



OFFICE OF THE DISTRICT ATTORNEY

KEVIN R. STEELE
DISTRICT ATTORNEY

COUNTY OF MONTGOMERY
COURTHOUSE
P.O. BOX 311
NORRISTOWN, PENNSYLVANIA
19404-0311

DISTRICT ATTORNEY'S OFFICE
DISTRICT ATTORNEY'S FAX
COUNTY DETECTIVE BUREAU

(610) 278-3090
(610) 278-3095
(610) 278-3368

FOR IMMEDIATE RELEASE
Jan. 20, 2016

District Attorney Steele Asks Court To Dismiss Defense Petition; Alternately Postpone Until After the Preliminary Hearing

NORRISTOWN, Pa. – District Attorney Kevin R. Steele filed a response with the court today asking that the motion filed by defense attorneys for William H. Cosby be dismissed without prejudice until after the preliminary hearing, stating that the defendant is seeking special treatment in attempting to have pre-trial motions heard prior to a preliminary hearing, the next step in the legal process.

The response further states that the defendant appears to have little interest in determining whether the Commonwealth can present a prima facie case against him in a preliminary hearing and is instead seeking to distract from the allegations against him by attacking the District Attorney's Office.

Beyond the legal procedural issues, the response notes that the defense motion of Jan. 11, 2016 sought to dismiss the charges against Mr. Cosby via three avenues, each of which are meritless. The defendant contends that a former District Attorney granted him immunity or a promise not to prosecute via a press release, despite the language contained in the press release that clearly states the decision not to prosecute in 2005 may be reconsidered. Additionally, only a judge may issue a grant of immunity, which was not done in 2005 or since.

The defendant further seeks to dismiss the charges against him based on pre-arrest delay. This claim is meritless since the delay has not hampered Mr. Cosby's ability to defend himself against the allegations and since there was an investigation of reasonable length in this case after new information became available in July 2015. Additionally, the charges were filed within the Commonwealth's established statute of limitations.

Lastly, Mr. Cosby's attempt to remove District Attorney Steele and the Montgomery County District Attorney's Office is unwarranted and a blatant attempt to pick his own prosecutor.

"We have been ready and remain ready to present our case in court at the preliminary hearing and are asking Judge Steven T. O'Neill to dismiss this improper motion by the defense so we are able to proceed with Mr. Cosby's preliminary hearing. In that preliminary hearing, we plan to present evidence necessary to sustain our limited burden. These are the legal steps we must take in our pursuit of justice," said Steele.

As background, at a preliminary hearing in Pennsylvania, the Commonwealth must merely establish a prima facie case, which is to say that the Commonwealth must only prove "that a crime has been committed and that the accused is probably the one who committed it." The purpose of a preliminary hearing is not to prove the defendant's guilt beyond a reasonable doubt; rather, the question is whether the prosecution must be dismissed because there is nothing connecting the defendant to a crime.

Approved the release:

Kevin R. Steele

CRIMINAL CHARGES, AND ANY DISCUSSION THEREOF, ARE MERELY ALLEGATIONS AND ALL DEFENDANTS ARE PRESUMED INNOCENT UNTIL AND UNLESS PROVEN GUILTY.