

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

COPY

STATE OF GEORGIA

VS.

BRIAN GENE NICHOLS,

DEFENDANT.

CRIMINAL ACTION

FILE NO. 05SC29988

TRANSCRIPT OF DEPOSITION PROCEEDINGS
OF PAUL L. HOWARD, JR.,
160 PRYOR STREET, 3RD FLOOR, ATLANTA, GA 30303
COMMENCING MARCH 14, 2007, AT 10:00 A.M.

A P P E A R A N C E S:

ON BEHALF OF THE STATE:

MICHELE MCCUTCHEON,
CHRISTOPHER QUINN,
ANNA GREEN,
PETER JOHNSON,
ASSISTANT DISTRICT ATTORNEYS

ON BEHALF OF THE DEFENDANT:

HENDERSON HILL,
ROBERT MCGLASSON,
JACOB SUSSMAN,
ATTORNEYS AT LAW

CHERYL D. GILLIAM, RMR, CCR-B-1959
OFFICIAL COURT REPORTER
T-1854 JUSTICE CENTER TOWER
185 CENTRAL AVENUE, S.W.
ATLANTA, GEORGIA 30303

1 MARCH 14, 2007

2 (WHEREUPON, THE PROCEEDINGS COMMENCED AT 10:45
3 A.M.)

4
5 MS. GREEN: BEFORE WE START, CAN THE RECORD
6 REFLECT THAT THE STATE MADE THE PERSONAL FILE OF
7 GAYLE ABRAMSON AVAILABLE TO THE DEFENSE. THEY
8 LOOKED AT IT IN AN UNREDACTED FORM AND WERE GIVEN
9 A COPY ONLY OF MISS ABRAMSON'S LETTER OF
10 RESIGNATION. A REDACTED COPY OF THE PERSONNEL
11 FILE WOULD EXCLUDE PERSONAL IDENTIFYING
12 INFORMATION SUCH AS SOCIAL SECURITY NUMBER AND
13 OTHER TYPES OF INFORMATION THAT ARE CONFIDENTIAL
14 WILL BE PROVIDED TO THE DEFENSE. IS THAT CORRECT?

15 MR. HILL: THAT'S CORRECT, AND THAT'S MY
16 UNDERSTANDING OF THE PROCESS, YES.

17 PAUL L. HOWARD, JR.,
18 A WITNESS HEREIN, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED
19 AND TESTIFIED AS FOLLOWS:

20 EXAMINATION

21 BY MR. HILL:

22 Q GOOD MORNING, MR. HOWARD.

23 A GOOD MORNING.

24 Q MR. HOWARD, JUST BY WAY OF BACKGROUND, WE'RE
25 CONDUCTING WHAT WE'VE DESCRIBED AS A DEPOSITION OR AN

1 INTERVIEW OF YOU ON THE RECORD WITH NO FORMAL UNDERSTANDING
2 BEING REACHED ABOUT ADMISSIBILITY OF ANY OF THIS, BUT YOUR
3 TESTIMONY, MY QUESTIONS, YOUR ANSWERS COULD CONCEIVABLY BE
4 INTRODUCED AT A MOTIONS HEARING OR IN LITIGATION CURRENTLY
5 PENDING IN GEORGIA VERSUS BRIAN GENE NICHOLS. DO YOU
6 UNDERSTAND THAT TO BE THE GENERAL BACKGROUND WITH WHICH THIS
7 DEPOSITION IS BEING CONDUCTED?

8 A I DO.

9 Q AND, IN FACT -- AGAIN, NO FIRM COMMITMENTS HAVE
10 BEEN MADE, BUT THERE HAS BEEN DISCUSSION THAT THERE MIGHT
11 WELL BE AN EVIDENTIARY HEARING OR A MOTIONS HEARING AS EARLY
12 AS TUESDAY OF NEXT WEEK AT WHICH THE CONTENTS OF THIS
13 DEPOSITION MIGHT BE RELEVANT IN SOME PORTION OF THAT
14 LITIGATION. DO YOU UNDERSTAND THAT TO BE TRUE?

15 A I DON'T UNDERSTAND THE QUESTION.

16 Q JUST THAT THERE HAS BEEN DISCUSSION ABOUT HAVING A
17 HEARING ON TUESDAY OF NEXT WEEK, AND IT IS CONCEIVABLE THAT
18 THE QUESTIONS I ASK, THE ANSWERS YOU PROVIDE MIGHT PROVIDE A
19 BASIS FOR SOME OF THE EVIDENCE TO BE ADMITTED AT THAT
20 HEARING.

21 A NOW, YOU'RE TELLING ME THAT. YOU WANT ME TO
22 ACKNOWLEDGE THAT YOU'RE TELLING ME THAT?

23 Q WELL, ARE YOU AWARE THAT THERE HAS BEEN DISCUSSION
24 ABOUT A POTENTIAL HEARING NEXT WEEK, TUESDAY?

25 A I'M AWARE THAT THERE'S BEEN SOME DISCUSSION. NG

1 Q SO THAT THE QUESTIONS THAT I ASK, THE ANSWERS YOU
2 PROVIDE MIGHT BE USED IN SOME CAPACITY AT THAT HEARING OR AT
3 SOME OTHER HEARING IN THIS MATTER?

4 A ARE YOU ASKING ME -- I'M NOT SURE I UNDERSTAND.
5 ARE YOU JUST TELLING ME THAT? YOU WANT ME TO ACKNOWLEDGE
6 THAT YOU'RE TELLING ME THAT? I DO ACKNOWLEDGE THAT YOU'RE
7 TELLING ME THAT. MAYBE I'M NOT GETTING IT WHAT YOU'RE
8 ASKING ME. I DON'T UNDERSTAND THE QUESTION, IF THERE IS A
9 QUESTION.

10 Q THE QUESTION IS YOU'RE AWARE THAT THIS DEPOSITION,
11 THE QUESTIONS AND THE ANSWERS MAY BE USED AT A HEARING AS
12 EARLY AS NEXT WEEK OR IN OTHER LITIGATION IN CONNECTION WITH
13 STATE VERSUS BRIAN NICHOLS?

14 A I ACKNOWLEDGE THAT YOU'RE TELLING ME THAT.

15 Q I GUESS WE'LL ACCEPT THAT AND MOVE ON THEN.

16 A I REALLY DON'T UNDERSTAND WHAT YOU'RE SAYING, BUT
17 I DO ACKNOWLEDGE THAT YOU BELIEVE THAT.

18 Q MR. HOWARD, I THINK JUST BY WAY OF BACKGROUND, CAN
19 YOU JUST TELL US HOW LONG YOU'VE BEEN THE ELECTED DISTRICT
20 ATTORNEY FOR FULTON COUNTY?

21 A SINCE 1997.

22 Q AND I THINK THERE'S BEEN TESTIMONY THAT THERE IS
23 CURRENTLY SOMEWHERE IN THE NEIGHBORHOOD OF 105 LAWYERS OR
24 ATTORNEYS IN YOUR EMPLOY; IS THAT CORRECT?

25 A THAT'S CORRECT.

1 Q AND SOMEWHERE IN THE NEIGHBORHOOD OF 40, 44
2 PROFESSIONAL INVESTIGATORS?

3 A THAT'S CORRECT.

4 Q AND BEYOND THAT, HOW MANY OTHER PROFESSIONAL OR
5 NONPROFESSIONAL SUPPORT STAFF DO YOU SUPERVISE?

6 A THERE ARE A TOTAL OF ABOUT 265 EMPLOYEES IN THE
7 D.A.'S OFFICE.

8 Q WE'VE HAD AN OPPORTUNITY THIS MORNING TO REVIEW
9 THE PERSONNEL FILE OF GAYLE ABRAMSON, AND JUST A PRELIMINARY
10 QUESTION. THERE SEEMED TO BE SEVERAL APPLICATIONS OF
11 EMPLOYMENT. IS IT TYPICAL THAT ONCE A PERSON IS EMPLOYED
12 THESE APPLICATIONS FOR EMPLOYMENT ARE FILLED OUT ON ANY SORT
13 OF REGULAR REPEATING BASIS?

14 A I BELIEVE IN HER CASE, SHE STARTED IN THE OFFICE
15 AS A -- IN A SPECIAL PROJECT. I BELIEVE IT WAS CALLED A
16 BACKLOG PROJECT SOMETIME IN 1998, I BELIEVE, AND SO WHEN SHE
17 STARTED AT THAT TIME, I WOULD IMAGINE THAT SHE COMPLETED AN
18 APPLICATION.

19 SHE THEN BECAME BARRED, AND I BELIEVE OUR
20 PROCEDURE WAS TO REQUIRE HER TO FILL OUT ANOTHER APPLICATION
21 BECAUSE SHE WAS APPLYING FOR ANOTHER JOB.

22 I ALSO BELIEVE THAT SHE BECAUSE OF SOME PAY RAISE
23 THAT SHE RECEIVED THAT SHE WAS REQUIRED BY THE COUNTY TO
24 FILL OUT ANOTHER KIND OF APPLICATION. SO IT IS -- IT WOULD
25 NOT BE UNUSUAL FOR SOMEONE WHO HAS BEEN IN OUR OFFICE FOR

1 THE LENGTH OF TIME WHO HAS HAD PROMOTIONS, WHO HAS MOVED
2 FROM DIFFERENT AREAS OF THE OFFICE, IT IS NOT UNUSUAL THAT
3 THE EMPLOYMENT APPLICATION WOULD CONTAIN OR THE EMPLOYMENT
4 FILE WOULD CONTAIN SEVERAL DIFFERENT APPLICATIONS.

5 Q OKAY. AND MOST OF THOSE SUBSEQUENT APPLICATIONS
6 WOULD BE RELATED AS I UNDERSTAND IT TO CHANGES IN
7 COMPENSATION OR PERHAPS SIGNIFICANT CHANGES IN DUTY
8 ASSIGNMENTS; IS THAT RIGHT?

9 A THAT'S CORRECT.

10 Q I NOTICE ONE OF THE APPLICATIONS FOR EMPLOYMENT
11 WAS DATED MARCH 10TH OF 2005. DO YOU KNOW WHY THAT
12 PARTICULAR APPLICATION FOR EMPLOYMENT WAS COMPLETED?

13 A LET ME LOOK AT IT. I MIGHT BE ABLE TO TELL YOU.
14 (WHEREUPON, THERE WAS A PAUSE IN THE PROCEEDINGS.)

15 THE WITNESS: NOW, I'M LOOKING AT THE
16 APPLICATION THAT WAS SHOWN TO ME BY MR. HILL, AND
17 ON THE APPLICATION IT SAYS NEW POSITION. AND SO
18 WHATEVER IT APPARENTLY HAS TO DO WITH IS SOMETHING
19 IN CONNECTION WITH HER LEAVING -- POTENTIALLY
20 LEAVING. I'M NOT SURE, BUT WHAT THE APPLICATION
21 SAYS IS NEW POSITION, BUT I'M NOT SPECIFICALLY
22 SURE WHAT THAT INVOLVES.

23 BY MR. HILL:

24 Q CAN YOU TELL FROM THAT WHETHER THAT'S AN INTERNAL
25 MOVE, AN INTERNAL ASSIGNMENT FROM ONE POST WITHIN THE OFFICE

1 TO ANOTHER?

2 A I CANNOT TELL. I MEAN, I'M NOT REALLY NOT SURE.
3 I RECOGNIZE THE APPLICATION FORM, BUT I KNOW THAT WE UTILIZE
4 THAT SAME APPLICATION FORM BECAUSE IT'S A FULTON COUNTY
5 APPLICATION FORM FOR MANY DIFFERENT ASPECTS OF OUR
6 EMPLOYMENT SITUATION, SO I CANNOT TELL JUST BY LOOKING AT
7 THE DOCUMENT EXACTLY WHY WE WOULD HAVE REQUIRED HER TO FILL
8 OUT ANOTHER OR AN UPDATED APPLICATION.

9 Q DO YOU HAVE A HUMAN RESOURCES PROFESSIONAL THAT
10 IS -- OR WHO WOULD BE THE PERSON WITHIN YOUR OFFICE THAT
11 WOULD BE BEST POSITIONED TO ANSWER QUESTIONS ABOUT THAT
12 APPLICATION?

13 A WE DO HAVE A HUMAN RESOURCES PERSON, AND I WOULD
14 HOPE THAT SHE COULD ANSWER IT.

15 Q AND WHO IS THAT PERSON?

16 A HER NAME IS YVONNE CONWAY.

17 Q FROM YOUR OWN RECOLLECTION, IF MARCH 10TH YOU
18 RECOGNIZE AS THE DAY BEFORE THE COURTHOUSE SHOOTING, MISS
19 ABRAMSON WOULD HAVE BEEN IN TRIAL ON THAT DATE. ARE YOU
20 AWARE OF ANY CHANGE IN POSITION INTERNALLY THAT WAS GOING ON
21 WITH HER AT THAT TIME?

22 A I AM NOT SURE WHETHER OR NOT -- I AM -- YOU KNOW,
23 JUST GOING BACK, I'M NOT SURE WHETHER OR NOT SHE MIGHT HAVE
24 ALREADY ANNOUNCED THAT SHE WAS LEAVING THE OFFICE EVEN
25 BEFORE SHE SUBMITTED A LETTER OF RESIGNATION. I'M JUST NOT

1 SURE WHAT IT MIGHT BE. I CANNOT TELL BY LOOKING AT THAT
2 DOCUMENT.

3 Q WAS THE CONNECTION BETWEEN SPECIFIC UNITS WITHIN
4 YOUR OFFICE LIKE THE UNIT FOR CRIMES AGAINST WOMEN AND
5 CHILDREN AND THE COLD CASE UNIT, AND BY THAT QUESTION, I
6 MEAN WERE THERE SENIOR ATTORNEYS FROM THE VARIOUS UNITS WHO
7 WOULD BE DETAILED TO THE COLD CASE UNIT FOR PARTICULAR
8 CASES?

