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Partying by prosecutor kept out of Nichols trial

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A judge said Monday he believed a prosecutor partied with illegal drugs before trying Brian Nichols for rape, but spared her from having to testify about it during Nichols' upcoming murder trial.

Superior Court Judge James Bodiford ruled that questions about Gayle Abramson Csehy's use of cocaine and Ecstasy are irrelevant to the murder case, in which testimony starts next Monday.

Nichols' defense team, led by Henderson Hill of Charlotte, has argued Abramson Csehy's drug use may have undermined her judgment regarding plea offers. She resigned from the district attorney's office in 2005.

Hill has argued that the question of Abramson Csehy's judgment goes "to the heart" of the Nichols defense: that he has a mental delusion that focuses on the criminal justice system.

Bodiford, however, ruled the only evidence of drug use was at social events and that the illegal use of drugs did not compromise the rape case.

Nichols was on trial for rape when he escaped from his Fulton County Courthouse cell by overpowering his guard on March 11, 2005. He is accused of murdering Superior Court Judge Rowland Barnes, stenographer Julie Ann Brandau, Deputy Hoyt Teasley and U.S. Customs Agent David Wilhelm.

"The court holds that Gayle C. did use illegal drugs in Georgia during October of 2004," Bodiford ruled. "The court notes, however, there has been no evidence that Gayle C. was using the drugs during the time there were proceedings involving the defendant."

Under the law, Bodiford said, Abramson Csehy could not be questioned about the drug use if she testifies at Nichols' murder trial because she had never been convicted.

Hill blamed that on District Attorney Paul Howard, whom he described as an "ostrich sticking its head in the sand" for refusing to investigate when the drug use came to light during the wiretap of Scott Davis, another murder defendant in a separate murder case.

Bodiford, however, said that he believed Howard's testimony earlier this month that he didn't think Abramson Csehy had used illegal drugs when she was romantically involved with the friend of Davis. But the judge noted she admitted using illicit drugs when Mark Kadish and Bruce Morris, the defense lawyers for Davis, investigated her

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relationship with their client's friend.

Kadish testified at a Nichols hearing this month that the former prosecutor provided the drugs and put the lines of cocaine on the official badge she carried as an assistant district attorney.

"If D.A. Howard had been aware of the information ... he may have acted differently," Bodiford said in his ruling.

Abramson Csehy said in a statement to The Atlanta Journal-Constitution that she had unwittingly met a friend of the murder suspect, Davis, who has since been convicted of the 1996 murder of Atlanta millionaire David Coffin in his Buckhead condo.

Abramson Csehy resigned from the district attorney's office to take a job in private practice shortly after Howard became aware that she was the subject of a wiretap conversation.

This month she invoked the Fifth Amendment, her constitutional right not to incriminate herself, when refusing to testify at a hearing in the Nichols murder trial.

Bodiford referred to her only as "Gayle C." in his ruling and two Superior Court judges who handled the Davis case placed the wiretap information under seal at the request of Howard's office so it wouldn't become public.

Bodiford initially expressed concern that Nichols' defense team was going to stain Abramson Csehy's reputation by pursuing a trial strategy that the judge believed had little merit. In his ruling, however, he said the former prosecutor had only herself to blame.

"This court was and remains concerned about the effect of the testimony on individuals who are held in high regard," Bodiford said. "At the same time a prosecutor is held to the highest standard and can never use illegal drugs without risking his/her professional reputation and the reputation of the state itself."

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