

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY,
PENNSYLVANIA—CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA : No. CP-46-CR-3932-2016

v.

WILLIAM H. COSBY, JR.

2016 DEC 30 AM 11:00

MONTGOMERY COUNTY

DEFENDANT'S MOTION FOR A CHANGE OF VENUE AND/OR VENIRE

TO THE HONORABLE STEVEN T. O'NEILL, COURT OF COMMON PLEAS OF
MONTGOMERY COUNTY:

Defendant William H. Cosby, Jr., by and through his attorneys, hereby submits the following Motion for a change of venue and/or venire for the reasons discussed below.

1. On Monday July 27, 2015, the cover of the *New York Daily News* featured a large color photograph of Bill Cosby, accompanied by two simple words in giant, bold face type: America's Rapist. Although he has yet to stand trial, the *New York Daily News*' coverage is hardly unique; it is difficult to conceive of a case in recent history that has generated more widespread, inflammatory and sustained media coverage than the current case against Mr. Cosby.¹ Branded variously a monster,² sociopath³ and sexual predator,⁴ everyone from

¹ As discussed below, Mr. Cosby respectfully requests the opportunity to supplement this motion with full briefing and will at that time provide exhibits including copies of all relevant media sources and other documentary evidence in support of this motion.

² King, Shaun. "Bill Cosby isn't Heathcliff Huxtable, despite how much we all wanted him to be." *New York Daily News*, Dec. 30, 2015.

³ Kutner, Jenny. "New Bill Cosby accuser: 'We may be looking at America's greatest serial rapist.'" *Salon*, Nov. 24, 2014.

⁴ Aalai, Azadeh. "What Bill Cosby's Crimes can Teach us About Sexual Predators." *Psychology Today*, Dec. 11, 2014.

the current District Attorney of Montgomery County to President Obama has publicly weighed in on the allegations against Mr. Cosby.⁵

2. The pitchforks came out in force in the fall of 2014, when comic Hannibal Burrell called Mr. Cosby a rapist during a stand-up show in Philadelphia. A video clip of the routine went viral, fueling the interest of the mainstream media and prompting several women to publicly accuse Mr. Cosby of sexual misconduct. Since November 2014, stories devoted to Mr. Cosby's alleged criminal conduct have remained front and center in the media, appearing in such publications as *Vanity Fair*,⁶ *The Washington Post*,⁷ *People Magazine*,⁸ *USA Today*,⁹ *the Atlantic*,¹⁰ *The Los Angeles Times*,¹¹ *Variety*,¹² *Newsweek*,¹³ *The National*

⁵ Shear, Michael D. "Asked About Cosby Scandal, Obama Weighs in on a Sexual Violence Discussion." *New York Times*, July 15, 2015.

⁶ Busis, Hillary. "Bill Cosby Admits to Sex with Teenagers, Paying Off Alleged Victims in Exclusive Deposition Excerpt." *Vanity Fair*, May 24, 2016.

⁷ Bowman, Barbara. "Bill Cosby raped me. Why did it take 30 years for people to believe my story?" *The Washington Post*, Nov. 13, 2014.

⁸ Weisensee Egan, Nicole. "Bill Cosby Files Another Appeal that Would Delay Sexual Assault Case Against Him." *People Magazine*, July 20, 2016.

⁹ Puente, Maria. "Bill Cosby again appeals order to trial on sex charges." *USA Today*, July 20, 2016.

¹⁰ Kornhaber, Spencer. "The Sad Irony of Bill Cosby Finally Being Prosecuted." *The Atlantic*, May 25 2016

¹¹ Kim, Kyle, Littlefield, Christina and Olsen, Mark. "Bill Cosby: A 50-year chronicle of accusations and accomplishments." *Los Angeles Times*, April 26, 2016.

¹² Johnson, Ted. "Judge Allows Bill Cosby Sexual Assault Case to Proceed to Trial." *Variety*, May 24, 2016.

¹³ Reuters. "Bill Cosby Ordered to Stand Trial on Sexual Assault Charges." *Newsweek*, May 24, 2016.

Post,¹⁴ *The Seattle Times*,¹⁵ *Psychology Today*,¹⁶ *Time Magazine*,¹⁷ *The Wall Street Journal*,¹⁸ *The Denver Post*,¹⁹ and *The Chicago Tribune*.²⁰ News of this inflammatory and prejudicial smear campaign by the media spread across the globe to places such as Canada, the United Kingdom, Ireland, France, Qatar, and China, to name but a few. Articles written about the case number, literally, in the thousands.

