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IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY,  
PENNSYLVANIA – CRIMINAL DIVISION

2018 JAN 25 PM 3:57

CLERK OF COURTS  
JUDGE  
MONTGOMERY COUNTY  
PENNA.

COMMONWEALTH OF PENNSYLVANIA :

v. :

NO. CP-46-CR-0003932-2016

WILLIAM H. COSBY, JR. :

**MEMORANDUM IN SUPPORT OF MOTION IN LIMINE TO ADMIT TESTIMONY  
REGARDING ANDREA CONSTAND'S PRIOR STATEMENT ADMITTING SHE  
INTENDED TO FABRICATE A CLAIM OF SEXUAL ASSAULT**

**Introduction**

Defendant William H. Cosby, Jr., stands accused of sexually assaulting Andrea Constand, and the prosecution's case thus hinges on the credibility of Ms. Constand's claim of sexual assault. Yet, before she made her claim of sexual assault, Ms. Constand made a statement to her friend and colleague, Marguerite ("Margo") Jackson, that she had not been sexually assaulted, but that she "could say it happened, file charges and get money to go to school and open a business." Ms. Constand's statement to Ms. Jackson is critical evidence for the defense, as it demonstrates Ms. Constand's intent to set up Mr. Cosby and her motive to do so, and completely undermines Ms. Constand's credibility as a witness.

Ms. Jackson's testimony was excluded from the first trial. Unfortunately, the issue arose mid-trial under circumstances that did not make clear the bases for admitting Ms. Jackson's testimony regarding Ms. Constand's statement to her. Notwithstanding that the prosecution knew full well what Ms. Jackson would say (because the defense had provided Ms. Jackson's statement to the government well before trial), the prosecution failed to disclose to either the defense or the Court that they had interviewed Ms. Jackson themselves, had taken notes, but had destroyed those notes. Moreover, the prosecution gave no hint of its intent to seek to exclude Ms. Jackson's obviously highly relevant testimony. Instead, the prosecution allowed their key

witness, Ms. Constand, to conveniently and incredibly testify that she did not know or remember Ms. Jackson. On that basis, the prosecution then contended for the first time that Ms. Jackson’s testimony could not come in as a prior inconsistent statement and therefore was inadmissible hearsay. Blindsided in the middle of trial, the defense and the Court did not have sufficient time or opportunity to consider and articulate the bases for the admission of Ms. Jackson’s testimony, namely that it is substantive evidence that goes to Ms. Constand’s state of mind, admissible pursuant to Pa. R. Evid. 803(3), and is also admissible to impeach her credibility pursuant to Pa. R. Evid. 607 and 613.

Now, with the benefit of hindsight and pretrial briefing, the admissibility of Ms. Jackson’s testimony is clear. It is inconceivable that Ms. Constand could testify with impunity about her claim of sexual assault, while Ms. Jackson would not be permitted to testify about Ms. Constand’s blatant admission that she intended to fabricate a claim of sexual assault in order to get money. Such a result would deprive Mr. Cosby of “the very cornerstone of our criminal justice system, a fair trial.” *Commonwealth v. Fant*, 391 A.2d 1040, 1044 (Pa. 1978).

**Background**

The charges in this case arise from Ms. Constand’s allegations that Mr. Cosby sexually assaulted her in his home. *See, e.g.*, N.T. 6/6/17 at 170:13-177:23. Ms. Constand contended at Mr. Cosby’s first trial that this occurred after Mr. Cosby gave Ms. Constand three unidentified pills. *Id.* at 172:17-173:25.

