

Paul Howard - Nichols hearing

nicholsmotions090308[1].txt
25 COMFORTABLE THERE, I'LL ASK YOU TO RAISE YOUR

82

1 RIGHT HAND. THEY'LL SWEAR YOU IN, THEN YOU CAN BE
2 SEATED.

3 PAUL LAWRENCE HOWARD, JR., ESQ.,
4 A WITNESS HEREIN, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED
5 AND TESTIFIED AS FOLLOWS:

6 THE BAILIFF: YOU MAY BE SEATED.

7 THE COURT: ALL RIGHT. THANK YOU. MR. HILL
8 IS -- YOU GO FIRST.

9 MR. HILL: THANK YOU, YOUR HONOR.

10 DIRECT EXAMINATION

11 BY MR. HILL:

12 Q GOOD MORNING, MR. HOWARD.

13 A GOOD MORNING.

14 Q MR. HOWARD, STATE FOR THE RECORD YOUR NAME AND
15 YOUR CURRENT OCCUPATION.

16 A MY NAME IS PAUL LAWRENCE HOWARD, JR., AND I AM THE
17 DISTRICT ATTORNEY OF THE ATLANTA JUDICIAL CIRCUIT.

18 Q AND YOU'VE SERVED IN THAT CAPACITY SINCE 1996; IS
19 THAT CORRECT?

20 A YES -- TECHNICALLY SINCE 1997. I WAS ELECTED IN
21 '96.

22 Q AND JUST SORT OF GENERALLY IN THAT CAPACITY, YOU
23 SUPERVISE A LARGE LEGAL STAFF OF 100 OR MORE LAWYERS; IS
24 THAT CORRECT?

25 A THAT'S CORRECT.

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1 Q AND GENERALLY, IN A YEAR'S TIME, YOUR OFFICE IS
2 RESPONSIBLE FOR THE PROSECUTION OF HUNDREDS, IF NOT
3 THOUSANDS, OF CRIMINAL CASES; IS THAT CORRECT?

4 A THAT'S CORRECT.

5 Q YOUR PERSONAL INVOLVEMENT IN THOSE CASES WILL VARY
6 GREATLY; IS THAT RIGHT?

7 A THAT'S CORRECT.

8 Q I'M GOING TO REFER TO TWO CASES IN PARTICULAR.
9 STATE V. SCOTT DAVIS, AND STATE V. BRIAN G. NICHOLS.

10 WITH RESPECT TO STATE V. NICHOLS, YOU HAVE HAD
11 WHAT I WOULD DESCRIBE AS INTENSE SUPERVISORY RESPONSIBILITY
12 FOR THAT CASE.

13 WOULD THAT BE FAIR?

14 A THAT WOULD BE FAIR.

15 Q AND YOUR INVOLVEMENT ACTUALLY BEGAN ON MARCH 11TH;
16 IS THAT CORRECT?

17 A THAT'S CORRECT.

18 Q AND IT WAS HANDS-ON ON MARCH 12TH, THE DAY AFTER
19 THE VIOLENCE IN THE COURTROOM?

20 A THAT MIGHT BE AN ACCURATE DESCRIPTION.

21 Q AND PERIODICALLY FROM MARCH 11TH, MARCH 12TH, TO
22 OUR PRESENT DATE, YOU HAVE HAD, RELATIVE TO YOUR OTHER
23 RESPONSIBILITIES, CLOSE INVOLVEMENT IN THE PROSECUTION OF
24 THIS CASE?

25 A THAT'S CORRECT.

1 Q AND IN FACT, THE PLEADINGS WILL REFLECT OCCASIONAL
2 FILINGS WHERE YOU ARE PERHAPS THE ONLY LAWYER THAT SIGNS A
3 PLEADING IN THE MATTER; IS THAT RIGHT?

4 A THAT'S CORRECT.

5 Q IF I SORT OF JUMP BACK TO THE SCOTT DAVIS CASE FOR
6 A MOMENT, AS I UNDERSTAND IT, THAT WAS A CASE THAT WAS
7 INITIATED BY YOUR OFFICE PRIOR TO YOUR SERVICE AS THE
8 ELECTED DISTRICT ATTORNEY; IS THAT RIGHT?

9 A I'M NOT SURE WHAT YOU MEAN BY "INITIATED."

10 Q LET ME SORT OF BREAK THAT OUT.

11 WAS THAT A PROSECUTION THAT BEGAN IN 1996?

12 A WELL, THE INCIDENT HAPPENED AT THAT TIME.

13 Q AND WAS THERE AN ARREST IN 1996?

14 A I BELIEVE THE POLICE DEPARTMENT EFFECTUATED AN
15 ARREST.

16 Q BUT EVENTUALLY CHARGES WERE DISMISSED?

17 A THAT'S CORRECT.

18 Q AND SO THE ARREST OCCURRED PRIOR TO YOUR TENURE --

19 A THAT'S CORRECT.

20 Q -- AS THE ELECTED DISTRICT ATTORNEY.

21 DID THERE COME A TIME WHEN YOU, IN TERMS OF YOUR
22 MANAGEMENT AND LEADERSHIP OF THE OFFICE, SECURED FUNDING TO
23 INITIATE A COLD CASE UNIT?

24 A THAT'S CORRECT.

25 Q WHEN DID THAT OCCUR?

1 A I BELIEVE IT HAPPENED IN 2004, AND I'M NOT EXACTLY
2 SURE.

3 Q AND I'M NOT SURE THAT WE NEED TO SORT OF PRESS YOU
4 ON THE DETAILS OF WHATEVER THAT BUDGET WAS, BUT IS IT FAIR
5 TO SAY THAT THE FINANCIAL SUPPORT FOR THAT CAME FROM FEDERAL
6 AUTHORITIES FROM A FEDERAL GRANT?

7 A WELL, A PORTION OF IT CAME FROM A FEDERAL GRANT.

8 Q AND IF I -- IF I UNDERSTAND IT RIGHT, YOU WERE
9 ABLE TO POOL RESOURCES FROM YOUR OFFICE AS WELL AS THE
10 ATLANTA POLICE DEPARTMENT, TO ACHIEVE THE GOALS OF THIS COLD
11 CASE UNIT; IS THAT RIGHT?

12 A AND AS WELL AS SOME OTHER DEPARTMENTS IN FULTON
13 COUNTY.

14 Q OKAY. AND SO PART OF WHAT YOU DID AS A MANAGER
15 FOR THE PROSECUTING AUTHORITY IS TO STAFF THAT UNIT WITH
16 PEOPLE WHOSE SKILLS AND BACKGROUND WERE APPROPRIATE; IS THAT
17 RIGHT?

18 A FROM MY OFFICE?

19 Q FROM YOUR OFFICE.

20 A YES.

21 Q INCLUDED IN THAT DECISION WAS SORT OF RECRUITING
22 MS. SHEILA ROSS TO REJOIN YOUR OFFICE; IS THAT CORRECT?

23 A THAT'S CORRECT.

24 Q THAT IS TO SAY, SHE HAD BEEN A STAFF ATTORNEY WITH
25 YOUR OFFICE, HAD MADE A PROFESSIONAL DECISION TO GO TO SAN

1 FRANCISCO AS A PARALEGAL PROSECUTOR IN THE SAN FRANCISCO
2 OFFICE --

3 A THAT'S CORRECT.

4 Q -- OF THE DISTRICT ATTORNEY IN SAN FRANCISCO?

5 A THAT'S CORRECT.

6 Q AND THEN IN 2004 OR THEREABOUTS, YOU -- YOU
7 IMploRED HER TO RETURN TO YOUR OFFICE TO LEAD YOUR OFFICE'S
8 PARTICIPATION IN THIS COLD CASE UNIT; IS THAT RIGHT?

9 A THAT'S CORRECT.

10 Q WHEN THIS UNIT WAS SET UP IN 2004, CAN YOU
11 DESCRIBE WHAT THAT UNIT WAS ABLE TO DO OR WHAT DECISION WAS
12 MADE WITH RESPECT TO THE MATTER OF STATE V. SCOTT DAVIS?

