

# California's Law Allowing Evidence of Prior Bad Acts and Bill Cosby

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ORANGE COUNTY, CALIFORNIA,  
UNITED STATES, October 12, 2015

**John A. DeMarr P.I.**  
PRIVATE INVESTIGATORS

Orange County Private Investigator

/EINPresswire.com/ -- John DeMarr, a licensed [California private investigator](#) since 1988, commenting on the recent deposition of Bill Cosby as it relates to California's law allowing evidence of prior bad acts, reminds us that "In a case like this you need an experienced Private Investigator to work directly with attorneys, and also independently. Our memories are complicated, and recording the version of events as recalled by the parties and other percipient witnesses is critical and important evidence."

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Any investigation into an alleged victim's allegations would need to first establish the facts surrounding the incidents. In cases like this, trust only the expert private investigators.

*John A DeMarr, P.I.*

On Friday, Bill Cosby gave a long-awaited deposition in the civil case of Judy Huth, who claims Cosby assaulted her at the Playboy Mansion in 1974 when she was 15 years old. Bill Cosby gave the approximately 7 hour [deposition in Boston](#).

This is Cosby's first deposition since 2005, the transcript of which was released earlier this year and revealed, among other things, that Cosby admitted to giving women Quaaludes with the aim or using them for sex. The allegations by more

than 50 women who have come forward claiming sexual abuse by Cosby are decades old and well beyond the 6 year statute of limitations for prosecution of sexual assault. However, under California law, alleged victims of sex crimes can testify in court as witnesses, even if their own cases did not result in any criminal charges.

Prior to 1994, evidence of prior bad acts was not allowed to be mentioned in a trial on a specific event because it was considered to be unfair. In 1994, Congress passed Rule 413 that allows evidence of prior sex crimes and prior incidents of child molestation to be admissible in those cases.

Jessica Goldstein, writing for [ThinkProgress](#), asked some legal scholars about the evidence rule. "That was a huge change in the law," Michele Gilman, professor at University of Baltimore School of Law and co-director of the Center on Applied Feminism said. "Congress at the time felt these particular types of crimes are different than other crimes, that people who commit them are particularly depraved and particularly likely to recommit these types of offenses."

"In California the defendant does not need to have actually been convicted of prior sex crimes in the past," Gilman said. "So even though Cosby has never been charged or even arrested for the allegations made by the alleged victims, this law would allow these prior victims to testify. Unlike the federal court code, barring something older than 10 years, in California even the cases from the '70s

would not be time-barred.”

However, no evidence of these prior alleged sex crimes can automatically be admitted. The California court still has the discretion to exclude prior sex crimes if including them would be substantially prejudicial.

These laws are driven by a real, urgent concern: It is extraordinarily difficult to convict rapists. A majority of rapes are not reported to the police. Only three out of every 100 rapists will spend even one day in prison.

“Any investigation into an alleged victim’s allegations of sexual assault would need to first establish the facts surrounding the incidents.”

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John A. DeMarr, P.I., a licensed California private investigator since 1985, and president of John A. DeMarr Private Investigators, one of the few firms capable of handling such involved litigation.

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