Ms. Jackson is under defense subpoena for trial and has provided an affidavit of what her testimony at trial would be. Her affidavit is attached to this motion. Ms. Jackson would testify that, in the same time period as the alleged assault, she worked closely with Ms. Constand at Temple University and on occasion traveled with the Temple women’s basketball team and

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roomed with Ms. Constand on those trips. *See* Affidavit of M. Jackson (January 22, 2018) ¶ 3; N.T. 6/9/17 at 225:21-226:14. During one of those trips, Ms. Constand and Ms. Jackson watched a television news report regarding claims that a prominent person had drugged and sexually assaulted women. *See* Affidavit ¶ 4; N.T. 6/9/17 at 228:6-13. While watching the report, Ms. Constand initially told Ms. Jackson that something like that had happened to her. Affidavit ¶ 5. After Ms. Jackson asked her whether that had actually happened to her, however, Ms. Constand admitted, “No, it didn’t but I could say it did,” and then added “I could say it happened, file charges and get money to go to school and open a business.” Affidavit ¶ 6.

Prior to the first trial, Ms. Jackson provided a signed statement describing her conversation with Ms. Constand, and the defense provided that statement to the prosecution. Unbeknownst to the defense at the time, detectives working with the prosecution also interviewed Ms. Jackson prior to the first trial. On cross-examination at the first trial, Ms. Constand claimed not to know Ms. Jackson, or at least not to remember her (despite the fact that the two worked together for years and shared hotel rooms together on at least six occasions). After that cross-examination, the parties argued orally about the admissibility of Ms. Jackson’s testimony. The Commonwealth argued for preclusion of Ms. Jackson’s testimony on the ground that it was inadmissible hearsay. Following argument on the motion, N.T. 6/9/17 at 224:24-252:21, the Court issued an order granting the motion and precluding Ms. Jackson’s testimony on the ground that it “constitutes inadmissible hearsay.” June 13, 2017 Order.

After the first trial ended with a hung jury, Mr. Cosby replaced his legal team. In preparation for the retrial, the defense obtained the attached affidavit from Ms. Jackson. Meanwhile, at a pretrial conference on January 17, 2018, the Commonwealth revealed for the first time that detectives interviewed Ms. Jackson prior to the first trial and took notes during the

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interview, but thereafter destroyed their notes, purportedly because they were consistent with the statement provided by the defense. Mr. Cosby now moves for the admission of Ms. Jackson's testimony at his upcoming retrial on the grounds that it is substantive evidence of Ms. Constand's state of mind that should not be precluded as hearsay and on the additional ground that Ms. Jackson's testimony is admissible for impeachment purposes.

**Argument**

**I. Ms. Jackson's Testimony Is Admissible Evidence of Ms. Constand's State of Mind and Should Not Be Precluded as Inadmissible Hearsay.**

While arguments about the admissibility of Ms. Jackson's testimony at the first trial focused on its use to establish a prior inconsistent statement, Mr. Cosby now seeks to admit Ms. Jackson's testimony in the second trial as evidence of Ms. Constand's state of mind, which is admissible under Pa. R. Evid. 803(3).<sup>1</sup> Under Rule 803(3), an out-of-court statement is admissible if it is a statement of the declarant's motive, intent, or plan. "Where the declarant's out-of-court statements demonstrate her state of mind, are made in a natural manner, and are material and relevant, they are admissible pursuant to the exception." *Commonwealth v. Begley*, 780 A.2d 605, 623 (Pa. 2001). "[S]tatements of the declarant's then existing state of mind are

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<sup>1</sup> Mr. Cosby also relies on the arguments made at the first trial, for preservation purposes. *See, e.g., Commonwealth v. Paddy*, 800 A.2d 294, 311 (Pa. 2002). Moreover, Mr. Cosby notes that the record concerning Ms. Jackson and her reliability is now substantially different from what was before the Court at the first trial. As discussed above, counsel for the Commonwealth conceded during the January 17, 2018 conference call with the Court that Ms. Jackson's statement to the prosecution team was consistent with what was disclosed by the defense. Indeed, supposedly for this very reason, the Commonwealth chose to destroy the notes made by the detectives at that interview and ADA Ryan did not share this information with the Court or the defense during argument on the matter at the initial trial. Mr. Cosby submits that this new information reinforces the reliability of Ms. Jackson's statement (which is now memorialized as a sworn affidavit, attached hereto as Exhibit A). This new factual information warrants reconsideration of the Court's ruling on the admissibility of Ms. Jackson's testimony.

