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**THE BRIAN NICHOLS TRIAL: Defense seeks sanctions against district attorney**

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Brian Nichols' defense attorneys filed a deposition Friday that they say shows District Attorney Paul Howard may have perjured himself when he testified about why he didn't investigate a report that one of his top prosecutors was using illegal drugs.

Howard says he didn't investigate because he didn't believe it was true.

Nichols' attorneys contend Howard should be sanctioned by the court and his office should be barred from seeking the death penalty for Nichols. Jury selection for Nichols' trial began Thursday.

The allegations of drug use concerned Assistant District Attorney Gayle Abramson, who was prosecuting Nichols on rape charges when he escaped from his holding cell at the Fulton County Courthouse and killed four people, including a judge, on March 11, 2005.

Nichols has admitted to the killings but has pleaded not guilty because he says he was insane at the time.

Nichols' lead attorney Henderson Hill deposed Howard in March 2007 and contends Howard has been hiding the evidence that Abramson used drugs in August 2004.

The transcripts of that deposition show a combative Howard, who contended Hill was only out to smear Abramson.

Howard acknowledged hearing of the possible drug use when a wiretap of a suspect in an unrelated murder investigation recorded comments referring to Abramson using cocaine and Ecstasy at a party.

"You're asking about a case that has no connection with Brian Nichols," Howard said to Hill.

Howard said Abramson came to him after the drug allegations surfaced and denied any wrongdoing. Howard said he didn't believe the secretly recorded conversation was worthy of belief.

Abramson left Howard's office shortly after the courthouse shootings to take a job in private practice. She has denied knowingly taking any illegal drugs while she was a prosecutor.

Nichols' attorneys contend Howard is hiding evidence of Abramson's wrongdoing because she is a potential key witness in Nichols' murder case.

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They also contend Abramson was an irrational prosecutor in the rape case because she wouldn't offer Nichols a plea deal of less than 15 years in prison, implying that drugs had affected her, and that she ignored evidence that Nichols was mentally ill.

Jason Graham, an attorney representing Abramson, said Friday that it appeared that Nichols' attorneys were contending that her handling of the rape prosecution helped make Nichols mentally unstable.

"That's just crazy," Graham said. "There is no way you can connect that many dots. There is just not enough ink in the pen."

A court order bars Howard and the defense lawyers from talking outside of court about any aspect of the Nichols case.

The trial for Nichols is expected to take months.

Nichols was in the Fulton County jail while on trial for rape when he brutally assaulted a guard to escape from his holding cell.

He killed the judge presiding over his case and the court reporter in the courtroom.

Then he killed a deputy sheriff while escaping from the courthouse and later that day killed an off-duty federal agent and stole his truck.

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