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Statement of Gloria Allred

I am here in Sacramento today to urge Governor Jerry Brown to sign SB813 to eliminate the statute of limitations (SOL) for criminal prosecution of rape, sexual assault and certain other sexual abuse crimes in the state of California.

I represent 33 women who have accused Bill Cosby of raping or sexually assaulting them. For almost all of them, wherever the alleged sexual misconduct is said to have taken place, no criminal case will be filed.

There are many reasons. In many cases, accusers never filed a police report. In others, prosecutors may not have believed that the available evidence would convince a jury beyond a reasonable doubt. But for most of these accusations, it was simply too late for a prosecutor to even consider them. That came as shocking news to many of the women who have come forward in recent years. If they were willing to testify under oath before a jury, they want to know why it is too late for a criminal case to be filed.

The answer is that California and many other states have a statute of limitations for the prosecution of crimes, including sexual assault and rape. A statute of limitations is a legal deadline before which prosecutors must file a criminal case, or be forever prevented from proceeding to prosecute it.

A number of the Cosby accusers who allege that Mr. Cosby victimized them in California had no idea that California has a SOL that requires that a criminal case alleging rape or sexual assault be filed within 10 years (unless there is DNA which may extend it) and that if it is not filed within that time period it will be too late to ever have it filed, even if a prosecutor wanted to file it.

For example, Charlotte Fox, whom I represent, has made a public statement accusing Mr. Cosby of engaging in non-consensual sexual activity with her in Beverly Hills in the 1970s while she was incapacitated. It is too late for her to have a day in court in California under existing law.

Judy Huth filed a civil lawsuit in California alleging she was victimized by Cosby in the 1970s when she was 15. She is within the existing statute of limitations to litigate a civil case against Cosby because the lawsuit alleges child sexual abuse. It is, however, too late for a criminal case in California — even if the prosecutor thought guilt could be proven beyond a reasonable doubt.

Another Cosby accuser whom I represent, Linda Ridgeway Whitedeer, has alleged that Mr. Cosby violently forced her into a sexual act in Hollywood while interviewing her for a role in a movie in the 1970s. It is too late in California under existing law for a prosecutor to even consider filing a case on the facts that she alleges, but she is here with me today supporting SB813.

For constitutional reasons, even if Governor Brown were to sign SB813 into law, the Justice for Victims Act would not be retroactive; it can't re-open the door to criminal courts that statutes of limitations already have slammed shut, but it will help victims of rape and sexual assault in the future.

This morning I met with advisors to Governor Brown in the Governor's office to explain why I believe that Governor Brown should sign this bill into law and to discuss why rape victims sometimes delay telling anyone about what they have suffered.

16 other states have passed bills similar to SB813. Signing SB813 into law in California will help to protect and empower rape victims. I urge Governor Brown to sign this important bill. If he does sign it, statutes of limitations no longer will be a sexual predator's best friend and a victim's worst enemy.

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