

18 MS. ROSS: EXCUSE ME. YOUR HONOR?
19 THE COURT: YES.
20 MS. ROSS: MAY THE STATE ALSO HAVE A STANDING
21 OBJECTION ON THE RECORD TO RELEVANCE WITH REGARD
22 TO THIS TESTIMONY?
23 THE COURT: GRANTED.
24 MS. ROSS: THANK YOU.
25 THE BAILIFF: RAISE YOUR RIGHT HAND.

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1 RAND CSEHY, ESQ.,
2 A WITNESS HEREIN, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED
3 AND TESTIFIED AS FOLLOWS:
4 THE COURT: ALL RIGHT. PLEASE HAVE A SEAT,
5 AND WE'LL SEE IF WE CAN GET THROUGH THIS AS QUICK
6 AS POSSIBLE.
7 THE WITNESS: YES, SIR.
8 THE COURT: OKAY.
9 DIRECT EXAMINATION
10 BY MR. HILL:
11 Q GOOD MORNING, MR. CSEHY. CAN YOU STATE FOR THE
12 RECORD YOUR COMPLETE NAME AND YOUR BUSINESS ADDRESS?
13 A RAND JASON CSEHY, C-S-E-H-Y, 1077 SPRING STREET
14 NORTHWEST, ATLANTA 30309.
15 Q AND HOW LONG HAVE YOU BEEN A MEMBER OF THE BAR?
16 A SINCE END OF OCTOBER '97.
17 Q CAN YOU DESCRIBE YOUR EMPLOYMENT HISTORY SINCE
18 JOINING THE BAR?

19 A WORKED FOR THE CHESNEY HAWKINS LAW FIRM, DUI
20 DEFENSE LAWYER FOR THE FIRST YEAR. YEAR AFTER THAT -- NEXT
21 YEAR I WORKED FOR THE CITY OF ATLANTA TRAFFIC COURT
22 PROSECUTION. FORSYTH COUNTY DISTRICT ATTORNEY'S OFFICE.
23 THEN AFTER THAT, THE FULTON COUNTY DISTRICT ATTORNEY'S
24 OFFICE, AND THEN PRIVATE PRACTICE.
25 Q AND WHAT WERE THE YEARS THAT YOU WERE AT THE

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1 FORSYTH DISTRICT ATTORNEY'S OFFICE?

2 A '99 TO 2002. IT WAS NARCOTICS UP IN FORSYTH AND
3 2002 UNTIL END OF JUNE '06 IN FULTON.

4 Q OKAY. AND WHEN YOU WERE RECRUITED TO THE FULTON
5 COUNTY OFFICE, WAS IT IN REFERENCE TO ANY EXPERTISE WITH THE
6 DRUG ENFORCEMENT ASPECTS OF PROSECUTION?

7 A I WASN'T RECRUITED.

8 Q WHEN YOU WERE HIRED, WERE YOU HIRED WITH
9 RESPECT -- WERE YOU PLACED IN A PARTICULAR UNIT AT THE
10 FULTON COUNTY DISTRICT ATTORNEY'S OFFICE?

11 A CHARGING AND SCREENING.

12 Q AND IS THAT THE UNIT THAT YOU REMAINED IN FOR --

13 A NO.

14 Q CAN YOU --

15 A I WAS HIRED -- I WAS HIRED FOR GENERAL TRIAL
16 DIVISION, AND I WAS INITIALLY SUPPOSED TO BE ASSIGNED TO
17 JUDGE BEDFORD, AND I DID FOUR MONTHS IN CHARGING AND
18 SCREENING. I WAS SPECIFICALLY TOLD I WOULD NOT BE IN
19 NARCOTICS.

20 Q AND IN 2004, DID YOU HAVE A GENERAL ASSIGNMENT

21 WITHIN THE OFFICE OR WAS THERE A SPECIFIC UNIT?

22 A I WAS IN MAJOR NARCOTICS AT THE TIME.

23 Q MR. CSEHY, I'D LIKE TO REFER YOUR ATTENTION TO THE
24 TIME PERIOD BETWEEN APRIL 16TH AND APRIL 24TH OF 2005. DO
25 YOU RECALL YOUR INVOLVEMENT IN THE SCOTT -- STATE V. SCOTT

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1 DAVIS INVESTIGATION?

2 THE WITNESS: YOUR HONOR, I RESPECTFULLY
3 REFUSE TO ANSWER THAT QUESTION. I BELIEVE UNDER
4 TITLE 3 OF THE FEDERAL LAW REGARDING WIRE TAPS AND
5 INTERCEPTION THAT DISCUSSING ANYTHING WITH REGARD
6 TO THAT, MY INVOLVEMENT IN THAT WITHOUT A FEDERAL
7 COURT ORDER OR THE ORDER OF THE CHIEF JUDGE OF THE
8 CIRCUIT WOULD SUBJECT ME TO FEDERAL CRIMINAL AND
9 CIVIL LIABILITY.

10 MR. GRAHAM: AND MAY I ADD TO THAT OBJECTION
11 THE OBJECTIONS THAT WE MADE IN TERMS OF THE FIFTH
12 AMENDMENT IN C-2 AND THE SPOUSAL PRIVILEGE IN C-4.
13 AND, AGAIN, THE BASIS AND FOUNDATION FOR APPLYING
14 THESE OBJECTIONS TO REALLY BROAD CATEGORIES OF
15 QUESTIONS -- AND I HEARD THE COURT'S CONCERNS
16 ABOUT PICKING BATTLES AND ANSWERING QUESTIONS, BUT
17 I FEEL THAT WE NEED TO ASSERT THESE OBJECTIONS TO
18 THE BROAD CATEGORIES BECAUSE THE DEFENSE HAS
19 ALREADY SHOWED THEIR HAND AND WHERE THEY'RE GOING
20 WITH ALL OF THIS.

21 THE ONLY REASON ANY OF THESE QUESTIONS ARE

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22 BEING ASKED ARE TO TRY TO INCRIMINATE GAYLE CSEHY
23 IN CRIMINAL CONDUCT, AND ALL ROADS -- THEY'RE
24 TRYING TO MAKE ALL ROADS LEAD THERE. THEREFORE, I
25 HAVE TO PUT THE ROADBLOCK AT THE TOP OF THE ROAD.

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1 SO I'VE GOT TO ASSERT THOSE OBJECTIONS TO THIS
2 WHOLE LINE OF QUESTIONING.

3 THE WITNESS: AND I -- FOR --

4 MR. HILL: AND, YOUR HONOR, THE POSITION I'VE
5 TAKEN --

6 THE COURT: LET ME JUST SAY THIS BECAUSE
7 THAT'S -- MR. CSEHY, I KNOW YOU'RE A LAWYER, BUT
8 I'M GOING TO DEAL WITH YOUR LAWYER. OKAY?

9 THE WITNESS: I'M SORRY.

10 THE COURT: YOU'LL HEAR ME, BUT I'M GOING TO
11 DEAL WITH YOUR LAWYER.

12 NOW, WAIT A MINUTE. WHEN WE GET DOWN TO THE
13 NUTS AND BOLTS OF IT, I EXPECT YOU TO GET UP, BUT
14 AS TO WERE YOU -- DID YOU HAVE SOME INVOLVEMENT IN
15 THIS SCOTT -- WHAT'S HIS NAME?

16 MR. HILL: DAVIS.

17 THE COURT: -- WITH THE SCOTT DAVIS MATTER,
18 COME ON. THAT'S -- I MEAN THAT'S BEING
19 DISRESPECTFUL TO THE COURT. THE ANSWER, OF
20 COURSE, IS YES. WE KNOW ABOUT IT. MR. HOWARD
21 JUST SO YOU'LL KNOW -- IT'S NOT A SECRET -- HE
22 DIDN'T ASSERT ANY PRIVILEGE THERE. SO THE ANSWER
23 IS YES, I DID, AND LET'S GO ON.