9 A NO.

10 Q SO THE COLD CASE UNIT WAS A SELF-STANDING UNIT?

11 A YES.

12 Q IT DID NOT BORROW ATTORNEYS FROM OTHER UNITS TO
13 WORK CASES?

14 A NO. WE HAD PEOPLE SPECIFICALLY ASSIGNED TO THE
15 COLD CASE UNIT.

16 Q OKAY. AND IN OR ABOUT MARCH OF 2005, DO YOU KNOW
17 WHETHER OR NOT MISS ABRAMSON WAS BEING CONSIDERED FOR
18 ASSIGNMENT TO THE COLD CASE UNIT?

19 A NOT BY ME.

20 Q HOW WOULD THAT KIND OF ASSIGNMENT OR REASSIGNMENT
21 OF RESPONSIBILITIES HAPPEN IN YOUR OFFICE?

22 A USUALLY THROUGH ME.

23 Q OKAY. SO THERE'S NO OTHER SUPERVISORY PERSON THAT
24 WOULD MAKE THAT TRANSFER?

25 A NO.

1 Q AND YOU'RE NOT AWARE OF ANY TRANSFER THAT WAS
2 BEING CONSIDERED AT THAT POINT?

3 A RIGHT.

4 Q BEFORE MARCH 11TH, 2005, HAD YOU HAD ANY CONTACT
5 WITH MISS ABRAMSON ABOUT THE TRIAL THAT SHE WAS
6 PARTICIPATING IN?

7 A BEFORE MARCH -- MARCH 11TH?

8 Q BEFORE THE DAY OF THE SHOOTING, HAD YOU HAD ANY
9 CONTACT SUPERVISORY OR OTHER WITH MISS ABRAMSON ABOUT THAT
10 TRIAL?

11 A I MIGHT HAVE, BUT TODAY SITTING HERE I DON'T HAVE
12 ANY INDEPENDENT RECOLLECTION OF DISCUSSING THAT TRIAL WITH
13 MISS ABRAMSON.

14 Q AND JUST TO BE CLEAR, WHEN I REFER TO THAT TRIAL,
15 I'M REFERRING TO BOTH THE ORIGINAL TRIAL THAT RESULTED IN
16 THE DEADLOCK VERDICT AND THE SECOND TRIAL THE FOLLOWING
17 WEEK.

18 A I DO NOT RECALL AT THIS MOMENT HAVING ANY CONTACT
19 OR DISCUSSION WITH HER ABOUT THAT TRIAL. THAT'S NOT TO SAY
20 THAT I DIDN'T, BUT I JUST DON'T RECALL AT PRESENT.

21 Q DID YOU HAVE ANY DISCUSSIONS WITH ASH JOSHI ABOUT
22 HIS INVOLVEMENT IN EITHER OF THOSE TWO TRIALS?

23 A I DO NOT RECALL ANY CONVERSATION, ANY DISCUSSION
24 WITH HIM.

25 Q DID YOU MAKE ANY DIRECTION EITHER TO MR. JOSHI OR

1 TO MISS ABRAMSON OR TO ANY OTHER SUPERVISOR THAT THE TWO OF
2 THEM SHOULD TRY THE CASE TOGETHER?

3 A I DO NOT RECALL AT THIS TIME WHETHER OR NOT I MADE
4 ANY -- ISSUED ANY DIRECTIVES OR GAVE ANY INSTRUCTIONS
5 REGARDING THE HANDLING OF THIS CASE. AND, AGAIN, AS I SAY,
6 THERE'S A CHANCE THAT I MIGHT HAVE. I SIMPLY DON'T RECALL
7 IT TODAY.

8 Q IN MARCH OF 2005, MISS ABRAMSON I THINK WAS A
9 SENIOR ATTORNEY IN THAT UNIT. WHO WAS THE SUPERVISING
10 ATTORNEY FOR THAT UNIT?

11 A IT WOULD HAVE BEEN DEBORAH ESPY.

12 Q WOULD ASSIGNMENT OF A CO-COUNSEL TO A FELONY
13 TRIAL, WOULD THAT ORDINARILY BE A DECISION MADE BY THE
14 SUPERVISING ATTORNEY FOR THE UNIT OR WOULD THAT BE A
15 DECISION THAT YOU WOULD MAKE?

16 A USUALLY IT WOULD BE MADE BY THAT SUPERVISOR.

17 Q ON THE DAY OF THE COURTHOUSE SHOOTING, WHAT
18 CONVERSATIONS DID YOU HAVE WITH MISS ABRAMSON ABOUT HER WORK
19 THAT DAY AND WHETHER OR NOT SHE -- WHAT SHE SHOULD DO WITH
20 RESPECT TO HER WORK RESPONSIBILITIES?

21 A NOW, YOU'RE MEANING AFTER THE SHOOTING?

22 Q YES, SIR.

23 A WHAT CONVERSATIONS DID I HAVE WITH HER?

24 Q YES, SIR.

25 A I BELIEVE MY FIRST CONVERSATIONS HAD TO DO WITH

1 SECURING HER SAFETY. I THINK I -- WHEN I CAME INTO THE
2 COURTHOUSE, I TRIED TO MAKE SURE THAT SHE WAS OKAY, AND I
3 WANTED TO KNOW WHERE SHE WAS PHYSICALLY LOCATED. AND I
4 REMEMBER GOING TO AND I BELIEVE IT WAS ON THE 7TH OR 8TH
5 FLOOR IN ONE OF THE ROOMS USED BY SOME SUPPORT STAFF FOR THE
6 COURTHOUSE, AND I REMEMBER MEETING HER THERE. I BELIEVE
7 THAT'S WHERE IT TOOK PLACE. AND SO MY CONVERSATION WAS
8 SOLELY CENTERED ON HER EMOTIONAL AND PHYSICAL SAFETY TO
9 DETERMINE HOW SHE FELT AND HOW SHE WAS DOING AT THAT TIME.

10 I RECALL HAVING SOME CONVERSATION WITH HER ABOUT
11 THE VICTIM IN THE RAPE CASE, THE VICTIM AND HER MOTHER
12 BECAUSE I WANTED TO MAKE SURE THAT THEY WERE OKAY AND ASKING
13 MISS ABRAMSON WHETHER OR NOT SHE KNEW WHERE THEY WERE AND
14 TO -- BECAUSE I WANTED TO SEE THEM AS WELL TO MAKE SURE THAT
15 THEY WERE ALSO OKAY AS WELL AS THEY COULD BE UNDER THE
16 CIRCUMSTANCES.

17 AND I BELIEVE THAT WAS REALLY THE EXTENT OF MY
18 CONVERSATION. I DON'T RECALL HAVING AT THAT TIME ANY
19 DETAILED CONVERSATION ABOUT THE CASE. I SAW HER AT A LATER
20 TIME ON THAT DAY, AND I THEN ASKED ADDITIONAL QUESTIONS
21 REGARDING THE STATUS OF THE CASE. AND I BELIEVE THAT I
22 FOUND OUT AT THAT TIME THAT THEY HAD TRIED HIM BEFORE -- IF
23 I DID NOT KNOW IT, BUT I KNOW SHE REMINDED ME THAT THIS WAS
24 THE SECOND TRIAL; THAT THEY HAD NOT FINISHED THE TRIAL, AND
25 THEY WERE GETTING READY TO START OR TO RESUME THE TRIAL ON

1 THE MORNING THAT THE SHOOTING TOOK PLACE.

2 SHE EXPLAINED TO ME SOME OF THE EVIDENCE THAT HAD
3 BEEN COLLECTED AND THE TESTIMONY THAT THEY HAD BEEN
4 PRESENTED, AND I THINK THAT -- I WAS TRYING TO DETERMINE
5 WHAT WAS IT ABOUT THE CASE THAT WOULD HAVE CAUSED HIM TO
6 REACT IN SUCH A WAY, AND AFTER TALKING TO HER, I WAS
7 CONVINCED THAT THE DEFENDANT WAS CONVINCED THAT HE WAS GOING
8 TO BE FOUND GUILTY. AND SO I THINK THAT WAS PROBABLY THE
9 EXTENT OF MY CONVERSATION THAT DAY.

10 Q OKAY. IF WE WERE TO BREAK THAT UP, THE SHOOTING
11 HAPPENED IN THE MORNING AT THE VERY START OF THE COURT DAY?

12 A YES.

13 Q IT'S SAFE TO SAY THAT YOUR FIRST MEETING WITH HER
14 WOULD HAVE BEEN IN THE MORNING; IS THAT CORRECT?

15 A THAT'S CORRECT.

16 Q AND THAT WOULD HAVE BEEN IN OR ABOUT YOUR OFFICES
17 HERE?

18 A IT WOULD HAVE BEEN NOT IN MY OFFICE, BUT THE FIRST
19 MEETING I BELIEVE TOOK PLACE IN ANOTHER OFFICE. I CANNOT
20 REMEMBER EXACTLY THE FLOOR, BUT I DO NOT THINK IT TOOK PLACE
21 IN THE DISTRICT ATTORNEY'S OFFICE BUT IN SOME OTHER OFFICE
22 IN THE COURTHOUSE.

23 Q OKAY. AT THAT MEETING, DID YOU GIVE HER ANY
24 INSTRUCTION WITH RESPECT TO REMAIN HERE AT THE OFFICE? GO
25 TO A SAFE PLACE? GO HOME? WERE YOU INVOLVED IN DIRECT

1 CONVERSATION WITH HER ABOUT WHERE SHE SHOULD SPEND THAT DAY?

2 A I KNOW THAT I WAS VERY CONCERNED ABOUT HER SAFETY
3 BECAUSE AT THAT TIME THE KILLER HAD NOT BEEN APPREHENDED,
4 AND I WAS VERY MUCH CONCERNED BECAUSE SHE WAS A PROSECUTOR,
5 OF COURSE, THAT SHE MIGHT BE A LIKELY TARGET, AND I HAD SOME
6 CONVERSATIONS WITH HER ABOUT HER PERSONAL SAFETY. I KNOW
7 THAT WE MADE SOME ARRANGEMENTS FOR HER PERSONAL SAFETY, AND
8 SO I HAD OTHER PEOPLE IN THE MEETING WITH ME.

9 IT MIGHT BE THAT THEY MIGHT HAVE TALKED WITH HER
10 MORE ABOUT THAT AT THAT PARTICULAR JUNCTURE BECAUSE AS I
11 SAID, MY MAIN THOUGHT WAS THAT SHE WAS OKAY BOTH PHYSICALLY
12 AND SAFETY. BUT TO ANSWER YOUR QUESTION, I DID TALK WITH
13 HER ABOUT WHAT PLANS WOULD BE PUT INTO EFFECT TO ENSURE HER
14 SAFETY.

15 Q UH-HUH. YOU'RE AWARE THAT SOMETIME THAT MORNING
16 SHE LEFT THE COURTHOUSE COMPLEX. DO YOU KNOW WHERE SHE
17 WENT?

18 A I'M NOT SURE.

19 Q OKAY. IF I THINK THERE MIGHT BE RECORD EVIDENCE
20 ELSEWHERE THAT THERE WAS A PRESS CONFERENCE LATER THAT
21 AFTERNOON SOMEWHERE AROUND THE 3:00 HOUR, IF THE PRESS
22 CONFERENCE STARTED ABOUT THE 3:00 HOUR, CAN YOU TELL US HOW
23 MUCH EARLIER THAN THAT YOU WOULD HAVE SEEN MISS ABRAMSON?

24 A COULD I ASK YOU A QUESTION?

25 Q YES, SIR.

1 A WHAT IS THE RELEVANCE OF -- MAYBE YOU CAN HELP ME
2 TO UNDERSTAND AND I CAN UNDERSTAND YOUR QUESTIONS BETTER.
3 IF YOU CAN EXPLAIN TO ME THE RELEVANCE PARTICULARLY WHEN
4 YOU'VE ASKED ME THIS BEFORE?

5 Q YEAH, AND I DON'T MEAN TO --

6 A AND IT WAS ON THE RECORD.

7 Q I DON'T MEAN TO BELABOR THIS, MR. HOWARD. WHAT
8 I'D LIKE TO FOCUS YOU ON IS ANY INSTRUCTION THAT YOU WOULD
9 HAVE GIVEN HER THAT AFTERNOON ABOUT HOW SHE SHOULD SPEND THE
10 DAY, NOT THE CONTENT OF THE PRESS CONFERENCE BUT WHERE SHE
11 SHOULD GO.

12 A YEAH, AND I GUESS --

13 Q WHERE DID SHE GO?

14 A YOU KNOW, AND I WANT TO COOPERATE, IF YOU
15 UNDERSTAND ME, BUT I'M TRYING TO SEE WHAT IS THE RELEVANCE
16 OF THIS INFORMATION THAT YOU'VE ASKED ME ABOUT BEFORE ON THE
17 RECORD?

18 Q I THINK THE CHOICES ARE YOU CAN AGREE -- BECAUSE
19 THIS IS A VOLUNTARY --

20 A I UNDERSTAND, AND THAT'S WHY I'M ASKING YOU IF YOU
21 CAN KIND OF ENLIGHTEN ME AS TO WHAT WOULD BE THE RELEVANCE
22 OF AN INSTRUCTION THAT I WOULD HAVE GIVEN HER.

23 Q WELL, DID YOU GIVE HER AN INSTRUCTION?

24 A IF I DID OR I DIDN'T, I'M JUST ASKING SO IT WOULD
25 KIND OF HELP ME TO UNDERSTAND WHAT YOU'RE GETTING AT AND I

1 CAN KIND OF HELP YOU IF YOU COULD JUST KIND OF TELL ME. YOU
2 SEE WHAT I'M SAYING? I'M HAVING A DIFFICULT TIME FIGURING
3 OUT WHAT IT IS YOU ARE AFTER BECAUSE IF YOU ASK ME, I'LL
4 TELL YOU.

