

IN THE SUPERIOR COURT OF PENNSYLVANIA
EASTERN DISTRICT

No. 488 EDA 2016

COMMONWEALTH OF PENNSYLVANIA,

Appellee,

v.

WILLIAM H. COSBY, JR.,

Appellant.

On Appeal from the February 4, 2016 Order by the Court of Common Pleas of
Montgomery County, No. CP-46-MD-0003156-2015, Denying Petitioner's
Petition for a Writ of Habeas Corpus

APPELLANT'S
DESIGNATION OF CONTENTS OF REPRODUCED RECORD

Carl A. Solano (Pa. I.D. No. 23986)
Bruce P. Merenstein (Pa. I.D. No. 82609)
SCHNADER HARRISON SEGAL & LEWIS LLP
1600 Market Street, Suite 3600
Philadelphia, Pennsylvania 19103
Phone: 215-751-2202
Fax: 215-972-7363
E-Mail: *CSolano@Schnader.com*
BMerenstein@Schnader.com

Christopher Tayback (pro hac vice)
Joseph Sarles (pro hac vice)
QUINN EMANUEL URQUHART & SULLIVAN, LLP
865 South Figueroa Street, 10th Floor
Los Angeles, California 90017-2543
Phone: (213) 443-3000
Fax (213) 443-3100
E-Mail: *christayback@quinnemanuel.com*
josephsarles@quinnemanuel.com

Brian J. McMonagle (Pa. I.D. No. 42394)
MCMONAGLE, PERRI, MCHUGH &
MISCHAK P.C.
1845 Walnut Street, 19th Floor
Philadelphia, Pennsylvania 19103
Phone : (215) 981-0999
Fax : 215-981-0977

Monique Pressley (pro hac vice)
THE PRESSLEY FIRM, PLLC
1629 K Street NW, Suite 300
Washington, D.C. 20036
Phone: (202) 973-0181
Fax (240) 235-3388
E-Mail: *mdpressley@thepressleyfirm.com*

Counsel for William H. Cosby, Jr.

I. DESIGNATION OF THE CONTENTS OF THE REPRODUCED RECORD.

Appellant intends to include the following materials in the Reproduced Record:

Docket Entries

1. List of relevant docket entries from the Court of Common Pleas of Montgomery County.

Pleadings

2. Petition for Writ of Habeas Corpus and Motion to Disqualify the Montgomery County District Attorney's Office – Jan. 11, 2016.
3. Declaration of Brian J. McMonagle Filed with Petition for Writ of Habeas Corpus and Motion to Disqualify the Montgomery County District Attorney's Office – Jan. 11, 2016.
4. Response and Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus and Motion to Disqualify the Montgomery County District Attorney's Office – Jan. 20, 2016.
5. Order Scheduling Hearing – Jan. 22, 2016.
6. Opposition to the Commonwealth's Motion to Dismiss Petition for Writ of Habeas Corpus and Motion to Disqualify the Montgomery County District Attorney's Office – Jan. 28, 2016.
7. Commonwealth's Reply to Defendant's Opposition to the Commonwealth's Motion to Dismiss – Feb. 3, 2016.
8. Order Denying Motion to Disqualify the Montgomery County District Attorney's Office – Feb. 4, 2016.
9. Order Denying Petition for Writ of Habeas Corpus for Dismissal of Charges – Feb. 4, 2016.
10. Order Scheduling Preliminary Hearing for Mar. 8, 2016 – Feb. 4, 2016.

11. Notice of Appeal to the Superior Court – Feb. 12, 2016
12. Motion to Amend the Feb. 4, 2016 Order Denying Petition For Writ of Habeas Corpus to Certify the Order for Appeal Pursuant to 42 Pa. C.S. § 702(b) – Feb. 12, 2016
13. Order Denying Motion to Amend the February 4, 2016 Order Denying Habeas Corpus Petition to Certify the Order for Appeal Pursuant to 42 Pa. C.S. § 702(b) – Feb. 16, 2016.
14. Corrected Notice of Appeal – Feb. 19, 2016.
15. Decorum Order Governing Preliminary Hearing – Feb. 24, 2016.
16. Opinion – Feb. 24, 2016.

Transcripts

17. Feb. 2, 2016: all pages.
18. Feb. 3, 2016: all pages.

Exhibits

19. Defendant’s Exhibits D-1, D-2, D-4, D-5, D-6, D-7, and D-8.

II. BRIEF STATEMENT OF THE ISSUES TO BE PRESENTED FOR REVIEW.

1. Did the trial court err in denying defendant’s petition for a writ of habeas corpus seeking dismissal of all charges on the ground that the Commonwealth is bound, including by virtue of federal and state due process guarantees, to comply with its irrevocable commitment not to prosecute defendant; and, independently, is the Commonwealth bound by its irrevocable commitment not to prosecute defendant because defendant, in reliance on that commitment, testified

during a civil proceeding without invoking his federal and state constitutional rights against self-incrimination?

2. Did the trial court err in denying defendant's petition for a writ of habeas corpus seeking dismissal of all charges on the ground that the Commonwealth's filing of charges after an unjustified delay resulted in the loss of evidence of the Commonwealth's commitment not to prosecute defendant and thereby violated defendant's federal and state constitutional due process rights?

Respectfully submitted,

/s/ Carl A. Solano

Carl A. Solano, I.D. No. 23986
Bruce P. Merenstein, I.D. No. 82609
SCHNADER HARRISON SEGAL & LEWIS LLP
1600 Market Street, Suite 3600
Philadelphia, Pennsylvania 19103
(215) 751-2202
(215) 751-2205 (facsimile)

Dated: March 11, 2016.

CERTIFICATE OF SERVICE

I certify that on March 11, 2016, I caused a true and correct copy of this Designation of Contents of Reproduced Record to be served upon the following counsel by electronic service through the Court's PACFILE system:

Robert M. Falin, Esquire
OFFICE OF MONTGOMERY COUNTY DISTRICT ATTORNEY
Montgomery County Courthouse
P.O. Box 311
Norristown, PA 19404-0311

Counsel for Commonwealth

/s/ *Carl A. Solano*

Carl A. Solano, I.D. No. 23986
SCHNADER HARRISON SEGAL & LEWIS LLP
1600 Market Street, Suite 3600
Philadelphia, Pennsylvania 19103
(215) 751-2202
(215) 751-2205 (facsimile)

Counsel for Appellant