

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES	)	
	)	
v.	)	
	)	INDICTMENT NO.
CARLA JACKSON,	)	1:20-CR-00296-JPB-CMS-05
Defendant	)	
_____	)	

**RESPONSE TO UNITED STATES’
CONSOLIDATED MOTIONS IN LIMINE**

COMES NOW Defendant CARLA JACKSON, by and through undersigned counsel, and hereby files this response to the United States’ Consolidated Motions in Limine (Doc. 796). In support thereof, Defendant shows as follows:

INTRODUCTION

The Government, in its Motion, seeks pretrial rulings from this Court on several matters, including prohibitions of any evidence or arguments made by Defendant regarding “self-serving statements,” “penalty evidence,” “good character evidence,” Government “charging decisions,” “jury nullification,” “victim blaming,” “ignorance of the law,” “self-authenticating evidence,” and “summary charts under Rule 1006.”

Defendant Jackson, through undersigned counsel, will address each of the Government’s arguments.

1. Self-serving statements

Defendant intends to comply with Fed. R. Evid. 801(d)(2). Also, in response to footnote 2 in the Government's Motion, Defendant asserts that she is permitted to introduce other portions of any recorded statements she may have made. *See United States v. Baker*, 432 F.3d 1189, 1223 (11th Cir. 2005) ("when a writing or recorded statement or part thereof is introduced by a party, an adverse party may require the introduction at that time of any other part or any other writing or recorded statement which ought in fairness to be considered contemporaneously with it.").

2. Penalty evidence

Defendant has no objection to the Government's arguments about the introduction of evidence or arguments regarding "penalty evidence," but only as such evidence is related specifically to Ms. Jackson and any penalties she may or could face.

Defendant reserves the right, however, to elicit information during cross examination about potential penalties that Government witnesses may face, and any such witnesses' biases, ulterior motives, and prejudices. *See, e.g., Sussman v. Jenkins*, 636 F.3d 329, 353 (7th Cir. 2011) (exposure of a witness' motivation in testifying is a proper and important function of the

constitutionally protected right of cross examination), *citing Davis v. Alaska*, 415 U.S. 308, 316-1317 (1974).

3. Good character evidence

The Government argues that Defendant should be precluded from introducing evidence of her general good character or of specific instances of good character.

Defendant intends to comply with the requirements of Fed. R. Evid. 405(a)-(b).

4. Government charging decisions

Defendant objects to the Government's argument for limitation on Defendant's ability to question witnesses regarding the Government's charging decisions. Such questions may be relevant, for example, to a witness who benefitted from certain charging decisions. And such questioning may be appropriate for Government law enforcement witnesses to examine the background of their investigation.

5. Jury nullification

Defendant has no intention to argue for jury nullification.

6. Victim blaming

Defendant objects to this blanket objection by the Government. Ms. Jackson should be allowed to question Government witnesses about the PPP

loan program and the application process for those persons seeking loan proceeds. If the responses of Government witnesses reveal application process deficiencies to a jury or show a lack of proper due diligence by financial institutions in screening these loans, that is not “victim blaming” but rather relevant evidence about PPP and how these loans are processed.

7. Ignorance of the law

Defendant has no intention to argue ignorance of the law.

8. Self-authenticating evidence

Defendant reserves the right to object to any evidence on relevance grounds.

9. Summary charts

To the extent the Government seeks to introduce summary charts that are irrelevant or not in compliance with Fed. R. Evid. 1006, Defendant objects.

Respectfully submitted this 12th day of January, 2024.

/s/ David D. Marshall
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CERTIFICATE OF SERVICE

This is to certify that the foregoing was formatted in 14-point Times Roman, in accordance with Local Rule 5.1C, and was electronically filed this day with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following:

All defense counsel; All AUSA's of record

This 12th day of January, 2024.

/s/ David D. Marshall
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