5 Q WELL, IF I CAN TELL YOU MOST GENERALLY THAT I'M
6 TRYING TO --

7 A OKAY.

8 Q -- GET SOME IDEA WHAT YOUR SENSE OF HER STATE OF
9 MIND WAS AND HOW YOU WERE REACTING TO THAT STATE OF MIND AND
10 ANY INSTRUCTION YOU GAVE AS A SUPERVISOR TO HER ABOUT HOW
11 SHE SHOULD CONTINUE OR RECESS FROM HER RESPONSIBILITIES.

12 A OKAY. AND IF YOU COULD -- IF YOU COULD HELP ME
13 OUT AND TELL ME WHAT RELEVANCE DOES THAT HAVE WITH THE
14 ISSUES AT HAND.

15 Q THE RELEVANCE CONNECTIONS WILL NOT BE MADE TODAY.
16 IF YOU CAN ANSWER THE QUESTION, I WOULD LIKE FOR YOU TO
17 ANSWER THE QUESTION.

18 A WELL, SEE, I GUESS I DON'T WANT TO WASTE TIME
19 DEALING WITH SOMETHING THAT IS IRRELEVANT, AND I'LL BE GLAD
20 TO SKIP TO THE CONCLUSION IF YOU COULD TELL ME WHAT IS THE
21 RELEVANCE OF HER STATE OF MIND?

22 Q ARE YOU DECLINING TO ANSWER?

23 A NO, I'M GOING TO ANSWER THE QUESTION, BUT IF YOU
24 COULD HELP ME OUT. YOU SAID THIS IS VOLUNTARY. WE'RE JUST
25 TALKING, AND SO I'M JUST ASKING YOU IF YOU COULD TELL ME.

1 Q BUT IT'S NOT MY TESTIMONY, SO --

2 A LET'S UNDERSTAND. IT'S NOT TESTIMONY. AS YOU

3 SAID THIS IS VOLUNTARY; IS THAT CORRECT?

4 Q SO ARE YOU AGREEING TO ANSWER THE QUESTION OR NOT?

5 A I'M GOING TO ANSWER THE QUESTION, BUT CAN I ASK

6 YOU A QUESTION? WHAT IS THE RELEVANCE?

7 Q WHAT WE HAVE NOT DONE IS AGREED TO HAVE MY --

8 A COULD WE DO THAT?

9 Q NOT THIS MORNING.

10 A BECAUSE THAT WOULD REALLY HELP ME.

11 Q WE CAN DO THAT CERTAINLY THIS AFTERNOON BUT AS A

12 SEPARATE PART OF THE PROCESS.

13 A COULD WE TAKE A BREAK?

14 Q I'M NOT GOING TO COMPEL YOU TO TALK.

15 A THAT'S NOT -- COULD WE GO OFF THE RECORD?

16 (WHEREUPON, THERE WAS AN OFF-THE-RECORD

17 DISCUSSION.)

18 THE WITNESS: THERE'S NO NEED TO ASK ME STUFF

19 THAT YOU KNOW THE ANSWER ALREADY. YOU KNOW THE

20 ANSWER TO THAT QUESTION.

21 BY MR. HILL:

22 Q HOW DO I KNOW?

23 A I'M ASSUMING YOU'VE GOT COMMON SENSE. YOU'VE BEEN

24 A LAWYER FOR A WHILE.

25 Q LET ME ASK YOU A QUESTION.

1 A WHAT DO YOU THINK THE ANSWER IS?

2 Q I DON'T KNOW THE ANSWER.

3 A YOU DON'T KNOW THE ANSWER TO THAT? WHAT DO YOU

4 THINK I'M GOING TO SAY? BECAUSE HOW WOULD I KNOW THAT? YOU

5 PROBABLY NEED TO ASK GAYLE ABRAMSON.

6 Q WELL, LET ME ASK YOU WHAT YOU KNOW.

7 A BUT WHAT ARE YOU EVEN ASKING ME THAT FOR, YOU SEE

8 WHAT I'M SAYING? WHAT'S THE POINT OF ASKING ME THAT?

9 Q MR. HOWARD, I BELIEVE THE POINT WILL GET CLEARER

10 TOWARDS THE END OF THE DEPOSITION.

11 A TELL ME WHAT IT IS THAT YOU WANT. WE CAN SKIP TO

12 THE END. I'LL MAKE ALL KIND OF CONCLUSIONS IF YOU WANT ME

13 TO.

14 Q I PREFER NOT TO SKIP TO THE END. I PREFER TO ASK

15 YOU THE QUESTION --

16 A I'M TRYING TO HELP YOU OUT. SE

17 Q I APPRECIATE THAT.

18 A IF YOU JUST TELL ME. I'M TRYING TO HELP YOU.

19 Q WILL YOU HELP BY ANSWERING THE QUESTION?

20 A YES, I WILL, BUT IF TELL ME WHAT YOU WANT, I'LL

21 GIVE IT TO YOU. WHAT DO YOU WANT?

22 Q I THINK WE'VE PROBABLY SPENT 15 MINUTES OFF AND ON

23 THE RECORD.

24 A I CAN DO JUST LIKE YOU. YOU CAN WASTE TIME, I CAN

25 WASTE TIME, BUT IF YOU TELL ME WHAT YOU WANT, WE CAN CUT SE

1 THIS OUT. I'M SINCERELY ASKING YOU. HAVE YOU EVER BEEN IN
2 SOMEBODY'S OFFICE AND THEY SAY WHATEVER YOU WANT THEY'LL
3 GIVE IT TO YOU? WHAT IS IT YOU WANT?

4 Q I WANT YOU TO TELL ME IF THERE WAS A DISCUSSION ON
5 THE AFTERNOON OF MARCH 11TH WHERE YOU TOLD MISS ABRAMSON OR
6 SHE TOLD YOU THAT SHE WOULD TAKE A RECESS, THAT SHE WOULD
7 TAKE A LEAVE FROM HER RESPONSIBILITIES AS A PROSECUTOR IN
8 YOUR OFFICE?

9 A YOU'RE ASKING ME DID SHE SAY THAT TO ME?

10 Q I'M ASKING YOU DID YOU SUGGEST TO HER THAT SHE
11 TAKE A LEAVE?

12 A I DON'T REMEMBER.

13 Q DID SHE TELL YOU THAT SHE WOULD TAKE A LEAVE?

14 A I DON'T RECALL.

15 Q ON MARCH 13TH OR MARCH 14TH, THE CASE OF BRIAN
16 NICHOLS WOULD HAVE BEEN CALLED AGAIN, THE RAPE CASE?

17 A UH-HUH.

18 Q WAS THERE ANY DISCUSSION THAT YOU HAD WITH MISS
19 ABRAMSON ABOUT WHETHER SHE WOULD CONTINUE WITH
20 RESPONSIBILITIES FOR THAT CASE?

21 A WHEN?

22 Q SOMETIME BETWEEN THE 11TH AND WHEN THAT CASE WAS
23 CALLED ON THE 14TH.

24 A I DON'T HAVE ANY WAY OF REMEMBERING THAT.

25 Q WOULD THAT KIND OF INFORMATION BE MEMORIALIZED IN

1 SOME LOGBOOK OR SUPERVISORY BOOK THAT YOU MAINTAIN?
2 A (SHAKES HEAD.)
3 THE COURT REPORTER: I'M SORRY. WHAT WAS
4 YOUR ANSWER? DID YOU SHAKE YOUR HEAD?
5 THE WITNESS: I THINK HE ANSWERED HIS OWN
6 QUESTION IT WAS SUCH AN OBVIOUS ONE THAT HE WOULD
7 EVEN PRESS IT.
8 BY MR. HILL:
9 Q I THINK YOUR HEAD SHAKE WAS A NEGATIVE.
10 A NO. MY HEAD SHAKE WAS KIND OF ONE IN
11 EXASPERATION. IT WASN'T A NEGATIVE. I THOUGHT YOU KIND OF
12 ANSWERED YOUR OWN QUESTION. AND WHAT WOULD THE ANSWER BE?
13 Q GIVEN YOUR HEAD SHAKE, I'D SAY NO.
14 A MY HEAD SHAKE WAS IN EXASPERATION.
15 Q FOR THE 30-DAY PERIOD AFTER THE COURTHOUSE
16 SHOOTING, WAS THERE ANY DISCUSSION THAT YOU HAD WITH MISS
17 ABRAMSON ABOUT WHETHER SHE SHOULD RESUME HER PROSECUTORIAL
18 DUTIES?
19 A I REALLY DON'T RECALL.
20 Q DO YOU KNOW IF DURING THAT 30-DAY PERIOD SHE
21 EXERCISED HER PROSECUTORIAL DUTIES?
22 A I DON'T RECALL.
23 Q AND ON MARCH 11TH, WERE YOU AWARE THAT RAND CSEHY
24 OR CSESY WAS ASSIGNED TO THE COLD CASE UNIT IN YOUR OFFICE?
25 A I AM NOT AWARE OF THAT.

1 Q WERE YOU AWARE THAT ON MARCH 11TH, THE DAY OF THE
2 COURTHOUSE SHOOTING, MR. CSEHY HAD FLOWN TO CALIFORNIA FOR
3 PURPOSES OF FOLLOWING UP ON THE INVESTIGATION OF THE CASE
4 THAT WAS STILL UNDER INVESTIGATION IN YOUR OFFICE, THE CASE
5 AGAINST SCOTT DAVIS?

6 A YOU'RE ASKING ME WHETHER OR NOT I WAS AWARE THAT
7 HE FLEW TO CALIFORNIA?

8 Q ON MARCH 11TH.

9 A IN A CASE -- IN THE BRIAN NICHOLS CASE?

10 Q NO, NO, NO. TO FOLLOW-UP ON THE COLD CASE
11 INVESTIGATION INVOLVING SCOTT DAVIS.

12 A THAT HE HAD FLOWN TO CALIFORNIA?

13 Q ON MARCH 11TH.

14 A IN CONNECTION WITH SOMETHING REGARDING BRIAN
15 NICHOLS?

16 Q IN CONNECTION WITH THE SCOTT DAVIS INVESTIGATION.

17 A SO YOU'RE ASKING ABOUT A SEPARATE CASE THAT HAS
18 NOTHING TO DO WITH BRIAN NICHOLS SO I CAN MAKE IT CLEAR?

19 Q I'M ASKING ABOUT YOUR KNOWLEDGE ABOUT MR. CSEHY'S
20 INVOLVEMENT ON MARCH 11TH --

21 A RIGHT.

22 Q -- WITH THE SCOTT DAVIS INVESTIGATION.

23 A SO I JUST WANT TO MAKE IT CLEAR FOR THE RECORD,
24 YOU'RE ASKING ABOUT A CASE THAT HAS NO CONNECTION WITH BRIAN
25 NICHOLS?

1 Q I'M ASKING ABOUT THE SCOTT DAVIS CASE AND
2 MR. CSEHY'S ACTIVITIES ON THAT DAY.

3 A IT WOULD BE CORRECT FOR ME TO ASSUME IT HAS NO
4 CONNECTION WITH THE BRIAN NICHOLS CASE?

5 Q YOU CAN ASSUME THAT YOU DON'T SEE THE CONNECTION.

6 A AND IT WOULD BE ALL RIGHT TO ASSUME THAT YOU DON'T
7 EITHER?

8 Q NO, YOU SHOULDN'T MAKE THAT ASSUMPTION.

9 A ALL RIGHT. AND WHAT WAS THE QUESTION AGAIN?

10 Q WERE YOU AWARE THAT MR. CSEHY FLEW TO CALIFORNIA
11 ON MARCH 11TH IN CONNECTION WITH THAT INVESTIGATION?

12 A I DON'T KNOW WHEN HE MIGHT HAVE FLOWN. I DON'T
13 KNOW THE DATE THAT HE FLEW.

14 Q DO YOU KNOW THAT HE ABORTED THAT INVESTIGATIVE
15 TRIP TO RETURN TO FULTON COUNTY ON MARCH 11TH, THE SAME DAY
16 HE LEFT?

17 A YES, I'M AWARE OF THAT.

18 Q DO YOU RECALL WHY HE WENT TO CALIFORNIA?

19 A IT HAD NOTHING TO DO WITH BRIAN NICHOLS.

20 Q BUT DO YOU KNOW WHY HE WENT TO CALIFORNIA?

21 A YES.

22 Q AND DID YOU GIVE HIM INSTRUCTIONS WITH REGARD TO
23 THAT TRIP?

24 A YES.

25 Q ARE YOU FAMILIAR THAT MR. CSEHY RETURNED TO

1 CALIFORNIA ON OR ABOUT APRIL 18TH?
2 A YES.
3 Q AND THAT WAS IN CONNECTION WITH THE SCOTT DAVIS
4 INVESTIGATION?
5 A NOT THE BRIAN NICHOLS CASE?
6 Q THE SCOTT DAVIS INVESTIGATION.
7 A RIGHT.
8 Q OKAY. AND MR. CSEHY WENT TO CALIFORNIA PURSUANT
9 TO SOME INSTRUCTIONS OR CONVERSATIONS THAT HE HAD WITH YOU?
10 A NOT RELATED TO THE BRIAN NICHOLS CASE?
11 Q IN CONNECTION WITH THE SCOTT DAVIS CASE.
12 A A SEPARATE MURDER CASE?
13 Q THE SCOTT DAVIS CASE.
14 A IS THAT CORRECT?
15 Q THAT'S CORRECT.
16 A YES.
17 Q WHAT DID YOU UNDERSTAND HIS PURPOSE FOR GOING IN
18 APRIL TO CALIFORNIA WAS?
19 A AND I GUESS FOR THE PURPOSES OF THIS CASE IS THAT
20 IT HAD NOTHING TO DO WITH THE BRIAN NICHOLS CASE?
21 Q I THINK THAT'S FAIR.
22 A OKAY.
23 Q WHAT DID YOU UNDERSTAND HIS PURPOSE FOR GOING TO
24 CALIFORNIA WAS?
25 A BUT IT HAD NOTHING TO DO WITH THE BRIAN NICHOLS

1 CASE.

2 Q DID YOU UNDERSTAND THAT HE WAS GOING TO CALIFORNIA
3 TO PARTICIPATE IN A PRESS CONFERENCE?

4 A I DON'T KNOW, BUT THE -- WHATEVER HE WENT FOR HAD
5 NOTHING TO DO WITH BRIAN NICHOLS. AND I GUESS AGAIN, I BEG
6 FOR THE RELATIONSHIP BETWEEN MR. CSEHY AND HIS ACTIONS AND
7 THIS CASE.

