

BILL COSBY RETRIAL VERDICT: GUILTY ON ALL 3 COUNTS OF AGGRAVATED INDECENT ASSAULT

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April 26, 2018

NORRISTOWN, Pa. — Comedian and TV icon Bill Cosby was convicted on three counts of aggravated indecent assault at [his sexual assault retrial here](#) Thursday.



The conviction was not the outcome Cosby or his high-powered defense team wanted, but it was [an answer to the question that has haunted America](#) since October 2014: Is

"America's Dad" really a serial sexual predator who drugged and molested Andrea Constand at his nearby home in January 2004?

The verdict came on the second day of deliberations, and after it was delivered, Judge Steven O'Neill thanked jurors for their service, then warned them about interactions with the media.

"You have sacrificed much, but you have sacrificed in the service of justice and in this country and this commonwealth and this county," O'Neill said. "That is important."

Bill Cosby departs after his conviction at his sexual-assault retrial, April 26, 2018, at the Montgomery County Courthouse in Norristown, Pa.

Matt Slocum, AP

After the jury left the room, O'Neill said the \$1 million bail Cosby posted was sufficient for him to remain free until sentencing. That set off a heated argument with Montgomery County District Attorney Kevin Steele, who wanted Cosby's bail revoked as a possible flight risk.

More: [After a guilty verdict, what happens next for Bill Cosby?](#)

Also: [Bill Cosby's legacy: From America's dad to 'America's rapist'](#)

The judge questioned that, citing Cosby's age, health and the fact that he showed up for every court proceeding over two years. "I am not going to simply lock him up because of this," O'Neill said.

O'Neill did not set a sentencing date but typically sentencing takes place 60 to 90 days after a conviction.

Last June, another jury at Cosby's first trial deadlocked after days of deliberations, forcing O'Neill to declare a mistrial.

At the retrial, the jury of seven men and five women voted unanimously that Cosby was guilty. Cosby, charged with three counts of aggravated indecent assault, could get 10 years in prison on each count. He has denied the charges, asserting that his sexual encounter with Constand was consensual and that he gave her only an over-the-counter allergy medication.

For Cosby, 80 and in failing health, any prison term is probably a death sentence.

Cosby did not address the media and left the courthouse an hour after the verdict was delivered. His spokesman, Andrew Wyatt, declined to issue a statement. His lead defense attorney, Tom Mesereau, indicated there would be an appeal.

Actor and comedian Bill Cosby reacts while being notified a verdict was in in his sexual assault retrial, April, 26, 2018.

Mark Makela, AP

At a news conference a few hours later, Steele said: "Today, we're finally in a place to say that justice was done. ... We now know who the real Bill Cosby is."

He cited Cosby's courtroom outburst during the bail argument after the verdict, when Cosby stood up and angrily shouted vulgarities at Steele. "Everybody got a brief view of who he really is," Steele said. "He was an actor for a long time. It was an act."

Steele said the trials had "revealed a man who spent decades preying on women, drugging and sexually assaulting them, who evaded this moment for far too long and used his network of supporters to help him conceal his crimes."

He praised Constand for her "courage and resilience" in the face of attacks on her and her family, calling her "inspiring to all of us."

Andrea Constand, the main accuser in the Bill Cosby sexual-assault retrial, with Montgomery County District Attorney Kevin Steele after Cosby was convicted in Norristown, Pa., on April 26, 2018. Disgraced television icon Bill Cosby was convicted Thursday of sexual assault by a US jury -- losing a years-long legal battle that was made tougher at retrial as the first celebrity trial of the #MeToo era. / AFP PHOTO / Dominick ReuterDOMINICK REUTER/AFP/Getty Images ORIG FILE ID: AFP_14D09Y

DOMINICK REUTER, AFP/Getty Images

He declined to discuss whether some or all of Cosby's other accusers, including the five who testified at the retrial, would be allowed to testify at the sentencing.