3. Closer to home, prospective jurors in Montgomery County have been uniquely subjected to extensive, sustained, and pervasive negative coverage of the case against Mr. Cosby because of Kevin Steele's use of Mr. Cosby as a political pawn in his campaign for election as District Attorney. In October 2015, Mr. Steele repeatedly ran a 30-second campaign ad attacking political rival Bruce Castor for failing to prosecute Mr. Cosby. Mr. Steele made his promise to secure a conviction of Mr. Cosby a centerpiece of his campaign, going as far as to brand Mr. Cosby a "sexual predator," and thereby unleashing an unrelenting torrent of inflammatory and sensationalist headlines in Montgomery County, with scores of articles regularly appearing in the *Philadelphia Inquirer* and *Daily News*, as well as

¹⁴ Dale, Mary Claire. "Bill Cosby facing first sex assault charge after dozens of women alleged he drugged them." *National Post*, Dec. 30, 2015.

¹⁵ Pitts, Jr., Leonard. "Bill Cosby, public moralist, silenced." *The Seattle Times*, July 12, 2015.

¹⁶ King, Deborah. "Is Bill Cosby a Serial Rapist?" *Psychology Today*, Nov. 21, 2014.

¹⁷ Sifferlin, Alexandra. "How the World Learned About Bill Cosby's Sexual Assaults Allegation." *Time Magazine*, Dec. 30, 2015.

¹⁸ King, Kate. "Bill Cosby's First Criminal Sexual Assault Case to Move Forward to Trial." *The Wall Street Journal*, May 24, 2016.

¹⁹ Ostrow, Joanne. "Bill Cosby to stand trial: the TV patriarch stands accused." *Denver Post*, May 24, 2016.

²⁰ Editorial Board. "What will Cosby say this time?" *Chicago Tribune*, July 23, 2015.

regional publications including *The Times Herald*, *The Colonial*, *Montgomery News*, *Montgomery Media* and *The Mercury*.

4. It is against this backdrop that Mr. Cosby brings the instant motion requesting a change in the venue of his trial and/or a change of venire.
5. Pennsylvania Rule of Criminal Procedure 584, Motion for Change of Venue or Change of Venire, provides that a trial court must grant a change of venue where “a fair and impartial trial cannot otherwise be had in the county where the case is currently pending.” Pa.R.Crim.P. 584(A).
6. Generally, a defendant challenging a trial court’s failure to grant a motion for a change of venue on the basis of extensive pre-trial publicity must demonstrate on the record that the publicity at issue caused actual prejudice by preventing the empanelling of an impartial jury. *Commonwealth v. Robinson*, 864 A.2d 460, 484 (Pa. 2004). In some cases, however, pre-trial publicity may be so sustained and pervasive in the community that the accused need not prove actual juror prejudice. *Commonwealth v. Bridges*, 757 A.2d 859, 872 (Pa. 2000). Rather, prejudice will be *presumed* whenever a defendant demonstrates that the pretrial publicity: (1) was sensational, inflammatory, and slanted toward conviction, rather than factual and objective; (2) revealed the defendant’s prior criminal record, if any, or referred to confessions, admissions or reenactments of the crime by the defendant; or (3) derived from official police or prosecutorial reports. *Commonwealth v. Briggs*, 12 A.3d 291, 314 (Pa. 2011). A defendant seeking a change of venue need only demonstrate the existence of *one* of the three elements in order for a court to presume pre-trial prejudice. *Commonwealth v. Drumheller*, 808 A.2d 893, 900 n.13 (Pa. 2002), *citing Commonwealth v. Rucci*, 670 A.2d 1129, 1141 (Pa. 1996).

7. Here, Mr. Cosby will be able to meet all three elements, demonstrating that the unique media coverage of this case warrants a presumption of prejudice.