8 Q DO YOU KNOW IF PARTICIPATING IN A PRESS CONFERENCE
9 ON APRIL 18TH WAS PART OF THE PURPOSE FOR GOING?

10 A I -- AGAIN, MR. HILL, I ASK YOU WHAT DOES THAT
11 HAVE TO DO WITH THIS CASE?

12 Q MR. HOWARD, DO YOU KNOW IF MONITORING A WIRE TAP
13 WAS --

14 A LET ME TAKE A BREAK. I NEED TO CONSULT WITH
15 COUNSEL BECAUSE I -- MAN.

16 (WHEREUPON, A RECESS WAS HAD FROM 11:27 UNTIL
17 11:28 A.M.)

18 THE WITNESS: THIS IS WHAT I WOULD LIKE TO DO
19 BASED UPON THE QUESTIONS THAT YOU'VE ASKED ME
20 PRELIMINARILY. I THINK I'M GOING TO HAVE TO SET A
21 TIME LIMIT BECAUSE I DON'T SEE THE RELEVANCE, AND
22 I'M TRYING HARD TO SEE IT. I'LL BE GLAD TO ANSWER
23 ANY SUBSTANTIVE QUESTIONS THAT YOU HAVE, BUT I'M
24 GOING TO HAVE TO SET A TIME LIMIT SO AS TO GET YOU
25 TO GET TO THE GIST OF WHAT IT IS YOU APPARENTLY

1 ARE HERE FOR. BECAUSE I GET THE IMPRESSION THAT
2 YOU'RE REALLY JUST TRYING TO TAKE UP MY TIME. AND
3 I LIKE YOU, AND I DON'T MIND YOU BEING HERE, BUT I
4 DON'T WANT TO SPEND THE TIME JUST ANSWERING
5 QUESTIONS THAT ARE JUST SO FARFETCHED AND SO FAR
6 REMOVED FROM WHAT I THINK YOU'RE DOING. SO I'M
7 GOING TO NEED TO SET A TIME LIMIT. SO I JUST --
8 AND I'M DOING IT TO TRY TO ENCOURAGE YOU TO GET TO
9 --

10 BY MR. HILL:

11 Q WHAT TIME LIMIT ARE YOU SETTING?

12 A IF YOU COULD JUST GET TO THE HEART OF THE MATTER.

13 Q I WILL, BUT IF YOU'RE SETTING A TIME LIMIT, WHAT'S
14 THE TIME LIMIT?

15 A WELL, I'LL LET YOU KNOW WHEN YOU HIT IT, SO MAYBE
16 YOU WILL -- WHY DON'T YOU GET TO IT. MR. HILL, WHY DON'T
17 YOU GET TO IT.

18 MS. GREEN: I THINK 15 MINUTES IS REASONABLE.

19 BY MR. HILL:

20 Q LET ME ASK YOU THIS.

21 A DO YOU HAVE SOME HARD QUESTIONS OF ME?

22 Q WERE YOU AWARE THAT GAYLE ABRAMSON WENT TO
23 CALIFORNIA IN APRIL, SOMEWHERE BETWEEN APRIL 18TH AND
24 APRIL 24TH OF 2005?

25 A AGAIN, TELL ME -- WHAT DOES THAT HAVE TO DO WITH?

1 Q ARE YOU AWARE THAT SHE --
2 A I'M JUST ASKING YOU. IF YOU CAN TELL ME HOW THAT
3 IS IN SOMEHOW RELATED TO BRIAN NICHOLS. WHAT DOES THAT HAVE
4 TO DO WITH BRIAN NICHOLS?
5 Q WELL, ARE YOU AWARE THAT GAYLE --
6 A MR. HILL --
7 Q THIS QUESTION MAY ACTUALLY BRING THE CONNECTION.
8 A OKAY. IF YOU CAN GET TO THE HEART OF THE MATTER.
9 IS THIS ONE OF YOUR HARD QUESTIONS? WHY DON'T YOU MAKE SOME
10 EXECUTIVE DECISIONS.
11 Q NONE OF THE QUESTIONS ARE GOING TO BE HARD.
12 A ACCUSE ME OF SOMETHING, DO SOMETHING.
13 Q ARE YOU AWARE THAT GAYLE ABRAMSON WHILE IN
14 CALIFORNIA HER NAME CAME UP DURING THE COURSE OF A WIRE TAP
15 AS BEING SOMEONE WHO HAD USED BLOW AND X MEANING COCAINE AND
16 ECSTASY?
17 A I'M AWARE THAT A CONVICTED KILLER MADE CERTAIN
18 ALLEGATIONS ABOUT HER CONDUCT.
19 Q AND IN APRIL OF 2005, WAS THE PERSON THAT REPORTED
20 HER ACTIVITIES A CONVICTED KILLER?
21 A HE IS A CONVICTED KILLER RIGHT NOW.
22 Q OKAY. IN APRIL OF 2005 WHEN YOU BECAME AWARE THAT
23 YOUR EMPLOYEE HAD BEEN CONNECTED WITH THE USE OF DRUGS, WHEN
24 DID YOU FIRST BECAME AWARE OF THAT?
25 MS. GREEN: I'M GOING TO OBJECT TO THAT

1 CHARACTERIZATION OF THE QUESTION. I DON'T BELIEVE
2 THAT MR. HOWARD STATED AT ALL THAT HE WAS AWARE
3 THAT ANYONE HAD A CONNECTION TO DRUGS. I THINK HE
4 STATED WHATEVER ALLEGATION WAS MADE, AND I THINK
5 YOUR -- THE CHARACTERIZATION OF YOUR QUESTION I
6 WOULDN'T SUGGEST MR. HOWARD TOOK UP.

7 MR. HILL: WELL, I PROBABLY NEED TO REPHRASE
8 THAT QUESTION.

9 BY MR. HILL:

10 Q IN APRIL OF 2005 WHEN YOU BECAME AWARE THAT THERE
11 HAD BEEN SOME ALLEGATION MADE --

12 A UH-HUH.

13 Q -- THAT MISS ABRAMSON HAD USED COCAINE AND
14 ECSTASY, WHEN WAS IT AS BEST YOU CAN TARGET IT THAT YOU
15 FIRST BECAME AWARE OF THAT?

16 A IT WOULD HAVE BEEN SOMETIME DURING THE LATTER PART
17 OF APRIL THAT I RECEIVED INFORMATION REGARDING THE
18 ALLEGATION.

19 Q SO IF THE FACTS ARE THAT MISS ABRAMSON WOULD HAVE
20 BEEN IN CALIFORNIA BETWEEN APRIL 18TH AND APRIL 24TH, DID
21 YOU HEAR ABOUT THIS ALLEGATION BEFORE APRIL 24TH?

22 A DID I HEAR ABOUT IT BEFORE THE 24TH?

23 Q THAT'S RIGHT.

24 A I DON'T KNOW. MY BEST RECOLLECTION, IT WAS
25 SOMETIME AFTER -- DURING THE LAST PART OF APRIL THAT I THINK

1 I BECAME AWARE OF THE ALLEGATION MADE BY THIS CONVICTED
2 MURDERER.

3 Q HOW DID YOU BECOME AWARE OF IT?

4 A THROUGH ONE OF MY EMPLOYEES, I BELIEVE.

5 Q AND WAS THAT MR. CSEHY OR CSESY?

6 A I DON'T KNOW, BUT I BECAME AWARE.

7 Q DO YOU KNOW WHO RICK CHAMBERS IS?

8 A YES.

9 Q DID YOU TALK WITH MR. CHAMBERS ABOUT THIS
10 ALLEGATION?

11 A I DO NOT BELIEVE SO.

12 Q DO YOU HAVE A RECOLLECTION OF TALKING WITH
13 MR. CSEHY ABOUT THIS ALLEGATION?

14 A YES.

15 Q WHEN DID YOU TALK -- FIRST TALK WITH MR. CSEHY
16 ABOUT IT?

17 A IT WOULD HAVE BEEN SOMETIME DURING THE LATTER PART
18 OF APRIL.

19 Q THE FIRST CONVERSATION YOU HAD WITH MR. CSEHY, WAS
20 IT A TELEPHONE CONVERSATION? WAS IT A FACE-TO-FACE MEETING?

21 A I DON'T RECALL.

22 Q WELL, DO YOU KNOW IF HE WAS STILL IN CALIFORNIA
23 WHEN YOU HEARD --

24 A I DON'T RECALL.

25 Q DO YOU RECALL IF MISS ABRAMSON WAS PRESENT AT THE

Howard
Says
CA
denied
allegation

1 TIME THAT YOU HEARD -- FIRST HEARD

2 A SHE WAS PRESENT WHERE?

3 Q WAS SHE IN YOUR PRESENCE

4 THAT AN ACCUSATION HAD BEEN MADE OR

5 MADE THAT SHE HAD USED COCAINE OR E

6 A YOU MEAN WAS SHE SITTING IN MY PRESENCE WHEN I

7 LEARNED? I DON'T RECALL BECAUSE I DON'T REALLY RECALL

8 EXACTLY THE FIRST TIME I FOUND OUT, BUT I DO NOT RECALL HER

9 BEING IN MY PRESENCE AT THE TIME.

10 Q SUBSEQUENTLY, DID YOU HAVE A MEETING WITH MISS
11 ABRAMSON WHERE YOU TALKED ABOUT THIS ALLEGATION?

12 A YES, I DID.

13 Q CAN YOU DESCRIBE THE CIRCUMSTANCES OF THAT
14 MEETING?

15 A SHE CAME IN. SHE EXPLAINED WHAT HAD HAPPENED.
16 SHE INDICATED THAT SHE HAD HEARD ABOUT THE ALLEGATIONS. SHE
17 INDICATED THAT SHE WAS VERY OFFENDED BY THEM. SHE WAS VERY
18 UPSET THAT SOMEONE WOULD MAKE SUCH ALLEGATIONS. SHE WAS
19 EMOTIONALLY VERY PAINED BY IT. I COULD TELL BY LOOKING AT
20 HER. SHE WAS VERY EMBARRASSED TO EVEN BE TALKING WITH ME
21 ABOUT THOSE KINDS OF ALLEGATIONS, AND WHAT I SURMISED IS
22 THAT IT WAS ONE OF THE MOST DIFFICULT THINGS THAT SHE HAD TO
23 DO WAS TO EVEN MENTION, YOU KNOW, THESE THINGS BEFORE ME.

24 Q WHAT CIRCUMSTANCES DID SHE DESCRIBE?

25 A SHE DESCRIBED THAT SHE HAD NO CONNECTION, NO --

1 THAT THE ALLEGATIONS THAT HAD BEEN MADE REGARDING THE DRUG
2 USE WERE UNTRUE.

3 Q DID YOU ASK HER WHETHER OR NOT SHE HAD USED
4 COCAINE?

5 A I DON'T BELIEVE -- I'M NOT SURE WHETHER I ASKED
6 HER ANYTHING. I SIMPLY LISTENED TO HER.

7 Q SO YOU DON'T REMEMBER ASKING WHETHER SHE HAD USED
8 ECSTASY?

9 A I REMEMBER THAT THE ALLEGATIONS AND WHATEVER THOSE
10 ALLEGATIONS WERE REGARDING THE DRUG USE THAT SHE DENIED
11 THEM.