24 AND NOW WHEN -- I UNDERSTAND ALL OF THESE
25 OTHER PRIVILEGES, AND YOU MAY HAVE SOME VERY GOOD

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1 BARS TO GETTING IN, BUT AS TO THE GENERAL
2 QUESTION, COME ON.

3 MR. GRAHAM: I UNDERSTAND, YOUR HONOR. I
4 MEAN NO DISRESPECT TO THE COURT. MY CONCERN IS IF
5 I DON'T ASSERT IT AT EACH STEP, I COULD POSSIBLY
6 WAIVE IT AT FURTHER STEPS DOWN THE ROAD.

7 THE COURT: LET'S JUST -- LET'S GET -- LET'S
8 GET A -- WE'LL SAY THIS IS JUST A CONTINUING
9 OBJECTION, AND THEN WHEN WE GET INTO THE NITTY
10 GRITTY, WHEN HE STARTS TALKING ABOUT, LOOK, WERE
11 YOU OUT THERE LISTENING TO A WIRE TAP OR
12 SOMETHING, ALL RIGHT, WE CAN TALK ABOUT IT. HE
13 CAN SAY, HEY, I DON'T FEEL COMFORTABLE ABOUT THAT,
14 AND WE'LL LISTEN TO YOU. OKAY?

15 MR. GRAHAM: THANK YOU, YOUR HONOR.

16 THE COURT: BUT YOU'VE GOT TO BE -- I'VE GOT
17 TO BELIEVE IN YOU JUST LIKE I BELIEVE IN MR. HILL.
18 OKAY? AND I KNOW HE DOESN'T WANT TO BE HERE, BUT
19 I DON'T WANT TO BE HERE IS NOT A VALID OBJECTION.
20 OKAY? AND WE'RE MAKING A GOOD RECORD, SO IF THIS
21 CASE EVER GOES UP TO AN APPELLATE COURT AND
22 SOMEBODY'S LOOKING AT IT 10 TO 12 YEARS, THEY'RE
23 LOOKING AT MY PERFORMANCE. THEY'RE NOT LOOKING AT
24 TO WHETHER SOMEBODY'S PLEASED OR NOT. OKAY?

1 THE COURT: ALL RIGHT. AS TO THAT, DO YOU
2 REMEMBER THE QUESTION?

3 THE WITNESS: YES, I WAS INVOLVED IN IT.

4 THE COURT: OKAY.

5 BY MR. HILL:

6 Q AND IF, IN FACT, APRIL 16TH WAS A SATURDAY --
7 APRIL 16TH, 2005, WAS A SATURDAY AND APRIL 24TH WAS THE
8 FOLLOWING SUNDAY, DURING THAT TIME PERIOD, WERE YOU IN THE
9 SAN FRANCISCO BAY AREA?

10 (WHEREUPON, THERE WAS A PAUSE IN THE PROCEEDINGS.)

11 THE WITNESS: NO.

12 BY MR. HILL:

13 Q WERE YOU IN THE PALO ALTO AREA?

14 A YES.

15 Q AND HOW FAR AWAY IS PALO ALTO FROM SAN FRANCISCO?

16 A I HAVE NO IDEA. I HAVE NO IDEA. I DON'T LIVE IN
17 CALIFORNIA.

18 Q CAN YOU -- DURING THE TIME PERIOD THAT YOU WERE IN
19 PALO ALTO, DID YOU CONDUCT INTERVIEWS WITH ACQUAINTANCES AND
20 ASSOCIATES OF SCOTT DAVIS?

21 THE WITNESS: YOUR HONOR, AT THIS POINT, I'M
22 GOING TO RE --

23 THE COURT: HOLD ON. IF YOUR LAWYER WANTS TO
24 SAY SOMETHING, THAT'S FINE.

25 MR. GRAHAM: YOUR HONOR, AS I'VE NOTED

1 BEFORE, I'M NOT A CRIMINAL DEFENSE ATTORNEY.
2 MR. CSEHY'S CONCERN IS THE SCOPE OF THE TITLE 3
3 PRIVILEGE AND THAT HE COULD BE VIOLATING HIS
4 OATH BY --

5 THE COURT: HE'S NOT VIOLATING IT BY
6 ANSWERING THAT QUESTION. THEY PUT OUT -- I THINK
7 THEY PUT OUT PRESS RELEASES.

8 NOW, LOOK, IF IT CONTINUES TO GO THIS WAY,
9 THEN THAT'S FINE, BUT I'M MOVING Y'ALL TILL THE
10 END OF THE DAY. I'M GOING TO GET WITH BUSINESS
11 WHERE PEOPLE ACTUALLY WANT TO CONDUCT BUSINESS IN
12 THIS COURT AND THEY RESPECT THE COURT, AND THEY'RE
13 NOT JUST HERE TRYING TO TELL THE JUDGE WITH EVERY
14 QUESTION DON'T LIKE YOUR RULING.

15 NOW, THIS IS WRONG, THIS IS RIDICULOUS, AND
16 THE FACT THAT WE'RE TALKING ABOUT DID YOU -- DID
17 YOU CONDUCT INTERVIEWS DOESN'T HAVE ANYTHING TO DO
18 WITH A WIRE. ALL RIGHT?

19 NOW, IF YOU NEED TO SIT THERE AND GET AHOLD
20 OF YOUR CLIENT, THEN THAT'S FINE. OTHERWISE,
21 WE'LL JUST PUT YOU TILL THE END OF THE DAY. WE'RE
22 WORKING TILL 8:00 TONIGHT. YOU CAN WAIT ON US.
23 NOW, WE CAN DO IT ONE OF TWO WAYS. Y'ALL DECIDE
24 WHICH WAY TO DO IT. ASK YOUR NEXT QUESTION.

25 MS. ROSS: YOUR HONOR, EXCUSE ME. MAY I

1 CONFER WITH MR. GRAHAM FOR JUST ONE SECOND?

2 THE COURT: YES.

3 (WHEREUPON, THERE WAS AN OFF-THE-RECORD
4 DISCUSSION.)

5 MS. ROSS: THANK YOU, JUDGE.

6 THE COURT: THANK YOU.

7 MR. GRAHAM: YOUR HONOR, MAY I HAVE FIVE
8 SECONDS?

9 THE COURT: YES.

10 (WHEREUPON, THERE WAS AN OFF-THE-RECORD
11 DISCUSSION.)

12 THE COURT: ALL RIGHT, MR. HILL. NEXT
13 QUESTION, PLEASE.

14 BY MR. HILL:

15 Q MR. CSEHY, I BELIEVE THE QUESTION WAS WHILE YOU
16 WERE IN THE PALO ALTO AREA DID YOU CONDUCT INTERVIEWS?

17 A I WAS -- I WASN'T THE LEAD ONE, BUT I WAS PRESENT
18 DURING SOME INTERVIEWS, YES.

19 Q DID YOU -- WERE YOU PRESENT DURING INTERVIEWS
20 CONDUCTED BY INVESTIGATOR NATASHA POWELL OF THE PALO ALTO
21 POLICE DEPARTMENT?

