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3/20/2018 10:04 AM

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

COMMONWEALTH OF PENNSYLVANIA,

v.

WILLIAM H. COSBY, JR.

: : : :

NO. CP-46-CR-0003932-2016

DEFENDANT'S MOTION TO AMEND THE COURT'S DECORUM ORDER

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 respectfully submits the following motion to amend the decorum order entered by the Court on March 14, 2018 ("March 14 Decorum Order"). Defendant also submits contemporaneously herewith a Memorandum of Law in support of this motion. Below is a summary of the bases for this motion:

1. Prior to and during the first trial in this matter, the Court issued multiple Decorum Orders governing the conduct of the press, the public, and counsel concerning matters related to the proceedings in court, ranging from the use of electronics to the conduct of sketch artists.
2. Not included in those Decorum Orders was a provision specifically governing the dress of members of the public.
3. During the course of the first trial, **several of Defendant's accusers packed the gallery.**

Only 6 of the more than 62 known Cosby accusers, outside of the witnesses in the trial, attended the Cosby criminal trial last year. We comprised a relatively small percentage of the audience. The six Cosby accusers who attended the trial, last year, are Jewel Allison, Lili Bernard, Barbara Bowman, Linda Kirkpatrick, Therese Serignese and Victoria Valentino.

4. These other accusers wore large, bright pink badges with the message, "We Stand In Truth" in bold letters, prominently displayed on their lapels. They also carried with them large pink bouquets of flowers to match the badges worn on their lapels.

This is an inaccurate statement. I did not prominently display a button on my lapel. During the entire trial, I never wore any garments that had lapels. The buttons, which I and some of the other Cosby accusers and advocates wore, are not large and bright. I designed the buttons. They are only three and a half inches in diameter. The colors are muted: black and dark pink. The only text on the button, "We Stand In Truth," is white, with lettering that is less than half inch high. There is absolutely no visual reference on the button to any images of Bill Cosby or Andrea Constand, nor to their names. There is no mention in any of the text or imagery on the button to sexual assault. Attached is a photograph of the button, as I wore it at the trial, last year. It is the same button I intend to wear this year.

As for the flowers, I was the only one who carried any flowers. It was not a large bouquet. It was a cluster of a few pink gladiolus stems in bloom, with no other flowers. It has religious and cultural significance for me, related to my being Cuban-born and Christian. I request the privilege of being allowed again, at the retrial, to wear the button and to carry the pink gladiolus flowers, as I did at last year's trial without disturbance, inside the courtroom and outside of the courthouse. Attached is a photograph of me, with 4 of the 6 Cosby accusers who attended the trial last year, and my friend, Caroline Heldman, on the courthouse steps. Visible in the photo are the aforementioned button and flowers.

5. Their stated purpose was to show "solidarity" for the complaining witness, Andrea Constand. Some of these same women are believed to be members of a Facebook group, "We Support the Survivors of Bill Cosby." Their group's Facebook page features anti-Cosby articles, messages and videos, and pictures of themselves at Mr. Cosby's first trial are prominently displayed.

"We Support the Survivors of Bill Cosby" is not a Facebook group. It is a FaceBook page. Facebook pages do not have the option for membership, outside of the administrators. None of the administrators of the "We Support the Survivors of Bill Cosby" page are among the 62 known Cosby accusers, nor have we ever been.

6. In the time leading up to the second trial in this matter, numerous persons and organizations have not only given public notice but have sought volunteers to create distractions outside, if not inside, of the Courthouse. The following are but only a few such examples.

This is a false statement about me. I am not involved in the planning of any protests or distractions regarding Bill Cosby or his criminal trial. I have not sought any volunteers to create distractions. I have no intention of participating in any protests and in creating any distractions inside or outside the Courthouse.

a. The Facebook account for “Stand with Sexual Assault Survivors at Bill Cosby’s Retrial”, purportedly hosted by the New York office of the National Organization of Women (NOW-NY), posts a calendared protest at the Courthouse to begin on the first day of trial, see <https://www.facebook.com/events/290258371504519> (last visited on March 18, 2018), which announces that:

In preparation for this protest, we’re reaching out to invite activists from various organizations to meet up outside the courthouse during the trial The protest will take place at the Montgomery County Courthouse (2 East Airy Street, Norristown, PA) starting Monday, April 2 at noon through 2pm. Please considering [sic] sharing the above Facebook event on your organization’s (and/or personal) Facebook page.

A copy of this post is attached to the Memorandum of Law as Exhibit A.

b. A similar announcement with a link to the above Facebook post can also be found on the website of Women Organized Against Rape (WOAR), see <https://www.woar.org/upcoming-events/> (last visited on March 18, 2018). A copy of this post is attached to the Memorandum of Law as Exhibit B.

I have nothing to do with the above.

2 c. The Facebook account of one Cosby accuser, Lili Bernard, schedules and solicits participants for a candlelight protest “during the trial every night at 7pm outside

of the courthouse", see <https://www.facebook.com/lilibernardartist/> (last visited on March 18, 2018). A copy of this post is attached to the Memorandum of Law as Exhibit C.