a. First, the media coverage in Montgomery County has been “sensational, inflammatory, and slanted toward conviction, rather than factual and objective.” *Briggs*, 12 A.3d at 314. This is not a close call in this case. In October 2015, trailing in the polls, Mr. Steele “launche[d] a crucial new phase of his campaign for Montgomery County District Attorney,” placing Mr. Cosby at the center of the election based on vitriolic accusations. Press Release, Kevin R. Steele, STEELE LAUNCHES NEW AD ON CASTOR’S FAILURE TO PROSECUTE BILL COSBY (Oct. 21, 2015). Mr. Steele’s “Willie Horton-style” campaign included “a TV ad that tout[ed] his strong record of prosecuting sexual predators and [drew] comparison to his opponent’s failure to prosecute Bill Cosby.” *Id.* . The media reported endlessly on Mr. Cosby’s central role in the 2015 race for District Attorney.²¹ District Attorney Steele’s news release and television ad are **still available on his website**.²²

b. The national press coverage has been no better; indeed, coverage of this case has been almost unprecedented in its scope and bias.²³ Hundreds—if not thousands—of articles

²¹ See, e.g., Murtha, Tara, *Bill Cosby’s Fate Could Hinge on a Small-Town Election* (Nov. 2, 2015), <http://www.rollingstone.com>.

²² See <http://www.steele4da.org/news-and-events-full> and <http://www.steele4da.org/videos>.

²³ See, e.g., *New York Magazine*, “I’m No Longer Afraid’: 35 Women Tell Their Stories About Being Assaulted by Bill Cosby, and the Culture That Wouldn’t Listen” at <http://nymag.com/thecut/2015/07/bill-cosbys-accusers-speak-out.html>; “A&E Special—Cosby: The Women Speak,” at <http://www.aetv.com/shows/cosby-the-women-speak>; *Vulture.com*, “Bill Cosby Details His Manipulation of Women Using Power, Mentorship, and Drugs,” at <http://www.vulture.com/2015/07/more-cosby-confessions-from-2005-deposition.html>; *Dateline NBC*, “The Cosby Accusers Speak,” at <http://www.nbcnews.com/dateline/video/full-episode-the-cosby-accusers-speak>; King, Shaun. “Bill Cosby isn’t Heathcliff Huxtable, despite how much we all wanted him to be.” *New York Daily News*, Dec. 30, 2015; Pitts, Jr., Leonard. “Bill Cosby, public moralist, silenced.” *The Seattle Times*, July 12, 2015; King, Deborah. “Is Bill Cosby a

have been published with uncritical accounts of allegations of supposed assaults that occurred decades ago, many of which refer directly to the transcript of Mr. Cosby's 2005 deposition, discussed below. See *Commonwealth v. Karenbauer*, 715 A.2d 1086, 1092 (Pa. 1998) ("Pre-trial publicity will be presumed to have been prejudicial if...such publicity . . . referred to confessions, admissions, or reenactments of the crime by the defendant"). Articles with headlines like a Huffington Post article entitled "Why it's Time to Stop Apologizing for Bill Cosby," have blanketed television, print, and online media, with Mr. Cosby's guilt taken for granted. See http://www.huffingtonpost.com/aaron-barksdale/why-its-time-to-stop-apologizing-for-bill-cosby_b_7757102.html. The New York Times summed up the effect of this national media barrage: "Mr. Cosby's public reputation has gone from America's dad to America's creepy uncle." See *The New York Times*, "No More Statute of Limitations for Rape," <http://www.nytimes.com/2016/01/01/opinion/no-more-statutes-of-limitations-for-rape.html>. In a measure purportedly "inspired by" the accusations

Serial Rapist?" Psychology Today, Nov. 21, 2014; Sifferlin, Alexandra. "How the World Learned About Bill Cosby's Sexual Assaults Allegation." *Time Magazine*, Dec. 30, 2015; *The Hollywood Reporter*, "Bill Cosby Deposition Reveals He Gave Women Quaaludes for Sex," at <http://www.hollywoodreporter.com/thr-esq/bill-cosby-deposition-reveals-he-806963>; *Washington Post*, "Bill Cosby's Accusers Now Number 60. Here's who they are," at https://www.washingtonpost.com/graphics/lifestyle/cosby-women-accusers/?tid=a_inl; CNN Special Reports: No Laughing Matter: Inside the Cosby Allegations [video], transcript at <http://www.cnn.com/TRANSCRIPTS/1507/08/csr.01.html>; *ABC News*, "Bill Cosby: A Timeline of Sexual Assault Allegations," <http://abcnews.go.com/Entertainment/bill-cosby-timeline-sexual-assault-allegations/story?id=36013880>; *Vanity Fair*, "New Bill Cosby Accuser Mean Over 50 Women Have Now Accused Comedian of Sexual Assault; Two new Bill Cosby accusers came forward in a press conference on Thursday," at <http://www.vanityfair.com/hollywood/2015/08/bill-cosby-rape-sexual-assault-50-accusers>; *International Business Times*, "Bill Cosby Arrest Draws Celebrity Reaction After Mug Shot Photo and Arraignment Video Go Viral," at <http://www.ibtimes.com/bill-cosby-arrest-draws-celebrity-reaction-after-mug-shot-photo-arraignment-video-go-2245116>;