22 A RICKY CHAMBERS FROM APD. I WAS WITH RICKY WHEN HE
23 CONDUCTED INTERVIEWS.

24 Q SO YOU WERE NOT PRESENT WITH ANY OF DETECTIVE
25 POWELL'S INTERVIEWS?

1 A POWERS.
2 Q POWERS INTERVIEWS?
3 A I DON'T BELIEVE I WAS.
4 Q CAN YOU PROVIDE US THE NAMES OF THE -- NAMES OF
5 THE INDIVIDUALS THAT YOU WERE PRESENT FOR WITH DETECTIVE
6 CHAMBERS?
7 A NO, I CAN'T. I DON'T HAVE ANY NOTES FROM THAT
8 TIME. I DID NOT TAKE ANY NOTES WITH ME. I DID NOT KEEP ANY
9 NOTES. I LEFT THEM ALL WITH THE DISTRICT ATTORNEY'S OFFICE,
10 AND AS YOU STATED, THAT WAS IN 2005. SO I REALLY DON'T
11 REMEMBER WHO WAS SPOKEN TO. IT WAS VERY LIMITED, I REMEMBER
12 THAT.
13 Q CAN YOU GIVE US AN ESTIMATE AS TO THE NUMBER OF
14 DIFFERENT INDIVIDUALS WHOSE INTERVIEWS YOU WERE PRESENT FOR?
15 A MAYBE ONE OR TWO.
16 Q AND YOU SAY MAYBE ONE OR TWO?
17 A YEAH. I DON'T RECALL MAYBE BUT ONE OR TWO.
18 Q AND WERE THESE AT THE INDIVIDUAL'S RESIDENCES OR
19 AT THEIR BUSINESS PLACES?
20 A I DON'T RECALL BEING AT ANYBODY'S HOUSE. I WOULD
21 NOT HAVE GONE TO ANYBODY'S HOUSE AS A PROSECUTOR. I'M NOT
22 GOING TO BREAK THAT RULE. I RECALL IT WAS A RESTAURANT --
23 IT MIGHT HAVE BEEN A RESTAURANT, BUT I'M NOT -- I DON'T
24 REMEMBER.
25 Q WE HEARD FROM MS. ROSS, SHEILA ROSS YESTERDAY THAT

1 PRIOR TO THE TRIP TO PALO ALTO THERE WAS A STRATEGY SESSION
2 BY MEMBERS OF THE UNIT INVOLVED IN THE INVESTIGATION, AND
3 DURING THAT SESSION THERE WAS DISCUSSION ABOUT HOW THE WIRE
4 WOULD BE TICKLED. DID YOU PARTICIPATE IN THOSE DISCUSSIONS?

5 A YES.

6 Q CAN YOU DESCRIBE --

7 THE COURT: HOLD ON FOR ME JUST A MINUTE.

8 YOU CAN SIT OVER THERE IF YOU WANT TO,

9 MR. GRAHAM. IF YOU WANT TO JUST -- YEAH, IF YOU
10 WANT TO SIT OVER THERE AND YOU'RE MORE COMFORTABLE
11 OVER THERE, FINE.

12 MR. GRAHAM: THANK YOU, YOUR HONOR.

13 THE COURT: OKAY.

14 CONTINUE, PLEASE.

15 BY MR. HILL:

16 Q CAN YOU DESCRIBE WHAT THE PLAN WAS FOR YOU IN
17 TERMS OF YOUR PARTICIPATION IN THE TICKLING OF THE WIRE?

18 A AGAIN, NO. IT HAS BEEN QUITE A LONG TIME AGO, AND
19 I SPECIFICALLY DO NOT HAVE ANY OF THESE DOCUMENTS OR NOTES.
20 ALTHOUGH WHEN YOU HIT ME WITH THAT SUBPOENA, I DID LOOK TO
21 SEE IF I HAD ANYTHING. I'VE NOT REFRESHED MY RECOLLECTION.
22 I DON'T REMEMBER. IT WOULD HAVE BEEN PART OF THE
23 MEMORIZATION BRIEFING THAT WE'VE DONE. AS PART OF
24 SUPERVISING THE WIRE TAP, I WOULD HAVE DONE A MEMORIZATION
25 MEMO, BUT THIS IS A STANDARD GENERIC MEMO, AND THEN DURING

1 THAT, WE TALK ABOUT STRATEGY WITH NO PARTICULAR WRITING
2 ANYTHING DOWN IN THE MEMO. THE MEMO IS JUST A STANDARD THAT

3 THE U.S. ATTORNEYS USE.

4 Q IF I UNDERSTAND IT CORRECTLY, YOU WERE NOT
5 ASSIGNED TO THE COLD CASE UNIT; RIGHT?

6 A THAT IS CORRECT.

7 Q SO THEN YOUR INVOLVEMENT IN THIS INVESTIGATION WAS
8 SORT OF A ONE-SHOT DEAL; IS THAT RIGHT, WITH RESPECT TO THE
9 COLD CASE UNIT?

10 A I WASN'T ASSIGNED TO THEM AT ALL. MY INVOLVEMENT
11 WITH THE UNIT WAS MS. ROSS HAD ASKED ME BECAUSE I HAD
12 PERFORMED SUCCESSFULLY WITH ANOTHER ROUND OF WIRE TAPS,
13 ASKED ME IF I WOULD LEND MY SUPPORT OR MY HAND TO THE WIRE
14 TAP IN THIS CASE.

15 Q IN TERMS OF THE BROAD GOAL OR PURPOSE FOR YOUR
16 TRIP TO THE BAY -- TO THE PALO ALTO AREA, CAN YOU DESCRIBE
17 WHAT THAT GOAL WAS?

18 A TO COLLECT INCRIMINATING EVIDENCE LEADING TO THE
19 EVIDENCE OF THE MURDER AND ARSON RELATED TO DAVID COFFIN IN
20 1996 IN ATLANTA.

21 Q AND HOW WERE YOU AND DETECTIVE CHAMBERS GOING TO
22 DO THAT BY BEING IN THE BAY AREA? WHAT WERE YOU -- WHAT
23 WERE YOU CHARGED WITH DOING?

24 A I WAS CHARGED WITH OVERSEEING A DUAL
25 JURISDICTIONAL WIRE TAP. I UNDERSTAND WHAT YOU'RE ASKING

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1 ME. I DON'T REMEMBER HOW WE WERE GOING -- WHAT THE STRATEGY
2 WAS, BUT I KNOW WE WERE GOING TO TICKLE IT. I DON'T
3 REMEMBER WHAT THE STRATEGY WAS. I DON'T REMEMBER HOW WE

4 DISCUSSED IT.

5 I KNOW WE DID DO A PRESS CONFERENCE, BUT I DON'T
6 REMEMBER THE DETAILS OF THE STRATEGY OF HOW WE WERE GOING TO
7 DO IT, WHO WAS GOING TO DO IT, WHO WAS GOING TO SURVEIL. I
8 DON'T REMEMBER.

9 Q IN TERMS OF BROAD GOAL, WAS IT A GOAL FOR YOU TO
10 MAKE YOUR PRESENCE -- YOUR PRESENCE, MR. CHAMBER'S PRESENCE,
11 AND THE POLICE PRESENCE OBVIOUS TO MR. DAVIS?

12 A OBVIOUSLY BECAUSE WE DID A PRESS CONFERENCE.

13 Q OKAY. AND SO THAT INVOLVED YOU AND DETECTIVE
14 CHAMBERS TALKING WITH KNOWN ASSOCIATES AND LET -- OF
15 MR. DAVIS AND LETTING THEM KNOW?

16 A THAT INVOLVED INVESTIGATOR CHAMBERS WITH THE PALO
17 ALTO POLICE DEPARTMENT DOING THAT. AGAIN, AS I SAID, I
18 THINK I WAS ONLY PRESENT DURING IN ONE OR TWO OF THOSE
19 INTERVIEWS, AND IT WOULD HAVE BEEN TO THE BEST OF MY
20 RECOLLECTION AT A RESTAURANT. BUT, NO, I WOULD NOT HAVE
21 BEEN PART OF THE INTERVIEWS, AND THAT WOULD HAVE BEEN VERY
22 CLEAR. I WAS NEVER IN MY PREVIOUS WIRE TAPS NOT PART OF THE
23 INTERVIEWS OF WITNESSES. THIS WAS MS. ROSS' CASE. MS. ROSS
24 HAD SET DOWN THE RULES, AND I WOULD NOT HAVE ENGAGED IN THE
25 LAW ENFORCEMENT PART OF THAT INVESTIGATION.