12 Q BUT DID YOU ASK HER WHETHER IT WAS TRUE?

13 A I DON'T GET IT.

14 Q DID YOU PROBE HER WITH RESPECT TO --

15 A MR. HILL?

16 Q -- WHETHER THERE WAS ANY OCCASION --

17 A LET ME JUST ANSWER YOUR QUESTION. AS I'VE JUST
18 SAID I GUESS THE THIRD TIME, SHE DENIED THAT THEY TOOK
19 PLACE.

20 Q DID YOU ASK HER WHETHER SHE KNEW THE PARTICIPANTS
21 ON THE PHONE CALL?

22 A KNEW THE CONVICTED KILLER?

23 Q WHETHER SHE KNEW THE PARTICIPANTS ON -- THAT WERE
24 THE SOURCE OF THIS ALLEGATION?

25 A THE CONVICTED KILLER?

1 Q AT THE TIME HE WASN'T A CONVICTED KILLER.
2 A HE'S A CONVICTED KILLER NOW, MR. HILL.
3 Q DID YOU ASK HER ABOUT HER RELATIONSHIP WITH HIM?
4 A YES. SHE INDICATED TO ME THAT SHE WAS ACQUAINTED
5 WITH A FRIEND OF THE CONVICTED KILLER.
6 Q DID SHE DESCRIBE WHAT ACQUAINTANCE SHE HAD WITH
7 HIM?
8 A WITH THE CONVICTED KILLER?
9 Q OR HIS ASSOCIATES.
10 A SHE WAS A FRIEND OF THE -- OF AN ASSOCIATE OF THE
11 CONVICTED KILLER.
12 Q DID YOU ASK HER WHAT SHE DID WITH THAT FRIEND?
13 A WHAT DO YOU MEAN WHAT SHE DID?
14 Q WHAT ACTIVITIES, WHETHER SHE WAS IN THE PRESENCE
15 OF DRUGS WITH THAT PERSON, WHETHER SHE SAW DRUGS, WHETHER
16 SHE USED DRUGS, ANY OF THOSE QUESTIONS?
17 A SHE TOLD ME THAT SHE HAD NOTHING TO DO WITH THE
18 ALLEGATIONS THAT THEY HAD RAISED ABOUT DRUGS.
19 Q WELL, SEPARATE FROM THE ALLEGATIONS THAT WERE TH
20 RAISED, DID YOU ASK MISS ABRAMSON ABOUT WHETHER SHE SAW THE
21 USE OF DRUGS, PARTICIPATED IN ANY WAY WITH PEOPLE WHO WERE
22 USING DRUGS --
23 A WELL, I --
24 Q -- WHILE SHE WAS IN THEIR COMPANY?
25 A LET ME SAY THIS. MY -- WHAT I WAS TRYING TO DO

1 WAS TO DETERMINE HER INVOLVEMENT. SHE INDICATED THAT SHE
2 DID NOT HAVE ANY INVOLVEMENT.

3 Q HOW LONG DID THIS DISCUSSION OR MEETING TAKE
4 PLACE?

5 A WHAT MEETING?

6 Q THE MEETING AT WHICH YOU'RE TALKING WITH MISS
7 ABRAMSON.

8 A LET ME ASK YOU THIS. AGAIN, WHAT IS THE RELEVANCE
9 OF THE QUESTIONS REGARDING THIS YOUNG LADY AND YOUR CLIENT?

10 Q WELL, DID YOU CONSIDER IT A SERIOUS --

11 A I'M GOING TO TELL YOU.

12 Q -- ISSUE?

13 A YOU KNOW WHAT IT SOUNDS LIKE TO ME? MAN, IT
14 REALLY SOUNDS LIKE YOU ARE AFTER THIS YOUNG LADY FOR SOME
15 PURPOSES THAT DON'T SEEM TO HAVE ANYTHING TO DO WITH YOUR
16 CLIENT. AND I TELL YOU AS A LAWYER, I REALLY FEEL BAD
17 PARTICIPATING IN IT. I JUST HAVE TO TELL YOU THAT. I
18 REALLY FEEL BAD THAT AS PROFESSIONALS WE'VE GOTTEN TO THIS
19 POINT.

20 Q IS THERE A PROVISION --

21 A I REALLY WISH YOU COULD TELL ME WHY YOU ARE
22 DOING -- WHAT'S THE PURPOSE OF THE QUESTIONS YOU'RE ASKING?

23 Q YOU UNDERSTAND THAT BACK IN AUGUST OF 2005 THE
24 DEFENSE FILED A MOTION TO DISQUALIFY YOUR OFFICE?

25 A THAT'S CORRECT.

1 Q AND THERE WAS SUBSTANTIAL EVIDENCE ELICITED IN
2 THAT HEARING?
3 A NO.
4 Q IN THE HEARINGS THAT FOLLOWED?
5 A I UNDERSTAND THERE WAS A LOT OF WASTED TIME. I
6 DON'T REMEMBER ANY SUBSTANTIAL EVIDENCE BEING PRESENTED. DO
7 YOU?
8 Q DID YOU BECOME AWARE OF THE ETHICAL OPINIONS
9 SHARED BY PROFESSORS GILLERS AND SOBELSON IN THAT MATTER?
10 A THE OTHER WASTED TIME OPINIONS? I HEARD THEM.
11 Q YOU REGARD ALLEGATIONS THAT AN ATTORNEY EMPLOYEE
12 OF YOUR OFFICE USED ILLEGAL DRUGS A SERIOUS ALLEGATION?
13 A WHAT DO YOU THINK? SEE, NOW YOU WASTING TIME.
14 Q DO YOU RECOGNIZE --
15 A MR. HILL, WHAT DO YOU WANT? SEE, YOU'RE JUST
16 WASTING TIME.
17 Q IN YOUR --
18 A ASK THE QUESTION. WHAT DO YOU WANT, MAN? YOU
19 JUST WASTING TIME. WHY YOU LOOKING AT ANNA GREEN BECAUSE
20 YOU WASTING TIME.
21 Q MR. HOWARD, YOU HAVE A PUBLIC INTEGRITY DIVISION
22 HERE AT YOUR OFFICE; IS THAT RIGHT?
23 A WHAT DO YOU THINK? YOU JUST ASKED ME ABOUT IT 30
24 MINUTES AGO.
25 Q NO, I THINK THIS IS THE FIRST TIME I MENTIONED IT.

1 A DO I HAVE SUCH A UNIT?

2 Q YES, SIR.

3 A OKAY. WELL, WHY ARE YOU ASKING ME IF YOU KNOW

4 ALREADY?

5 Q IS ONE OF THE RESPONSIBILITIES OF THAT UNIT TO

6 INVESTIGATE ALLEGATIONS OF MISCONDUCT FOR EMPLOYEES WITHIN

7 THE OFFICE?

8 A NO. WE DON'T INVESTIGATE OURSELVES IN THAT

9 MANNER.

10 Q YOU CAN'T BECAUSE OF CONFLICT?

11 A NO. WE COULD.

12 Q OKAY. BUT AS A POLICY MATTER, YOU DON'T?

13 A WE SOMETIMES DON'T.

14 Q OKAY. WHEN --

15 A ARE YOU ASKING ME DID WE REFER IT TO PUBLIC

16 INTEGRITY?

17 Q WELL, MY NEXT QUESTION --

18 A I'LL JUST TELL YOU THAT. NO, BECAUSE THE

19 ALLEGATIONS WERE MADE BY A CONVICTED KILLER. CAN I FINISH?

20 Q SURE.

21 A I DIDN'T BELIEVE HIM. THE SAME GUY WENT ON TRIAL

22 IN FULTON COUNTY, WAS CONVICTED OF MURDER. AND ALLEGATIONS

23 WHEN YOU ARE A DISTRICT ATTORNEY IN A LARGE CIRCUIT, WHAT

24 YOU HAVE TO DO IS TO MAKE DECISIONS REGARDING WHETHER OR NOT

25 YOU FEEL THAT SOMETHING IS VALID. AND BASED UPON THAT

1 EMPLOYEE'S PREVIOUS CONDUCT, HER ACTIVITIES IN THIS OFFICE,
2 I FELT THAT THE ALLEGATIONS RAISED BY SCOTT DAVIS AND HIS
3 FRIENDS WERE NOT TRUE.

4 Q BUT YOU'VE JUST TOLD US THAT YOU DID NOT ASK MISS
5 ABRAMSON ANY QUESTIONS ABOUT --

6 A I DIDN'T SAY THAT. I ANSWERED YOUR QUESTIONS. I
7 DON'T KNOW WHETHER I ASKED ANY QUESTIONS.

8 Q WHAT QUESTIONS --

9 A BUT I DO KNOW THAT THE UPSHOT OF OUR CONVERSATION
10 WAS THAT SHE ASSURED ME THAT THOSE ALLEGATIONS WERE UNTRUE.

11 Q DID YOU ATTEMPT TO PROBE WHAT ACTIVITIES SHE
12 ENGAGED IN WITH MR. DAVIS AND HIS ASSOCIATES?

13 A AT THE -- I DO NOT REMEMBER THE EXACT DYNAMICS,
14 THE EXACT CONTENT OF WHO ASKED THE QUESTIONS AND WHO DIDN'T
15 ASK THE QUESTIONS. WHAT I DO REMEMBER IS THE CONCLUSION
16 THAT I REACHED AS A RESULT OF THE MEETING. I WANT TO BE
17 TRUTHFUL WITH YOU. I DON'T REMEMBER WHETHER OR NOT I
18 SPECIFICALLY ASKED. I DON'T KNOW.

19 Q DID YOU ASK WHETHER OR NOT --

20 A I DON'T KNOW WHETHER OR NOT I ASKED ANYTHING, SEE.
21 I WANT YOU TO UNDERSTAND THAT. YOU'RE JUST ASKING ME THE
22 SAME THING. I'M TRYING TO TELL YOU I DON'T REMEMBER THAT.

23 Q THE PURPOSE IS IF I ASK A SPECIFIC QUESTION --

24 A UH-HUH.

25 Q -- THE HOPE MIGHT BE THAT MIGHT JOG A MEMORY.

1 A OKAY.

2 Q SO DO YOU HAVE A RECOLLECTION OF ASKING MISS

3 ABRAMSON WHETHER OR NOT SHE HAD CONTACT WITH SCOTT DAVIS AND

4 HIS ASSOCIATES IN FULTON COUNTY IN ADDITION TO WHATEVER

5 CONTEXT SHE MIGHT HAVE HAD WITH HIM --

6 A I DON'T HAVE ANY --

7 Q -- IN CALIFORNIA?

8 A I DON'T HAVE ANY RECOLLECTION, INDEPENDENT

9 RECOLLECTION OF ASKING HER ANYTHING. WHAT I REMEMBER IS THE

10 CONCLUSION OR WHAT I GOT OUT OF OUR CONVERSATION.

11 Q WHEN ALLEGATIONS OF MISCONDUCT COME AND RELATES TO

12 AN EMPLOYEE, ARE THOSE ALLEGATIONS EVER REFERRED TO

13 AUTHORITIES OUTSIDE YOUR OFFICE SUCH AS THE ATTORNEY

14 GENERAL'S OFFICE OR THE U.S. ATTORNEY'S OFFICE?

15 A THE ATTORNEY GENERAL'S OFFICE.

16 Q OKAY. UNDER WHAT CIRCUMSTANCES WOULD AN

17 ALLEGATION BE REFERRED TO THE ATTORNEY GENERAL'S OFFICE AS

18 OPPOSED TO THE PUBLIC INTEGRITY UNIT OF YOUR OFFICE?

19 A IT'S A DISCRETIONARY MATTER.

20 Q WHEN AN ALLEGATION OF MISCONDUCT IS RAISED, ARE

21 YOU THE ONLY SUPERVISOR OR OFFICIAL WITHIN YOUR OFFICE THAT

22 INQUIRES, THAT INVESTIGATES THAT ALLEGATION OR IS THERE A

23 DEPUTY, IS THERE SOMEONE FROM ANOTHER UNIT THAT PARTICIPATES

24 IN THE PROCESS?

25 A IT ALL DEPENDS ON WHAT THE ALLEGATION MIGHT BE

1 BECAUSE ON MANY OCCASIONS THE ALLEGATION MIGHT, IN FACT,
2 COME FROM A SUPERVISOR OR SOMEONE LOWER LEVEL. IT JUST
3 DEPENDS. AT

4 Q IN THIS MATTER, DID YOU HAVE CONVERSATIONS WITH
5 LIZ BAKER ABOUT THE ALLEGATIONS AGAINST MISS ABRAMSON?

6 A I DOUBT IT. I DON'T KNOW.

7 Q DID YOU HAVE CONVERSATIONS WITH MISS SHEILA ROSS
8 ABOUT THE ALLEGATIONS?

9 A PROBABLY SO.

10 Q CAN YOU TELL US THE NATURE OF THOSE CONVERSATIONS?

11 A PROBABLY LIKE SCOTT DAVIS SURE IS A SCUM BAG. WHY
12 IS HE LYING ON GAYLE ABRAMSON? BOY, THIS GUY SURE IS LOW
13 DOWN. HE IS NOT ONLY A KILLER, BUT NOW HE TRIES TO KILL AN
14 ASSISTANT DISTRICT ATTORNEY BY RUINING HER REPUTATION.
15 PROBABLY SAID STUFF LIKE THAT. AT

16 Q DID YOU HAVE CONVERSATIONS WITH RICK CHAMBERS
17 ABOUT THE ALLEGATIONS?

18 A NO.

19 Q NOW, IS IT RIGHT THAT CHAMBERS WAS INVOLVED IN
20 THIS DAVIS INVESTIGATION FOR THE ENTIRETY OF THE 10 YEARS
21 SOME -- AT

22 A IS THIS THE DAVIS CASE THAT HAS NOTHING TO DO WITH
23 BRIAN NICHOLS, IS THAT THE DAVIS CASE YOU'RE TALKING ABOUT?

24 Q YES, SIR.

25 A YES, HE WAS THE INVESTIGATOR OF THAT CASE.

1 Q DID YOU THINK IT IMPORTANT TO FIND OUT HIS VIEW,
2 HIS JUDGMENT ABOUT THE ALLEGATIONS THAT HAVE BEEN MADE
3 AGAINST MISS ABRAMSON?

4 A I PRETTY MUCH KNEW WHAT HE THOUGHT.

5 Q DID HE TELL YOU?

6 A YEAH.

7 Q WHAT DID HE TELL YOU?

8 A SCOTT DAVIS IS A REAL SCUM BAG, MR. HOWARD, AND I
9 WOULDN'T BE SURPRISED AT ANYTHING THAT HE MIGHT SAY TO HURT
10 YOU OR ANY OF THE EMPLOYEES THAT MIGHT BE RESPONSIBLE FOR
11 HIS BEING HELD ACCOUNTABLE FOR WHAT HE DID. MR. CHAMBERS
12 WORKED ON THIS CASE FOR 10 YEARS, AND HIS OPINION OF SCOTT
13 DAVIS WAS NOT A VERY GOOD ONE.

14 Q DID YOU OR MR. CHAMBERS OR ANYONE ELSE HAVE A
15 FEELING THAT THERE HAD BEEN A LEAK OF SOME KIND POSSIBLY
16 FROM YOUR OFFICE THAT WOULD HAVE AFFECTED THE INVESTIGATION
17 OF THE DAVIS CASE?

18 A I DON'T UNDERSTAND THE QUESTION.

19 Q WHEN --

20 A OR EVEN IF YOU WOULD -- TELL ME WHAT YOU'RE
21 GETTING AT.

22 Q THE QUESTION IS WHEN MISS ABRAMSON'S NAME CAME UP
23 ON THE WIRE TAP, DID YOU OR ANYONE ELSE WORKING ON THE
24 INVESTIGATION THINK THAT EITHER MISS ABRAMSON OR SOMEONE
25 ELSE HAD COMPROMISED THE DAVIS INVESTIGATION IN ANY WAY?