against Mr. Cosby, the California Legislature passed the much-publicized SB813, a bill eliminating the statute of limitations for rape and sexual assault. See <http://www.reuters.com/article/us-california-rape-cosby-idUSKCN11Y31P?feedType=RSS&feedName=domesticNews>. Certain women who have come forward with accusations against Mr. Cosby, and who have participated in a so-called Cosby “Survivor’s Facebook Page,” have testified before State legislatures in support of other bills to end statutes of limitations for rape and sexual assault. See, e.g., *AP Archive*, “Alleged victims of Bill Cosby seek end of statute of limitations on sexual assault cases (US Colorado Cosby),” even appearing the bill signing for the bill passed in the State of Colorado.²⁴ The media coverage surrounding this case has been so hostile and one-sided so as to make juror bias an inevitability. See *Flamer v. Delaware*, 68 F.3d 736, 754 (3d Cir. 1995) (presumption of prejudice cannot be rebutted where “community and media reaction” is so “hostile and so pervasive as to make it apparent that even the most careful voir dire process would be unable to assure an impartial jury.”)

- c. Second, in July 2015—at the request of the Associated Press—Judge Eduardo C. Robreno unsealed confidential documents from Ms. Constand’s civil lawsuit, including documents containing portions of the testimony that the Commonwealth’s promise of immunity had forced Mr. Cosby to give. Despite having no legitimate legal basis to unseal the confidential documents, Judge Robreno ordered the release. Mr. Cosby’s

²⁴ <http://www.aparchive.com/metadata/US-Colorado-Cosby/25898e83e8cb9554f644c11969bdd143?query=MIDDLE+EAST¤t=17&orderBy=Relevance&hits=43&referrer=search&search=%2Fsearch%3Fquery%3DMIDDLE%2520EAST%26allFilters%3DSEALS%3AKeyword%2CRAPE%3AKeyword&allFilters=SEALS%3AKeyword%2CRAPE%3AKeyword&productType=IncludedProducts&page=1&b=bdd143>

lawyers immediately contacted the court—but it was too late. In a matter of minutes, quotations from Mr. Cosby’s confidential deposition transcript had spread like wildfire. Even an appellate court could not un-ring Judge Robreno’s bell. The information in Mr. Cosby’s improperly-released deposition is exactly “the kind of vivid, unforgettable information” that the Supreme Court has “recognized as particularly likely to produce prejudice” and result in a trial atmosphere “utterly corrupted by press coverage.” *Skilling v. United States*, 561 U.S. 358, 380, 384 (2010) (5-4 decision).

- d. Third and finally, our courts have determined that the sources relied upon by the media in reporting on a case is a factor to consider when granting or denying a request for a change in venue. Where, as here, the media has relied on official police and prosecutorial documents in reporting on a case, prejudice should be presumed. Of the 47 Montgomery County newspaper articles focusing on the Cosby case, 21 of those articles referenced documents such as the criminal complaint; arrest affidavit; statements made to the police; and official court filings.²⁵

²⁵ Hessler, Jr., Carl. “Montco judge: Recorded Cosby phone call is admissible at trial.” *Glenside News Globe Times Chronicle*, Sept. 19, 2016 (criminal complaint); Foti, Kaitlyn. “DA seeks to introduce testimony of 13 women Bill Cosby allegedly assaulted.” *Glenside News Globe Times Chronicle*, Sept. 7, 2016 (Commonwealth’s 404(b) motion); Hessler, Jr., Carl. “Trial date set for Bill Cosby.” *Glenside News Globe Times Chronicle*, Sept. 7, 2016 (criminal complaint); Foti, Kaitlyn. “Montgomery County DA seeks to include testimony of 13 women Bill Cosby allegedly assaulted.” *Colonial News*, Sept. 6, 2016 (Commonwealth’s 404(b) motion); Hessler, Jr., Carl. “Admissibility of Cosby deposition at heart of pretrial hearing.” *Glenside News Globe Times Chronicle*, Sept. 6, 2016 (Commonwealth’s response to suppression motion); Hessler, Jr., Carl. “Prosecutor: Recorded Cosby phone call is admissible evidence.” *Glenside News Globe Times Chronicle*, Sept. 6, 2016 (criminal complaint; arrest affidavit; Commonwealth’s response to suppression motion); Hessler, Jr., Carl. “Lawyers: Bill Cosby in California during recorded phone conversation.” *Glenside News Globe Times Chronicle*, Aug. 15, 2016 (criminal complaint); Hessler, Jr., Carl. “Lawyers for Bill Cosby seek to suppress recorded phone call from sex assault trial.” *Glenside News Globe Times Chronicle*, Aug. 3, 2016 (criminal complaint); Foti, Kaitlyn. “Supreme Court of Pennsylvania refuses to hear Bill Cosby’s appeal of pretrial decisions.” *Colonial News*, June 21, 2016 (Commonwealth’s response to motion to dismiss); Hessler, Jr., Carl.