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1 MY JOB WAS TO -- I HAD PEOPLE IN ATLANTA RUNNING A
2 WIRE TAP ON A CALIFORNIA SWITCH. I WAS GETTING QUESTIONS
3 THROWN AT ME ON A SECOND-BY-SECOND BASIS. I REALLY DID NOT
4 HAVE TIME TO PLAY AROUND AND GO INTERVIEW WITNESSES.

5 Q WHEN THE DECISION WAS MADE, YOU MADE THE DECISION

6 TO PARTICIPATE IN THE ONE OR TWO INTERVIEWS? THAT WAS YOUR
7 CALL?

8 A NO, I DON'T RECALL IT BEING NECESSARILY OUR CALL.
9 LIKE I SAID, I BELIEVE IT HAPPENED AT A RESTAURANT, AND I
10 DON'T -- AGAIN, I DON'T EVEN RECALL SITTING THERE -- SITTING
11 THROUGH ONE. I WAS REALLY TRYING TO KEEP MYSELF APART FROM
12 THE INVESTIGATORS BECAUSE THEY -- THE INFORMATION THAT WE
13 WERE GETTING FROM THE WIRE TAP ROOM WAS -- HAD TO BE SIFTED
14 AND SORTED THROUGH BEFORE THEY COULD GET IT IN CASE OF
15 PRIVILEGED INFORMATION. SO, AGAIN, I COULDN'T BE ANYWHERE
16 NEAR THEM WHEN WE WERE GETTING INFORMATION COMING OFF THE
17 TAP. SO WE DIDN'T SPEND A LOT OF TIME.

18 I SAID I THINK MAYBE ONE OR TWO PEOPLE. IT WAS
19 NOT AT A RESIDENCE. IT WASN'T AT THE PALO ALTO POLICE
20 DEPARTMENT. IF ANYTHING, I KNOW WE SPENT -- I RECALL
21 SPENDING A LOT OF TIME IN RESTAURANTS AND BARS WHEN I WAS IN
22 PALO ALTO, IN STARBUCKS, YOU KNOW.

23 Q WHAT WAS THE DATE THAT YOU AND MS. GAYLE ABRAMSON
24 GOT MARRIED?

25 A JUNE 24TH, 2006.

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1 THE COURT: THAT WAS A LITTLE SLOW THERE, A
2 LITTLE SLOW.

3 THE WITNESS: I KNOW.

4 THE COURT: SHE'S NOT HERE, SO...

5 THE WITNESS: I WAS GOING TO HAVE TO TAKE MY
6 RING OFF TO LOOK AT THE DATE.

7 BY MR. HILL:
8 Q WAS THERE -- WERE YOU PRESENT DURING INTERVIEWS
9 WITH PEOPLE WHO WERE DISCUSSING MS. ABRAMSON'S -- AND IT WAS
10 MS. ABRAMSON AT THE TIME -- HER RELATIONSHIP WITH SCOTT
11 DAVIS AND HIS ACQUAINTANCES?
12 A NO. NO.
13 Q SO NONE OF THE -- NEITHER OF THE TWO INTERVIEWS --
14 A NO.
15 Q -- DID MS. ABRAMSON'S NAME COME UP?
16 A NO.
17 Q WERE YOU -- DID YOU AND RICKY CHAMBERS DISCUSS HOW
18 TO APPROACH WITNESSES WITH RESPECT TO MS. ABRAMSON'S ROLE
19 WITH MR. DAVIS OR HIS ACQUAINTANCES?
20 A NO.
21 MR. GRAHAM: OBJECTION.
22 THE WITNESS: NO, I WANT TO ANSWER THE
23 QUESTION.
24 MR. GRAHAM: WAIT FOR MY OBJECTION FOR THE
25 RECORD.

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1 THE COURT: OKAY. WELL, NOW, YOU'VE GOT --
2 YOU'VE GOT -- I REMEMBER I TRIED A CIVIL CASE TO A
3 JURY, AND THE LAWYER CAME UP -- THE LAWYER WAS
4 REPRESENTING A LAWYER. UNFORTUNATELY THIS LAWYER
5 WAS BEING SUED IN CIVIL COURT. AND HE CAME UP AT
6 THE VERY END. THEY HAD LOST. AND HE SAID,
7 "JUDGE, I APPRECIATE THE TRIAL. WE'RE GOING TO
8 APPEAL."

9 AND I SAID, "SURE. GOOD LUCK ON APPEAL.
10 JUST LET ME KNOW."

11 AND HE SAID, "THAT'S THE LAST TIME I'LL EVER
12 CUT MY FEE TO REPRESENT A LAWYER. THE NEXT TIME I
13 REPRESENT A LAWYER, I'M GOING TO HAVE MY FEE PLUS
14 ONE HALF." AND YOU SEE WHY. AND YOU SEE WHY.

15 SO HE'S ALREADY ANSWERED IT. SO AT THIS
16 POINT, IT BECOMES MOOT. AND SO YOU'VE GOT -- IF
17 HE -- IF HE LOOKS AT YOU AND YOU WANT TO OBJECT,
18 THAT'S FINE, BUT IF HE GOES AHEAD AND ANSWERS --
19 HE'S A LAWYER. HE KNOWS WHAT HE'S GOING -- I'M
20 GOING TO JUST MAKE IT STAND, AND THEN YOUR
21 OBJECTION'S GOING TO BE MOOT EVEN IF IT WOULD HAVE
22 BEEN GOOD.

23 MR. GRAHAM: I UNDERSTAND. I'M GOING TO MOVE
24 CLOSER TO MY CLIENT.

25 THE COURT: ALL RIGHT.

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1 THE WITNESS: YOUR HONOR, I'M LISTENING TO
2 WHAT THE COURT SAID. I'M NOT -- I'M JUST TRYING
3 TO BE --

4 THE COURT: AND I APPRECIATE IT. I THINK
5 IT'S RUN. I CAN'T MAKE -- I THINK PEOPLE BECAUSE
6 OF MY PERSONALITY THINK I CAN MAKE PEOPLE DO
7 THINGS, AND I CAN'T. AND I'M NOT TRYING TO MAKE
8 YOU DO IT. AT THE SAME TIME, I WASN'T TRYING TO
9 THREATEN YOU, BUT I SEE IF -- I SEE IT'S JUST

10 GOING A LOT BETTER, AND WHEN WE GET TO THE NITTY
11 GRITTY, WHICH I'M SURE IT'S COMING, THEN WE'RE
12 GOING TO BE LISTENING. OKAY.
13 ALL RIGHT, MR. HILL.

14 BY MR. HILL:

15 Q CAN YOU TELL US WHAT ACTIONS YOU TOOK AFTER
16 MS. ABRAMSON'S NAME CAME TO YOUR ATTENTION IN TERMS OF HER
17 ASSOCIATION WITH ACQUAINTANCES OF MR. DAVIS?

18 A I WENT TO THE BAR BECAUSE I TOOK MYSELF OFF THE
19 INVESTIGATION AND ADVISED THAT I WAS GOING TO STAY OUT IN
20 CALIFORNIA AND GO TO WINE COUNTRY, AND THAT WAS PRETTY MUCH
21 WHAT I DID. YOU KNOW, I TOOK IN A BASEBALL GAME.

22 Q DID MR. CHAMBERS, DETECTIVE CHAMBERS INTERVIEW YOU
23 ABOUT MS. ABRAMSON'S ASSOCIATION WITH DAVIS?

24 A NO.

25 Q DID HE INTERVIEW MS. -- WERE YOU PRESENT WHEN HE

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1 INTERVIEWED MS. ABRAMSON ABOUT THIS?

2 A NO. I DON'T KNOW THAT HE DID OR DIDN'T. I WAS
3 NOT PRESENT.

4 Q DID YOU HAVE ANY DISCUSSIONS WITH NATASHA POWERS
5 ABOUT THE APPEARANCE OF MS. ABRAMSON'S NAME DURING THE
6 INVESTIGATION?