13 A WELL, SCOTT DAVIS WAS ONE OF A LARGE NUMBER OF
14 UNSOLVED HOMICIDE CASES IN FULTON COUNTY, AND IT WAS A CASE
15 THAT I ASSIGNED TO THAT UNIT FOR THEM TO INVESTIGATE AND TO
16 PROSECUTE IF WE RETURNED AN INDICTMENT.

17 Q OKAY. AND THIS WOULD HAVE BEEN IN 2004 THAT THAT
18 DECISION WOULD HAVE BEEN MADE?

19 A I'M NOT EXACTLY SURE ABOUT THE DATE, BUT IT WOULD
20 HAVE BEEN SOMETIME AROUND 2004.

21 Q LET ME JUST SORT OF STEP BACK AND ASK SORT OF A
22 PROCEDURAL QUESTION.

23 FOR PURPOSES OF THIS TESTIMONY, HAVE YOU
24 UNDERTAKEN ANY SORT OF REVIEW OF EITHER THE MOTIONS AND
25 FILES IN THIS MATTER, THAT IS, THE NICHOLS MATTER?

1 A NOT REALLY. I ATTEMPTED TO REVIEW THE TRANSCRIPT
2 OF THE DEPOSITION THAT I WAS INVOLVED IN WITH YOU AND YOUR

3 STAFF SOME TIME AGO, BUT OTHER THAN THAT, I REALLY HAVE NOT
4 MADE ANY REVIEW.

5 Q DID YOU PARTICIPATE IN ANY SORT OF DISCUSSIONS
6 WITH MEMBERS OF A TRIAL TEAM, YOUR TRIAL TEAM, OR MS. ROSS,
7 MS. ELEANOR ROSS AND MR. QUINN, ABOUT THE ISSUES AND
8 CONTROVERSY IN THIS MOTION?

9 A I BRIEFLY DISCUSSED THE PARAMETERS OF WHAT THEY
10 THOUGHT THIS MIGHT BE ABOUT, AND THAT'S BEEN ABOUT IT.

11 Q SO WITH RESPECT TO THE TIME PERIOD OF APRIL 16,
12 2005, THROUGH APRIL 25TH, 2005, HAVE YOU TAKEN ANY -- HAVE
13 YOU MADE ANY EFFORTS TO ACQUAINT YOURSELF WITH ANY CALENDARS
14 YOU MIGHT MAINTAIN, ANY SORT OF OFFICE MEMORANDUM THAT MIGHT
15 REFRESH YOUR RECOLLECTION ABOUT WHAT ACTIVITIES YOU
16 PARTICIPATED IN DURING THAT WEEK, 10-DAY PERIOD?

17 A NO.

18 Q HAVE YOU ATTEMPTED TO ACQUAINT YOURSELF WITH THAT
19 TIME PERIOD DURING ANY TIME BETWEEN MARCH OF 2007 AND
20 TODAY'S DATE?

21 A NOW, I WANT TO BE SURE THAT -- YOU MENTIONED A
22 10-DAY PERIOD. WOULD YOU REPEAT THE 10-DAY PERIOD AGAIN?

23 Q IT'S A MATH QUIZ.

24 A OKAY.

25 Q I THINK WHAT I TOLD YOU WAS APRIL 16TH TO MAY --

88

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1 TO APRIL 25TH. I BELIEVE THAT WOULD BE AN 8-DAY PERIOD.

2 A I DO NOT --

3 Q IT WOULD BE FROM SATURDAY, THE 16TH, TO MONDAY,

4 THE 25TH?

5 A OF 2005?

6 Q OF 2005.

7 A I DO NOT BELIEVE I HAVE.

8 Q OKAY. YOU RECOGNIZE AND RECALL FROM PERSONAL
9 EXPERIENCE -- FROM PERSONAL MEMORY AND FROM THE FILE, THAT
10 GAYLE ABRAMSON WAS AN EMPLOYEE OF YOURS, ESSENTIALLY FROM
11 THE TIME THAT SHE GRADUATED FROM LAW SCHOOL UNTIL 2005; IS
12 THAT CORRECT?

13 A THAT'S CORRECT.

14 Q AND SHE FIRST STARTED AS AN INTERN IN YOUR OFFICE
15 AND THEN WAS HIRED AND REMAINED ON STAFF AS A PROSECUTING
16 ATTORNEY; IS THAT RIGHT?

17 A THAT'S CORRECT.

18 Q AND I BELIEVE SINCE 2001 WAS ASSIGNED TO THE
19 CRIMES AGAINST WOMEN AND CHILDREN UNIT.

20 A I BELIEVE THAT'S CORRECT.

21 Q AND IN 2005 WAS, IN FACT, THE CHIEF SENIOR
22 ASSISTANT ATTORNEY FOR THAT UNIT?

23 A I BELIEVE SHE WAS A CHIEF SENIOR. NOW, I'M NOT
24 SURE WHETHER SHE WAS THE CHIEF SENIOR.

25 Q OKAY. AND YOU OBVIOUSLY REMEMBER AND KNOW THAT IN

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1 FEBRUARY AND MARCH OF 2005, SHE WAS THE LEAD PROSECUTOR IN
2 STATE V. NICHOLS, THE SEXUAL ASSAULT AND RAPE --
3 RAPE-RELATED CASES?

4 A THAT'S MY RECOLLECTION.

5 Q YOU ALSO RECOGNIZE THE NAME OF RAND CSEHY?

6 A YES.

7 Q AND YOU KNOW THAT RAND CSEHY WAS A STAFF ATTORNEY
8 IN YOUR OFFICE, SORT OF A PARALEGAL HIRE FROM ANOTHER
9 PROSECUTING OFFICE; IS THAT RIGHT?

10 A THAT'S CORRECT.

11 Q AND WAS HE HIRED BECAUSE OF HIS DRUG ENFORCEMENT
12 EXPERIENCE?

13 A I THINK THAT MIGHT HAVE BEEN ONE OF THE
14 CIRCUMSTANCES THAT LET US TO HIRE HIM.

15 Q AND WHEN HE WAS BROUGHT OVER TO YOUR OFFICE, WAS
16 HE MADE A PART OF YOUR DRUG ENFORCEMENT OR NARCOTICS
17 DIVISION?

18 A I BELIEVE SO.

19 Q AND I GUESS IN A MORE POINTED FASHION, HE WAS NOT
20 ONE OF THE PEOPLE WHO WAS DETAILED TO THE COLD CASE UNIT?

21 A NO.

22 Q I'M GOING TO ASK YOU A SERIES OF QUESTIONS ABOUT
23 THE EFFORT YOUR OFFICE MADE WITH RESPECT TO THE SCOTT DAVIS
24 MATTER IN MARCH AND IN APRIL OF 2005.

25 BUT BEFORE I DO THAT, CAN YOU JUST SORT OF

1 DESCRIBE WHAT LEVEL OF INVOLVEMENT YOU HAD IN SUPERVISING
2 THAT COLD CASE PROSECUTION OR INVESTIGATION?

3 A I WAS VERY FAMILIAR WITH THE CIRCUMSTANCES OF THE
4 CASE. HAD SEVERAL CONVERSATIONS WITH THE FATHER OF THE
5 DECEASED, AND I HAD SPENT A LOT OF TIME THROUGH OTHER
6 LAWYERS AND INVESTIGATORS IN MY OFFICE ATTEMPTING TO PUT THE

7 CASE TOGETHER IN SUCH A FASHION THAT IT COULD PROCEED TO
8 INDICTMENT AND TRIAL. AND SO WITH THE FORMATION OF THE COLD
9 CASE SQUAD, IT WAS SIMPLY ANOTHER AVENUE IN ORDER TO ACHIEVE
10 THAT PURPOSE.

11 Q AND THE FATHER OF THE DECEASED, HE HAD MADE
12 AVAILABLE PUBLICLY A SUBSTANTIAL REWARD FOR INFORMATION THAT
13 WOULD ASSIST IN THE PROSECUTION OF THAT MATTER?

14 A THAT'S CORRECT.

15 Q WAS THERE ANY SORT OF SEPARATE GRANT OR SUPPORT
16 GIVEN BY THE FAMILY, THAT IS, THE DECEASED'S FAMILY TO THE
17 COLD CASE UNIT?

18 A NO.

19 Q SO HIS EFFORTS WERE SIMPLY AS MOTIVATION TO THE
20 PUBLIC --

21 A THAT'S CORRECT.

22 Q -- FOR PUBLIC ASSISTANCE; IS THAT RIGHT?

23 A THAT'S CORRECT.

24 Q WITH RESPECT TO SOME DECISIONS THAT WERE BEING
25 MADE IN THE MARCH, APRIL TIME FRAME, YOU WERE AWARE THAT A

1 REQUEST FOR WIRE TAP HAD BEEN FILED IN THE SUPERIOR COURT
2 HERE IN FULTON COUNTY; IS THAT RIGHT?

3 A YES.

4 Q IN FACT, YOU WERE PERSONALLY INVOLVED IN THAT
5 MOTION; IS THAT RIGHT?

6 A YES.

7 Q CAN YOU DESCRIBE WHAT EFFORTS YOU MADE?

8 A WHAT EFFORTS I MADE TO?

9 Q SECURE THE WIRE TAP ORDER.

10 A WE PUT TOGETHER IN MY OFFICE SOMETHING THAT WE
11 LOOSELY REFERRED TO AS A WIRE TAP TEAM, AND IT WAS SIMPLY
12 MADE UP OF SOME OF THE LAWYERS WHO HAD SOME PRIOR EXPERIENCE
13 IN THAT AREA, AND SOME OF THE LAWYERS FROM THE APPELLATE
14 STAFF FROM MY OFFICE. AND WITH THAT TEAM AND THE COLD CASE
15 SQUAD, WE DISCUSSED THE POSSIBILITY OF PUTTING TOGETHER A
16 WIRE TAP, AND WHAT WOULD BE THE PURPOSE OF THE WIRE TAP.
17 THEY WROTE AN AFFIDAVIT, AND I BELIEVE I WAS THE
18 AFFIANT. I BELIEVE I SIGNED IT. I'M NOT SURE IF I REMEMBER
19 EXACTLY. IT WAS PRESENTED TO A JUDGE, AND THE WIRE TAP
20 PROCEEDING PROCEEDED.

21 Q AND YOU UNDERSTOOD THAT THE WIRE TAP WOULD BE PUT
22 IN PLACE BY THE APPROPRIATE COMMUNICATIONS PROVIDER, AND
23 THAT THE RESULT OF THE ORDER IS THAT THE APPROPRIATE
24 TELEPHONE -- THERE WERE TWO TELEPHONES THAT WERE GOING TO BE
25 SUBJECT TO THE WIRE TAP; IS THAT RIGHT?

92

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1 A I'M NOT SURE. I DON'T REMEMBER EXACTLY THE
2 DETAILS OF HOW IT WOULD BE DONE.

3 Q IT WOULD BE CONSISTENT WITH YOUR MEMORY THAT A
4 LAND LINE HOME PHONE AS WELL AS A CELL PHONE WOULD BE
5 TAPPED?

6 A MR. HILL, I REALLY COULDN'T TELL YOU. IT'S BEEN
7 SO LONG AGO.

8 Q BUT IT'S YOUR UNDERSTANDING OF THE GENERAL
9 PROCEDURES THAT THAT -- THE ACTUAL PHYSICAL OR TECHNOLOGICAL

10 TAPPING WOULD BE DONE BY THE COMMUNICATIONS PROVIDER; IS
11 THAT RIGHT? AND THEY WOULD BE RESPONSIBLE FOR
12 TECHNOLOGICALLY MAKING THOSE TELEPHONES AVAILABLE TO THE
13 ATLANTA POLICE DEPARTMENT AND YOUR -- YOUR STAFF -- COLD
14 CASE STAFF?

15 A AS I SAID, I'M NOT TOO CLEAR ABOUT THE EXACT
16 TECHNICAL NATURE OF HOW IT WOULD BE DONE. SO I REALLY DON'T
17 HAVE ANY INDEPENDENT RECOLLECTION OF THAT FACT.

18 Q AND SO WE DON'T SORT OF GET LOST WITH
19 TECHNICALITIES, WHAT YOU UNDERSTAND IS APD WOULD HAVE ITS
20 COLD CASE MEMBERS, AND YOU WOULD HAVE YOUR COLD CASE MEMBERS
21 HERE IN ATLANTA LISTENING IN OR MONITORING THE CALLS?

22 A THAT'S CORRECT. NOW, I'M NOT SURE WHETHER OR NOT
23 THE LISTENING IN WOULD OCCUR IN ATLANTA OR WHETHER OR NOT IT
24 WOULD HAVE OCCURRED IN CALIFORNIA BECAUSE I'M REALLY NOT --
25 I DON'T RECALL THOSE TECHNICAL ASPECTS AT THIS POINT.

93

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1 Q AND JUST TO BE CLEAR, THAT WAS THE FORCE OF MY
2 QUESTION. AND I -- MY QUESTION ASSERTED THAT IT WOULD BE
3 MONITORED HERE IN ATLANTA AS OPPOSED TO CALIFORNIA. AND I
4 THINK YOUR RESPONSE IS YOU DON'T KNOW?

5 A I REALLY DON'T KNOW.

6 Q DID YOU HAVE -- DID YOU PARTICIPATE IN DISCUSSIONS
7 WITH MS. ROSS AND MR. CSEHY ABOUT HOW THIS WIRE TAP WOULD BE
8 OPERATED?

9 A THE GENERAL PARAMETERS OF HOW WE WOULD DO IT, NOT
10 SO MUCH THE TECHNICAL PART OF IT.

11 Q OKAY. DID YOU UNDERSTAND THAT MR. CSEHY FROM YOUR
Page 89

12 OFFICE AND MR. CHAMBERS FROM THE ATLANTA POLICE DEPARTMENT
13 WOULD BE DISPATCHED TO PALO ALTO, CALIFORNIA?

14 A TO CALIFORNIA, YES, I DID UNDERSTAND THAT.

15 Q YOU DID NOT THINK THAT THEY WERE GOING TO GO OUT
16 THERE TO TINKER WITH THE ELECTRONICS, DID YOU?

17 A AS I -- AS I SAID, I'M NOT TOO CURRENT ON
18 TECHNICALLY WHAT THEY WERE GOING TO DO. SO I'M NOT -- I
19 DON'T KNOW.

20 Q YOU WERE AWARE THAT THERE WERE A BROAD NUMBER OF
21 ASSOCIATES AND ACQUAINTANCES OF MR. DAVIS LOCATED IN THE SAN
22 FRANCISCO AREA?

23 A I'M NOT SURE WHETHER OR NOT I WAS AWARE OF ANYONE
24 OTHER THAN SCOTT DAVIS BEING THERE.

25 Q WHAT DID YOU UNDERSTAND THE PURPOSE OF MR. CSEHY

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1 GOING TO SAN FRANCISCO WAS?

2 A WELL, AS I POINTED OUT BEFORE, HE WAS A MEMBER OF
3 THE WIRE TAP GROUP FROM OUR OFFICE, AND HE WAS INVOLVED IN
4 THE DISCUSSION AND THE ESTABLISHMENT OF THIS WIRE TAP, AND
5 HE WAS SOMEWHAT -- I GUESS YOU MIGHT SAY IN CHARGE OF THE
6 WIRE TAP EFFORT FROM OUR OFFICE. SO I WOULD HAVE NATURALLY
7 EXPECTED HIM TO BE THERE WHEN THIS TOOK PLACE.

8 Q OKAY. BUT THE PURPOSE IN TERMS OF WHAT HE WOULD
9 BE DOING IN CALIFORNIA, DID YOU UNDERSTAND THAT HE WOULD BE
10 TALKING WITH WITNESSES IN AN INVESTIGATIVE CAPACITY WITH
11 DETECTIVE CHAMBERS?

12 A YOU KNOW, I TELL YOU TRUTHFULLY, IT'S BEEN SO LONG

13 AGO, NOW, SPECIFICALLY WHAT HE WAS SUPPOSED TO BE DOING,
14 MR. HILL, I JUST DON'T RECALL. THAT MIGHT HAVE BEEN ONE OF
15 HIS DUTIES, BUT I REALLY DON'T RECALL TODAY EXACTLY WHAT HIS
16 SPECIFIC DUTIES WOULD HAVE BEEN.

17 Q DID YOU UNDERSTAND THAT DETECTIVE CHAMBERS WOULD
18 BE OUT THERE TALKING WITH WITNESSES?

19 A THAT WOULD HAVE BEEN MY EXPECTATION, YES.

20 Q AND DID YOU UNDERSTAND THAT THERE WAS PLAN OR A
21 GOAL TO HAVE DETECTIVE CHAMBERS AND POSSIBLY MR. CSEHY
22 TALKING WITH WITNESSES FOR PURPOSES OF STIMULATING TELEPHONE
23 CHATTER WITH MR. DAVIS?

24 A I THINK THAT'S ONE OF THE THINGS WE DISCUSSED.

25 Q AND LET ME ASK IT -- COME AT THIS SLIGHTLY

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1 DIFFERENT.

2 WITH RESPECT TO MR. CSEHY'S ROLE, DID YOU THINK
3 THAT THERE WOULD BE ANYTHING INCONSISTENT WITH HIS ROLE IN
4 THE COLD CASE UNIT FOR HIM TO BE PERSONALLY INVOLVED WITH
5 DETECTIVE CHAMBERS AND TALKING WITH WITNESSES?

6 A WELL, HE WASN'T IN THE COLD CASE UNIT.

7 Q BUT HE WAS GOING TO TO PALO ALTO WITH DETECTIVE
8 CHAMBERS TO ASSIST IN THE INVESTIGATION OF A COLD CASE UNIT
9 CASE.

10 A CORRECT.

11 Q AND IN THAT SORT OF ROLE OF FACILITATING THAT
12 INVESTIGATION, IT WOULD BE CONSISTENT HIM TO GO OUT WITH
13 CHAMBERS AND TALK WITH WITNESSES?

14 A YES.

15 Q AND THAT'S WHAT YOU FULLY ANTICIPATED HE WOULD DO?

16 A AS I SAID, I'M NOT -- I DON'T KNOW WHETHER OR NOT
17 HE WOULD HAVE HAD SOME SEPARATE TASK. I'M CLEAR THAT THAT'S
18 WHAT'S DETECTIVE CHAMBERS WOULD HAVE BEEN DOING. BUT IT
19 MIGHT BE THAT HE WOULD HAVE PARTICIPATED IN THOSE SAME
20 INTERVIEWS WITH WITNESSES. I JUST SIMPLY DON'T -- TODAY
21 REMEMBER.

22 Q OKAY. YOU KNOW WHO MR. FRIEDLY IS?

23 A MR. FRIEDLY FROM MY OFFICE?

24 Q YES.

25 A YES.

96

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1 Q AND CAN YOU TELL THE COURT BACK IN 2005 WHO HE
2 WAS, WHAT -- WHAT ROLE THAT HE HAD IN YOUR OFFICE?

3 A HE WAS OUR PUBLIC RELATIONS, PUBLIC AFFAIRS
4 DIRECTOR.

5 Q OKAY. AND IN THAT ROLE, HE WOULD SPEAK FOR YOU TO
6 THE COMMUNITY; IS THAT RIGHT?

7 A SOMETIMES.

8 Q HE WOULD RELEASE STATEMENTS FOR YOU TO THE
9 COMMUNITY?

10 A CORRECT.

11 Q AND HE WOULD REPRESENT YOU BEFORE REPORTERS OR
12 MEDIA OUTLETS TO COMMUNICATE YOUR VIEWPOINT ON MATTERS
13 RELATED TO YOUR OFFICIAL BUSINESS?

14 A I BELIEVE SO.

15 Q AND YOU WERE AWARE THAT HE HAD A ROLE DURING THE

16 WEEK THAT MR. CSEHY WAS IN PALO ALTO IN COMMUNICATING TO THE
17 COMMUNITY ABOUT YOUR OFFICE'S ROLE IN THIS WIRE TAP STAGE OF
18 THE INVESTIGATION?

19 A NOW, I DON'T -- YOU MIGHT REFRESH MY MEMORY AS TO
20 SOMETHING THAT HE MIGHT HAVE DONE. I'M NOT -- I JUST DON'T
21 REMEMBER IT.

22 Q WAS THERE -- BUT YOU UNDERSTOOD THE QUESTION?

23 A YES, I UNDERSTOOD THE QUESTION.

24 Q OKAY. IF MR. FRIEDLY RELEASED A STATEMENT THAT
25 IS A -- REPORTED BY THE AP DURING THAT WEEK, ANY SUCH

97

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1 STATEMENT WOULD HAVE BEEN DRAFTED AND REVIEWED BY YOU; IS
2 THAT RIGHT?

3 A IT SHOULD HAVE BEEN. BUT WHETHER OR NOT IT WAS, I
4 DON'T KNOW UNLESS I SEE THE STATEMENT.

5 Q OKAY. PRIOR TO YOUR TESTIMONY TODAY, HAVE YOU
6 MADE ANY EFFORTS TO LOCATE AND IDENTIFY THE PRESS RELEASE
7 THAT YOU WOULD HAVE AUTHORIZED OR DRAFTED FOR RELEASE DURING
8 THAT WEEK?

9 A NO.

10 Q DOES YOUR OFFICE MAINTAIN A LIST OR A FILE OF
11 PRESS STATEMENTS OR PRESS RELEASES THAT GO OUT UNDER YOUR
12 NAME?

13 A YES.

14 Q SO IT WOULD BE POSSIBLE, THEN, FOR YOU TO RETRIEVE
15 A PRESS RELEASE DURING THAT 8-DAY PERIOD? ANY PRESS
16 RELEASES THAT YOUR OFFICE RELEASED DURING THAT 8-DAY PERIOD
17 OF 2005.

18 A NOW, I BELIEVE WE COULD. I'M NOT -- BECAUSE IT'S
19 THREE YEARS LATER, THAT MIGHT NOT BE POSSIBLE, BUT AS I SIT
20 HERE TODAY, I BELIEVE WE COULD.

21 MR. HILL: YOUR HONOR, I WOULD JUST ASK THE
22 WITNESS TO MAKE EFFORTS TO RETRIEVE ALL PRESS
23 RELEASES DURING THAT 8-DAY PERIOD.

24 THE COURT: WELL, WHY DON'T YOU JUST -- WHY
25 DON'T YOU JUST ASK HIM? I MEAN IF HE SAYS YES,

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1 THEN THE JUDGE DOESN'T HAVE ANYTHING TO RULE ON,
2 AND I SEE --

3 MS. ROSS: WELL, YOUR HONOR, I'M JUST GOING
4 TO OBJECT TO RELEVANCE AT THIS POINT BEFORE WE ASK
5 MR. HOWARD TO ACTUALLY DO THAT.

6 THE COURT: OKAY.

7 MR. HILL: YOUR HONOR, MAY I RESPOND?

8 THE COURT: ANYTHING YOU WANT TO RESPOND TO?

9 MR. HILL: IT'S SORT OF AN AWKWARD REQUEST TO
10 ASK THE WITNESS. I'M SURE MR. HOWARD WOULD HAVE
11 NO OBJECTION, BUT HE IS A WITNESS ON THE STAND. I
12 THOUGHT MORE APPROPRIATE TO ASK THE COURT.

13 THE COURT: WELL, I THINK MS. ROSS HAS A GOOD
14 OBJECTION. I THINK YOU COULD ASKED HIM BECAUSE
15 HE'S HER BOSS. I THINK HE MIGHT HAVE SAID YES,
16 BUT MS. ROSS MADE A GOOD LEGAL OBJECTION. AS FAR
17 AS RELEVANCE AT THIS TIME, I'M GOING TO GRANT IT.
18 AND HE CAN OBVIOUSLY VOLUNTARILY DO IT,

19 NOTWITHSTANDING WHAT I'VE DONE. BUT I'M NOT GOING
20 TO MAKE HIM DO IT.

21 BY MR. HILL:

22 Q WELL, I THINK IF I UNDERSTAND YOUR TESTIMONY,
23 MR. HOWARD, YOU DON'T REMEMBER WHETHER YOU AUTHORED OR
24 REVIEWED A PRESS STATEMENT DURING THAT WEEK?

25 A THAT'S CORRECT.

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1 Q SO THE BEST WAY FOR YOU TO -- FOR YOUR
2 RECOLLECTION TO BE REFRESHED WOULD BE TO REVIEW ANY PRESS
3 RELEASES THAT WENT OUT DURING THAT WEEK; IS THAT RIGHT?

4 A THAT'S ONE WAY.

5 Q IS THERE ANOTHER WAY THAT YOU CAN SUGGEST?

6 A WELL, YOU SAID THE BEST WAY.

7 Q IS THERE A BETTER WAY? IS THERE A BETTER WAY?

8 A YEAH, THAT WOULD BE THE BEST WAY.

9 Q AND YOUR OFFICE HAS THAT CAPACITY TO LOOK AT THE
10 FILE AND RETRIEVE SUCH THINGS?

11 A LIKE I SAID, I'M REALLY NOT SURE BECAUSE IT'S
12 THREE YEARS. AND I'M NOT SURE WHETHER OR NOT WE WOULD
13 MAINTAIN THEM THAT LONG, BUT AS I SIT HERE, I BELIEVE WE DO.

14 Q AND SO, MR. HOWARD, THEN, I WOULD ASK YOU TO MAKE
15 AN EFFORT TO RETRIEVE THE BEST SOURCE OF INFORMATION TO
16 REFRESH YOUR RECOLLECTION ON WHAT STATEMENTS YOU AUTHORIZED
17 DURING THAT WEEK. I'VE ALREADY MADE THE OBJECTION, AND I
18 THINK THE COURT HAS RULED, AND I DON'T BELIEVE THERE'S A
19 QUESTION ON THE FLOOR FOR THIS WITNESS.

20 THE COURT: WHAT YOU CAN DO IS YOU CAN

21 INFORMALLY, AFTER THIS HEARING, MAKE THE REQUEST
22 TO MS. ROSS, MR. QUINN, OR MR. HOWARD. AND IF
23 THEY WERE -- THEY WERE A MATTER OF PUBLIC
24 DISSEMINATION, AND HE HAS -- AND HE HAS -- IT
25 DOESN'T TAKE HIM LONG TO FIND IT, I'M SURE AS A

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1 COURTESY, HE WOULD DO IT. BUT I'M NOT GOING TO
2 ORDER HIM TO DO IT AT THIS POINT. SO I'VE RULED
3 ON THAT, THAT OBJECTION. SO LET'S GO AHEAD AND
4 MOVE TO THE NEXT AREA.

5 BY MR. HILL:

6 Q MR. HOWARD, ARE YOU AWARE THAT MS. ABRAMSON JOINED
7 MR. CHAMBERS AND MR. CSEHY ON A TRIP TO SAN FRANCISCO DURING
8 THAT WEEK PERIOD?

9 A YES.

10 Q DID SHE DO THAT AT YOUR DIRECTION OR AS UNDER THE
11 DIRECTION OF SOME OTHER SUPERVISOR IN YOUR OFFICE?

12 A NO.

13 Q SO SHE WAS NOT IN SAN FRANCISCO TO ASSIST IN THE
14 INVESTIGATION OR THE IMPLEMENTATION OF THE WIRE TAP IN THE
15 DAVIS MATTER?

16 A NOT FROM THE DIRECTION OF ANYONE IN MY OFFICE.

17 Q AND PRIOR TO DETECTIVE CHAMBERS, MR. CSEHY AND
18 MS. ABRAMSON'S TRIP TO CALIFORNIA, WERE YOU AWARE THAT
19 MS. ABRAMSON KNEW SCOTT DAVIS?

20 A NO.

21 Q WERE YOU AWARE THAT SHE KNEW HIM ON A SOCIAL

22 LEVEL?

23 A NO.

24 Q WERE YOU AWARE THAT MS. ABRAMSON HAD A PERSONAL
25 RELATIONSHIP WITH A FRIEND OF SCOTT DAVIS?

101

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1 A NO.

2 Q AND THAT -- WERE YOU AWARE THAT MS. ABRAMSON, AT
3 LEAST AS EARLY AS OCTOBER OF 2004, HAD A PERSONAL
4 RELATIONSHIP WITH MR. DAVIS' ACQUAINTANCE IN FULTON COUNTY?

5 A NO.

6 Q IF YOU WERE TO ACCEPT MY REVIEW OF THE CALENDAR
7 THAT APRIL 16TH IS A SATURDAY, AND THAT APRIL 18TH IS A
8 MONDAY, SO APRIL 18TH, 2005 WAS A MONDAY, DO YOU HAVE A
9 PERSONAL RECOLLECTION AS TO WHEN YOU WERE UPDATED ABOUT THE
10 PROGRESS BEING MADE BY DETECTIVE CHAMBERS OR MR. CSEHY IN
11 PALO ALTO OR IN SAN FRANCISCO?

12 A NO.

13 Q CAN YOU GIVE US YOUR BEST RECOLLECTION OF WHAT
14 NEWS YOU LEARNED, EITHER FROM THE TEAM IN CALIFORNIA, OR
15 FROM MS. ROSS HERE IN -- MS. ROSS DID NOT GO TO SAN
16 FRANCISCO, DID SHE?

17 A NO.

18 Q OKAY. CAN YOU TELL US WHAT YOU LEARNED FROM THE
19 TEAM IN SAN FRANCISCO OR FROM MS. ROSS ABOUT THE WIRE TAP
20 EFFORTS -- MONITORING EFFORTS?

21 A I BELIEVE THAT THROUGH SOME AVENUE, AND I'M REALLY
22 NOT SURE, I FOUND OUT THAT THE -- THERE WAS SOME DISCUSSION
23 ON THE WIRE TAP ABOUT MS. ABRAMSON, AND THAT SHE WAS AT THE

24 TIME IN CALIFORNIA.

25 Q AND, AGAIN, THIS -- THIS BECOMES AN IMPORTANT PART

102

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1 OF MY QUESTION.

2 DID YOU LEARN THAT -- DID YOU FIRST LEARN THAT
3 FROM SOMEONE AT THE ATLANTA POLICE DEPARTMENT? DID YOU
4 FIRST LEARN THAT FROM MS. ROSS?

5 HOW DID YOU FIRST BECOME AWARE THAT MS. ABRAMSON
6 HAD BEEN IMPLICATED OR MENTIONED IN THE WIRE TAP?

7 A I BELIEVE IT WAS FROM MS. ROSS, I BELIEVE.

8 Q CAN YOU TELL US THE CIRCUMSTANCES IN WHICH SHE
9 ADVISED YOU OF THIS?

10 A I BELIEVE SHE CALLED ME ON THE PHONE AND RELAYED
11 THAT INFORMATION.

12 Q OKAY. WERE YOU AT HOME? WAS THIS A NIGHTTIME
13 CALL ADVISING YOU OF THIS?

14 A I BELIEVE THAT I WAS AT THE OFFICE.

15 Q CAN YOU TELL US AS BEST YOU CAN THE CIRCUMSTANCES
16 OF THAT CALL? YOU KNOW, WHEN IT -- WAS IT LATE, AFTER
17 HOURS? AND WHAT WAS -- WHAT WAS BEING COMMUNICATED TO YOU?

18 A I JUST CANNOT REMEMBER THE TIME OF THE DAY. SHE
19 ESSENTIALLY RELAYED WHAT I HAVE ALREADY SAID, AND THAT WAS
20 THE GIST OF HER COMMUNICATION TO ME.

21 Q CAN YOU BE SPECIFIC IN TERMS OF WHAT SHE TOLD YOU
22 ABOUT MS. ABRAMSON? WHAT HAD BEEN REVEALED IN THESE
23 CONVERSATIONS?

24 A I BELIEVE SHE TOLD ME THAT THERE WAS SOME

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1 BETWEEN SOME FRIEND OR ASSOCIATE OF SCOTT DAVIS AND
2 MS. ABRAMSON. AND I BELIEVE THAT THEY ALSO MENTIONED SOME
3 DRUG USAGE ON THE PART OF MS. ABRAMSON WITH THE ASSOCIATES
4 OF SCOTT DAVIS. AND THAT SHE ALSO RELAYED TO ME THAT
5 MS. ABRAMSON AT THE TIME WAS IN CALIFORNIA WITH RAND CSEHY.

6 Q DID YOU -- HOW DID YOU RESPOND TO THAT
7 INFORMATION?

8 A I WAS COMPLETELY TAKEN ABACK BECAUSE I HAD NO
9 IDEA, AND I JUST HAD NO UNDERSTANDING AS TO WHY MS. ABRAMSON
10 WOULD BE IN CALIFORNIA. SO I WAS DISMAYED AND SHOCKED
11 BECAUSE I JUST COULD NOT UNDERSTAND WHAT WAS GOING ON.

12 Q WHEN YOU -- WHEN THAT INFORMATION WAS RELAYED TO
13 YOU BY MS. ROSS, DID YOU CALL AND SPEAK WITH MS. ABRAMSON?

14 A I DO NOT BELIEVE I CALLED HER. I DO NOT THINK I
15 CALLED HER.

16 Q DID YOU CALL AND SPEAK WITH MR. CSEHY?

17 A I DON'T THINK I CALLED HIM. I THINK HE MIGHT HAVE
18 CALLED ME, BUT I DON'T THINK I CALLED HIM.

19 Q WERE YOU AWARE THAT MR. CSEHY, AFTER LEARNING OF
20 MS. ABRAMSON'S NAME OCCURRING OR COMING UP IN THE WIRE TAP,
21 WENT OUT WITH MR. CHAMBERS, DETECTIVE CHAMBERS, AND SPOKE
22 WITH WITNESSES?

23 A AGAIN, I DON'T SPECIFICALLY RECALL INFORMATION
24 ABOUT HIM GOING OUT AND SPEAKING TO WITNESSES, "HIM" BEING
25 CSEHY.

1 Q AND, AGAIN, SPECIFICALLY, DO YOU HAVE ANY
2 INFORMATION THAT WITNESSES, THE CONVERSATION ON THE WIRE TAP
3 INCLUDED STATEMENTS BY WITNESSES THAT IDENTIFIED DETECTIVE
4 CHAMBERS INTERVIEWING PEOPLE WITH SOMEONE DESCRIBED AS A
5 LAWYER OR DETECTIVE, WHO WAS THE EX-HUSBAND OF GAYLE?

6 DO YOU RECALL THAT BEING BROUGHT TO YOUR
7 ATTENTION?

8 A I DON'T RECALL IT AT THIS POINT. IT MIGHT HAVE
9 BEEN, BUT AT THIS TIME, I SIMPLY DON'T RECALL THAT DETAIL.

10 Q DID YOU GIVE ANY INSTRUCTION, RELAY ANY
11 INSTRUCTION TO MR. CSEHY TO CEASE AND DESIST ANY
12 INVESTIGATIVE ACTION -- ACTIVITY IN CALIFORNIA?

13 A I THINK THAT I MIGHT HAVE BECAUSE -- MY FEELING
14 WAS THAT THEY -- THAT THE WHOLE WIRE TAP EFFORT MIGHT HAVE
15 BEEN PUT IN JEOPARDY, AND I THINK THAT I MIGHT HAVE SAID
16 LET'S, YOU KNOW, CUT OUR LOSSES AND COME HOME OR SOMETHING
17 OF THAT SORT.

18 Q CAN YOU DESCRIBE THE JEOPARDY THAT YOU SAW THE
19 EFFORT BEING PUT IN?

20 A WELL, WHEN I THOUGHT ABOUT THE CIRCUMSTANCES BASED
21 UPON SOME OTHER THINGS THAT HAD GONE ON, IT BECAME CLEAR TO
22 ME THAT THE SUBJECT OF THE WIRE TAP WAS FULLY AWARE THAT WE
23 WERE CONDUCTING THE WIRE TAP. AND SO I THOUGHT THAT IF THAT
24 WAS THE CASE, THEN WE WERE SIMPLY WASTING OUR TIME AND THAT
25 IT SHOULD CEASE. T

1 Q DID YOU -- DID YOU SEE AN ETHICAL CONFLICT RAISED
2 BY MR. CSEHY CONDUCTING INVESTIGATIONS WITH DETECTIVE
3 CHAMBERS ABOUT MS. ABRAMSON'S ROLE WITH MR. DAVIS?

4 A WHAT WAS -- I'M NOT AWARE THAT THAT'S WHAT HE WAS
5 DOING, SO I DIDN'T DRAW ANY CONCLUSIONS AS TO ANY ETHICAL
6 VIOLATIONS ON HIS PART.

7 Q DID YOU SEE A RISK THAT MS. ABRAMSON'S INVOLVEMENT
8 WITH SCOTT DAVIS AND HIS ACQUAINTANCES WOULD JEOPARDIZE YOUR
9 INVESTIGATION AND/OR PROSECUTION?

10 A NO.

11 Q YOU UNDERSTOOD THAT BOTH ON THE WIRE TAP AND ON
12 DETECTIVE CHAMBERS' INTERVIEWS WITH PEOPLE -- WITH
13 WITNESSES, WITNESSES WERE DESCRIBING DRUG ACTIVITIES OF
14 MS. ABRAMSON IN FULTON COUNTY?

15 A NOW, YOU'RE ASKING ME DID -- AND I HAVE TO REPEAT
16 THAT BECAUSE I WANT TO BE SURE THAT I ANSWER IT CORRECTLY.

17 Q LET ME REPHRASE IT.

18 WERE YOU AWARE THAT WITNESSES WERE DESCRIBING TO
19 DETECTIVE CHAMBERS, BOTH IN PERSON AND OVER THE WIRE TAP,
20 ACTIVITIES OF MS. ABRAMSON OCCURRING IN FULTON COUNTY?

21 A YES.

22 Q ~~AND THE ACTIVITY INVOLVED THE USE AND THE SHARING~~
23 OF COCAINE AND ECSTASY?

24 A YES.

25 Q AND THE CONVERSATIONS DESCRIBED A PERSONAL

1 RELATIONSHIP BETWEEN MS. ABRAMSON AND A MR. SUGARMAN, AN
2 ACQUAINTANCE OF MR. DAVIS?

3 A NO, I'M NOT SURE WHETHER OR NOT THAT'S THE NAME OF
4 THE ASSOCIATE, BUT I WAS AWARE THAT IT WAS AN ASSOCIATE OF
5 SCOTT DAVIS.

6 Q OKAY. AND THAT THAT ACQUAINTANCESHIP AND THOSE
7 ALLEGATIONS OF DRUG USE AND DRUG SHARING OCCURRED IN FULTON
8 COUNTY IN OCTOBER OF 2004?

9 A AND I CERTAINLY DON'T REMEMBER ANY DATES, BUT I DO
10 REMEMBER THE ALLEGATIONS REFERRING TO ACTIVITIES THAT
11 OCCURRED, AS I UNDERSTAND IT, IN ATLANTA. NOW, YOU KNOW,
12 THAT WAS THE UNDERSTANDING THAT I HAD.

13 Q OKAY. WITH RESPECT TO THE TIME PERIODS, YOU'RE
14 AWARE THAT MR. NICHOLS WAS ARRESTED ON AUGUST 23RD OF 2004
15 ON THE RAPE CHARGES THAT MS. ABRAMSON WAS THE LEAD
16 PROSECUTOR ON; IS THAT CORRECT?

17 A I HAVE NO IDEA WHEN HE WAS ARRESTED ON THE RAPE
18 CHARGES.

19 Q WELL, YOU ARE AWARE THAT HE WAS ARRESTED IN THE
20 SUMMER OF 2004 ON THE RAPE CHARGES?

21 A I HAVE NO IDEA WHEN HE WAS ARRESTED.

22 Q ARE YOU AWARE THAT IN SEPTEMBER, OCTOBER,
23 NOVEMBER, IN FACT, THROUGH JANUARY, ISSUES OF BOND AND OTHER
24 ISSUES -- PLEA NEGOTIATIONS WERE BEING RAISED AND CONDUCTED
25 BY MS. ABRAMSON ON THE NICHOLS MATTER, THE NONCAPITAL?

1 A NOW, ARE YOU ASKING ME WAS I AWARE THEN?

2 Q ARE YOU AWARE NOW? ARE YOU AWARE NOW AS YOU
3 TESTIFY TODAY?

4 A NO -- YEAH, I'M AWARE THAT THERE WAS SOME OF THE
5 ACTIVITIES THAT YOU MENTIONED PRIOR TO THE TRIAL, IF THAT'S
6 THE PERIOD YOU'RE DESCRIBING, OF BRIAN NICHOLS.

7 Q YEAH, I'M TALKING ABOUT PRETRIAL PERIOD ON THE
8 CHARGES -- ON THE SEXUAL ASSAULT, RAPE-RELATED CHARGES?

9 A YES.

10 Q YOU'RE AWARE THAT THERE WERE PRETRIAL ACTIVITIES
11 IN SEPTEMBER, OCTOBER, NOVEMBER, THROUGH JANUARY OF 2005?

12 A I'M NOT SURE ABOUT THE DATES, BUT I'M AWARE THAT
13 THERE ARE NORMALLY, AND WOULD BE SOME PRETRIAL ACTIVITIES
14 WITH SOME OF THE SPECIFIC ITEMS THAT YOU MENTIONED.

15 Q OKAY.

16 HAVE YOU MADE ANY EFFORTS TO LOOK AT THE CALENDAR
17 TO SEE HOW THE ALLEGATIONS OF DRUG ACTIVITY REPORTED BY
18 WITNESSES TO DETECTIVE CHAMBERS AND/OR TO MR. CSEHY LINE UP
19 WITH MS. ABRAMSON'S CONDUCT OF THE PRETRIAL LITIGATION IN
20 THE NICHOLS CASE?

21 A ABSOLUTELY NOT.

22 Q HAS ANYONE IN YOUR OFFICE CONDUCTED SUCH A REVIEW?

23 A I'M NOT AWARE OF ANY SUCH REVIEW.

24 Q CAN YOU TELL US WHY YOU'VE NOT EITHER CONDUCTED IT
25 OR DIRECTED THAT SUCH A REVIEW BE CONDUCTED?

1 A I HAD NO REASON TO. I HAD NO BELIEF IN THE
2 INFORMATION THAT WAS MADE, THE ALLEGATIONS MADE IN THE WIRE
Page 103

3 TAP. I WAS CONVINCED AFTER A DISCUSSION WITH THE PEOPLE
4 INVOLVED THAT THE SUBJECTS OF THAT WIRE TAP WERE WELL AWARE
5 THAT THEY WERE BEING LISTENED TO. AND SO I HAD NO REASON TO
6 BELIEVE THEM.

7 AND SECONDLY, I WAS VERY MUCH AWARE OF THE
8 CHARACTER OF MS. ABRAMSON, AND FOR THOSE -- AFTER COMBINING
9 THOSE TWO, I HAD NO REASON TO MAKE SUCH AN INSPECTION.

10 Q IF WE -- IF WE SEPARATE OUT WHAT YOU WERE AWARE OF
11 BEFORE MS. ABRAMSON AND MR. CSEHY RETURNED FROM CALIFORNIA,
12 DO YOU HAVE ANY RECOLLECTION OF TALKING WITH EITHER
13 MS. ABRAMSON OR MR. CSEHY WHILE THEY WERE IN CALIFORNIA AND
14 BEFORE THEY RETURNED TO FULTON COUNTY?

15 A I BELIEVE THAT I TALKED TO MR. CSEHY BY PHONE.

16 Q CAN YOU TELL US WHEN THAT WAS AND WHAT THE
17 SUBSTANCE OF THAT CONVERSATION WAS?

18 A I COULDN'T TELL YOU THE DATE. IT WAS SOME TIME
19 DURING -- SHORTLY AFTER I FOUND OUT FROM MS. ROSS WHAT HAD
20 HAPPENED, AND I HAVE A RECOLLECTION OF TALKING TO HIM ON THE
21 PHONE.

22 Q DID YOU ASK MR. CSEHY IF HE HAD ASKED MS. ABRAMSON
23 ABOUT THE DRUG USE THAT WAS REPORTED?

24 A NO.

25 Q DID MR. CSEHY TELL YOU ONE WAY OR THE OTHER WHAT

1 MS. ABRAMSON SAID ABOUT ANY DRUG ACTIVITY IN FULTON COUNTY?

2 A NO, I DIDN'T -- NO, I DON'T RECALL HIM SAYING
3 THAT.

4 Q SO HE SAID NOTHING ABOUT IT?
5 A NOT THAT I REMEMBER.
6 Q AND YOU DID NOT ASK HIM ANY QUESTIONS ABOUT ANY
7 DRUG ACTIVITY IN FULTON COUNTY?
8 A NO. MY CONVERSATION WITH HIM WAS SOMETHING TO THE
9 POINT OF WHAT ARE YOU DOING? COME ON HOME OR SOMETHING OF
10 THAT SORT. IT WASN'T A VERY LONG AND DETAILED CONVERSATION
11 BECAUSE I WAS SOMEWHAT MIFFED OR DISAPPOINTED THAT THE
12 CIRCUMSTANCES HAD OCCURRED. AND SO I DON'T RECALL TALKING
13 TO HIM IN DETAIL ABOUT MS. ABRAMSON OR THE ALLEGATIONS THAT
14 THEY HAD RAISED ON THE WIRE TAP.
15 Q OKAY.
16 DO YOU RECALL GIVING HIM ANY INSTRUCTIONS -- AND
17 I'M SORRY. AS BEST YOU CAN RECALL, WHEN WAS THAT
18 CONVERSATION WITH MR. CSEHY RELATIVE TO HIS RETURN TO FULTON
19 COUNTY?
20 A I REALLY COULDN'T TELL YOU. I DON'T KNOW.
21 Q IN THAT CONVERSATION, DID YOU TELL HIM ANYTHING
22 ABOUT WHAT HE SHOULD OR SHOULD NOT BE DOING BEFORE HE
23 RETURNS TO FULTON COUNTY?
24 A I CAN'T RECALL.
25 Q DID -- DO YOU RECALL GIVING ANY INSTRUCTIONS TO

110

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1 MS. SHEILA ROSS ABOUT WHAT MR. CSEHY SHOULD OR SHOULD NOT DO
2 WHILE IN CALIFORNIA?