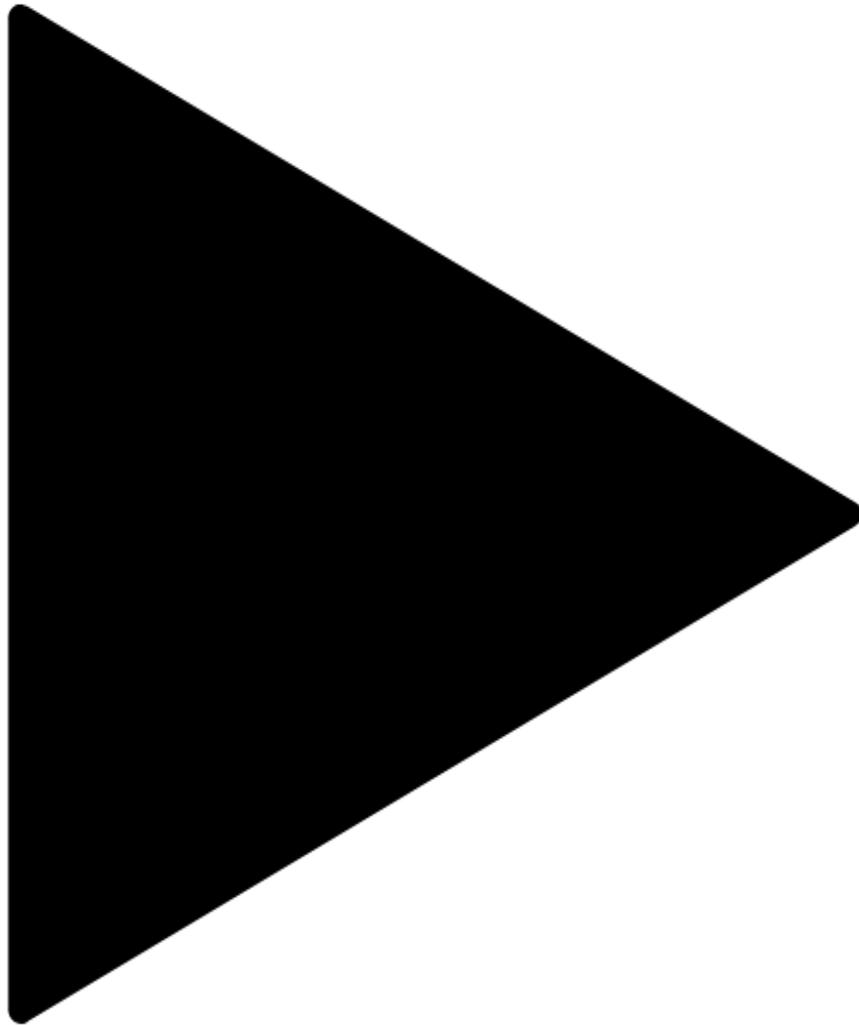
"Victims should have a voice in this," he said. "This area is somewhat grey in Pennsylvania law."

Constand did not speak but her attorney, Dolores Troiani, did, saying she, Troiani, was "so happy" about the outcome of the case. (Troiani represented Constand in her 2005 civil suit against Cosby, which was settled in 2006 after Cosby paid her \$3.4 million.)

"Although justice was delayed, it was not denied," Troiani said, praising Constand for her "courage, calm, her demeanor" in pursuing a criminal case in the face of enormous pressure.

Advocates for rape victims and lawyers who represent many of the five dozen women who have accused Cosby of being a serial rapist celebrated, saying it was a win for sexual assault victims everywhere.

Allred: Cosby verdict, first test since #MeToo



Gloria Allred, the women's rights lawyer who represents half of the Cosby accusers, was exultant as she addressed media cameras outside the courthouse, surrounded by some of her clients who had testified or attended the trial.

"Guilty, guilty, guilty!" Allred exclaimed.

"We are vindicated, we are validated," declared accuser Victoria Valentino.

"This is a victory not just for Andrea Constand, whom I consider to be the Joan of Arc on the war on rape," said accuser Lili Bernard. "It is not just a victory for the 62 of us publicly known

Cosby survivors. ... It is also a victory for womanhood. And it is a victory for all sexual assault survivors, female and male."

