

D.A.'s dad aided Cosby's mansion buy

Comedian's lawyers advised of link, but accuser's were never told, they say

By NICOLE WEISENSE EGAN
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MONTGOMERY County District Attorney Bruce L. Castor Jr.'s father helped to arrange Bill Cosby's purchase of the mansion where Cosby was accused of drugging and groping a woman, but Castor did not reveal the relationship to the alleged victim or her attorneys.

"Mr. Castor did not disclose that to us or our client," said Dolores Troiani, who, with her partner, Bebe Kivitz, represents the alleged victim.

In fact, Castor never spoke with Troiani, her partner or the alleged victim during the entire case, Troiani said.

Walter Phillips Jr., Cosby's attorney, said he had become aware of Castor's father's role in Cosby's house purchase a few days ago and believes that D.A. Castor was the one who told him.

"I guess just in the course of a conversation, he just happened to say it," Phillips said last night. "I had no problem with that."

Phillips later said he was sure it had been the junior Castor who told him about the house sale.

Joseph F. Lawless, author of the book "Prosecutorial Misconduct," criticized Castor's disclosure to Cosby's attorney and not to the alleged victim's attorney.



Inquirer file photo

Montco. D.A. Bruce Castor declined to prosecute.



JOSEPH KACZMAREK/For the Daily News

Bruce Castor Sr. had the power of attorney from F. Eugene Dixon to handle the sale of this 16-room mansion to Cosby in 1983.

sure to Cosby's attorney and not to the alleged victim's attorney.

"That absolutely speaks volumes about what happened in this investigation," said Lawless. "You draw your own conclusions about what that means."

Castor should have told both sides about his father's role in the house sale right up front, Lawless said.

"If they have no problem with it, then there is no problem," said Lawless, a former prosecutor who lives in Newtown Square, Delaware County. "When you don't disclose it, or only disclose it to one side, it looks as if you're trying to hide something or keep information from one side or the other. That is what can create an appearance of impropriety.

"What's involved here is the public's confidence in an investigation," he said. "Like judges, I think prosecutors have to be beyond reproach. And the appearance of impropriety is just as bad as an impropriety itself, particularly when you're investigating allegations against a high-profile defendant."

Still, Lawless does not think it's an ethical breach that the Pennsylvania Board of Discipline should address.

Neither Castor nor his father

could be reached for comment yesterday.

Cosby bought the house on New Second Street in Elkins Park in June 1983, records show. Millionaire philanthropist F. Eugene Dixon gave Bruce Castor Sr.

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JOSEPH F. LAWLESS,
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the power of attorney to handle the sale to Cosby on June 8, 1983, records show. Dixon could not be reached for comment

yesterday.

The elder Castor signed the deed on June 23, 1983, records show. The purchase price was

\$225,000, and the Cosbys paid cash, records show. Dixon and his wife, Helen, paid \$275,000 for the home and property when they bought it in 1977, according to records.

The 16-room stone mansion sits on 2.3 acres, was built in 1800 and is nearly 6,000 square feet, records show. It has five bedrooms, 4½ baths and three fireplaces, records show. After some renovations in 1990, it was reassessed at \$772,250 in 1998.

Castor's failure to inform Troiani and Kivitz or their client about his father's role in the purchase of the mansion was just part of the shabby way he treated them, Troiani charged.

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35-70 years for trying to rape girl, 8, in library

Homeless 'sexually violent predator' says he's sorry

By **THERESA CONROY**
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The homeless man who tried to rape and kill a little girl inside a city library bathroom was sentenced yesterday to 35-70 years in prison.

Brian McCutchen, who pleaded guilty to attempted murder and attempted rape for the attack last February at the Free Library's Independence Branch, told Common Pleas Judge Pamela Dembe

that he was sorry for the pain he had caused the 8-year-old victim and her family.

"Um, you know, I know that, you know, there's no excuse for what I've done, not even a good explanation for it," McCutchen said.

"I'm sorry. I need help. I want to get help and I'm asking you to send me somewhere to get that help ... I'm asking for a second chance."

Dembe, who described McCutchen as "very badly damaged"

and "very, very dangerous," said she doubted he would ever get all the help he needs. Last month Dembe classified McCutchen as a sexually violent predator under Megan's Law.

After serving his prison sentence, McCutchen will face 10 years' probation. He'll be required to register with law enforcement, and neighbors will be notified of his address.

"I'm not assured at this point that we can fix him," Dembe said.

"... I'd like to free Mr. McCutchen from his demons. He's very, very damaged and horrifyingly dangerous to small female children."

McCutchen, 24, admitted to authorities that he was a pedophile. A psychiatrist who testified at his Megan's Law hearing said he suffers from anti-social personality disorder.