considered reliable based on their spontaneity.” *Schmalz v. Manufacturers & Traders Trust Co.*, 67 A.3d 800, 804 (Pa. Super. 2013). Among other circumstances, the state-of-mind exception “can apply to demonstrate that a declarant did a particular act that was in conformity with his or her statement after having made the statement.” *Id.*

Here, Ms. Constand’s statement that she could fabricate a story about being sexually assaulted is a statement of her then-existing state of mind regarding her intent or plan to set someone up for a sexual assault charge. Moreover, her statement establishes her motive to fabricate such a story, specifically that it could enable her to get money to pay for school and to open a business. As the court explained in *Schmalz*, such a statement is admissible as an exception to the rule against hearsay under Rule 803(3).

While the Court previously focused on the fact that Ms. Constand’s statement to Ms. Jackson appears to have predated the alleged incident (though that is far from clear), the timing of the statement does nothing to undermine the relevance of the statement to establish Ms. Constand’s state of mind. Indeed, since the statement was prospective, i.e., suggesting a future plan of making a false accusation in order to get money, it makes no difference whether she made the statement before or after the alleged incident. Assuming she made the statement before the alleged incident, the statement is relevant to show that Ms. Constand had a plan to set up Mr. Cosby through a consensual sexual encounter she could later falsely claim to have been an assault.

In a recent decision, the Court of Appeals of Michigan reached this same conclusion under almost identical facts. *See People v. Craige*, No. 321233, 2015 Mich. App. LEXIS 1524, at \*14-\*16 (July 30, 2015). In *Craige*, a prosecution for sexual assault, the defendant contended that his counsel was ineffective for not calling a witness who would have testified that the victim

said, before the alleged assault, she was “going to get [the defendant] for this.” *Id.* at \*14. The court of appeals noted that the statement would have been admissible as a statement of the victim’s then-existing state of mind and “would have corroborated defendant’s contention that [the victim] fabricated the allegations against him out of anger after he would not let her live with her boyfriend. Although defendant testified to the same effect, corroboration undoubtedly would have been helpful.” *Id.* at \*15. The court also noted that the uncalled witness’s testimony that the victim lied regarding another alleged assault may have been admissible under Michigan’s version of Rule 803(3) because it “would have shown that she had falsely accused a family member of sexual abuse in the past. At the very least, it is a prior inconsistent statement that would have been admissible to impeach [the victim’s] credibility.” *Id.* at \*15-\*16.

The Michigan court’s analysis is entirely consistent with Pennsylvania jurisprudence regarding Rule 803(3) and the state-of-mind exception. As explained by the Superior Court in *Schmalz* and many other cases, a “declaration of intention to do a relevant act may be admissible as some evidence that [the declarant] later performed that act.” *In re Estate of Maddi*, 167 A.3d 818, 827 (Pa. Super. 2017) (citation omitted). That is precisely what Ms. Jackson’s testimony would establish: that Ms. Constand declared her intent to fabricate a claim of sexual assault, which would be evidence that she actually did so. As the court held in *Craige*, such evidence is plainly admissible under Rule 803(3) as an exception to the rule against hearsay. *See also Commonwealth v. Parker*, 104 A.3d 17, 24-25 (Pa. Super. 2014). Ms. Jackson should be permitted to testify as to Ms. Constand’s statement regarding her then-existing state of mind.

## II. Ms. Jackson's Testimony Is Also Admissible to Impeach the Credibility of the Prosecution's Key Witness

Ms. Jackson's testimony should also be admitted under the alternative theory of impeaching Ms. Constand's credibility. Pennsylvania's Rule of Evidence 607 provides, "The credibility of a witness may be impeached by any evidence relevant to that issue...." PA. R. EVID. 607(b). Under Rule 607(b) a defendant must be given "wide latitude" to challenge a witness's credibility. *Commonwealth v. Reed*, 644 A.2d 1223, 1228 (Pa. Super. 1994). As the Supreme Court of Pennsylvania has explained, "evidence of interest or bias on the part of a witness is admissible and constitutes a proper subject for cross-examination." *Commonwealth v. Birch*, 616 A.2d 977, 978 (Pa. 1992). "It is particularly important that, where the determination of a defendant's guilt or innocence is dependent upon the credibility of a prosecution witness, an adequate opportunity be afforded to demonstrate through cross-examination that the witness is biased." *Id.*