7 A I DON'T KNOW THAT I DID. I KNOW THAT I -- I MADE
8 IT VERY CLEAR TO EVERYBODY THAT I WAS NOT THE SUPERVISING --
9 I WAS REMOVING MYSELF AS SUPERVISING ATTORNEY FOR THE WIRE
10 TAP AND THAT I WAS GOING TO WINE COUNTRY, BUT THAT I DON'T
11 RECALL HAVING ANY SPECIFIC CONVERSATIONS WITH ANYBODY ABOUT

12 IT.

13 Q DID YOU NOTIFY THE OFFICE IN FULTON COUNTY ABOUT
14 YOUR DECISION TO WITHDRAW?

15 A WELL, THE OFFICE HAPPENED TO BEAT ME TO THE PUNCH.
16 THEY WERE NOT HAPPY ABOUT THE PRESS CONFERENCE, SO IT KIND
17 OF WORKED OUT. I THINK WE ALL CAME TO AN AGREEMENT THAT I
18 WAS GOING TO GO TO WINE COUNTRY AND REMOVE MYSELF FROM THE
19 CASE.

20 Q WHEN YOU SAY THE OFFICE BEAT YOU TO THE PUNCH,
21 WHAT COMMUNICATION DID YOU RECEIVE FROM THE OFFICE AND FROM
22 WHOM?

23 A I JUST REMEMBER GETTING A PHONE CALL THE NEXT DAY,
24 WOKE ME UP THAT I WAS TO CALL THE OFFICE AND WAS TOLD
25 MR. HOWARD WASN'T HAPPY WITH THE PRESS CONFERENCE AND THAT

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1 THEY'D SEE ME ON MONDAY.

2 Q WAS THERE A DECISION -- DID MR. HOWARD TELL YOU
3 THAT YOU HAD BEEN REMOVED FROM THE CASE?

4 A NO. NO, THEY DIDN'T SAY I WAS REMOVED. IN FACT,
5 I DON'T REMEMBER -- I DIDN'T TALK TO MR. HOWARD AT ALL. I
6 JUST SAID THE MESSAGE WAS RELAYED THAT HE WAS NOT HAPPY WITH
7 HAVING THE PRESS CONFERENCE. INVESTIGATOR CHAMBERS KIND OF
8 WENT OFF AND USED THE WORD -- USED THE PHRASE "AN ARREST IS
9 IMMINENT," AND MR. HOWARD -- AND THAT WAS NOT AN AGREED UPON
10 PHRASE FOR THE PRESS CONFERENCE, AND THAT CAUSED A FIRE
11 STORM.

12 SO I WAS TOLD THAT WE WERE NOT TO TALK TO THE

13 PRESS ANYMORE, NOT TO -- BASICALLY GET HOME, TO COME HOME,
14 SO. BUT I DON'T -- I JUST ADVISED THAT I HAD TO REMOVE
15 MYSELF. I BELIEVE IT WAS TO MS. ROSS. THAT'S WHO I WOULD
16 HAVE REPORTED TO, SHEILA ROSS. I ADVISED THAT I NEEDED TO
17 BE REMOVED FOR REASONS I WAS UNABLE TO DISCUSS AT THIS TIME
18 OVER THE TELEPHONE. WE HAD ANOTHER ATTORNEY IN ATLANTA WHO
19 WAS ALSO MINIMIZED, PROSECUTOR WHO WAS -- IT WAS OTHER
20 LAWYERS, PROSECUTORS ON THE WIRE TAP TEAM, SO ALL QUESTIONS
21 WERE DIRECTED TO THEM, BUT AT THAT POINT EVEN THEN DURING
22 THAT TIME OF DATE THE WIRE WAS GOING DEAD REAL QUICK.

23 Q IF THE PRESS -- DO YOU REMEMBER WHAT DAY THE PRESS
24 CONFERENCE WAS HELD?

25 A I DON'T. YOU HAVE THE DATE, I'M SURE. YOU CAN

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1 TELL ME THE DAY IT WAS.

2 Q IF I WERE TO TELL YOU I'VE SEEN A NEWSPAPER
3 CLIPPING THAT SHOWS TUESDAY, THE 19TH AS A DAY IN WHICH A
4 PRESS CONFERENCE WAS HELD, WOULD THAT BE CONSISTENT WITH
5 YOUR MEMORY?

6 A I WOULD NOT DISAGREE WITH THAT, SURE.

7 Q AND IF YOU HAD THIS COMMUNICATION WITH FULTON
8 COUNTY ABOUT THE FIRE STORM SURROUNDING THE PRESS
9 CONFERENCE, WAS THAT FIRE STORM INDEPENDENT OF
10 MS. ABRAMSON'S NAME COMING UP?

11 A YEAH, LET ME MAKE THIS CLEAR BECAUSE IT'S BEEN
12 SAID A COUPLE OF TIMES ALREADY. MR. HOWARD WAS UPSET WITH
13 ME BECAUSE OF THE PRESS CONFERENCE ON THAT WEDNESDAY. OKAY?
14 I JUST SAID I DID NOT REPORT ANYTHING OVER THE TELEPHONE,

15 THAT I WOULD TALK TO THEM WHEN I GOT BACK ON MONDAY. OKAY?
16 I REMOVED MYSELF FROM THE CASE THE MOMENT HER NAME CAME UP
17 ON IT --

18 Q OKAY.

19 A -- IN ORDER TO PRESERVE THE INTEGRITY OF THE
20 INVESTIGATION.

21 I DID NOT SEEK TO INTERFERE, TO ADVISE, INFORM, OR
22 OTHERWISE MANIPULATE ANYBODY IN THE INVESTIGATION OR TELL
23 ANYBODY WHAT TO SAY TO ANYBODY. I KEPT MY MOUTH SHUT AS I
24 WAS SUPPOSED TO DO, AND I REPORTED IMMEDIATELY IN PERSON TO
25 MY SUPERIORS ON MONDAY MORNING.

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1 Q AND JUST TO MAKE SURE THAT WE'RE ALL ON THE SAME
2 PAGE, WHEN I REPRESENTED TO YOU THAT I SAW THE AP ARTICLE
3 DATED TUESDAY THE 19TH, WITHIN THAT ARTICLE IT REFERENCES A
4 CONFERENCE TO BE HELD ON WEDNESDAY. SO THAT THERE WAS A
5 CONFERENCE ON TUESDAY, AND THEN SUPPOSEDLY ANOTHER PRESS
6 CONFERENCE OR RELEASE TO BE MADE ON WEDNESDAY.

7 A OKAY. SO YOU WERE NOT CLEAR. THEN THE PRESS
8 CONFERENCE WOULD HAVE BEEN HELD ON WEDNESDAY BECAUSE WE
9 WOULD HAVE RELEASED -- WE DID PUT OUT A BUZZ TO THE PRESS OF
10 A PRESS CONFERENCE, I THINK. I DON'T KNOW. I MEAN IF
11 THAT'S THE CASE. I DON'T KNOW WE MAY HAVE PUT THE BUZZ OUT
12 ON MONDAY. I THINK WE WERE GOING TO A CONFERENCE ON MONDAY,
13 TUESDAY, AND WE GOT SHUT DOWN.

14 I KNOW I WENT TO WINE COUNTRY ON FRIDAY. I KNOW
15 ONE OF THOSE DAYS MAYBE A WEDNESDAY OR THURSDAY WHEN I WAS

16 REMOVED AFTER THE PRESS CONFERENCE, I HAD HAD BRONCHITIS, SO
17 I REALLY DIDN'T FEEL LIKE GETTING AND YOU DOING ANYTHING
18 THAT, AND THEN THE NEXT DAY I WENT TO NAPA. SATURDAY I WAS
19 SICK AGAIN, BUT AND I MISS MY TICKETS TO THE GIANTS GAME.

