
COMMONWEALTH OF
PENNSYLVANIA

v.

WILLIAM COSBY, JR.

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COURT OF COMMON PLEAS
MONTGOMERY COUNTY

Criminal Division

CP# 46-CR-0003932-2016

NOTICE FOR A HEARING

AND NOW, this _____ day of _____, 2018, upon application of A. Charles Peruto, Jr., Esquire, a hearing is hereby ordered for the within Motion for an order permitting Original Media Group Corporation to intervene in this proceeding for the limited purpose of asserting the public's constitutional right to access the trial, is set for the _____ day of April, 2018, in Courtroom ____ at 9:00 a.m. in the Montgomery County Courthouse.

BY THE COURT:

J.,

COMMONWEALTH OF
PENNSYLVANIA

v.

WILLIAM COSBY, JR.

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ORDER

AND NOW, to wit, this _____ day of _____, 2018, it is hereby **ORDERED** and **DECREED** that Original Media Group Corporation be permitted to intervene and for (1) one of their reporters who can represent them be permitted inside Courtroom A to observe the general proceedings in person, (2) one of their reporters who can represent them be permitted inside Courtroom C, (3) better audio of sound recordings being played for those in Courtroom A be provided for those in Courtroom C and (4) the scope of the live video feed have several angles or screens that connect to the exhibits presented to the Court such that Original Media Group Corporation and other members of the media can observe the trial equally.

BY THE COURT:

J.,

LAW OFFICES OF A. CHARLES PERUTO, JR.
By: A. Charles Peruto, Jr., Esquire
Identification Number 30634
2101 Pine Street
Philadelphia, PA 19103
(215)735-1010

Attorney for *Original Media Group Corporation*

COMMONWEALTH OF PENNSYLVANIA

v.

WILLIAM COSBY, JR.

COURT OF COMMON PLEAS
MONTGOMERY COUNTY

Criminal Division

CP# 46-CR-0003932-2016

2018 APR 23 PM 1:00

CLERK OF COURTS
OFFICE
MONTGOMERY COUNTY
PENNA.

**MOTION TO INTERVENE TO SEEK ACCESS
TO TRIAL PROCEEDINGS**

Proposed Intervenor Original Media Group Corporation (“YC.NEWS”) through their undersigned counsel, respectfully move this Court for an order permitting them to intervene in this proceeding for the limited purpose of asserting the public’s constitutional right to access the trial. They state in support of their motion as follows:

RELEVANT BACKGROUND

Original Media Group Corporation publishes *YC News*, an American not-for-profit news agency headquartered on the 36th Floor of One Liberty Place located at 1650 Market Street, Philadelphia, Pennsylvania 19103. Original Media Group Corporation is a representative of the news media and is primarily engaged in the dissemination of information to the public and other networks via newswire. Original Media Group Corporation reaches over 35,000 daily readers and nearly 25 million viewers in the last

year combined from broadcast media, digital media and print media who have used content, video, sources or photos from Original Media Group Corporation.

1. This Motion addresses the exclusion of Original Media Group Corporation from Courtroom A, where live general proceedings are being held.

2. The Pennsylvania Supreme Court “has long held that a motion to intervene is an appropriate method for the news media to assert the public right of access to information concerning criminal cases,” *Commonwealth v. Upshur*, 924 A.2d 642, 645 n.2 (Pa. 2007) (plurality opinion) (citing *Commonwealth v. Fenstermaker*, 530 A.2d 414, 416 n.1 (Pa. 1987) and *Capital Cites Media, Inc. v. Toole*, 483 A.2d 1339, 1344 (Pa. 1984)), and has described such intervention as “provisional in nature and for the limited purpose of permitting the intervenor to file a motion, to be considered separately, requesting that access to proceedings or other matters be granted.” *Fenstermaker*, 530 A.2d at 416 n.1.

3. During the trial, Original Media Group Corporation has been given extremely limited access through a video feed into Courtroom C pursuant to this Court’s Decorum Order Governing Jury Trial.