This is a false statement about me. I have not scheduled and solicited the participation of any protest during the trial. The art installation/prayer project that I have been creating at home, Candlelight Prayers for Andrea Constand 2018, and have been posting daily on social media as it burgeons, clearly states that it is for the purpose of a 63-second candlelight vigil, a silent prayer that I will be leading every night at 7pm outside of the courthouse, and in which I invite all to participate along with me in silent prayer. It is NOT a protest. It is an outdoors, silent prayer for Andrea Constand and all victims of sexual assault that will last roughly one minute, after the daily proceedings - so as not to disturb. The project also includes a candlelight prayer for Bill Cosby, his deceased children, and his grieving family. I posted it on social media. It is the heart-shaped candlelight installation, accessible in the link to my FaceBook page which Cosby's defense lawyers pasted above.

d. Similar announcements on Facebook have been made by what appear to be related organizers, including the so-called groups known as "We Support the Survivors of Bill Cosby" and "LOAT: Lipstick on a Turd", see <https://www.facebook.com/events/112869132668593/> (last visited on March 18, 2018), which state:

The world will be watching the next Bill Cosby trial at the Montgomery County Courthouse in Norristown, Pennsylvania (close to the King of Prussia Mall). Join us in solidarity as we rally folks Bring your posters, friends, and belief that together we are stronger! The first day of the trial will be Monday, April 2, 2018....get ready and organized!! A copy of this post is attached to the Memorandum of Law as Exhibit D.

I have nothing to do with this. I am not involved in the planning of any protests regarding Bill Cosby or his criminal trial. I have no intention of participating in any protests inside or outside of the courthouse.

7. **Such diversions** have no place in the impartial legal proceedings to be presented to the

jury. In order to protect the rights of the accused and to maintain decorum in this Court, it is incumbent upon this Court to restrict any and all **improper conduct** by the public or any other person that could potentially influence the jury or otherwise disrupt the trial and related proceedings.

I am not planning any such diversions, nor will I create any such diversions or disturbances. My conduct at all times will be proper and courteous, as it was at last year's trial.

For the record, last year, I was verbally attacked by Cosby supporters on the courthouse steps. In response to their hostility, I shook their hands, introduced myself to them, asked them their names and blessed them. I then attempted to read aloud scripture to them as they yelled at me, and to answer their blaming and shaming questions which they shouted at me. There is video footage of this. Some of these people who verbally attacked me on the courthouse steps, were also harassing me inside of the courthouse, daily. There are witnesses to this.

I have reason to believe that the harassment and verbal attacks I endured at the courthouse were orchestrated by someone in Bill Cosby's entourage. One member in Cosby's entourage, Kia Soto, has been trolling on me and other Cosby accusers for years online. She was at Bill Cosby's side, on occasion, during the course of the trial, last year, in the courthouse. I was in the presence of other Cosby accusers, when I witnessed Kia Soto direct towards me the people who subsequently verbally attacked me. I also witnessed Kia Soto directing random people who were loitering on the sidewalk to gather, don T-shirts, carry signs and protest loudly, on the courthouse steps, in support of Bill Cosby. I find it, therefore, ironic that Bill Cosby's lawyers would be filing a motion to suppress protests at the courthouse during the trial.

After the trial ended, last year, I spoke cordially with Cosby's defense attorney at the time, Brian McMonagle, at a hotel in which we bumped into each other. I initiated the conversation. I congratulated him. I also told him that I did not like how he treated my friends on the witness stand, and that I forgive him for defending a man who raped me and caused a lot of damage to my life. During our conversation, I told McMonagle about my being harassed and verbally attacked by Cosby supporters, and that I have reason to believe that it was orchestrated by Cosby's camp. McMonagle told me that he was aware that I was harassed, is not in support of it, and has nothing to do with it. He also told me, "God bless you."

For all of the reasons set forth above and in the accompanying Memorandum of Law submitted in support hereof, Defendant respectfully requests that the Court amend the March 14 Decorum Order to prevent certain additional conduct during both the jury selection process and the trial in this matter, scheduled to begin April 2, 2018. Specifically, the Court should prohibit, within the Courtroom, adjoining hallways and any entrance where the jurors could be exposed, any persons from wearing or possessing: 1) T-shirts of any kind; 2) clothing and accessories (including handbags and novelty glasses) with textual or symbolic messages; and 3) buttons, pins or hats of any kind. Such persons should also be prohibited from displaying or possessing: 1) flowers; 2) photographs; and 3) banners, posters or other expressive props; and from engaging in any form of disruptive expression, or any other conduct that may be viewed as potentially influencing the jury or disrupting the proceedings. The foregoing request is not intended to exclude anyone from the proceedings but rather prohibit spectators and other persons from prejudicial displays of support or opposition to either side. Those persons who are unwilling or unable to comply with the foregoing prohibitions should be promptly removed from the proceedings and not allowed to reenter for the duration of the trial.

Dated: March 19, 2018 Respectfully submitted,

By: /s/ Lane L. Vines

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PUBLIC ACCESS POLICY CERTIFICATION

I, Lane L. Vines, certify that this filing complies with the provisions of the Public Access

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Courts that require filing confidential information and documents differently than non-confidential

information and documents.

Dated: March 19, 2018 /s/ Lane L. Vines

Lane L. Vines