- e. Montgomery County has been directly responsible for disseminating official police and prosecutorial reports to the media, as well as copies of witness statements that contain unredacted personal information about Ms. Constand and Mr. Cosby, including information about Ms. Constand's mental health treatment and past sexual history. In fact, the media has enjoyed ready access to every official document associated with the case against Mr. Cosby; Montgomery County officials have established a website specifically dedicated to his prosecution. This website, which can be accessed at <http://www.montcopa.org/2312/Commonwealth-v-William-Henry-Cosby-Jr>, was set up for the media "to provide information on the case of *Commonwealth v. William Henry Cosby, Jr.*, filed in Montgomery County, Pennsylvania." In addition to providing maps and hotel information, the website includes links to *every document, order, transcript and exhibit filed in connection with this case*, even though several

"Bill Cosby ordered to trial in Montgomery County for alleged sexual assault." *Colonial News*, May 24, 2016 (complainant's statement given to police); Foti, Kaitlyn. "Attorneys react to Bill Cosby preliminary hearing decision." *Colonial News*, May 24, 2016 (statements made by complainant and Cosby); Hessler, Jr., Carl. "Montgomery County prosecutor: Bill Cosby 'not entitled to unprecedented special treatment.'" *Colonial News*, May 16, 2016 (Commonwealth filings opposing Cosby's request for a stay of preliminary hearing); Foti, Kaitlyn. "Superior Court of Pennsylvania puts Bill Cosby case on hold." *Colonial News*, March 1, 2016 (Commonwealth motion to quash appeal); Hessler, Jr., Carl. "Local lawyers: Legal hurdles likely in Cosby case." *Montgomery Life*, Jan. 29, 2016 (statements made to detectives "in court papers"); Hessler, Jr., Carl. "Montgomery County DA: Bill Cosby 'does not have the right to pick his prosecutor.'" *Colonial News*, Jan. 21, 2016 (Commonwealth's response to motion to disqualify DA); Hessler, Carl, Jr. "Montgomery County judge sets hearing on request to dismiss Bill Cosby charges." *Colonial News*, Jan. 13, 2016 (arrest affidavit); Hessler, Jr., Carl. "Bill Cosby seeks dismissal of sex assault charges in Montgomery County." *Colonial News*, Jan. 12, 2016 (arrest affidavit); Hessler, Jr., Carl. "Bill Cosby gets a new court date in Montgomery County." *Colonial News*, Jan. 8, 2016 (affidavit of probable cause); Hessler, Jr., Carl. "Bill Cosby's preliminary hearing in Montgomery County delayed at defense request." *Colonial News*, Jan. 6, 2016 (arrest affidavit); Editorial Board. "Bill Cosby charges seen as victory for silent victims." *The Mercury*, Jan. 4, 2016 (arrest affidavit); Goldberg, Michael and Foti, Kaitlyn. "Bill Cosby arraigned in Elkins Park on sexual assault charges." *Glenside News Globe Times Chronicle*, Dec. 30, 2015 (affidavit of probable cause).

of the documents are items that have not been ruled admissible and may not constitute evidence in the case. The documents include transcripts of the preliminary hearing, as well as copies of the criminal complaint and pre-trial motions. Notably, the website contains a link to police interviews of both Mr. Cosby and Ms. Constand. These unredacted documents contain personal information, including the address and telephone numbers of both parties. Ms. Constand's witness statement contains information about her mental health treatment history and past sexual experiences. Mr. Cosby's statement contains admissions that he engaged in sexual contact with Ms. Constand and might have given her some pills.