1 A I'M NOT SURE ABOUT YOUR QUESTION, BUT I GUESS I'LL
2 JUST SAY NO.

3 Q WHAT PART OF THE QUESTION ARE YOU NOT SURE OF?

4 A WHAT IT HAS TO DO WITH BRIAN NICHOLS.

5 Q OKAY. BUT YOU UNDERSTAND THE QUESTION?

6 A NO, I DON'T UNDERSTAND.

7 Q LET ME TRY THE QUESTION AGAIN.

8 A I DON'T UNDERSTAND WHAT YOU'RE -- PLEASE DON'T ASK
9 IT AGAIN. MY ANSWER IS NO.

10 Q YOUR ANSWER IS NO TO THE QUESTION THAT YOU
11 UNDERSTAND?

12 A IT'S NO TO THE -- IT'S JUST SO TOTALLY IRRELEVANT,
13 IT'S HARD TO FIGURE OUT WHAT YOU'RE ASKING.

14 Q OKAY. WELL, LET ME ASK IT AGAIN.

15 A PLEASE DON'T ASK IT AGAIN. THE ANSWER IS NO.
16 DON'T WASTE YOUR TIME. ASK SOMETHING ELSE.

17 Q AN INVESTIGATION THAT GOES ON 10 YEARS, IF THERE'S
18 A THOUGHT THAT IT'S BEEN COMPROMISED --

19 A THIS IS THE CASE THAT HAS NOTHING TO DO WITH BRIAN
20 NICHOLS THAT YOU'RE ASKING ABOUT AGAIN?

21 BY MR. HILL:

22 Q IF THERE'S A THOUGHT --

23 MS. GREEN: WE'VE BEEN GOING FOR ABOUT 20
24 MINUTES SINCE WE CAME BACK. ARE YOU ALMOST DONE?

25 THE WITNESS: PLEASE GET TO SOMETHING

1 IRRELEVANT.

2 MR. HILL: IF YOU'RE GOING TO STOP THE
3 DEPOSITION, ANNA, STOP THE DEPOSITION.

4 MS. GREEN: IF THOSE KIND OF QUESTIONS ARE
5 WHAT YOU HAVE LEFT, THEN I THINK THAT WE'RE
6 PROBABLY DONE. IF YOU HAVE SOMETHING ELSE --

7 MR. HILL: YOU KNOW, ANNA, I'M ASKING
8 QUESTIONS. I'M GETTING ARGUMENT IN RESPONSE.

9 THE WITNESS: NO IS NOT AN ARGUMENT.

10 MR. HILL: WHAT I'D LIKE IS ANSWERS TO MY
11 QUESTIONS.

12 MS. GREEN: I UNDERSTAND WHAT YOU'D LIKE.
13 WHAT I'M ASKING IS WE'VE BEEN GOING ABOUT 20
14 MINUTES SINCE WE CAME BACK. IF YOU HAVE ANYTHING
15 SUBSTANTIVE, ANY OTHER AREA THAT YOU WANT TO TALK
16 ABOUT, THEN LET'S GET TO IT. OTHERWISE, WE'VE
17 BEEN -- THIS WAS SCHEDULED FOR 10:00, AND IT'S 10
18 TILL 12:00.

19 MR. HILL: WHAT TIME DID WE START?

20 MS. GREEN: WHEN YOUR TEAM ARRIVED, IT WAS
21 ABOUT 10:15.

22 MR. MCGLASSON: WE ACTUALLY SIGNED IN AT
23 10:00 A.M.

24 MS. GREEN: YOU WERE WAITING FOR MR. SUSSMAN,
25 WEREN'T YOU?

1 MR. HILL: NO, WE WERE NOT WAITING FOR MR.
2 SUSSMAN.
3 THE WITNESS: WELL, GUYS, WHATEVER --
4 MS. GREEN: COME ON. JUST WHATEVER IT IS --
5 THE WITNESS: -- IT IS JUST PLEASE GET TO IT.
6 MS. GREEN: -- ARE YOU ALMOST DONE?
7 MR. HILL: I HAVEN'T COVERED ANY OF THE
8 ISSUES THAT I'D LIKE TO TALK ABOUT.
9 THE WITNESS: WELL, CAN YOU GET TO ONE? GET
10 TO AN ISSUE.
11 BY MR. HILL:
12 Q YOU KNOW, I THINK THE ISSUE THAT WE WERE LAST AT,
13 THIS NOTION --
14 A IT'S ABOUT THE CASE THAT DOESN'T HAVE ANYTHING TO
15 DO WITH BRIAN NICHOLS?
16 Q IT'S ABOUT YOUR EMPLOYEE GAYLE ABRAMSON.
17 A IT'S NOT MY EMPLOYEE. SHE'S NOT MY EMPLOYEE.
18 Q AT THE TIME. SHE WAS AN EMPLOYEE OF YOUR OFFICE.
19 A WHAT DOES THAT HAVE TO DO WITH BRIAN NICHOLS?
20 Q AT THE TIME SHE WAS AN EMPLOYEE OF YOUR OFFICE.
21 A WHAT DOES THAT HAVE TO DO WITH HIM MURDERING FOUR
22 PEOPLE? IF YOU COULD JUST GIVE ME ANY KIND OF CONNECTION.
23 IF YOU ASK ME, I'LL TELL YOU. COULD YOU SKIP TO THAT?
24 Q AT THE TIME THAT SHE WAS AN ASSISTANT DISTRICT
25 ATTORNEY --

1 A SHE BEING GAYLE ABRAMSON.

2 Q -- UNDER YOUR EMPLOY --

3 A ALL RIGHT.

4 Q -- AND HER NAME COMES UP IN THE WIRE TAP --

5 A UH-HUH.

6 Q -- ALLEGING THE USE OF COCAINE AND ECSTASY, DID

7 YOU THINK THAT THAT WAS A SERIOUS ENOUGH ALLEGATION THAT IT

8 NEEDED TO BE INVESTIGATED EITHER BY THE UNIT IN YOUR OFFICE

9 OR SOME OTHER INDEPENDENT AUTHORITY?

10 A ABSOLUTELY NOT.

11 Q AND THE BASIS FOR YOUR DECISION NOT TO INVESTIGATE

12 FURTHER WAS?

13 A THE PRIOR CHARACTER OF THE EMPLOYEE AND THE SOURCE

14 OF THE ALLEGATIONS.

15 Q NOW, WHEN YOU REFER TO THE SOURCE OF THE

16 ALLEGATIONS, YOU WERE AWARE THAT THE WIRE TAP WAS BEING

17 PLACED SO THAT YOU COULD GET CANDID AND UNGUARDED

18 CONVERSATIONS FROM SCOTT DAVIS AND HIS ACQUAINTANCES; IS

19 THAT CORRECT?

20 A NO.

21 Q WHAT WAS THE PURPOSE FOR THE WIRE TAP?

22 A THAT'S NOT -- I DON'T THINK I HAVE TO REVEAL THAT

23 TO YOU.

24 Q WAS ONE OF THE PURPOSES OF THE WIRE TAP --

25 A I'M JUST SAYING I DON'T THINK I HAVE TO TELL YOU

1 THAT, DO I?

2 Q WELL, IF IT GOES TO HOW YOU EVALUATE --

3 A I JUST TOLD YOU HOW I EVALUATED IT.

4 Q BUT YOU --

5 A YOU MAY WANT TO ARGUE WITH ME ABOUT IT, BUT THAT

6 WAS MY EVALUATION.

7 Q AND --

8 A NOW, YOU CAN -- WHEN YOU GET HOME, YOU CAN ARGUE

9 ALL YOU WANT WITH YOURSELF ABOUT HOW I EVALUATED IT, BUT,

10 BROTHER, THAT WAS MY EVALUATION.

11 Q WITHOUT ARGUING --

12 A YOU'RE JUST TELLING ME THAT I WAS WRONG?

13 Q NO, NO. THE PURPOSE --

14 A WHY DON'T YOU JUST SAY THAT. MR. HOWARD, I DON'T

15 LIKE THE WAY YOU DID THAT. SEE, I CAN DEAL WITH THAT.

16 Q I'M JUST ASKING QUESTIONS.

17 A OKAY.

18 Q WHEN YOU ASKED FOR -- ASKED A JUDICIAL OFFICER FOR

19 THE WIRE TAP --

20 A UH-HUH.

21 Q -- AND YOU HAD THE WIRE TAP IN PLACE --

22 A DID YOU WANT TO READ THE WARRANT OR SOMETHING, IS

23 THAT WHAT YOU WANT TO DO?

24 Q NO, NOT FOR THIS QUESTION.

25 A OKAY.

1 Q AND WHEN YOU SENT YOUR EMPLOYEE TO MONITOR THE
2 WIRE TAP --
3 A UH-HUH.
4 Q -- WAS IT IN THE HOPE THAT YOU WOULD GET CANDID
5 AND UNGUARDED --
6 A I JUST TOLD YOU THAT.
7 Q -- CONVERSATIONS --
8 A NO. I ANSWERED THAT BEFORE.
9 Q -- WITH MR. DAVIS?
10 A NO.
11 Q WHAT WAS THE PURPOSE FOR THE WIRE TAP?
12 A I DON'T THINK I HAVE TO TELL YOU THAT.
13 Q DID YOU HAVE REASON TO BELIEVE --
14 A BECAUSE --
15 Q -- THAT YOU WOULD NOT BE ABLE TO GET CANDID AND
16 UNGUARDED CONVERSATIONS FROM THE WIRE TAP?
17 A I DON'T KNOW.
18 (WHEREUPON, THERE WAS A PAUSE IN THE PROCEEDINGS.)
19 BY MR. HILL:
20 Q DID YOU LISTEN TO THE WIRE TAP THAT INCLUDED THE
21 ALLEGATIONS AGAINST MISS ABRAMSON?
22 A NO, I DID NOT.
23 Q JUST THAT PORTION?
24 A NO.
25 Q DID YOU READ A TRANSCRIPT OF THAT PORTION OF THE

1 WIRE TAP?

2 A NO.

3 Q WHY DIDN'T YOU EITHER READ A TRANSCRIPT OR LISTEN
4 TO THAT PART OF THE WIRE TAP?

5 A I WAS MADE AWARE OF WHAT WAS ON IT.

6 Q BUT WHEN YOU BECAME AWARE THAT IT INCLUDED
7 ALLEGATIONS AGAINST AN ASSISTANT OF YOURS --

8 A RIGHT.

9 Q -- WHY DIDN'T YOU TAKE THE EXTRA STEP OF LISTENING
10 TO IT?

11 A BECAUSE I HAD BEEN INFORMED AS TO WHAT WAS ON IT.

12 Q HAVE YOU IN OTHER SITUATIONS IN CASES THAT YOU
13 WERE EXERCISING SOME SUPERVISING --

14 A LISTENED TO THE TAPE?

15 Q -- LISTENED TO WIRE TAPS?

16 A YOU REALLY WANT ME TO ANSWER THAT?

17 Q YEAH. I'M TRYING TO SEE --

18 A YOU'RE JUST WASTING TIME. THAT'S WHAT YOU'RE
19 DOING, MAN.

20 Q -- IF THIS WAS --

21 A MAN, YOU WASTING TIME, MAN. YOU KNOW YOU WASTING
22 TIME.

23 MS. GREEN: I THINK WE'VE EXHAUSTED THIS
24 AREA. DO YOU HAVE ANYTHING ELSE?

25 THE WITNESS: YOU JUST REALLY --

1 BY MR. HILL:

2 Q MR. HOWARD, YOU'VE MADE SEVERAL REFERENCES TO BOTH

3 THE SCOTT DAVIS INVESTIGATION AND MY QUESTIONS ABOUT GAYLE

4 ABRAMSON AS HAVING NOTHING TO DO WITH MR. NICHOLS'

5 PROSECUTION. HAVE YOU HAD ANY CONVERSATIONS WITH THE

6 PROSECUTING TEAM OR WITH OTHER MEMBERS OF LAW ENFORCEMENT

7 ABOUT THE WIRE TAP, ABOUT GAYLE ABRAMSON AND HOW THAT MIGHT

8 IMPACT MR. NICHOLS' PROSECUTION?

9 A WHY WOULD I?

10 Q THE QUESTION IS DID YOU?

11 A WHY WOULD I? IT DOESN'T HAVE ANYTHING TO DO WITH

12 IT. WHY WOULD I? COULD YOU TELL ME?

13 Q IN RESPONSE TO BRADY MOTIONS, IN RESPONSE TO

14 DISCOVERY MOTIONS.

15 A FOR WHOM?

16 Q FILED BY MR. NICHOLS' ATTORNEY.

17 A OKAY. HAVE YOU ALL FILED SOME RELEVANT BRADY

18 MOTIONS?

19 Q IN RESPONSE TO THOSE MOTIONS --

20 A UH-HUH.

21 Q -- HAVE YOU HAD ANY DISCUSSIONS WITH ANY MEMBER OF

22 THE PROSECUTION --

23 A WHY WOULD I?

24 Q -- TO ANSWER THE MOTIONS?

25 A I'M JUST ASKING YOU SINCE YOU'RE THE ONE WHO FILED

1 THE MOTIONS, WHY WOULD I?

2 Q IN RESPONSE TO THOSE -- DID YOU READ THE MOTIONS?

3 A WHICH MOTIONS?

4 Q THE MOTIONS FILED BY THE NICHOLS DEFENSE TEAM.

5 A THE BOILERPLATE MOTIONS?

6 Q NO BOILERPLATE MOTIONS.

7 A I READ THOSE BOILERPLATE MOTIONS.

8 Q DID YOU READ THE MOTION THAT WAS FILED ON

9 FEBRUARY 27TH?

10 A I THINK I MIGHT HAVE.

11 Q IS THAT A BOILERPLATE MOTION?

12 A IT'S A BOILERPLATE MOTION. IT'S ALL RIGHT TO FILE

13 BOILERPLATE MOTIONS. I'M NOT CRITICIZING YOU FOR THAT.

14 Q WELL, DID YOU LOOK --

15 A DON'T TAKE OFFENSE TO THAT. I MEAN, I'M JUST --

16 Q DID YOU LOOK AT THAT MOTION AND CONSIDER YOUR

17 CONTACT WITH MISS ABRAMSON, THE QUESTIONS ABOUT THE WIRE TAP

18 AND THE ALLEGATIONS AGAINST MISS ABRAMSON AND THINK THAT YOU

19 HAD SOME DUTY WITH RESPECT TO --

20 A ABSOLUTELY NOT. IT HAD ABSOLUTELY NOTHING TO DO

21 WITH THE TRIAL OF BRIAN NICHOLS AS I THINK IS PROBABLY FI

22 EVIDENT TO ALL OF US.

23 MS. GREEN: DO YOU HAVE ANY MORE QUESTIONS,

24 MR. HILL?

25 MR. HILL: IF I CAN HAVE JUST A MINUTE.

1 THE WITNESS: DO Y'ALL NEED A MOMENT TO
2 CONFER? MAYBE YOUR CO-COUNSELS' GOT SOME
3 QUESTIONS THEY WANT TO ASK.

4 MR. HILL: THAT MIGHT BE HELPFUL.

5 THE WITNESS: WELL, YOU WANT US -- Y'ALL WANT
6 TO GO OUTSIDE AND CAUCUS BECAUSE I SURE HOPE THIS
7 IS THE LAST TIME YOU ALL HAVE TO BOTHER ME, GOOD
8 LORD.

