 |
| Pastor | St. Margaret Mary, Lower Burrell | August 6, 1985 |
| Pastor | St. James Parish, Apollo | July 7, 1998 |
| Pastor | Holy Family Parish, West Newton | October 30, 2008 |

A review of Sweeney's personnel file, obtained from the Diocese of Greensburg by Grand Jury subpoena, revealed that on March 18, 1997, Bishop Anthony Bosco directed the transfer of Sweeney from St. Margaret Mary. Sweeney had been the pastor of St. Margaret Mary Parish for 12 years. The St. Margaret Mary Catholic School is associated with that parish.

The Investigation

In late August 2016, the Lower Burrell Police Department received information through child services of an anonymous report against Sweeney. On September 6, 2016, separate from that anonymous report, a United States Marshal made contact with the Lower Burrell Police Department. The Marshal identified himself as a relative of J.K. and reported that J.K. had made a disclosure of child sexual abuse to him. The Marshal indicated that JK made the disclosure that he was abused by a priest after watching the movie "Spotlight" which chronicled child abuse and cover-up within the Roman Catholic Archdiocese of Boston, Massachusetts. The Marshal had no other information at that time. The Lower Burrell Police Department concluded that this

disclosure was likely related to the anonymous report they had received approximately two weeks earlier.

Detective Sergeant Jason Napier (hereinafter Detective Sergeant Napier) from the Lower Burrell Police Department interviewed J.K. on September 9, 2016. During that interview, J.K. indicated that while in 4th grade at the St. Margaret Mary Catholic School in Lower Burrell, Westmoreland County, he was made to perform oral sex on Sweeney. Despite the passage of time, J.K. had a detailed recollection of the assault; specifically, that Sweeney had his hands on the back of J.K.'s head during the sexual assault and that Sweeney ejaculated into his mouth. J.K. related that Sweeney told him that if he did not comply he would get in "trouble" and that he was not to tell anyone what had occurred. J.K. remembered that Sweeney's secretary brought him milk and cookies after the sexual assault.

J.K. told the police that he was not pursuing a civil lawsuit against the priest or the church; rather, he was concerned that Sweeney could still be harming other children.

On September 20, 2016, J.K. told Detective Sergeant Napier that he had disclosed the abuse to a close friend who had reported J.K.'s abuse to Childline, a child welfare and abuse hotline. The police concluded that J.K.'s friend was the source of the August 2016 anonymous tip through child services.

Based on these allegations of abuse, in November 2016, the Westmoreland County District Attorney's Office advised the Lower Burrell Police Department to contact the Pennsylvania Office of Attorney General (OAG) since that agency was conducting an on-going investigation into allegations of child sexual abuse and cover-up within the Catholic Church.

Upon receiving information of an allegation, OAG Special Agent Regis Kelly (hereinafter SA Kelly) made contact with J.K. SA Kelly learned that J.K. had disclosed child

sexual abuse by Sweeney to his friend, J.F., and, subsequently to a relative who is a United States Marshal.

SA Kelly learned that J.K. is an active member of the United States Armed Forces and is skilled in rescue operations. Due to his military obligations which take J.K. outside the Commonwealth of Pennsylvania, SA Kelly arranged the earliest available date for J.K.'s appearance before the Grand Jury.

On January 7, 2017, in the midst of an ongoing investigation into the Diocese of Greensburg, the Diocese announced that "the Most Reverend Edward C. Malesic, JCL, Bishop of Greensburg, has made the following appointments . . . effective Saturday, December 31, 2016 . . . the Reverend John T. Sweeney retired as Pastor of Holy Family Parish, West Newton, Pennsylvania, with residence at Neumann House, Greensburg, Pennsylvania."

On February 14, 2017, the Grand Jury heard testimony from J.K. J.K. is now 35 years old. J.K. indicated that he has battled with his victimization his entire life. Throughout his testimony, the Grand Jury watched J.K. struggle through his narrative, displaying emotion and anger at what Sweeney had done to him.

J.K. described himself as a child who was always in trouble during his school years. He testified that during the 1991-1992 academic year when he was in 4th grade, he misbehaved while on the school bus. Following the incident, J.K. was told by Principal Frank Denara to report to Sweeney's office. J.K. was escorted to a conference room near Sweeney's office by Sweeney's secretary, Pat Talbot (hereinafter Talbot). J.K. sat alone in the darkened conference room for a few moments, concerned that he was in serious trouble since he never had to report to Sweeney on prior occasions for misbehavior. Sweeney entered the room and, exuding the authority of the priesthood, began to lecture J.K. regarding his bad behavior.

Sweeney sat in a chair and made J.K. approach him. Sweeney placed his hands on the back of J.K.'s head and put his penis in J.K.'s mouth. Sweeney ejaculated in J.K.'s mouth. Shortly after Sweeney had completed the sexual abuse of J.K., Talbot entered the room with milk and cookies for J.K. which the Grand Jury found to be quite odd given the fact that J.K. was there to be reprimanded. Additionally, the Grand Jury found it to be highly unusual that there were never any "formal" consequences for J.K.'s misbehavior on the bus; his parents were never notified, nor was he prohibited from riding the bus for a period of time. There simply was no consequence at all beyond reporting directly to Sweeney.