* * *

8. The foregoing demonstrates that this is one of the rare cases in which pre-trial prejudice must be presumed and a change of venue and/or venire is warranted to ensure a fair and impartial jury. The type of attention that this case has gotten has expanded beyond simply print media and has expanded to nationwide and worldwide print, television, internet, and social media. The expansive nature of the negative coverage guarantees that it has reached a broader demographic than in likely any other legal case today.
9. Given the uniquely tainted press coverage in Montgomery County and the pervasively negative national coverage, the only way an impartial jury can be empaneled is to draw the jury from a population of sufficient size such that the Court can be assured that the coverage was not "so extensive, so sustained and so pervasive that the community must be deemed to have been saturated with it." *Com. v. Casper*, 481 Pa. 143, 153, 392 A.2d 287, 292 (1978). "In this connection the *size and character of the area concerned*, and more particularly the pervasiveness of the media coverage in the community, warrant

consideration.” *Id.* (emphasis added.); *Skilling*, 561 U.S. at 382 (stating that “we have emphasized in prior decisions the size and characteristics of the community in which the crime occurred,” and noting the potential for prejudice could be mitigated by drawing a jury from a large population). According to one experimental study, jurors who were exposed to highly prejudicial pretrial publicity and claimed that they could disregard it were much more likely to convict than jurors who were not exposed.²⁶ Empirical evidence on the subject of jury bias confirms the effect of community pressure on jury verdicts. Defined as ‘conformity prejudice,’ these studies show that “when the juror perceives that there is such strong community reaction in favor of a particular outcome of a trial [] he or she is likely to be influenced in reaching a verdict consistent with the perceived community feelings rather than an impartial evaluation of the trial evidence.”²⁷ Larger media markets generally contain more diverse and opposing viewpoints, and the prejudicial impact of the blatantly one-sided media coverage of this case might be dampened by the reduced media saturation in those larger markets, with populations in excess of 1.2 million people, for example.

10. In light of the ongoing press coverage, the existence of additional evidence that bears on this issue, and the importance of the guarantee of a fair trial, Mr. Cosby respectfully

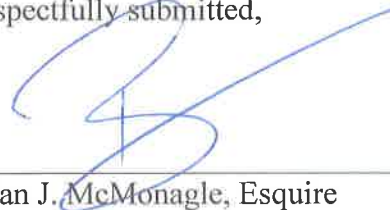
²⁶ Stanley Sue, Ronald E. Smith & George Pedroza, Authoritarianism, Pretrial Publicity, and Awareness of Bias in Simulated Jurors, 37 *Psychol. Reps.* 1299, 1301 (1975) (53% of jurors exposed to damaging pretrial publicity voted to convict, despite claims that they had not been biased by publicity, versus 23% of jurors not exposed to pretrial publicity.)

²⁷ See, e.g., Neil Vidmar, Trial by Jury Involving Persons Accused of Terrorism, in *Law and Psychology* (Freeman ed. 2006), available at <http://ssrn.com/abstract=934792> (examining juror responses on a jury questionnaire and discovering that “jurors were cognizant that a not guilty verdict might be met with outrage by some of their friends, family and co-workers”).

requests the opportunity to supplement this motion with additional briefing and documentary evidence. He also requests that the Court order an evidentiary hearing so that he can present testimony regarding the readership and circulation of the publications mentioned in this motion, as well as present evidence regarding news broadcasts covering the case in the Montgomery County-area media markets and the duration and frequency of ads for Mr. Steele's campaign for District Attorney, which served to prime Montgomery County residents in particular to pay attention to Mr. Cosby's arrest and the legal proceedings attendant to that arrest, and finally evidence and additional briefing regarding a suitable venue of sufficient size from which to draw prospective jurors.

11. **WHEREFORE**, Mr. Cosby respectfully requests that the Court either grant this motion and Order a change of venue and/or venire, or alternatively, issue a briefing schedule allowing supplemental briefing on this issue and setting a date for an evidentiary hearing.

Respectfully submitted,



Brian J. McMonagle, Esquire
MCMONAGLE, PERRI, MCHUGH,
& MISHAK, P.C.
1845 Walnut Street, 19th Floor
Philadelphia, PA 19103
Tel: (215) 981-0999; Fax: (215) 981-0977



Angela C. Agrusa, Esquire (*pro hac vice*)

LINER LLP

1100 Glendon Avenue, 14th Floor

Los Angeles, CA 90024

Tel: (310) 500-3500; Fax: (310) 500-3501