In addition to cross-examination, "contradiction or impeachment may also be accomplished by the introduction of evidence other than the testimony of the witness sought to be contradicted or impeached." 9 Standard Pennsylvania Practice 2d § 54:138 (Impeachment and contradiction of witness, generally); *see also* 1 West's Pa. Prac., Evidence § 607-1 (4th ed.) (providing that "Unlike the Federal Rules of Evidence, the Pennsylvania Rules specifically provide for the admissibility of impeachment evidence" and illustrating manners of impeachment); McCormick On Evid. § 49 (7th ed.) ("When the matter is not collateral, extrinsic evidence may be introduced to dispute the witness's testimony on direct examination or cross."). Evidence admitted for impeachment is not inadmissible hearsay because it is not offered for the truth of the matter asserted. *See* Pa. R. Evid. 801; *Commonwealth v. Hill*, 237 Pa. Super. 543, 551-554, 353 A.2d 870, 875-877 (1975) ("if the statement is not offered to prove the truth of the

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matter asserted but to impeach a prior witness by showing a self-contradiction, it is not hearsay”).

Here, Ms. Constand’s statement to Ms. Jackson is directly relevant to impeach Ms. Constand’s credibility. In her statement, Ms. Constand admitted to lying about having been sexually assaulted; admitted that she intended to lie about it in the future; admitted that she had a plan to file false charges in order to get money; and admitted that she had a motive to lie because she wanted money for school and to open a business. Ms. Constand’s admissions cast serious doubt, not only on her general credibility as a witness, but on the specific testimony she will give at trial regarding having been sexually assaulted by Mr. Cosby.

In addition, the fact that Ms. Constand denied knowing Ms. Jackson makes Ms. Jackson’s testimony all the more relevant to impeach Ms. Constand’s testimony. Ms. Jackson would be able to establish for the jury that Ms. Constand falsely testified that she did not know Ms. Jackson. As set forth in her affidavit, Ms. Jackson would testify that she and Ms. Constand worked together, became friends and were in regular contact over the course of several years, and that they shared a hotel room on at least six occasions. It is highly incredible that with that much contact, Ms. Constand would not remember Ms. Jackson. Even if the jury could believe that Ms. Constand’s relationship with Ms. Jackson and the incriminating statements she had made to her could have somehow slipped Ms. Constand’s mind, it is certainly impossible to believe that the prosecution would not have refreshed Ms. Constand’s recollection prior to trial.

As is now known, and as Ms. Jackson could testify, members of the prosecution team interviewed Ms. Jackson prior to the first trial and took notes. It would be bizarre, and indeed irresponsible, for the prosecution not to have asked Ms. Constand about her statements to Ms. Jackson before putting Ms. Constand on the stand to accuse Mr. Cosby of sexual assault. The



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defense should be allowed to elicit testimony from Ms. Jackson to demonstrate for the jury that Ms. Constand falsely denied knowing Ms. Jackson because she knew she had admitted to Ms. Jackson that she had not been sexually assaulted but that she could falsely claim she was in order to get money.

**III. Ms. Jackson's Testimony Also Is Admissible As a Prior Inconsistent Statement to Impeach Ms. Constand.**

In addition to being admissible under Rule 803(3) and Rule 607(b), Ms. Jackson's testimony also is admissible to impeach Ms. Constand's testimony that she did not fabricate her allegations of sexual assault against Mr. Cosby. Under Rule 613(a), "a witness may be examined concerning a prior inconsistent statement made by the witness to impeach the witness's credibility." Pa. R. Evid. 613(a). Thus if, as expected, Ms. Constand testifies at trial that Mr. Cosby drugged and sexually assaulted her, she can be cross-examined concerning her prior inconsistent statement that she had *not* been drugged and assaulted but that she could say that she had been in order to reap the monetary benefits of such an allegation. The only prerequisite for such cross-examination is that the content of Ms. Constand's prior inconsistent statement must be disclosed to the Commonwealth, which has already been done. *See* N.T. 6/9/17 at 252:19-21.