J.K. was asked what drove him to report his abuse. J.K. testified that he kept this abuse secret his entire life to protect his parents, who he feared would blame themselves. J.K. indicated that his parents had worked hard to be able to afford to pay the tuition to send J.K. to Catholic School so he could "get a better education." For a brief period of time, J.K. served as an altar boy because it was important to his parents.

J.K. explained that he broke his years of silence after watching a movie about sexual abuse and the cover-up in the Catholic Church. The fact that the abuse was widespread and persisted for so many years made J.K. feel compelled to act out of concern that Sweeney could still be harming other children. J.K. is deeply concerned about the damage and guilt his disclosure will cause his parents. He has not told them about the abuse to this very day.

Through ongoing investigation, the OAG was able to determine that Sweeney continued in ministry as a priest for approximately 16 years after abusing J.K. Over that period of time, Sweeney was in contact with children on a regular basis. Through documents received by the Grand Jury, it was confirmed that Sweeney served at St. Margaret Mary during the timeframe of the sexual assault.

On March 7, 2017, Sweeney was called before the Grand Jury. Sweeney's testimony confirmed his assignment history as a priest, including his assignment to St. Margaret Mary Parish and his affiliation with the Margaret Mary Catholic School. Sweeney indicated that as a priest he would engage in all duties affiliated with that position to include: taking confession and granting absolution for sins, conducting Mass, counseling, and administering Holy Communion to parishioners.

The Grand Jury found that throughout his testimony, Sweeney was evasive in answering key questions and feigned having a poor recollection of specific details unless challenged. For example, Sweeney initially claimed to forget the name of his secretary until he was reminded that he recently attended her funeral. In fact, evidence was introduced that Sweeney actually conducted Mass at her funeral. Following that exchange, Sweeney conceded and identified his former secretary as "Pat Talbot." Additionally, he initially denied disciplining children as part of his role at the school, but then admitted to one incident where he disciplined a child - - a boy. Sweeney originally stated that the boy was definitively not J.K., but later in his testimony, when reminded that he was under oath, Sweeney conceded that the boy may have been J.K.

The Grand Jury learned that SA Kelly interviewed J.F., another close friend of J.K. J.F. confirmed that J.K. had, in fact, disclosed to J.F. that he was a victim of sexual abuse by a Roman Catholic priest after watching the movie "Spotlight." J.K. told J.F. that Sweeney forced J.K. to perform oral sex on him when he was in the 4th grade at St. Margaret Mary Catholic School. J.K. stated that the assault followed an incident where J.K. misbehaved on a school bus.

J.F. informed SA Kelly that J.K. is "like a brother" and that J.K. lived with his family for a period of time. J.F. also stated that Sweeney was involved with his family for years. J.F. noted that Sweeney would vacation with the family and would regularly be alone with children and had

open access to their home. Sweeney would take the boys to his home and spend time with them in his vehicle. J.F. indicated that this access to the family, J.K., and his siblings occurred because Sweeney was a priest and that his family held great affection for their priest. J.F. recalled a period of time where he noticed coldness or distance in the interactions between J.K. and Sweeney, but until J.K. disclosed the abuse to him, he did not know why.

When asked by SA Kelly whether J.F. had experienced any uncomfortable interactions or inappropriate contact with Sweeney, J.F. recalled a time when he was approximately 10 years old and Sweeney brought J.F. back to Sweeney's house to have J.F. try on a wetsuit. Sweeney himself was a scuba diver and J.F. had an interest in diving. J.F. asked Sweeney to leave the room while he changed, but Sweeney would not. J.F. took his clothes off, down to his underwear, in front of Sweeney and put the wetsuit on. J.F. remembered thinking the situation was strange and that it made him feel uncomfortable. J.F. recalled Sweeney intently staring at him during that interaction. J.F. recalled that the adult wetsuit was too large and promptly took the wetsuit off.

During his testimony, Sweeney confirmed he was an avid diver and that he demonstrated his equipment to J.F. and his siblings. Sweeney admitted a time where a boy put his wetsuit on and went into the pool with equipment. Sweeney described it as "a one-time event in his home with his family there." J.F. recalled that Sweeney was often in a wetsuit when he was around J.F. and his siblings. Sweeney would interact with them as they swam in the family pool and watch them as they played.

J.F. shares J.K.'s concern that there may be other victims of Sweeney.

RECOMMENDATION OF CHARGES

Based on the evidence we have obtained and considered, which established a *prima facie* case, we, the members of the Fortieth Statewide Investigating Grand Jury recommend that the Attorney General, or his designee, institute criminal proceedings against John Thomas Sweeney and charge him with the following offense:

Involuntary Deviate Sexual Intercourse
18 Pa.C.S. § 3123(a)(7) – Victim less than 16 years of age

While the Grand Jury would also recommend that John Thomas Sweeney be charged with the offenses of Indecent Assault and Corruption of the Morals of Minor, the Grand Jury is unable to make such a recommendation. The Grand Jury learned that although the legislature extended the statute of limitations for these offenses in 2006, the statute of limitations had already expired in this case. While Sweeney's criminal behavior supports all three charges, the statute of limitations only permits us to recommend that he be charged with Involuntary Deviate Sexual Intercourse.