

From: Bruce Castor <bcastor679@gmail.com>
Sent: Friday, September 25, 2015 3:42 PM
To: Ferman, Risa
Cc: Cullen, Sharon
Subject: Fwd: Cosby Speculation
Attachments: Cosbypr rev.doc; ATT00001.htm

I did not realize it was a Holiday when I sent the below on September 23, 2015. In case you don't get emails from me. I will ask Sharon to print all this out and hand deliver it to you. I am emailing now because your letter seeks this information with some urgency and I am not in my county office.

The attached Press Release is the written determination that we would not prosecute Cosby. That was what the lawyers for the plaintiff wanted and I agreed. The reason I agreed and the plaintiff's lawyers wanted it in writing was so that Cosby could not take the 5th Amendment to avoid being deposed or testifying. A sound strategy to employ. That meant to all involved, including Cosby's lawyer at the time, Mr. Phillips, that what Cosby said in the civil litigation could not be used against him in a criminal prosecution for the event we had him under investigation for in early 2005. I signed the press release for precisely this reason, at the request of the Plaintiff's counsel, and with the acquiescence of Cosby's counsel, with full and complete intent to bind the Commonwealth that anything Cosby said in the civil case could not be used against him, thereby forcing him to be deposed and perhaps testify in a civil trial without him having the ability to "take the 5th." I decided to create the best possible environment for the Plaintiff to prevail and be compensated. By signing my name as District Attorney and issuing the attached, I was "signing off" on the Commonwealth not being able to use anything Cosby said in the civil case against him in a criminal prosecution, because I was stating the Commonwealth will not bring a case against Cosby for this incident based on the then-avaibale evidence in order to help the Plaintiff prevail in her civil action. Evidently, that strategy worked.

The attached, which was on letterhead and signed by me as District Attorney, the concept approved by the Plaintiff's lawyers was a "written declaration" from the Attorney for the Commonwealth there would be no prosecution based on anything Cosby *said* in the civil action. Naturally, if a prosecution could be made out without using what Cosby said, or anything derived from what Cosby said, I believed then and continue to believe that a prosecution is not precluded. It is this statement to which Peggy refers in her story. I thought you had a copy since I had sent it to you two days ago before I talked to her.

Bruce L. Castor, Jr.
Commissioner
Montgomery County, PA.

Begin forwarded message:

From: Bruce Castor <bcastor679@gmail.com>
Subject: Cosby Speculation
Date: September 23, 2015 at 1:30:22 PM EDT
To: Ferman Risa Vetri <rferman@montcopa.org>

September 23, 2015