After Ms. Constand is asked about her prior inconsistent statement and given an opportunity to explain or deny making that statement, Mr. Cosby can introduce extrinsic evidence of the statement, such as the testimony of Ms. Jackson. *See* Pa. R. Evid. 613(b). Under Rule 613(b), such extrinsic evidence is admissible to impeach a witness if the prior inconsistent statement is disclosed to the witness during her testimony and she is given an opportunity to explain or deny it. *See* Pa. R. Evid. 613(b)(1)-(2). Mr. Cosby expects to do exactly this at his retrial, disclosing Ms. Constand's prior statement about manufacturing a claim against him while cross-examining her. Ms. Constand would then be given an opportunity to explain or deny her

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prior statement and the prosecution would have an opportunity to ask Ms. Constand about it on re-direct. *See* Pa. R. Evid. 613(b)(3). At that point, there would be no basis to preclude Ms. Jackson's testimony as extrinsic evidence of Ms. Constand's prior inconsistent statement.

Pennsylvania's appellate courts frequently have noted the admissibility of such testimony under Rule 613(b). For example, in *Commonwealth v. Charleston*, a witness denied that she had told a murder victim's mother that the defendant intended to rob the victim. 16 A.3d 505, 526-27 (Pa. Super. 2011). The prosecution confronted the witness with her prior oral statement to the victim's mother and, after the witness denied making the statement, the prosecution called the victim's mother to testify about the prior statement the witness denied making. The trial court allowed the testimony for impeachment purposes under Rule 613 and the Superior Court affirmed. *Id.* at 527.

Numerous other cases reach the same result, permitting extrinsic evidence of a witness's prior inconsistent statement to be admitted for impeachment purposes through the testimony of a witness who heard the prior statement. *See, e.g., Commonwealth v. Palmore*, 2017 Pa. Super. Unpub. LEXIS 2751, at \*3-\*7 (July 20, 2017); *Commonwealth v. Coburn*, 2017 Pa. Super. Unpub. LEXIS 481, at \*18-\*22 (Feb. 8, 2017); *Commonwealth v. Bradshear*, 2016 Pa. Super. Unpub. LEXIS 4759, at \*38-\*41 (Dec. 30, 2016).<sup>2</sup>

The same result is required here. Assuming Ms. Constand testifies consistently with her testimony at the first trial, after she is questioned about her prior inconsistent statement, Ms.

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<sup>2</sup> The Pennsylvania Suggested Standard Criminal Jury Instructions contain instructions for this precise scenario, providing that, when evidence of a witness's prior inconsistent statement is presented, the court should instruct a jury to consider evidence of the prior inconsistent statement "to help [it] judge the credibility and weight of the testimony given by the witness at this trial." PA. SSJI (CRIM.) § 4.08A.

Jackson’s testimony about that prior statement would be admissible to impeach Ms. Constand’s trial testimony.

At the first trial, the Court expressed concern that the date of Ms. Constand’s statement to Ms. Jackson was uncertain. However, from the Temple women’s basketball schedule, it is clear that the conversation between Ms. Jackson and Ms. Constand occurred in January-February of either 2003 or 2004. While Ms. Constand steadfastly insists that the alleged sexual assault occurred in the first half of January 2004, as set forth in Mr. Cosby’s concurrently filed motion to dismiss based on the statute of limitations, the documentary evidence establishes that the incident could not have happened in that time period and must have occurred at some earlier time. Thus, it is quite possible that the encounter Ms. Constand now calls a sexual assault had already occurred at the time Ms. Constand made her statements to Ms. Jackson. Ultimately, that is a factual question for the jury to determine, and thus the timing of the statement goes to the weight of the evidence, not its admissibility.