20 Q AND WHAT I'D LIKE TO CLARIFY IS WHAT WE'RE
21 REFERRING TO AS A PRESS CONFERENCE.

22 A OKAY.

23 Q WAS THERE ON -- I'M CALLING IT TUESDAY THE 19TH,
24 BUT THE FIRST MEETING WITH THE PRESS, WAS THAT AN ORGANIZED
25 MEETING WHERE DETECTIVE CHAMBERS MADE SOME STATEMENTS AND

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1 YOU WERE PRESENT, AND THEN WAS THERE A SECOND PRESS
2 CONFERENCE WHERE THERE'S AN ORGANIZED MEETING OF THE MEDIA,
3 YOU WERE PRESENT AND DETECTIVE CHAMBERS MADE A STATEMENT?
4 CAN YOU DESCRIBE WHAT YOU'RE REFERRING TO AS PRESS
5 CONFERENCES?

6 A IT'S A LARGE ROOM IN THE PALO ALTO GOVERNMENT
7 BUILDING WHERE THE PRESS WERE ALL. RICKY CHAMBERS STOOD AT
8 A PODIUM, MADE A BRIEF STATEMENT AND ANSWERED SOME QUESTIONS
9 DURING WHICH AN ARREST IS IMMINENT COMMENT CAME OUT AT WHICH
10 POINT AS THEY SAY, IT ALL BROKE LOOSE. AND IT WAS A LOT OF
11 FLURRY ACTIVITY FOR A COUPLE OF HOURS, AND THEN THE NEXT
12 MORNING, THE ANGRY PHONE CALL.

13 Q AND IF I'M -- IF I'M UNDERSTANDING AND IF --

14 A YOU HAVE THE -- I'M SORRY. DO YOU HAVE THE
15 ARTICLE? MAYBE THAT WOULD REFRESH MY RECOLLECTION BECAUSE
16 WE ONLY DID ONE PRESS CONFERENCE, OKAY? I DON'T KNOW WHAT
17 OR TO WHOM NATASHA POWERS SPOKE. COPS LIKED ME WHEN I WAS A

18 PROSECUTOR, BUT THEY DIDN'T LISTEN TO ME, AND I CERTAINLY
19 DIDN'T TELL THEM -- TELL THEM HOW TO DO THEIR BUSINESS. SO
20 I DON'T KNOW.

21 I'M NOT SO INTO MY CASES MYSELF THAT I READ THE
22 PRESS CLIPPINGS. I DON'T KNOW WHAT PEOPLE SAID. ALL I KNOW
23 IS WE DID ONE PRESS CONFERENCE. THAT WAS IT. WE WERE UP,
24 AND THEN WE WERE DOWN.

25 Q OKAY. AND I'M JUST TRYING TO EXPLORE THE

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1 CIRCUMSTANCES OF THAT PRESS CONFERENCE. DO YOU KNOW WHO
2 MR. FRIEDLY IS OR WAS?

3 A ERIC FRIEDLY?

4 Q YES.

5 A YES.

6 Q AND HE'S THE PRESS RELATIONS PERSON FOR FULTON
7 COUNTY DISTRICT ATTORNEY'S OFFICE?

8 A IT HE WAS AT THE TIME. I DON'T KNOW IF HE STILL
9 IS.

10 Q AT THAT CONFERENCE, PRESS CONFERENCE THAT YOU'VE
11 JUST DESCRIBED WITH DETECTIVE CHAMBERS, DID HE REFER TO THE
12 FACT THAT MR. HOWARD WOULD BE MAKING A STATEMENT THE NEXT
13 DAY OR MAKING AN ANNOUNCEMENT THE NEXT DAY?

14 A DID RICKY OR DID MR. FRIEDLY?

15 Q NO. THE QUESTION IS WHETHER OR NOT MR. CHAMBERS,
16 RICKY CHAMBERS?

17 A WELL, I ASSUME YOU HAVE THE PRESS CLIPPINGS. SO
18 CAN I SEE IT, THE PRESS RELEASE?

19 Q I DON'T HAVE THE PRESS RELEASE, AND JUST FOR YOUR
20 INFORMATION, I HAVE SEEN AN AP RELEASE THAT TALKS ABOUT AN
21 ANNOUNCEMENT TO BE MADE ON WEDNESDAY THE NEXT DAY?

22 A OKAY.

23 Q AND SO THE QUESTION TO YOU IS DO YOU HAVE A
24 RECOLLECTION OF DETECTIVE CHAMBERS SAYING THAT THE NEXT DAY
25 THERE WOULD BE AN ANNOUNCEMENT FROM MR. HOWARD?

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1 A I DON'T REMEMBER RICKY -- RICKY SAYING THAT, NO.
2 I DO REMEMBER THERE WAS -- THAT THERE WAS GOING TO BE
3 MR. COFFIN WAS GOING TO ANNOUNCE AN AWARD, BUT I DON'T KNOW
4 THAT THAT CAME OUT OF OUR END OF THE COUNTRY ON THAT ONE.

5 Q OKAY.

6 A THAT'S WHAT I'M SAYING. I DON'T RECALL. THERE
7 WAS GOING TO BE AN ANNOUNCEMENT REGARDING MR. COFFIN
8 ANNOUNCING A REWARD FOR INFORMATION LEADING TO THE ARREST
9 AND CONVICTION OF THE MURDER OF HIS SON WHO TURNED OUT TO BE
10 SCOTT DAVIS. BUT I DON'T -- AS FAR AS DATES AND WHO SAID
11 WHAT, AGAIN, I DON'T KNOW. YOU OBVIOUSLY KNOW MORE THAN I
12 DO.

13 Q WITH RESPECT TO DETECTIVE CHAMBERS, DID YOU BECOME
14 AWARE THAT DETECTIVE CHAMBERS FOR A PERIOD OF TIME BELIEVED
15 THAT THERE WAS A LEAK WITHIN THE FULTON COUNTY DISTRICT
16 ATTORNEY'S OFFICE TOWARDS MR. DAVIS AND/OR HIS
17 ACQUAINTANCES?

18 A RICK -- AT WHAT POINT? AT WHAT POINT? AT WHAT
19 POINT FROM 1996 TO CURRENT ARE YOU REFERRING TO INVESTIGATOR
20 CHAMBERS BELIEVING THERE WAS A LEAK IN THE D.A.'S OFFICE?

21 Q AT SOME POINT DURING THE WEEK OF APRIL 16TH TO
22 APRIL 24TH.

23 A YES.

24 Q ALL RIGHT. CAN YOU TELL US HOW -- HOW YOU BECAME
25 AWARE OF THAT AND WHAT EFFORTS WERE TAKEN TO RESOLVE OR

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1 INVESTIGATE THAT CONCERN?

2 THE WITNESS: YOUR HONOR, AT THIS POINT I
3 INVOKE THE SPOUSAL WITNESS PRIVILEGE UNDER
4 O.C.G.A. 24-9-23(A) THAT I SHALL NOT BE COMPELLED
5 TO TESTIFY OR GIVE ANY EVIDENCE AGAINST MY WIFE.

6 THE COURT: RESPONSE?

7 MR. HILL: YOUR HONOR, WE HAVE NOT RESEARCHED
8 THE WRITTEN OBJECTION FROM MR. GRAHAM. MY GENERAL
9 UNDERSTANDING OF THE SPOUSAL PRIVILEGE IS THAT IT
10 WOULD AND COULD COVER A RELATIONSHIP. EVEN THOUGH
11 THE EVENTS OCCURRED PRIOR TO THE MARRIAGE, THE
12 MARRIAGE EXISTS NOW, AND WITHOUT HAVING DONE
13 SPECIFIC RESEARCH ON IT, I'M NOT IN A POSITION TO
14 ARGUE AGAINST THE APPLICATION OF THE PRIVILEGE.

