

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

COMMONWEALTH OF PENNSYLVANIA :
 :
 VS. : NO. 39-MAP-2020
 :
 WILLIAM HENRY COSBY, JR. :

**APPELLANT’S APPLICATION FOR A TWO-WEEK ENLARGEMENT
OF TIME TO FILE BRIEF AND REPRODUCED RECORD**

The Appellant, William Henry Cosby, Jr. (the “Appellant”), by and through his attorneys, Perry Shore Weisenberger & Zemlock and the Bonjean Law Group, and pursuant to Pa.R.A.P. 105(b) and 123, files this Application for a Two-Week Enlargement of Time to File Brief and Reproduced Record and, in support hereof, states as follows:

1. On April 26, 2018, after a trial-by-jury, the Appellant was found guilty of three counts of Aggravated Indecent Assault.
2. On September 25, 2018, Appellant was sentenced to a term of incarceration of not less than three (3) years nor more than ten (10) years.
3. On November 19, 2018, the Appellant filed a timely Notice of Appeal to the Superior Court. Appellant filed a timely Concise Statement of Matters Complained of on Appeal, after which the trial court filed a Memorandum and Opinion pursuant to Pa.R.A.P. 1925(a). The record subsequently was transmitted,

and the issues were briefed and argued before the Superior Court.

4. On December 10, 2019, the Superior Court affirmed the trial court's decision.

5. On January 9, 2020, the Appellant filed a Petition for Allowance of Appeal to this Honorable Court.

6. On June 23, 2020, the Court granted, in part, Appellant's Petition for Allowance of Appeal, with the Court identifying two issues to be addressed with this Honorable Court.

7. A briefing schedule was issued which directed Appellant to file his primary brief and reproduced record on or before August 5, 2020.

8. Although counsel have been working diligently on Appellant's primary brief, despite their best efforts, a two-week extension of time to file Appellant's primary brief is needed.

9. The issues on which allowance of appeal have been granted involve, among others: (a) an issue concerning the admissibility of remote, prior bad acts evidence in an alleged sexual assault cases pursuant exceptions set forth in Pa.R.E. 404(b)(2) that have been blurred by the courts over the years; (b) an issue of first impression concerning whether an elected prosecutor is bound by a non-prosecution commitment of his predecessor; (c) an issue of first impression

concerning whether, in the alternative, principles of estoppel bind an elected prosecutor to a non-prosecution commitment of his predecessor; and (d) other important issues related to the foregoing.

10. Counsel drafting the primary brief need an additional, modest period of time to complete the extensive research in which they have engaged to thoroughly brief the issues on which allowance of appeal has been granted and to finalize the primary brief. Indeed, because of the absence of Pennsylvania precedent on certain issues, decisions from other jurisdictions are being analyzed and assessed.

11. Moreover, although counsel have focused their efforts on attempting to finalize the brief per the current briefing schedule, other commitments which could not be re-scheduled precluded counsel from focusing exclusively on crafting this brief, including scheduled preliminary hearings, sentencing hearings, scheduled court commitments, board of director meetings for certain clients and depositions. Some of the cases include: five depositions in a matter pending in the District of New Jersey in *Evans v. Newark*, 2014-CV-00120; a response to a motion to discuss in a matter pending in the District of New Jersey in *Onuekwusi v. Graham, et. al.*, 2020-CV-02965; supplemental briefing in a Habeas Corpus proceeding in the Northern District of Illinois in *Gonzalez v. Dorethy*, 2018-cv-

02678; and two depositions in the Northern District of Illinois in *Serrano Guevara et al.*

12. In order to properly address the issues raised on appeal so that this Court has the benefit of a fully developed brief, with proper references to the Record and a proper analysis of the law, Appellant believes, and therefore avers, that additional time is needed to complete the primary brief and, accordingly, requests a two-week enlargement of time to file the primary brief, i.e., to August 19, 2020.

13. This is the undersigned's first request for an enlargement of time to file a brief in this case.

WHEREFORE, Appellant William Henry Cosby, Jr., respectfully requests that this Honorable Court grant a two-week enlargement of time, i.e., to August 19, 2020, to file his primary brief and reproduced record in the above-captioned appeal.

Respectfully submitted,

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Date: July 28, 2020

VERIFICATION

I verify that the statements made in this Application for a Two-Week Enlargement of Time to File Brief and Reproduced Record are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

s/Brian W. Perry _____
Brian W. Perry, Esquire

s/Barbara A. Zemlock _____
Barbara A. Zemlock, Esquire

s/Jennifer Bonjean _____
Jennifer Bonjean, Esquire

CERTIFICATION

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

s/Brian W. Perry _____
Brian W. Perry, Esquire

s/Barbara A. Zemlock _____
Barbara A. Zemlock, Esquire

s/Jennifer Bonjean _____
Jennifer Bonjean, Esquire

CERTIFICATE OF SERVICE

AND NOW, this 28th day of July, 2020, I hereby certify that I have served the foregoing APPELLANT’S APPLICATION FOR A TWO-WEEK ENLARGEMENT OF TIME TO FILE BRIEF AND REPRODUCED RECORD on the following via PACFile and the United States Postal Service:

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