**IV. Excluding Ms. Jackson’s Testimony Would Violate Mr. Cosby’s Constitutional Rights to Due Process, Confrontation, Compulsory Process, and the Effective Assistance of Counsel**

The Supreme Court of the United States has held that the Constitution precludes state courts from limiting a defendant’s cross-examination on relevant issues such as a witness’s potential bias or credibility. *See, e.g., Davis v. Alaska*, 415 U.S. 308, 318 (1974). As the Court noted in *Davis*, a defendant must be permitted “to expose to the jury the facts from which jurors, as the sole triers of fact and credibility, could appropriately draw inferences relating to the reliability of [a] witness.” *Id.* The Supreme Court of Pennsylvania has reiterated this important principle on numerous occasions, noting that “[c]ross-examination may be employed to test a witness’ story, to impeach credibility, and to establish a witness’ motive for testifying.”

*Commonwealth v. Chmiel*, 889 A.2d 501, 527 (Pa. 2005).

The United States Supreme Court has also made clear that compulsory process is an essential element of due process incorporated and made applicable to the states through the Fourteenth Amendment:

The right to offer the testimony of witnesses, and to compel their attendance, if necessary, is in plain terms the right to present a defense, the right to present the defendant's version of the facts as well as the prosecution's to the jury so it may decide where the truth lies. Just as an accused has the right to confront the prosecution's witnesses for the purpose of challenging their testimony, he has the right to present his own witnesses to establish a defense. This right is a fundamental element of due process of law.

*Washington v. Texas*, 388 U.S. 14, 19 (1967).

Certainly, the ability to call a witness who would establish that the complaining witness had indicated her intent to fabricate a claim of sexual assault is an essential part of the right to present a defense.

Further, the Sixth Amendment right to the effective assistance of counsel is also implicated here. *See Craige*, No. 321233, 2015 Mich. App. LEXIS 1524, at \*14-\*15. If the prosecution's primary witness is left unchallenged while an essential defense witness such as Ms. Jackson is precluded from testifying, defense counsel is unable to present effective arguments on behalf of the accused.

Ultimately, the question is one of "fundamental fairness." *Commonwealth v. Brown*, 52 A.3d 1139, 1162 (Pa. 2012). As Mr. Cosby argued at his first trial, "the hearsay rule may not be applied mechanistically to defeat the ends of justice." *See, e.g., Green v. Georgia*, 442 U.S. 95, 97 (1979). The government's conduct in concealing its interview with Ms. Jackson and destruction of its notes now make all that much clearer that due process demands that Mr. Cosby be permitted to present the highly relevant evidence regarding Ms. Constand's statements in order to defend against the serious charges leveled against him. Unless Mr. Cosby is permitted to

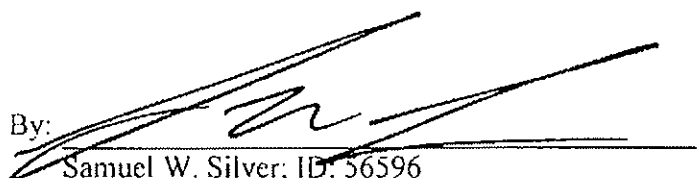
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present evidence that his accuser had hatched a plan to falsely accuse a prominent person such as himself of having sexually assaulted her, the jury will hear a hopelessly one-sided and unreliable account of what happened between Mr. Cosby and Ms. Constand – the antithesis of fundamental fairness.

WHEREFORE, William H. Cosby, Jr., requests the Court enter an order that Andrea Constand may be cross-examined and Marguerite Jackson may testify regarding Ms. Constand's statement to Ms. Jackson.