9 CAN I ASK YOU SOME QUESTIONS?

10 MR. HILL: WE CAN TALK ALL YOU WANT THIS
11 AFTERNOON.

12 THE WITNESS: OKAY. CAN WE DO IT ON THE
13 RECORD? I DON'T EVEN NEED THE RECORD. I JUST
14 WANT TO ASK YOU SOME QUESTIONS WHEN YOU ALL
15 FINISH.

16 BY MR. HILL:

17 Q THE CONVERSATION THAT YOU HAD WITH GAYLE -- I'M
18 SORRY -- WITH MISS ABRAMSON, DID SHE TALK WITH YOU ABOUT HER
19 EXPERIENCES BEING A CRIME VICTIM IN OCTOBER OF --

20 MS. GREEN: I DON'T THINK THAT'S RELEVANT TO
21 ANYTHING. I DON'T THINK WE NEED TO -- I WOULD
22 SUGGEST THAT MR. HOWARD NOT TALK ABOUT ANY
23 CONFIDENTIAL INFORMATION HE MIGHT HAVE GOTTEN FROM
24 MISS ABRAMSON ABOUT SOMETHING LIKE THAT.

25 MR. HILL: LET ME ASK THE QUESTION FIRST.

1 BY MR. HILL:

2 Q HER STATUS AS A CRIME VICTIM, DID YOU TALK WITH

3 HER ABOUT THAT?

4 A MAN --

5 MS. GREEN: I DON'T THINK THAT HAS ANY

6 RELEVANCE. HE'S NOT GOING TO ANSWER THOSE KINDS

7 OF QUESTIONS.

8 THE WITNESS: -- I'M REALLY JUST AS A LAWYER,

9 I'M JUST -- I'M REALLY -- MAN, YOU GUYS ARE JUST

10 BEYOND I GUESS MY PERCEPTION OF WHAT LAWYERS DO

11 REALLY.

12 MS. GREEN: DO YOU HAVE ANY QUESTIONS IN A

13 DIFFERENT AREA?

14 BY MR. HILL:

15 Q WELL, MR. HOWARD, YOU KNOW, THIS NOTION THAT, YOU

16 KNOW, THIS INQUIRY IS BEYOND WHAT LAWYERS DO --

17 A NOW, YOU AND I JUST TALKING NOW?

18 Q WELL, NO. THIS IS A QUESTION.

19 A YOU'RE TALKING ABOUT IT. BECAUSE IF YOU WANT TO

20 TALK ABOUT IT, I WANT TO TALK TO YOU ABOUT IT.

21 Q THIS IS A QUESTION. WHEN ALLEGATIONS --

22 A NOW, ARE YOU AND I JUST TALKING?

23 Q NO. THIS IS A QUESTION.

24 A OKAY. WHAT'S THE QUESTION?

25 Q WHEN ALLEGATIONS COME TO YOU --

1 A ARE YOU FUSSING AGAIN ABOUT HOW I DECIDED TO DO
2 THIS? SOUNDS LIKE THAT'S WHAT YOU'RE DOING.

3 Q MR. HOWARD, YOU'RE EITHER GOING TO ANSWER THE
4 QUESTIONS OR YOU'RE NOT. ARE YOU GOING TO ANSWER --

5 A YOU AND I ARE JUST GOING TO ARGUE ABOUT YOU DON'T
6 AGREE WITH THE WAY THAT I DECIDED TO HANDLE THE ALLEGATIONS
7 MADE BY A CONVICTED KILLER. THAT'S WASTING MY TIME BECAUSE
8 I TOLD YOU THE DECISION THAT I MADE. THAT'S WHAT IT SOUNDS
9 LIKE YOU'RE DOING.

10 Q IS THERE -- IS THERE A MECHANISM IN YOUR OFFICE
11 FOR REQUIRING EMPLOYEES WHETHER THEY'RE LAWYERS OR
12 NONLAWYERS TO TAKE DRUG TESTS --

13 A WHY?

14 Q -- IF THERE IS A CONCERN?

15 A HOW ABOUT IN YOUR OFFICE, DO YOU ALL TAKE DRUG
16 TESTS?

17 Q IF THERE'S A CONCERN --

18 A HOW ABOUT IN YOUR OFFICE, MR. HILL, DO YOU ALL
19 TAKE DRUG TESTS?

20 Q IF THERE'S A CONCERN --

21 A LET ME ASK YOU THIS. HOW ABOUT IN YOUR OFFICE, IS
22 THERE A MECHANISM TO TAKE DRUG TESTS? YOU KNOW YOU DON'T DO
23 IT. WHY SHOULD MY LAWYERS DO IT? THEY'RE LAWYERS JUST LIKE
24 YOU.

25 Q IN AN OFFICE WITH 265 EMPLOYEES --

1 A AND WHY SHOULD MY EMPLOYEES BE SUBJECTED TO A
2 DIFFERENT STANDARD OF THE CONSTITUTION THAN YOU?
3 Q IS THERE PROVISION IN AN EMPLOYEE MANUAL --
4 A NO. WE ARE A DRUG FREE OFFICE, AND WE INVESTIGATE
5 IF THERE IS A LEGITIMATE CONCERN, AND WE TAKE APPROPRIATE
6 ACTIONS BASED UPON THAT.
7 Q IS THERE A PROVISION IN THE EMPLOYEE MANUAL THAT
8 DESCRIBES WHAT HAPPENS --
9 A AGAIN --
10 Q -- IF --
11 A -- IT SOUNDS LIKE YOU'RE ARGUING WITH ME.
12 Q NO, I'M NOT.
13 A YES, YOU ARE. YOU'RE WASTING TIME ARGUING ABOUT A
14 DECISION THAT I MADE.
15 Q THE QUESTION IS --
16 A BUT IT COMES DOWN TO THE SAME THING.
17 Q -- IS THERE A PROVISION --
18 A IF IT IS --
19 Q -- IN THE EMPLOYEE MANUAL?
20 A EVEN IF IT IS, APPARENTLY I IGNORED IT BECAUSE I
21 TOLD YOU WHAT THE DECISION WAS. YOU'RE ARGUING. YOU'RE
22 WASTING TIME. YOU'RE GOING OVER THE SAME STUFF. YOU'VE
23 GONE OVER IT 20 TIMES. THAT WAS MY DECISION. THAT WAS
24 WITHIN MY DISCRETION. THAT WAS MY DECISION.
25 Q WELL, TELL ME WHAT THE PROVISION IN THE EMPLOYEE

1 MANUAL SAYS.

2 A I DON'T KNOW. I HAVE TO SAY YOU'RE SO -- YOU'RE

3 REDUNDANT. YOU'RE FRUSTRATING. I DON'T KNOW WHAT THE

4 PROVISION IS, BUT I GUESS YOU KNOW THAT.

5 Q DO YOU THINK YOUR CONDUCT WITH RESPECT TO MISS

6 ABRAMSON IS CONSISTENT WITH THE MANUAL?

7 A YES.

8 Q DO YOU HAVE A COPY OF THAT MANUAL THAT YOU CAN --

9 A YOU WANT A COPY OF THE MANUAL?

10 Q OF THE EMPLOYEE MANUAL.

11 A DO I ACTUALLY HAVE TO GIVE YOU A COPY OF THE

12 MANUAL?

13 Q MR. HOWARD, YOU'RE NOT BEING COMPELLED --

14 A I DON'T WANT TO GIVE YOU. I DON'T WANT TO GIVE

15 YOU A COPY.

16 Q YOU'RE NOT BEING COMPELLED TO DO ANYTHING TODAY.

17 A IT SEEMS LIKE YOU MIGHT ASK SOME MORE QUESTIONS.

18 BUT IF MISS GREEN TELLS ME I HAVE TO GIVE YOU A COPY OF OUR

19 MANUAL, I'LL GIVE IT TO YOU. IT'S MIGHTY BORING READING,

20 THOUGH, BUT I'LL GIVE IT TO YOU.

21 Q WHEN AN EMPLOYEE IS FIRST HIRED --

22 A UH-HUH.

23 Q -- THERE'S A LISTING OF EXPECTATIONS AND

24 RESPONSIBILITIES AT LEAST FOR A LAWYER?

25 A RIGHT.

1 Q AND MISS ABRAMSON SIGNED THAT?
2 A UH-HUH.
3 Q IS THAT A DOCUMENT THAT EVER GETS SORT OF
4 REVISITED ON AN ANNUAL BASIS OR DURING THE COURSE OF
5 EMPLOYEE EVALUATIONS? IS THERE SOME RETURN TO THAT
6 DOCUMENT?
7 A EVERY DAY. IT'S NOT A DOCUMENT. IT'S AN
8 UNDERSTANDING.
9 Q BUT IS THERE A MECHANISM WITHIN THE OFFICE TO --
10 WITH ANY DEGREE OF FORMALITY TO READOPT THAT OATH OR TO
11 RECONFIRM --
12 A EVERY DAY.
13 Q -- THAT SIGNATURE?
14 WHAT'S THE MECHANISM? HOW DO YOU DO THAT?
15 A WE DO IT BY OUR CONDUCT, AND THAT IS AN AGGRESSIVE
16 SEARCH FOR JUSTICE. THAT'S WHAT WE DO EVERY DAY. THAT'S
17 WHAT THE EMPLOYEES AGREE TO DO.
18 Q MR. HOWARD, IF WE COULD TAKE TWO MINUTES, FIND OUT
19 IF THERE'S ANY OTHER QUESTIONS THAT WOULD BE FRUITFUL.
20 MS. GREEN: THAT WOULD BE DELIGHTFUL.
21 MR. HILL: AND THEN WE'LL BRING THIS TO A
22 CLOSE.
23 THE WITNESS: I'M DISAPPOINTED.
24 MR. HILL: WELL, WE CAN GO LONGER IF YOU --
25 THE WITNESS: WELL, I JUST WISH YOU WOULD BE

1 AS --

2 MR. HILL: -- IF WE'RE GOING TO BE MORE

3 PRODUCTIVE.

4 THE WITNESS: YOU'VE GOT THE OPPORTUNITY.

5 YOU COULD HAVE ASKED ALL KIND OF STUFF.

6 MR. HILL: LET'S TAKE THE TWO MINUTES.

7 MS. GREEN: WOULD YOU NOTE THAT IT'S FIVE

8 AFTER 12:00.

9 THE WITNESS: I'M DISAPPOINTED. I THOUGHT

10 YOU WERE GOING TO ASK ME SOME QUESTIONS.

11 MS. GREEN: DO Y'ALL WANT TO GO OUTSIDE AND

12 TALK?

13 MS. MCCUTCHEON: IF THEY WANT TO CONFER, THE

14 SAME OFFICE, MR. SUSSMAN, THAT YOU USED BEFORE IS

15 VACANT.

16 (WHEREUPON, A RECESS WAS HAD FROM 12:06 UNTIL

17 12:11 P.M.)