15 THE COURT: ALL RIGHT. I WILL HONOR THE
16 PRIVILEGE.

17 THE WITNESS: THANK YOU.

18 MR. GRAHAM: THANK YOU.

19 MR. HILL: YOUR HONOR, IN SOME RESPECTS --

20 THE COURT: LET ME JUST SAY THIS. THE LAW --
21 IT'S NOT WHAT BODIFORD WOULD HONOR OR NOT, BUT LET

22 ME JUST MAKE IT CORRECT FOR THE RECORD. I BELIEVE
23 THAT UNDER THE LAW, IF HE WISHES TO ASSERT IT, HE
24 MAY DO SO, AND IT APPEARS THAT IT'S APPROPRIATE.
25 AND SO JUDGE BODIFORD AS A -- BASICALLY THE

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1 DELIVERER OF THE LAW BELIEVES THAT IT'S A CORRECT
2 PRIVILEGE. ALL RIGHT?

3 MR. GRAHAM: YOUR HONOR, IF I MIGHT TOO.

4 THE COURT: NOW, YOU'VE WON. YOU'VE WON.

5 MR. GRAHAM: I'M NOT GOING TO DIG IT OUT, BUT
6 MY CLIENT MAY ASSERT SOME OBJECTIONS HERE BECAUSE
7 WE'RE FOLLOWING YOUR DIRECTION TO PICK OUR
8 BATTLES, AND I MAY NOT KNOW GIVEN THE QUESTION
9 WHEN IT HAS TO BE ASSERTED.

10 THE COURT: IF HE --

11 MR. GRAHAM: SO HE MAY HAVE TO DO THAT.

12 THE COURT: IF IT'S ALL RIGHT BY YOU AND HE
13 ASSERTS IT, I'M FOR THAT JUST PRAGMATICALLY.

14 MR. GRAHAM: OKAY.

15 THE COURT: YOU KNOW, I WILL ALLOW IT.

16 MR. GRAHAM: THANK YOU.

17 MR. HILL: YOUR HONOR, I THINK WE'RE NOW AT
18 THE POINT IN THE OUTLINE WITH MR. GRAHAM --

19 THE COURT: OKAY.

20 MR. HILL: -- WHERE WE'RE TALKING ABOUT THE
21 AREA THAT HE'S -- MR. GRAHAM SEEMS TO HAVE --

22 THE COURT: AND DOES HE HAVE -- LET ME JUST
23 ASK YOU, MR. HILL. ALTHOUGH YOU MAY BE FRUSTRATED

24 BY IT, DOES HE HAVE GOOD PRIVILEGE OBJECTIONS?
25 MR. HILL: MY RESPONSE TO THAT QUESTION IS

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1 IDENTICAL TO MY RESPONSE TO MR. GRAHAM'S LAST
2 OBJECTION. WE'RE GOING INTO A TERRITORY WHERE THE
3 QUESTIONS RELATE TO MR. CSEHY'S PRESENCE AT
4 CONVERSATIONS WITH HIS NOW WIFE AND HER
5 EMPLOYER -- THEIR EMPLOYER, AND I THINK THE SAME
6 LEGAL PRINCIPLE APPLIES.

7 THE COURT: ALL RIGHT. AND SO THE SAME
8 RULING WILL APPLY.

9 BASED UPON THAT, DO YOU NEED TO PUT THE
10 QUESTIONS -- JUST PROFFER THEM FOR THE RECORD?
11 WE'RE NOT GOING TO ASK THE WITNESS TO SAY ANYTHING
12 MORE. DO YOU WISH TO DO THAT OR JUST WISH TO SAY
13 I WOULD HAVE GONE INTO SOME AREAS THAT HE AND HIS
14 WIFE WERE GOING TO BE SPEAKING ABOUT, AND YOU'RE
15 NOT GOING TO LET ME?

16 MR. HILL: YOUR HONOR, ONE WAY OF PROFFERING
17 IS IN THE DEPOSITION, WE WENT THROUGH 10
18 CATEGORIES.

19 THE COURT: OKAY.

20 MR. HILL: AND THE SAME 10 CATEGORIES I
21 WOULD -- I WOULD REVIEW WITH MR. CSEHY. I THINK
22 MR. GRAHAM LODGED OBJECTIONS TO EACH OF THOSE
23 CATEGORIES. I UNDERSTAND THAT HE WOULD BE LODGING
24 THE SAME OBJECTIONS TO THOSE CATEGORIES.

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1 APPEARED AS COUNSEL FOR MS. ABRAMSON CSEHY. SO
2 I'M NOT SURE AND HAVEN'T THOUGHT THROUGH HOW THAT
3 PRIVILEGE COTERMINATES WITH THE SPOUSAL PRIVILEGE,
4 BUT I THINK IT WOULD BE SUPPORTIVE OF THE SPOUSAL
5 THEORY.

6 THE COURT: ALL RIGHT. WELL, LET ME JUST ASK
7 YOU. BEING -- BEING A PRAGMATIC PERSON, IF HE'S
8 GOT A GOOD PRIVILEGE OR PRIVILEGES, IF HE'S GOT
9 ONE OR MORE PRIVILEGES THAT'S GOING TO BLOCK
10 YOUR -- BLOCK ANY ANSWERS THAT YOU HAVE, WOULD YOU
11 JUST SAY, ALL RIGHT, JUDGE, WE KNOW WHERE THIS
12 TRAIN IS HEADED. WE'RE NOT GOING TO BE ABLE TO
13 GET ANY MORE ANSWERS OUT OF HIM IN THESE DIFFERENT
14 CATEGORIES. THEY'RE THE SAME CATEGORIES THAT I
15 ASKED HIS WIFE. WE'LL JUST -- IF EVERYBODY JUST
16 ADOPTS THOSE QUESTIONS AND ADOPTS THOSE ANSWERS
17 AND LET HIM STATE ANY ADDITIONAL PRIVILEGES HE
18 HAS, I'LL THEN -- AFTER I READ THE DEPOSITION,
19 WHICH I WAS OBVIOUSLY NOT IN ON, THEN I WILL KNOW
20 WHAT HE'S ALSO OBJECTING TO?

21 MR. HILL: YOUR HONOR, I THINK THAT SOUNDS
22 LIKE AN APPROPRIATE WAY OF PROCEEDING HERE. I
23 THINK THERE'S ONLY ONE AREA OF QUESTIONS OR ONE
24 DOCUMENT THAT I WOULD QUESTION HIM ABOUT.

25 THE COURT: OKAY. LET'S JUST GO -- AS TO ANY

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1 AREAS THAT HE -- THAT HE QUESTIONED HIS WIFE
2 ABOUT, THEN I WILL BE ABLE TO READ THOSE, AND
3 THOSE WILL ALSO -- DO YOU AGREE RATHER THAN JUST
4 GOING THROUGH THE ENTIRE THING THAT I CAN TAKE A
5 LOOK AT EACH ONE OF THOSE CATEGORIES ASSUMING THAT
6 HE WOULD HAVE ASKED THE HUSBAND THE SAME -- THE
7 SAME QUESTIONS AND YOU'D HAVE THE SAME PRIVILEGES?

8 MR. GRAHAM: I THINK THAT'S A MUCH MORE
9 APPROPRIATE AND PRAGMATIC WAY TO DEAL WITH THE
10 ISSUE.

11 THE COURT: ALL RIGHT. AND THEN MR. HILL I
12 THINK SAYS THAT HE HAS AN AREA THAT -- ANOTHER
13 AREA THAT HE WANTS TO GO INTO, AND LET'S SEE --
14 CONTINUING MOVING ALONG, AND IF YOU DON'T HAVE ANY
15 OBJECTION TO THIS, LET'S ANSWER THOSE, AND THEN IF
16 NOT --

17 (WHEREUPON, THERE WAS A PAUSE IN THE PROCEEDINGS.)

18 BY MR. HILL:

19 Q MR. CSEHY, I'M SHOWING YOU WHAT'S BEEN MARKED AS
20 DEFENDANT'S EXHIBIT 1 FOR THE PURPOSES OF THIS EXAMINATION.

21 (WHEREUPON, DEFENDANT'S EXHIBIT 1DM WAS MARKED FOR
22 PURPOSES OF IDENTIFICATION.)

23 BY MR. HILL:

24 Q DO YOU RECOGNIZE THAT DOCUMENT?

25 A YES.

1 Q AND CAN YOU TELL US WHAT THAT DOCUMENT IS?

2 A IT'S A PRESS RELEASE WHERE I CONDEMNED YOU AND
3 YOUR ILK FOR YOUR CHARACTER ASSASSINATION OF MY WIFE.

4 Q AND WAS THAT RELEASE JOINTLY PREPARED BY YOU AND
5 MS. ABRAMSON?

6 A NO, IT WASN'T.

7 Q WHOSE NAME --

8 A I PUT HER NAME ON IT. IT WAS MY NAME. I DID IT.

9 Q CAN YOU TELL US WHAT, IF ANY, CONSULTATION YOU HAD
10 WITH ANY MEMBERS OF THE FULTON COUNTY DISTRICT ATTORNEY'S
11 OFFICE?

12 MR. GRAHAM: OBJECT TO -- I OBJECT TO YOU
13 ANSWERING THAT QUESTION BASED ON THE SPOUSAL
14 COMMUNICATION PRIVILEGE. HE'S ASKING DIRECTLY
15 WHAT WERE THE COMMUNICATIONS WITH YOUR SPOUSE.

16 THE WITNESS: COMMUNICATIONS WITH THE D.A.'S
17 OFFICE? WITH THE D.A.'S OFFICE; RIGHT?

18 BY MR. HILL:

19 Q THIS QUESTION WAS WITH THE FULTON COUNTY DISTRICT
20 ATTORNEY'S OFFICE.

21 A YEAH. I HAD NONE. I HAD NONE. IN FACT, I WAITED
22 FOR TWO DAYS LATER FOR THE FALLOUT WITH FEAR AND TREPIDATION
23 FOR A PHONE CALL FROM PAUL HOWARD WHICH I NEVER GOT.
24 NOTHING. NEVER RECEIVED A PHONE CALL AT ALL ABOUT IT, AND I
25 DIDN'T CALL HIM AHEAD OF TIME.

1 Q IN THE RELEASE, YOU MADE SPECIFIC REFERENCES TO
2 ACTIONS BY YOUR WIFE DURING VARIOUS PERIODS IN OCTOBER OF
3 2004; IS THAT CORRECT?

4 THE WITNESS: I RESPECTFULLY ASSERT TO THE
5 COURT THAT THIS MATTER IS DIRECTLY RELATED SOLELY
6 TO THE ACTIONS OF MY WIFE AND TO THE ALLEGATIONS
7 INTENDED TO EMBARRASS AND HARASS AND BRING PUBLIC
8 CONTEMPT AND INFAMY AND SHAME UPON MY FAMILY.

9 ADDITIONALLY, SIR -- I REFUSE TO ANSWER ON
10 THOSE GROUNDS.

11 I ADDITIONALLY REFUSE TO ANSWER ANY QUESTIONS
12 UNDER THE SPOUSAL PRIVILEGES PROVIDED ME BY
13 O.C.G.A. 24-9-23, THAT IS, THAT A HUSBAND SHALL
14 NOT BE COMPELLED TO GIVE ANY EVIDENCE AGAINST HIS
15 WIFE IN ANY CRIMINAL PROCEEDING.

16 SO WITH DUE RESPECT TO THE COURT, I'M NOT
17 GOING TO ANSWER ANY FURTHER QUESTIONS WITH REGARD
18 TO ANYTHING RELATED TO MY WIFE.

19 THE COURT: ANYTHING ELSE YOU WISH TO SAY?

20 MR. HILL: YOUR HONOR, I THINK WE HAD POSED A
21 SERIES OF QUESTIONS TO MS. CSEHY IN THIS GENERAL
22 AREA IN TERMS OF THE MATTERS DISCLOSED IN THIS
23 RELEASE, AND I TAKE IT THIS OBJECTION WOULD COVER
24 THAT WHOLE BROAD RANGE OF QUESTIONS.

25 THE WITNESS: THE RELEASE WOULD SPEAK FOR

1 ITSELF.

2 THE COURT: I'LL GRANT IT. YOU KNOW, WE --
3 I'M GOING TO -- BASED ON THE FACT THIS IS A MOTION
4 HEARING, BASED ON THE FACT -- WELL, I THINK WE'D
5 HAVE TO LOOK INTO IT FURTHER. IF YOU CAN -- IF
6 YOU CAN RELEASE A PRESS RELEASE AND THEN SAY I'M
7 NOT GOING TO TALK ABOUT IT, BUT I DON'T THINK WE
8 NEED TO FIGHT THAT BATTLE TODAY. SO I'LL GRANT
9 THE PRIVILEGE.

10 MR. HILL: I'M SORRY, YOUR HONOR. I BELIEVE
11 THERE'S JUST ONE OTHER --

12 THE COURT: ALL RIGHT.

13 MR. HILL: -- DOCUMENT.

14 (WHEREUPON, THERE WAS A PAUSE IN THE PROCEEDINGS.)

15 BY MR. HILL:

16 Q MR. CSEHY, LET ME SHOW YOU WHAT'S BEEN MARKED AS
17 DEFENDANT'S EXHIBIT 2.

18 (WHEREUPON, DEFENDANT'S EXHIBIT 2DM WAS MARKED FOR
19 PURPOSES OF IDENTIFICATION.)

20 BY MR. HILL:

21 Q DO YOU RECOGNIZE THAT DOCUMENT?

22 A I DO.

23 Q AND CAN YOU TELL US WHAT THAT DOCUMENT IS?

24 A IT'S A WAIVER OF CONFIDENTIALITY.

25 Q AND DOES YOUR SIGNATURE APPEAR ON THAT DOCUMENT?

1 A IT DOES.

2 MR. HILL: YOUR HONOR, WE WOULD MOVE
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3 DEFENDANT'S EXHIBIT NO. 2 INTO EVIDENCE.
4 THE COURT: ANY OBJECTION?
5 MS. ROSS: NO, YOUR HONOR. THANK YOU.
6 MR. HILL: YOUR HONOR, WITH THAT WE WOULD
7 REST.
8 MR. GRAHAM: WE MAINTAIN THE SUBSTANTIVE
9 OBJECTIONS, BUT NO OBJECTION TO THIS -- THE
10 AUTHENTICATION.
11 THE COURT: ALL RIGHT. 2 COMES IN.
12 (WHEREUPON, DEFENDANT'S EXHIBIT 2DM WAS ADMITTED
13 INTO EVIDENCE.)
14 THE COURT: ANY QUESTIONS, MS. ROSS?
15 MS. ROSS: NO. THANK YOU, JUDGE.
16 MR. HILL: YOUR HONOR, CAN I HAVE JUST ONE
17 MOMENT?
18 THE COURT: YES.
19 (WHEREUPON, THERE WAS AN OFF-THE-RECORD
20 DISCUSSION.)
21 MR. HILL: YOUR HONOR, WE WOULD ALSO MOVE
22 DEFENDANT'S EXHIBIT 1 INTO EVIDENCE.
23 THE COURT: ANY OBJECTION, MS. ROSS?
24 MS. ROSS: NO OBJECTION, JUDGE.
25 MR. GRAHAM: SAME SUBSTANTIVE OBJECTIONS. NO

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1 OBJECTION ON AUTHENTICITY.
2 THE COURT: ALL RIGHT. THE 1 WILL ALSO COME
3 IN.