

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

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COMMONWEALTH OF PENNSYLVANIA : No. CP-46-CR-3932-2016
v. :
WILLIAM H. COSBY, JR. :

DEFENDANT’S MOTION FOR JURY SELECTION PROTOCOL

TO THE HONORABLE STEVEN T. O’NEILL, COURT OF COMMON PLEAS OF
MONTGOMERY COUNTY:

Defendant William H. Cosby, Jr., by and through his attorneys, submits the following motion for adoption of a proposed jury selection protocol, including use of a *pre-voir dire* juror questionnaire, for the reasons discussed below:

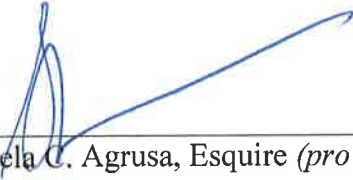
1. The jury selection process is crucial to the preservation of a defendant’s right to an impartial jury that is explicitly granted by Article 1, Section 9 of the Pennsylvania Constitution and the Sixth Amendment of the United States Constitution.
2. In light of the years of widespread, inflammatory and sustained media coverage regarding this case and other public accusations made against Mr. Cosby, the Court has expressed its commitment to determining what the Court and the parties can do within their power to ensure a fair and impartial jury selection. To that end, the Court has granted Mr. Cosby’s motion for change of venire to draw a jury from outside Montgomery County and expressed its intention to sequester the jurors.
3. The challenge of identifying and selecting impartial prospective jurors in high profile cases has been addressed, in part, by volumes of other courts dealing with high profile cases in recent years through juror questionnaire sent to prospective jurors in advance of in-person *voir dire*.

4. Given the high profile nature of this case and the likelihood that some number of prospective jurors may have already formed opinions regarding Mr. Cosby's guilt or innocence (and would be excused for cause on that basis), a pre-*voir dire* questionnaire is warranted, appropriate and may conserve considerable judicial resources.
5. **WHEREFORE**, Mr. Cosby requests that the Court adopt the following protocol (based on the current June 5, 2017 trial date) with deadlines imposed for each that are convenient for the Court:
- Beginning in April: Counsel for the Commonwealth and Mr. Cosby to confer in a good faith attempt to jointly draft, subject to court approval, a written questionnaire to be distributed to potential jurors.
 - Week of May 1: The court approved written juror questionnaire be mailed to approximately 1,500 to 2,000 prospective jurors for completion prior to appearing for in-person voir dire.
 - No later than May 15: The prospective jurors to return their completed questionnaires to the court.
 - May 16 – The court would collect the completed juror questionnaires and distribute them to the parties to review for those prospective jurors who should be dismissed for cause.
 - June 1 – After the parties confer, they each submit a list of jurors to dismiss for cause.
 - June 5 – Groups of 100 prospective jurors shall be summoned daily for in-person voir dire until a jury is empaneled.

Respectfully submitted,



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