4. Per the Decorum Order Governing Jury Trial states, “*the ultimate authority to supervise the Jury Trial and all associated events, and the application of such policies and procedures rests exclusively with the Court.*”¹”

¹ The Decorum Order Governing Jury Trial states, “While policies and procedures associated with media access to court proceedings have been developed in cooperation with a committee formed by the Pennsylvania Association of Broadcasters (PAB) and the Pennsylvania NewsMedia Association (PNA), and the Court has delegated the implementation of these policies and procedures to representatives of those organizations, the ultimate authority to supervise the Jury Trial and all associated events, and the application of such policies and procedures rests exclusively with the Court.”

5. The video feed in Courtroom C captures images of only the presiding Judge, the lawyers solely when they address the Court from the podium, the prosecution's table, and the back of two jurors heads.

6. The video feed in Courtroom C does not display the defendant, William H. Cosby, Jr., the defendant's table with his attorneys, exhibits presented to the jury via Elmo (projection screen), the facial expressions or demeanor of witnesses nor provide adequate audio recordings played for jurors.

7. Further, the projector in Courtroom C displays extremely low quality video, making it nearly impossible to identify which parties addressing the Court.

8. Thus, Original Media Group Corporation is unable to observe the trial itself and hear or see crucial material shown to jurors, heard by jurors, expressions from the defendant, expressions and demeanor of witnesses and expressions made by jurors.

9. The Decorum Order Governing Jury Trial states that a total of 60 seats are allocated for the news media, with an additional 12 seats allocated for the Commonwealth, 12 seats allocated for the defense and 30 seats allocated to members of the general public.

10. Out of the 60 seats allocated to the members of the media, 14 are reserved for The Associated Press – Broadcast, The Associated Press – Print, The Intelligencer, The Legal Intelligencer, The Mercury, The Philadelphia Inquirer, The Philadelphia Daily News, The Times Herald, KYW-1060 radio, NBC10 (WCAU), 6abc (WPVI), CBS Philly (KYW-TV10/WPSG), Fox29 (WTFX), and WHYI.

11. Several news outlets have been granted credentials for more than 3 reporters each by the Pennsylvania NewsMedia Association, (hereinafter referred to as

“PNA”), to be seated in Courtroom A during the trial when there are other outlets, such as Original Media Group Corporation, unable to obtain a single credential.

12. There are not 60 news media outlets attending the trial, in fact, there are about 15.

13. Therefore there is plenty of space in Courtroom A if the Court bars outlets from allowing multiple reporters to be seated in Courtroom A.

14. It is well-established that the First Amendment provides a constitutional right to access, attend, and observe criminal trials. *See, e.g., Commonwealth v. Berrigan, 501 A.2d 226, 232 (Pa. 1985) (citing Press-Enterprise Co. v. Superior Court, 464 U.S. 501 (1984)).*

15. Nevertheless, in light of the limitations of the video feed described above, the current accommodations provided to Original Media Group Corporation are not adequate substitutes for the public’s right to attend the trial in person.

16. Further, it appears that a number of outlets that are granted credentials for Courtroom A are favored by the issuer of credentials as single outlets are being granted multiple credentials.

17. Accordingly, Original Media Group Corporation objects to the current accommodations for observing the trial and respectfully requests that (1) one of their reporters who can represent their organization be permitted inside Courtroom A to observe the trial in person, (2) one of their reporters who can represent their organization be permitted inside Courtroom C, (3) better audio of sound recordings being played for those observing the trial in Courtroom A be provided for those observing the trial in

Courtroom C and (4) the scope of the live video feed have several angles or screens that connect to the exhibits presented to the Court.

WHEREFORE, for the reasons set forth above, Original Media Group Corporation, using the procedure explicitly authorized by the Pennsylvania Supreme Court, respectfully requests that it be permitted to intervene and for (1) one of their reporters who can represent them be permitted inside Courtroom A to observe the general proceedings in person, (2) one of their reporters who can represent them be permitted inside Courtroom C, (3) better audio of sound recordings being played for those in Courtroom A be provided for those in Courtroom C and (4) the scope of the live video feed have several angles or screens that connect to the exhibits presented to the Court such that Original Media Group Corporation and other members of the media can observe the trial equally.

Respectfully Submitted,



A. Charles Peruto, Jr.

Dated: 4/18/18

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused to be served a true and correct copy of the foregoing Motion to Intervene upon the following counsel of record via first class mail:

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Attorneys for the Defendant William H. Cosby, Jr.



A. Charles Peruto, Jr.

Dated: 4/18/18