

SUPERIOR COURT OF PENNSYLVANIA
Criminal Docketing Statement

Filed 03/04/2016 Superior Court Eastern District
 488 EDA 2016

Pursuant to Pa.R.A.P. 3517, you *must* complete and return this form and attachments to the Prothonotary of the Superior Court by March 04, 2016. A completed copy of this form *must* also be provided to the appellee. THIS FORM IS FOR **CRIMINAL APPEALS ONLY**, as indicated on the trial court docket and/or order from which you are appealing.

FAILURE TO COMPLETE THIS DOCKETING STATEMENT IN ITS ENTIRETY IN A TIMELY MANNER WILL RESULT IN DISMISSAL OF THE APPEAL.

A. CASE IDENTIFICATION

1. Case Caption: Com. v. Cosby, W.
2. Superior Court Docket No: 488 EDA 2016
3. Trial Court Docket Number: CP-46-MD-0003156-2015
4. Party filing appeal: Cosby, William Henry Jr.
5. Type of Order (Check one): Judgment of Sentence PCRA Other

B. TIMELINESS OF APPEAL (answer **ONLY** those which apply to the present appeal and fill in the date(s))

1. Notice of appeal filed Date 02/12/2016
2. Type of Order being appealed

a. Judgment of Sentence/Juvenile Disposition

Judgment of sentence/Juvenile Disposition order Date _____
IF post-sentence motions were filed Date _____
 Post-sentence motions were decided Date _____

The judgment of sentence was imposed following? (check applicable response):

- Guilty/Nolo Contendere Plea
 Jury Trial/Bench Trial
 Summary Conviction
 Summary Appeal
 Probation/Parole Revocation

b. Post Conviction Relief Act (PCRA)

Post Conviction Relief Act petition decided Date _____

c. Other

Describe type of order (Pre-trial suppression, return of property, etc.)

Habeas - dismissal motion Date 2/4/16

C. FINALITY OF ORDER APPEALED

1. Is the order appealed from a final order? () Yes () No
 Check **ONLY** the Rule that pertains to the present appeal
 Pa.R.A.P. 301 Requisites for an Appealable Order
 Pa.R.A.P. 311 Interlocutory Appeals as of Right
 Pa.R.A.P. 313 Collateral Orders
 Pa.R.A.P. 341 Final Orders
 Other (if applicable, provide Miscellaneous Docket Number) Habeas - Extraordinary circumstances
2. **IF this is a Commonwealth appeal** from a pretrial order, has the Commonwealth complied with Pa.R.A.P. 311(d)? () Yes () No

D. RELATED CASE

List all related cases pending in this court (for example: co-defendants, cross appeal, etc.):
Case Caption Superior Court Docket No. Trial Court Docket No.
 (Ex: Com v. Smith, 123 EDA 1997, CP-51-CR-1234567-1997)

E. DESCRIPTION OF APPEAL

1. **Brief** description of action and result below: District Attorney has charged defendant with aggravated indecent assault, even though the District Attorney made a prior commitment not to bring those charges and defendant relied on that commitment by agreeing to be deposed.
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2. **Issues to be raised on appeal:** Must all charges be dismissed in light of the Commonwealth's commitment and defendant's reliance?
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3. If proceeding *pro se*, list all prior counsel in the instant case:
-
4. **IF you are incarcerated and pro se**, does the application of the prisoner mailbox rule make this appeal timely?
 () Yes () No. If yes, explain why and attach any supporting evidence.

HAVE YOU ATTACHED: Order from which appeal is taken? (x) Yes () No

Signature  Notice of appeal? (x) Yes () No

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Print Name Bruce P. Merenstein Atty. I.D. No. 82609

Address 1600 Market Street, Suite 3600 Date March 4, 2016
Philadelphia, PA 19103