Reaction: Rose McGowan, Tarana Burke, more react to guilty verdict

More: How long could Bill Cosby spend in prison? Possibly enough to make it a life sentence

Among the groups applauding the verdict were the National Organization for Women, the MS Foundation, the National Sexual Violence Resource Center, UltraViolet and RAINN, the Rape, Abuse & Incest National Network.

"The Cosby verdict is a long-awaited and symbolic victory for many survivors of sexual violence," said Kristen Houser, spokeswoman for the NSVRC in Washington. "It brings hope that justice can be served when victims are finally ready to enter the court system, that it is possible for the truth to be heard, even if it is years after the assault."

Advocates had mounted regular protests during both trials, including a topless protest on the opening day of the retrial, hoping to influence the media and the public.

Judge Steven O'Neill, who presided over the Bill Cosby sexual-assault retrial, just before the jury delivered the guilty verdict, on April, 26, 2018, at the Montgomery County Courthouse in Norristown, Pa.

Mark Makela, AP

But the jury, which was sequestered at a local hotel, saw and heard none of this. They were instructed not to let outside influences, such as the Me Too movement to call out sexual harassment and assault, creep into the jury room.

"The pressure to be politically correct coming from the Me Too movement should not but unfortunately could influence the jury," says California trial attorney Lara Yeretsian, who followed the case.

Cosby could appeal the conviction, arguing that the jury was biased, "but it's not easy to show the jury was tainted," Yeretsian says. "You have to get inside their minds to determine bias or hope they make statements to others to that effect."

Stuart Slotnick, a New York criminal defense lawyer who has been following the case for more than two years, said he believes there are strong grounds for appeal, based on Judge O'Neill's still unexplained change of mind to allow five other accusers of Cosby to testify at the retrial.

Bill Cosby guilty verdict: Photos from courthouse

Bill Cosby accuser Andrea Constand (C) reacts after the guilty on all counts verdict was delivered in Cosby's sexual assault retrial at the Montgomery County Courthouse on April 26, 2018 in Norristown, Penn. More than 40 women have accused the 80-year-old entertainer of sexual assault.

"As we know from the first trial, the end of deliberations does not mean it's over," Slotnick said. "Was it overly prejudicial to allow five accusers to testify about uncharged crimes, thereby affecting the jury's verdict unfairly? Clearly, one complainant and one additional accuser were not enough to procure a conviction at the first trial, and by allowing five additional women to testify, the judge really put his thumb on the scale.

"It's possible the jurors will say they thought he was guilty because where there's smoke, there's fire, and there was a lot of smoke" at the retrial, Slotnick said.

In a classic he-said-she-said case, the jury would have been influenced by the other women who testified, says Los Angeles attorney Priya Sopori.

"If you put the testimonial evidence on a scale, that's a great deal of weight, which acts to bolster Ms. Constand's credibility and corroborate the serial nature of the defendant's modus operandi," Sopori said.

As for the kind of sentence Cosby could get, University at Buffalo law professor Michael Boucai said that judges weigh "mitigating" and "aggravating" factors in doling out sentences.

"Some would say that Cosby's advanced age counsels in favor of leniency; others might see decades of comfortable impunity," Boucai said. "Some might want to see Cosby treated more leniently in light of all the good he has done in other facets of his life; others may bristle at what they see as a particularly ugly hypocrisy."

Steele, who failed to persuade the first jury, had a difficult job: A 14-year-old alleged sex crime. No physical or forensic evidence. An accuser who waited a year to report it. An acclaimed defendant whose iconic status garnered him support.

And there was the dauntingly high burden-of-proof standard that every prosecutor must meet in a felony case in the American criminal justice system: Persuade 12 jurors "beyond a reasonable doubt" that the defendant is guilty and vote unanimously to convict. All it takes is one doubtful juror to change the outcome.

Cosby was charged in December 2015, just weeks before Pennsylvania's unusually lengthy statute of limitations on sex crimes was about to expire. In the previous year, Cosby was accused by 60 women who said Cosby drugged and assaulted them in episodes dating back to the mid-1960s.

All of those accusations were too old to prosecute, except Constand's. She did not report what she said happened to her until a year later, in 2005, but the then-district attorney said there was insufficient evidence to charge Cosby. So Constand filed a civil suit against him instead. Cosby was deposed for the suit, which was settled and sealed in 2006; as Steele revealed in his opening statement at the retrial, Cosby paid Constand \$3.4 million to settle their case.

Gallery: A look at Bill Cosby

Bill Cosby leaves the Montgomery County Courthouse on June 17, 2017 in Norristown, Pa., after a mistrial was declared in his sexual assault case., 11 days after the trial began and following 52 hours of deliberations.

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After the first Cosby accusers began coming forward in October 2014, the Associated Press went to federal court seeking that the deposition Cosby gave in the civil suit be released "in the public interest," and they won. Steele said at his post-verdict press conference that this decision was the "decisive point" in his case.

In the deposition, Cosby acknowledged acquiring drugs, specifically quaaludes, to give to women he sought for sex. That gave county prosecutors "new evidence" to give Constand's long-quiescent criminal case new life.

Steele, who was running for district attorney that fall, put up attack ads criticizing his opponent for failing to prosecute Cosby in 2005. He won. The following month, he charged Cosby.

The first trial took place in June 2017. After six days of testimony (the defense called only one witness and then rested) and the equivalent of five days of deliberations, it ended in a mistrial.

The retrial was different: There were 13 days of testimony and arguments and a day and a half of deliberations, and there were more witnesses who testified. Prosecutors were allowed by O'Neill to call five other accusers of Cosby — "prior bad acts" witnesses — to testify that he did the same thing to them, too.

And Cosby was allowed to call a former friend and colleague of Constand, Marguerite Jackson, who testified that Constand spoke of a plan to frame a celebrity with false accusations so she could sue and make millions. The last read-back of testimony the jury requested before delivering the verdict was about what Jackson said on the stand.

At his post-verdict press conference, Steele declined to answer a question about whether he would pursue Jackson on perjury charges.

Kathleen Bliss (L) and Tom Mesereau, lawyers for Bill Cosby, arrive for the second day of jury deliberations in the retrial of Cosby's sexual assault case in Norristown, Pa., April 26, 2018.

DOMINICK REUTER, AFP/Getty Images

Both prosecutors and defense lawyers were more aggressive in their courtroom tactics and cross-examinations, and in their regular sniping at each other. The defense launched a caustic attack on Constand in its opening statement, labeling her a greedy "con artist." The prosecution bashed Cosby as the real "con man" whose sordid extramarital sex life and predatory behavior belied his good-guy image from his years on *The Cosby Show*.

Much was made in the media and outside the courtroom about the fact the retrial took place in a dramatically different environment from last year — after the dawning of the Me Too movement that began in October 2017.

What happens outside a criminal courtroom is supposed to stay outside. But human nature is what it is, says Yeretsian. Few jurors could escape the cultural revolution of the Me Too movement, she says.

"Jurors don't live in a vacuum, and they could be responding sympathetically to the movement, even on a subconscious level," Yeretsian says. "The diligent juror will do his or her best to only rely on the evidence presented in the courtroom. ... Still, the movement could sneak into the deliberations room when determining the credibility of Constand and the prior bad acts witnesses."

Now, experts predict, the verdict will be a boost to the accusers who are suing Cosby in civil court, where the burden of proof is much lower than in criminal. It will also be a boost to the Me Too movement, giving new hope for accusers who want to pursue criminal charges against alleged assailants.

"This case sets the tone for the rest of the Me Too movement, which means more victims will feel more comfortable coming forward, despite the years that have passed since the alleged sexual assault," says Los Angeles civil attorney Angela Reddock-Wright, an expert on the Me Too movement and on sexual harassment cases.

Contributing: Associated Press

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