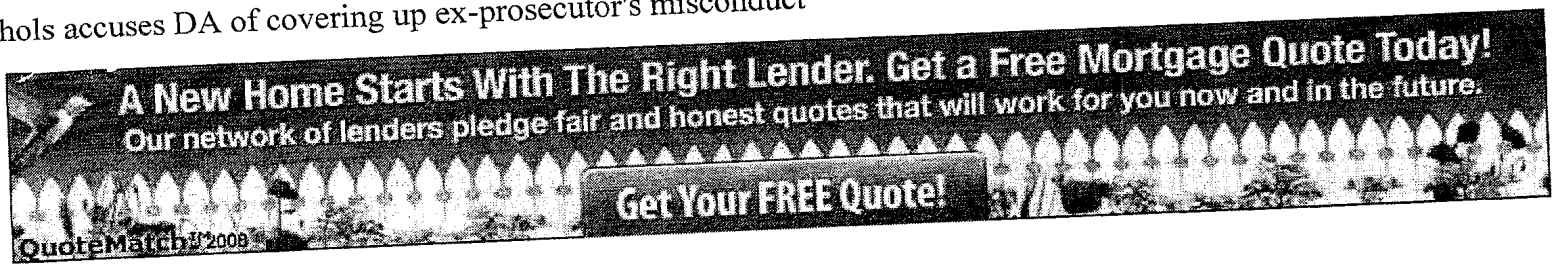


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Nichols accuses DA of covering up ex-prosecutor's misconduct

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Brian Nichols is accusing Fulton County District Attorney Paul Howard of covering up misconduct by a prosecutor and is asking the trial judge to throw out the death penalty and certain evidence.

Nichols has entered a mental health defense to four killings in the Fulton County Courthouse shooting case, which happened when Nichols escaped from custody during his rape trial March 11, 2005.

Nichols contends in a court filing Tuesday that his former prosecutor in the rape case -- now a potential key witness in his murder case -- engaged in criminal misconduct before his rape trial. Moreover, Nichols and his high-powered legal team contend Howard has refused to hand over information about the alleged misconduct.

Nichols' complaint never specifies the misconduct it contends prosecutor Gayle Abramson committed.

In a statement to The Atlanta Journal-Constitution late Tuesday, Abramson, and her husband, Rand Csehy, another former Fulton prosecutor, accused Nichols' lawyers of trying to derail the murder case by defaming Abramson with a wiretap conversation that concerned another murder investigation.

Not only is this document factually inaccurate and filled with intentional falsehoods, but it is incomplete," the two former prosecutors said of the 35-page complaint filed in Superior Court.

Nichols contends Abramson engaged in criminal behavior the year before his rape trial and may have violated the law while engaged in an undercover operation for Howard's office when she socialized with a murder suspect and his friends while on a trip to Palo Alto, Calif.

Nothing could be further from the truth, Abramson said in the statement. While the Nichols complaint contends that she may have been conducting an undercover operation for Howard in a high-profile cold-case murder investigation when she traveled to California, Abramson said was a personal trip when she unwittingly and tragically became ensnared in the murder investigation of Scott Davis and became a crime victim herself.

Davis, a California businessman and failed gubernatorial candidate, was then an uncharged suspect in the 1996 murder of Atlanta millionaire David Coffin in his Buckhead condo.

In 2004, Abramson, who said she was unfamiliar with the Davis case, said she met David Benjamin Sugarman, a friend of Davis in Atlanta, and later traveled to Palo Alto to visit him.

Ms. Abramson was not only unaware that Sugarman was friends with convict Davis but had no idea who convict Davis

was at the time," Abramson said in the statement. "On Saturday, Oct. 30, 2004, she attended a party with Sugarman, Davis and their friends and, upon arriving, was handed an alcoholic beverage. Ms. Abramson advised that she became disoriented, lightheaded and eventually felt as if she was in a 'zombie state.'

"She recalled being sexually assaulted by two men and eventually taken to a house by Sugarman, where she recalled drugs were present."

Davis was later convicted of the murder. Abramson returned to Atlanta where in 2005 she proceeded to try Nichols for the kidnapping and rape of his girlfriend.

Nichols in his complaints contended "Abramson's misconduct impaired her exercise of prosecutorial discretion" in his rape case because she sought to convict him and secure a life sentence rather than offer him a plea deal and ignored Nichols mental-health impairment as well as his relationship to the victim.

"The underlying criminal case contained elements that would give any rational prosecutor pause before seeking a life sentence," Nichols' complaint said. "It appears clear that Ms. Abramson's personal and professional misconduct impaired her capacity to meet her duty to review the specific factual underpinning in this case and to follow the law and exercise prosecutorial discretion."

Nichols then escaped during his rape trial on March 11, 2005, killing the judge, a court reporter and a sheriff deputy at the courthouse and later killed an off-duty federal agent.

In 2005, Howard's office secured a judge's permission to wiretap Davis to secure evidence in the 1996 murder case for which his office eventually convicted Davis in 2007.

On the April 2005 wiretap, however, Howard's prosecutors heard Davis and a friend talking about the murder case and 'openly speculating' that Howard knew Abramson was "involved in gross misconduct," according to the Nichols' complaint.

The complaint said that Davis believed that Abramson had been sent to Palo Alto the year before to socialize with him and his friends in hope of securing incriminating evidence.

The prosecutor who was operating the wiretap was Rand Csehy, who was then dating Abramson and has since married her. Csehy said he recognized that the "Gayle" the men were discussing was his girlfriend.

The two prosecutors alerted Howard to the "embarrassing situation" caught on the wiretap, the complaint said. Abramson resigned shortly afterward to take a job in private practice.

Abramson and Csehy said they informed Howard immediately what the wiretap told him of the bizarre coincidence that led to Abramson meeting Davis the year before and assured him that Abramson did not engage in any criminal behavior while in California.

Abramson said her resignation from the district attorney's office had nothing to do with the wiretap but was because she decided to go into private practice after the shock of the courthouse killings.

Of the wiretap, Abramson and Csehy said:

During the conversation, the two individuals discussed use of illicit narcotics by Ms. Abramson and speculated that she was sent at the behest of District Attorney Paul L. Howard, Jr., to use sex and drugs in order to pry information of Davis," Csehy and Abramson said in the statement. "To date, Mrs. Csehy [Abramson] has very little recollection of the events and occurrences of that night and has never admitted nor denied drug use as her memory was affected by the introduction of a substance into her drink, clearly for the purpose of assaulting her sexually."

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