18 THE WITNESS: WELL, SINCE YOU SAID YOU ONLY

19 HAD ONE QUESTION, SHE SAID SHE WAS GOING TO THROW

20 UP, SO SHE DIDN'T NEED TO BE HERE.

21 BY MR. HILL:

22 Q SO SHOULD WE GO WITHOUT ANNA?

23 A YOU SAID YOU ONLY HAD ONE QUESTION, SO WE FIGURED

24 WE COULD HANDLE THAT.

25 Q ON THAT ISSUE, I MEAN, I'M NOT SURE I REMEMBER

1 SAYING I ONLY HAD ONE QUESTION.

2 A YOU HAVE MORE THAN ONE? WE'LL HAVE TO GET ANNA

3 BACK.

4 Q YEAH, THIS WHOLE PROCESS, YOU KNOW, I'M NOT SURE

5 HOW MANY OF MY QUESTIONS I'VE BEEN ABLE TO ASK OR GET

6 RESPONSIVE ANSWERS. SO IF YOU'RE TALKING ABOUT FRUSTRATION,

7 IT HAS BEEN --

8 A IS THIS ON THE RECORD?

9 Q IT HAS BEEN FRUSTRATING --

10 A IS THIS ON THE RECORD?

11 Q YES.

12 A SO I'LL GET A CHANCE TO ALSO GET INTO --

13 Q I THINK YOU'VE HAD ALL MORNING TO DO THAT.

14 A YOU HAVE AS WELL, BUT I'M SAYING IF WE'RE JUST

15 TALKING ABOUT FRUSTRATION, WE CAN LET THIS YOUNG LADY GO

16 BECAUSE WE CAN SPEND THE WHOLE DAY TALKING ABOUT

17 FRUSTRATION.

18 Q NO, THE SPECIFIC FRUSTRATION I'M SHARING IS THAT I

19 HAVE NOT BEEN ABLE TO ASK QUESTIONS --

20 A DO YOU HAVE A QUESTION?

21 Q -- AND GET RESPONSIVE ANSWERS.

22 A SEE, YOU'RE JUST PUTTING STUFF ON THE RECORD NOW,

23 AND, SEE, THAT'S WASTING TIME. THAT'S WASTING TIME.

24 Q MR. HOWARD --

25 A SO IF YOU'VE GOT A QUESTION, WHY DON'T YOU ASK A

1 QUESTION. WE CAN LET THIS YOUNG LADY GO, AND YOU AND I CAN
2 SPEND THE REST OF THE WEEK TALKING ABOUT HOW FRUSTRATED WE
3 ARE WITH EACH OTHER. DOESN'T THAT MAKE SENSE?

4 Q RETURNING TO YOUR CONVERSATION WITH MISS
5 ABRAMSON --

6 A OKAY.

7 Q -- AFTER SHE TOLD YOU WHAT SHE DID ABOUT THE
8 ALLEGATIONS, DID YOU TELL MISS ABRAMSON THAT YOU WOULD REFER
9 THE MATTER TO THE ATTORNEY GENERAL'S OFFICE FOR
10 INVESTIGATION?

11 A AND WHAT IS THE ANSWER TO THAT QUESTION?

12 Q I THINK YOU CAN ONLY ANSWER IT.

13 A NO, BUT YOU ONLY ANSWERED IT. WHAT'S THE ANSWER
14 TO THAT QUESTION? SEE, THAT'S HOW YOU WASTE TIME BECAUSE
15 YOU ALREADY KNOW THE ANSWER TO THAT QUESTION. AND I'M SURE
16 YOU GUYS DIDN'T GO OUT THERE AND CAUCUS FOR 10 MINUTES OR
17 HOWEVER TO RESTATE THE QUESTIONS YOU'VE ALREADY ASKED ME.

18 DID I SEND THE MATTER TO THE ATTORNEY GENERAL?

19 Q DID YOU TELL MISS ABRAMSON --

20 A DID I SEND IT TO THE GENERAL ATTORNEY?

21 Q WHAT DID YOU TELL MISS ABRAMSON?

22 A DID I SEND IT TO THE ATTORNEY GENERAL, MR. HILL?

23 Q WHAT DID YOU TELL MISS ABRAMSON?

24 A SEE, YOU WASTING TIME. YOU WANT ME TO ANSWER
25 SOMETHING THAT YOU ALREADY KNOW THE ANSWER. I'VE ALREADY

1 TOLD YOU.

2 Q WHAT DID YOU TELL MISS ABRAMSON --

3 A WHY WOULD I SEND IT -- WHY WOULD I TELL HER THAT?

4 Q -- ABOUT YOUR DUTY TO --

5 A WHY WOULD I TELL HER THAT --

6 Q -- REFER IT TO THE ATTORNEY GENERAL?

7 A -- BASED UPON MY DECISION? THAT'S WHAT'S

8 FRUSTRATING.

9 Q WHAT DID YOU TELL MISS ABRAMSON ABOUT ANY

10 OBLIGATION YOU MIGHT HAVE?

11 A HOLD JUST A MINUTE.

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

13 THE WITNESS: EXCUSE ME.

14 LET'S GET BACK TO THIS RIVETING QUESTION.

15 BY MR. HILL:

16 Q WHAT DID YOU TELL MISS ABRAMSON ABOUT YOUR

17 OBLIGATION TO REFER THIS MATTER TO THE ATTORNEY GENERAL'S

18 OFFICE?

19 A AND WHAT'S THE ANSWER TO THAT QUESTION?

20 Q ARE YOU GOING TO ANSWER THE QUESTION?

21 A WHAT'S THE ANSWER TO THAT QUESTION?

22 MS. GREEN: I BELIEVE WE'VE ALREADY COVERED

23 THIS TOPIC. MR. HOWARD SAID THAT HE DIDN'T FEEL

24 THAT THE INFORMATION --

25 MR. HILL: ANNA, THE ANSWER REALLY SHOULD

1 COME FROM MR. HOWARD.

2 THE WITNESS: I'VE ALREADY ANSWERED IT.

3 MS. GREEN: MR. HILL, YOU'RE JUST ARGUING

4 WITH HIM.

5 THE WITNESS: I KNOW. THAT'S WHAT HE'S

6 DOING, HE'S JUST WASTING TIME ARGUING, AND I DON'T

7 WANT TO SIT HERE AND ARGUE WITH YOU.

8 MS. GREEN: HE SAID HE DIDN'T SEND IT

9 ANYWHERE.

10 MR. HILL: I'M NOT ASKING WHETHER HE SENT IT.

11 THE WITNESS: SO WHY -- WHY WOULD I DO THAT

12 THEN?

13 MR. HILL: THE QUESTION IS WHAT WAS SAID TO

14 MISS ABRAMSON ABOUT IT.

15 MS. GREEN: AND THE ANSWER IS SO PAINFULLY

16 OBVIOUS, IT'S DIFFICULT TO WATCH.

17 THE WITNESS: MAYBE I'M OVERESTIMATING YOU.

18 MS. GREEN: MR. HOWARD, IF YOU WOULD JUST

19 ANSWER IT, AND MAYBE MR. HILL --

20 THE WITNESS: MAYBE I'M JUST OVERESTIMATING

21 YOU. IS THAT WHAT IT IS?

22 BY MR. HILL:

23 Q IF YOU WOULD ANSWER THE QUESTIONS, I THINK IT

24 WOULD BE EASY.

25 A WHY? I'M JUST TRYING TO UNDERSTAND. WHAT ARE YOU

1 TRYING TO GET OUT OF THAT? YOU ALREADY KNOW THE ANSWER.

2 Q WHAT DID YOU TELL MISS ABRAMSON ABOUT ANY DUTY YOU

3 WOULD HAVE --

4 A WHAT DO YOU THINK?

5 Q -- TO REFER TO THE ATTORNEY GENERAL?

6 A WHAT WOULD I SAY? I'VE ALREADY TOLD YOU WHAT I

7 SAID.

8 Q I DON'T BELIEVE YOU HAVE.

9 A OKAY. WHAT DID I SAY? IN MY DISCRETION, I

10 DECIDED NOT TO DO THAT.

11 Q IT'S CLEAR THAT YOU DECIDED NOT TO REFER THE

12 MATTER, BUT --

13 (WHEREUPON, THERE WAS AN OFF-THE-RECORD

14 DISCUSSION.)

15 BY MR. HILL:

16 Q IT'S CLEAR THAT YOU DECIDED NOT TO REFER THE

17 MATTER. THE QUESTION IS WHAT DID YOU TELL MISS ABRAMSON

18 ABOUT AN OBLIGATION YOU HAVE TO REFER THE MATTER? DID YOU

19 TELL HER --

20 MS. GREEN: I OBJECT TO THE FORM OF THAT

21 QUESTION.

22 THE WITNESS: I DON'T HAVE ANY OBLIGATION.

23 MS. GREEN: IT ASSUMES AN OBLIGATION TO DO

24 SOMETHING HE HAS TESTIFIED HE DOESN'T HAVE.

25 THE WITNESS: AND I DON'T HAVE SUCH AN

1 OBLIGATION.
2 BY MR. HILL:
3 Q DID YOU TELL MISS ABRAMSON ANYTHING ABOUT AN
4 OBLIGATION YOU MIGHT HAVE?
5 A I DON'T HAVE ANY OBLIGATION TO SEND IT.
6 Q DID YOU TELL MISS ABRAMSON ABOUT ANY OBLIGATION?
7 A HOW MANY TIMES ARE YOU GOING TO ASK ME THAT, MAN?
8 YOU JUST --
9 Q UNTIL WE GET AN ANSWER TO THAT SIMPLE QUESTION.
10 A YOU'RE PITIFUL, MAN. HOW MANY TIMES YOU GOING TO
11 ASK ME THAT? DON'T TELL ME Y'ALL WENT OUT THERE ALL THAT
12 TIME JUST TO DO THAT. COME ON.
13 MS. GREEN: DO YOU HAVE ANY OTHER QUESTIONS,
14 MR. HILL?
15 BY MR. HILL:
16 Q HAVE YOU IN THE PAST REFERRED EMPLOYEES WITH --
17 AND PARTICULARLY ASSISTANT DISTRICT ATTORNEYS --
18 A UH-HUH.
19 Q -- WITH -- WHERE YOU HAVE CREDIBLE REASON TO
20 SUSPECT --
21 A UH-HUH.
22 Q -- THAT THEY HAVE EITHER DRUG PROBLEMS OR HAVE
23 BEEN INVOLVED IN DRUG TRANSACTIONS --
24 A UH-HUH.
25 Q -- HAVE YOU IN THE PAST REFERRED THOSE MATTERS TO

1 THE ATTORNEY GENERAL'S OFFICE?

2 A ABSOLUTELY NOT. YOU WANT TO ASK ME WHAT I DID

3 WITH THEM?

4 Q YES.

5 A FIRED THEM.

6 Q AND IS THAT SIMPLY --

7 A WAS THAT ALL RIGHT?

8 Q WELL --

9 A SHOULD I -- WHAT YOU THINK I SHOULD HAVE DONE,

10 SEND THEM TO THE ATTORNEY GENERAL? NO, SIR. I FIRED THEM.

11 Q WAS THERE A PROCESS THAT YOU ENGAGED IN PRIOR TO

12 THAT?

13 A PRIOR TO FIRING THEM?

14 Q YES.

15 A YEAH.

16 Q AND WHAT'S THE PROCESS?

17 A I MADE A DISCRETIONARY DECISION BASED ON THE

18 EVIDENCE BEFORE ME, AND I MADE A DECISION.

19 Q IN ANY OF THOSE SITUATIONS, DID -- WAS THERE AN

20 INVESTIGATION INVOLVED AND WERE THERE OTHER PEOPLE IN THE

21 OFFICE ASSIGNED?

22 A SOMETIMES MIGHT. SOMETIMES THERE MIGHT BE;

23 SOMETIMES NOT.

24 Q IS THAT THE KIND OF DECISION THAT WOULD GO TO A

25 PUBLIC INTEGRITY UNIT OR IS THAT SOMEONE THAT'S SPECIALLY

1 DESIGNATED BY YOU?

2 A NO. THAT WOULD BE THE DECISION OF THE DISTRICT
3 ATTORNEY.

4 Q NO, I'M SORRY. THE INVESTIGATION, WOULD THE
5 INVESTIGATION THAT MIGHT PRECEDE THAT DECISION?

6 A I DON'T KNOW. IT ALL DEPENDS ON WHAT THE
7 CIRCUMSTANCES. IT MIGHT BE DONE BY SOMEBODY ELSE OR A LOCAL
8 POLICE DEPARTMENT. IT JUST ALL DEPENDS.

9 MR. HILL: WELL, I THINK WE'LL BRING THIS
10 SESSION TO AN END, AND WE CAN EITHER PUT THIS ON
11 THE RECORD OR NOT. I DON'T THINK THAT WE FOUND
12 THE OPPORTUNITY TO ASK QUESTIONS AND GET
13 RESPONSIVE ANSWERS.

14 MS. GREEN: OKAY. WELL, THEN LET'S PUT THIS
15 ON THE RECORD, TOO, BECAUSE I FOUND YOUR QUESTIONS
16 TO BE DUPLICATIVE, REPETITIVE, INTENTIONALLY
17 PROVOCATIVE AND ARGUMENTATIVE. SO I THINK THAT
18 SHOULD BE ON THE RECORD, TOO.

19 MR. HILL: WELL, I GUESS THE RECORD WILL
20 SPEAK FOR ITSELF.

21 MS. GREEN: IT WILL.

22 MR. HILL: WE'LL CALL IT A DAY.

23 (WHEREUPON, THE PROCEEDINGS WERE CONCLUDED AT
24 12:20 P.M.)

25

C E R T I F I C A T E

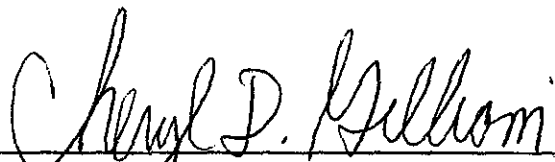
STATE OF GEORGIA:

COUNTY OF FULTON:

I HEREBY CERTIFY THAT THE FOREGOING PAGES
REPRESENT A TRUE, COMPLETE, AND CORRECT TRANSCRIPT
OF THE PROCEEDINGS TAKEN DOWN BY ME IN THE CASE
AFORESAID (AND EXHIBITS ADMITTED, IF APPLICABLE).

THIS CERTIFICATION IS EXPRESSLY WITHDRAWN AND
DENIED UPON THE DISASSEMBLY OR PHOTOCOPYING OF THE
FOREGOING TRANSCRIPT OF ANY PART THEREOF,
INCLUDING EXHIBITS, UNLESS SAID DISASSEMBLY OR
PHOTOCOPYING IS DONE BY THE UNDERSIGNED OFFICIAL
COURT REPORTER AND ORIGINAL SIGNATURE AND SEAL IS
ATTACHED THERETO.

THIS, THE 15TH DAY OF MARCH, 2007.



CHERYL D. GILLIAM, RMR, CCR-B-1959
OFFICIAL COURT REPORTER
SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT