

April 12-13th, 2006  
Paul Howard Testimony  
About the California wiretap

1 Q IS THIS PART OF WHAT YOU WERE TALKING ABOUT EARLIER  
2 WHEN YOU SAID YOU HAD REGULAR MEETINGS?

3 A WELL, THE REGULAR MEETINGS THAT -- I TALKED ABOUT TWO  
4 DIFFERENT KINDS OF REGULAR MEETINGS, ONE WITH THE SUPERVISORS  
5 IN MY OFFICE WHERE THIS CASE WAS IDENTIFIED AS ONE OF OUR TOP  
6 CASES THAT WAS UNINDICTED. THE SECOND KIND OF ROUTINE MEETINGS  
7 WERE WITH THE PERSONS INVOLVED DIRECTLY IN THE INVESTIGATION.

8 Q AND YOU GET REPORTS FROM THOSE PEOPLE?

9 A YES.

10 Q DO YOU HAVE THOSE REPORTS WITH YOU?

11 A NO. MOST OF THOSE REPORTS WERE USUALLY ORAL REPORTS.

12 Q SOME OF THEM IN WRITING?

13 A I DO NOT RECALL WHETHER OR NOT SOMEONE ACTUALLY  
14 BROUGHT ME A WRITTEN REPORT, BECAUSE THE NATURE OF THE MEETINGS  
15 CALLED FOR SOME ORAL SUMMATION.

16 Q NOW, YOU TESTIFIED THAT THE WIRE TAP OCCURRED IN  
17 APRIL FOR WHAT, ABOUT A TEN-DAY PERIOD?

18 A YES.

19 Q DETECTIVE CHAMBERS WAS IN CALIFORNIA TO HELP CONDUCT  
20 THIS WIRE TAP?

21 A CORRECT.

22 Q DETECTIVE CHAMBERS HELD A PRESS CONFERENCE OUT IN  
23 CALIFORNIA; DID HE NOT?

24 A YES.

Q AND DID YOU KNOW ABOUT THAT AHEAD OF TIME?

1           A     NO.

2           Q     DID YOU APPROVE OF THAT PRESS CONFERENCE?

3           A     NO.

4           Q     WHAT WAS THE PURPOSE OF THE PRESS CONFERENCE?

5           A     WELL, I DON'T KNOW. I MEAN, I GUESS YOU WOULD HAVE

6 TO ASK DETECTIVE CHAMBERS, BUT I WAS NOT AWARE OF IT UNTIL

7 AFTER IT HAD TAKEN PLACE.

8           Q     WERE YOU INFORMED THAT HE STATED AT THE PRESS

9 CONFERENCE THAT AN INDICTMENT AGAINST SCOTT DAVIS WAS IMMINENT?

10          A     I BELIEVE YOUR PARTNER, MR. KADISH, INFORMED ME OF

11 THAT FACT.

12          Q     DID YOU AUTHORIZE THAT?

13          A     NO.

14          Q     WAS AN INDICTMENT AT THAT POINT IMMINENT?

15          A     NO.

16          Q     SO THAT WAS A MISSTATEMENT ON YOUR PART?

17          A     YES.

18          Q     NOT AUTHORIZED BY YOU?

19          A     THAT'S CORRECT.

20          Q     WAS IT AUTHORIZED BY ANYONE ELSE IN YOUR OFFICE?

21          A     I'M NOT AWARE, BECAUSE, IF THEY DID, THEY CERTAINLY

22 DIDN'T HAVE AUTHORITY TO DO THAT.

23          Q     HAVE YOU CHECKED TO SEE WHETHER OR NOT ANYONE GAVE

24 AUTHORITY TO DETECTIVE CHAMBERS TO DO THAT?

5               MS. ROSS: OBJECTION TO RELEVANCE.

1 THE COURT: OBJECTION SUSTAINED.

2 BY MR. MORRIS:

3 Q THE CONVERSATIONS WERE WIRE TAPPED?

4 A YES.

5 Q HAVE YOU LISTENED TO THOSE CONVERSATIONS?

6 A I HAVE NOT LISTENED TO THOSE CONVERSATIONS.

7 Q NONE OF THEM?

8 A NONE OF THEM.

9 Q HAS ANYONE EXPLAINED TO YOU THE CONTENT OF THOSE  
10 CONVERSATIONS?

11 A YES.

12 Q WHO?

13 A MY ASSISTANT, SHEILA ROSS.

14 Q WHAT DID YOU LEARN FROM THOSE CONVERSATIONS?

15 A WELL, ONE OF THE THINGS THAT I LEARNED AFTER MUCH  
16 DISCUSSION, IT APPEARED THAT THE UNIDENTIFIED ACCOMPLICE THAT  
17 WE HAD BEEN LOOKING FOR, THAT PERSON'S SPECIFIC IDENTITY DID  
18 NOT SURFACE DURING THE WIRE TAP. WE ALSO FOUND IN LISTENING TO  
19 THOSE CONVERSATIONS THAT THE INFORMATION REGARDING THIS  
20 INCIDENT WAS CLOSELY HELD BY THE DEFENDANT AND HIS FAMILY, AND  
21 I CONCLUDED THAT, BASED UPON THE WIRE TAP, THAT THE LIKELIHOOD  
22 OF OUR BEING ABLE TO IDENTIFY THIS ACCOMPLICE IN THE FUTURE WAS  
23 NOT VERY GOOD.

24 Q SO YOU DIDN'T GET ANYTHING FROM THE WIRE TAP THAT  
5 MOVED YOUR INVESTIGATION FORWARD. IS THAT WHAT YOU ARE SAYING?

1           A     I DID GET SOMETHING THAT MOVED IT FORWARD.

2           Q     WHAT WAS THAT?

3           A     AND THAT IS, WITHOUT THAT WIRE TAP, I PROBABLY WOULD  
4 HAVE EXPENDED SOME ADDITIONAL EFFORTS TRYING TO LOCATE THIS  
5 ACCOMPLICE, AND WHAT I LEARNED FROM THE WIRE TAP IS THAT IT WAS  
6 PROBABLY FRUITLESS, BECAUSE THE INFORMATION REGARDING THIS  
7 INCIDENT WAS BEING CLOSELY HELD BY THE DEFENDANT, AND SO I GOT  
8 SIGNIFICANT KNOWLEDGE FROM THAT WIRE TAP.

9           Q     FROM "CLOSELY HELD," YOU MEAN NOTHING WAS SAID ON THE  
10 WIRE TAP IN THE WAY OF INCRIMINATING AN ACCOMPLICE?

11          A     WELL, I WOULDN'T SAY THAT IT DIDN'T INCRIMINATE AN  
12 ACCOMPLICE, BUT THE MANNER THAT IT INCRIMINATED SOMEONE WAS NOT  
13 SUFFICIENT SUCH THAT WE COULD ACTUALLY CHARGE THEM.

14          Q     WHO WAS THAT?

15          A     WHO WAS WHAT?

16          Q     INCRIMINATED?

17          A     YOU WERE ASKING ME DID I BELIEVE IT INCRIMINATED  
18 SOMEONE.

19          Q     WHO?

20          A     WELL, IT MIGHT HAVE POSSIBLY INCRIMINATED MEMBERS OF  
21 HIS OWN FAMILY.

22          Q     WHO?

23          A     HIS BROTHER.

24          Q     I SEE. ANYBODY ELSE?

25          A     HIS BROTHER.