In addition to the library attack, which left the victim physically and emotionally wounded, McCutchen was convicted of assaulting a 9-year-old girl in the bathroom of a Manayunk recreation center in 2000, was thrown out of

a friend's home for stealing a 4-year-old's underwear, was banned from the library for repeated public masturbation, stalked a woman in Colorado and conducted a three-year Internet relationship with a girl that began when she was just 12.

"He has been a predator in a true sense of the word — finding small children and hurting small children," the judge said. "He thought this girl was dead. I can't possibly allow anybody else's child to experience that."

Dembe ordered McCutchen to receive treatment for sex offenders in prison. ★

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She said she and her client had to find out through the media Thursday night that Castor had decided not to file charges against Cosby.

"The fact that she was treated in this manner was inappropriate," Troiani said. "It's my understanding Mr. Castor told members of the press Thursday afternoon that they would have a long night. I only wish he'd called our client and told her to stay home, the same way he alerted the press. He didn't have to tell her the decision."

"As it turned out, her mother couldn't find her until 7:30 that night, and she was alone when she had to tell her," Troiani said. "She was not surrounded by people who loved her and supported her."

Troiani's client alleges that Cos-

by drugged and groped her at his Elkins Park mansion in January 2004. She reported it to Canadian authorities in January of this year. On Thursday night, Castor released a written statement saying he was not going to prosecute Cosby for the offense.

Lawless criticized Castor's statement, specifically his comments that "insufficient credible and admissible evidence" exists to prevail in a court of law.

"I think it was a wildly inappropriate statement," Lawless said. "It's tantamount to commenting on the veracity of the complaining witnesses, in my view. I think his statement is over the top. It's an editorial comment on the integrity of the evidence."

"Anyone who has damaging information in their past, and is raped, may think twice about reporting a crime now," he said. "That's why a prosecutor shouldn't make statements like this."

Lawless also took issue with Castor's comments at a news conference three weeks ago at which he cited the victim's delay in reporting as a weakness in the case, saying frightened children are usually the ones who delay reporting.

"Adults can be just as frightened as children," Lawless said. "Women victims can be just as frightened as children. Women victims who make complaints about celebrities can be just as frightened as children, but in a different way. So I don't know that was a productive comment for anybody to make."

Troiani and Kivitz said they likely will file a civil suit against Cosby in the next couple of weeks. ★



Associated Press

Standing next to a photo of a Blockbuster store, Attorney General Peter C. Harvey announces lawsuit.

N.J. sues Blockbuster over late policy

Associated Press

NEWARK, N.J. — The state of New Jersey says Blockbuster Inc., the nation's largest movie-rental chain, is deceiving consumers with its claim that it no longer charges late fees.

In a lawsuit filed in Trenton Superior Court yesterday, the state charged that Blockbuster had failed to disclose key terms in its new late-fee policy, including that overdue rentals are automatically converted to a sale on the eighth day after the due date.

The state wants restitution for customers whose overdue rentals were converted to a sale. It also wants compensation for people who were charged late fees by stores that it says were not participating in the new policy, but didn't make that obvious.

In Newark, State Attorney General Peter C. Harvey yesterday called the company's advertising and marketing "deceptive."

To date, only one aggrieved consumer has contacted the state, said Harvey. But, he said state investigators had visited dozens of the 170 Blockbuster stores in the state and found employees gave misleading information on the policy.

In a statement, the Dallas-based chain said it has "taken a number of very thorough steps to let customers know how our new program works. Blockbuster has trained store employees on how to effectively communicate the program to customers, both on the sales floor and at check out."

Blockbuster eliminated late

fees on games and movies starting Jan. 1, although customers who miss a one-week grace period will be billed for buying the item — minus the rental fee — or charged a \$1.25 restocking fee if they return the item within 30 days. The company said due dates at its 4,600 U.S. stores would remain one week for games and two days or one week for movies.

Additionally, about half of 1,100 Blockbuster stores that are operated by franchisees are not participating in the program, company spokesman Randy Hargrove said.

Blockbuster shares rose 4 cents to close at \$9.12 in trading yesterday on the New York Stock Exchange. Its shares are up from a 52-week low of \$6.50 last fall. ★

CORRECTION

The Funk Brothers show at the Keswick Theatre is tomorrow at 7 p.m., not today as reported in yesterday's paper. The Keswick is at Easton Road and Keswick Avenue in Glenside, 215-572-7650, www.keswicktheatre.com. ★

When we've made an error, we'll say so. If we need to clarify a point, we'll do that as well, and we'll do so on this page. If you have a concern about our coverage, please call Lorenzo Biggs at 215-854-5030 or e-mail DNcorrection@phillynews.com