Dated: January 25, 2018

Respectfully Submitted,

By: 

Samuel W. Silver; ID: 36596  
SCHNADER HARRISON SEGAL & LEWIS LLP  
1600 Market St., Suite 3600  
Philadelphia, PA 19103  
Tel.: 215-751-2309  
Fax: 215-751-2205

Thomas Mesereau, Jr. (*pro hac vice*)  
MESEREAU LAW GROUP  
10100 Santa Monica Blvd., Suite 300  
Los Angeles, CA 90067  
Tel.: 310-651-9960

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Kathleen Bliss (*pro hac vice*)  
Jason Hicks (*pro hac vice*)  
KATHLEEN BLISS LAW PLLC  
1070 W. Horizon Ridge Pkwy., Suite 202  
Henderson, NV 89012  
Tel.: 702-463-9074

Becky S. James (*pro have vice*)  
GREENBERG GROSS LLP  
601 S. Figueroa St., 30<sup>th</sup> Floor  
Los Angeles, CA 90017  
Tel.: 213-334-7060

*Attorneys for Defendant William H. Cosby, Jr.*

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CERTIFICATE OF SERVICE

I, Samuel W. Silver, hereby certify that on this 25th day of January, 2018, I caused a true and correct copy of the foregoing **Memorandum in Support of Motion in Limine to Admit Testimony Regarding Andrea Constand's Prior Statement Admitting She Intended to Fabricate a Claim of Sexual Assault** to be served by first-class mail and e-mail on the following:

Kevin R. Steele, District Attorney  
Montgomery County District Attorney's Office  
Courthouse, Fourth Floor  
P.O. Box 311  
Norristown, PA 19404-0311



Samuel W. Silver

*Attorney for Defendant William H. Cosby, Jr.*

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# Exhibit A

Marguerite Jackson Affidavit



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AFFIDAVIT OF MARGUERITE JACKSON

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF ~~MONTGOMERY~~ PHILADELPHIA *RJB*

MARGUERITE JACKSON states as follows:

1) I have been an employee of Temple University, 1801 No. Broad Street, Philadelphia, PA 19122, for the past 31 years and am a resident of Philadelphia County.

2) I have a Masters of Education, Counseling Psychology, awarded in 2001 by Temple University. I work as an academic counselor for students, and I also provide independent psychological counseling through various community organizations. As part of my work, I frequently counsel victims of sexual assault and abuse.

3) I was assigned to the women's basketball team between 2002 and 2006, and was present and worked with Andrea Constand. Ms. Constand and I became friends and had regular work-related contact. I periodically traveled with the team and on approximately six (6) occasions was assigned to room with Andrea Constand.

4) I recall that when the Temple University Women's Basketball team was in Rhode Island, I was rooming with Andrea Constand. While in the hotel room, a news story was on television about a prominent person who had been accused of drugging and sexually assaulting women. I believe this case was a highly publicized matter but do not recall the location or the individual's name.

5) While we were watching the story, Ms. Constand said that something like that had happened to her. I asked Ms. Constand if she had reported the incident to the police. Ms. Constand said she had not because this was a very powerful man and Ms. Constand said she knew she could not prove it. I responded to Ms. Constand by telling her that it did not matter who it was, she needed to report it.

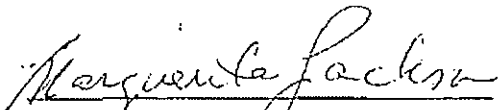
6) I was surprised by Ms. Constand's demeanor, which caused me to question Ms. Constand, specifically asking Ms. Constand if that had really happened to her, meaning whether she had been taken advantage of in that way. Ms. Constand asked why

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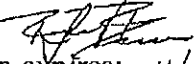
these women would make these allegations. I responded that money is a great motivator. When I asked Ms. Constand again if that had happened to her, Ms. Constand said, "No, it didn't but I could say it did." Ms. Constand then said, "I could say it happened, file charges and get money to go to school and open a business."

7) While on a cruise I heard about the current criminal allegations of Ms. Constand against Mr. Cosby. I was not surprised based on my previous conversation with Ms. Constand. I felt Ms. Constand was setting up a celebrity, just as she told me she was going to do.

  
Marguerite Jackson

Sworn to and subscribed before me

This 22 day of JANUARY, 2018

Notary Public: 

My commission expires: 11/17/20

