

STATEMENT BY ANDREA CONSTAND, DOLORES M. TROIANI, ESQUIRE AND BEBE KIVITZ, ESQUIRE REGARDING COSBY DECISION

Today's majority decision regarding Bill Cosby is not only disappointing but of concern in that it may discourage those who seek justice for sexual assault in the criminal justice system from reporting or participating in the prosecution of the assailant or may force a victim to choose between filing either a criminal or civil action.

On the one hand, the Court acknowledged that the former District Attorney's decision not to prosecute Mr. Cosby was not a formal immunity agreement and constituted at best a unilateral exercise of prosecutorial discretion not to prosecute at the time, but nevertheless precluded a future prosecution, which included additional evidence developed in the civil case. The Supreme Court acknowledged that it was bound by the lower court's credibility findings, including that Andrea Constand and her civil counsel, Dolores Troiani and Bebe Kivitz, were not privy to any discussions between the former prosecutor and Mr. Cosby or his then criminal counsel, let alone signatories to any agreement of any kind. We were not consulted or asked our thoughts by Mr. Castor concerning any agreements concerning immunity or anything, and we were not made aware if there were any such discussions. The press release had no meaning or significance to us in 2005 other than being a press release circulated by the then District Attorney.

Once again, we remain grateful to those women who came forward to tell their stories, to DA Kevin Steele and the excellent prosecutors who achieved a conviction at trial, despite the ultimate outcome which resulted from a procedural technicality, and we urge all victims to have their voices heard. We do not intend to make any further comment.

ANDREA CONSTAND, DOLORES TROIANI AND BEBE KIVITZ