3 A I REALLY CAN'T RECALL.

4 Q AND THE SAME QUESTION WITH RESPECT TO
5 MS. ABRAMSON, DID YOU GIVE ANY INSTRUCTIONS TO MS. ROSS

6 ABOUT WHAT MS. ABRAMSON SHOULD OR SHOULD NOT DO BEFORE
7 RETURNING TO FULTON COUNTY?

8 A I JUST DON'T HAVE ANY RECOLLECTION OF THAT.

9 Q OKAY. IF YOU ACCEPT MY REPRESENTATION THAT THE
10 24TH OF APRIL IS A SUNDAY, AND THAT MS. ABRAMSON AND
11 MR. CSEHY RETURNED TO FULTON COUNTY ON A SUNDAY, DO YOU HAVE
12 A RECOLLECTION OF MEETING WITH THEM OR TALKING WITH THEM ON
13 SUNDAY, THE 24TH?

14 A I HAVE NO IDEA WHEN I TALKED WITH THEM.

15 Q AND THE FORCE OF THAT QUESTION IS, DO YOU HAVE
16 RECOLLECTION OF TALKING WITH THEM IN AN OUT-OF-OFFICE,
17 OUT-OF-REGULAR BUSINESS HOURS CONTEXT?

18 A NO.

19 Q IN APRIL OF 2004 -- I'M SORRY, APRIL OF 2005, YOU
20 WERE AWARE THAT MR. CSEHY AND MS. ABRAMSON HAD A CLOSE
21 PERSONAL RELATIONSHIP?

22 A IN APRIL OF 2005?

23 Q YES, SIR.

24 A I'M NOT REAL SURE. I THINK I MIGHT HAVE FIGURED
25 IT OUT AFTER THESE CIRCUMSTANCES. BUT BEFORE THAT TIME, I

111

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1 DON'T THINK I REALLY -- I REALLY WOULDN'T HAVE PAID ANY
2 ATTENTION TO IT.

3 Q SO GIVEN THAT ANSWER, IF I WERE TO ASK YOU THE
4 SAME QUESTION ABOUT AN EARLIER PERIOD OF TIME, SAY, OCTOBER
5 OF 2004, YOU WOULD NOT KNOW ONE WAY OR THE OTHER WHETHER
6 MS. ABRAMSON AND MR. CSEHY HAD A PERSONAL RELATIONSHIP?

7 A I JUST -- WOULD NOT HAVE ANY REASON TO ATTACH ANY
8 IMPORTANCE TO IT.

9 Q AND I'M ASKING YOU BOTH WAYS. AS YOU SIT HERE AND
10 TESTIFYING TODAY, DO YOU HAVE ANY KNOWLEDGE OF WHAT THEIR
11 RELATIONSHIP WAS IN OCTOBER OF 2004?

12 A MY RECOLLECTION IS, IS THAT WHAT I REMEMBER IS
13 FINDING OUT ABOUT THIS RELATIONSHIP AT THE TIME THAT I FOUND
14 OUT ABOUT HER BEING IN CALIFORNIA.

15 Q RIGHT. THAT'S WHEN YOU LEARNED OF IT. MY
16 QUESTION TO YOU NOW IS, AS YOU SIT AND TESTIFY NOW, DO YOU
17 KNOW WHAT THEIR RELATIONSHIP WAS IN OCTOBER OF 2004?

18 A NO IDEA.

19 Q SO LET'S ASSUME THAT MONDAY, APRIL 25TH, 2005, IS
20 A MONDAY. DO YOU RECALL MEETING WITH MS. ABRAMSON MONDAY
21 MORNING. DID YOU HAVE -- DO YOU HAVE A RECOLLECTION OF YOUR
22 FIRST MEETING WITH MS. ABRAMSON ON HER RETURN?

23 A I HAVE NO IDEA WHEN I MET WITH HER, THE DAY, THE
24 TIME. I HAVE NO RECOLLECTION OF SPECIFICALLY WHEN IT TOOK
25 PLACE.

112

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1 MR. HILL: YOUR HONOR, CAN I HAVE THE COURT'S
2 INDULGENCE ONE MOMENT?

3 THE COURT: YES.

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

6 MR. HILL: YOUR HONOR, MAY I APPROACH THE
7 WITNESS?

8 THE COURT: YES, YOU MAY.

9 BY MR. HILL:

10 Q MR. HOWARD, I'M GOING TO SHOW YOU NOTES THAT ARE
11 NOT YOUR NOTES. THESE ARE NOTES OF MR. KADISH. I'M JUST
12 GOING TO ASK YOU TO REVIEW A SECTION OF IT. SEE IF THAT
13 REFRESHES YOUR RECOLLECTION ABOUT YOUR FIRST MEETING WITH
14 MS. ABRAMSON ON HER RETURN.

15 A FIRST OF ALL, HOW DO I KNOW THOSE ARE NOTES OF
16 MR. KADISH?

17 Q AND THAT -- MR. HOWARD, I'M JUST GOING TO ASK YOU
18 JUST TO ACCEPT THESE AS A PAPER DOCUMENT AND TO READ THIS
19 PAPER DOCUMENT AND SEE IF THE CONTENT THERE REFRESHES YOUR
20 RECOLLECTION OF YOUR FIRST MEETING.

21 A I DON'T UNDERSTAND HOW THAT WOULD HELP ME. I
22 DON'T HAVE ANY RECOLLECTION OF THE DATE THAT I MET WITH HER.

23 Q WHAT I'M ASKING YOU TO DO IS TO LOOK AT THE --

24 A I'LL LOOK AT IT, SIR.

25 Q AND THIS IS THE PORTION FROM "PH" HERE TO THERE

113

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1 (INDICATING).

2 A OKAY.

3 THE WITNESS: YOUR HONOR, IT LOOKS LIKE
4 LAWYER WRITING. IT'S HARD TO UNDERSTAND. CAN I
5 GET SOMEBODY TO INTERPRET IT FOR ME NOW?

6 THE COURT: YOU WANT -- WELL, I KNOW, AND I
7 APPRECIATE YOU LOOKING AT IT. BY THE WAY, I
8 APPRECIATE THE WAY BOTH OF ARE YOU DOING THIS VERY
9 PROFESSIONALLY. WE'RE MAKING PROGRESS. WHY DON'T

10 YOU HELP HIM DECIPHER IT AND JUST -- AND WHY DON'T
11 YOU HELP HIM DECIPHER IT? I DON'T KNOW IF THAT'S
12 GOING TO HELP REFRESH HIS RECOLLECTION, BUT IF IT
13 DOES, HE CAN TELL US WHETHER OR NOT.

14 MR. HILL: YOUR HONOR, CAN WE BE AT EASE FOR
15 FIVE MINUTES AS I DO THAT OR -- YOU KNOW, I HATE
16 TO STOP.

17 THE COURT: SURE.

18 THE WITNESS: IF YOU SHOW ME SPECIFICALLY,
19 MR. HILL, WHAT IT IS YOU --

20 THE COURT: ACTUALLY WHAT I'D LIKE TO DO,
21 MR. HILL, IS I'D LIKE TO -- I'D LIKE TO FINISH UP
22 MR. HOWARD BECAUSE WE'VE GOT -- I MADE SOME
23 PROMISES NOW. I MEAN I'D LIKE TO GET MR. HOWARD
24 ON TO HIS NEXT ASSIGNMENT. AND THEN WE MADE SOME
25 PROMISES TO MR. KADISH BECAUSE OF HIS MEDICAL

114

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1 CONDITION. SO I WANT TO MAKE SURE WE STAY ON
2 TIME. SO I'M PRESSING ON. UNLESS SOMEBODY HAS TO
3 GO WASH THEIR HANDS, I'M READY TO KEEP GOING.

4 MR. HILL: HANDS ARE GOOD, YOUR HONOR.

5 BY MR. HILL:

6 Q MR. HOWARD, THESE, IN FACT, ARE NOT KADISH NOTES.
7 THEY ARE BRUCE MORRIS' NOTES.

8 A SO YOU'RE WRONG?

9 YOUR HONOR, I'D LIKE TO NOTE THAT FOR THE RECORD
10 THAT MR. HILL HAS MADE A MISTAKE.

11 BY MR. HILL:

12 Q IT'S ONLY HAPPENED THIS ONCE.
13 A ALL RIGHT.
14 (WHEREUPON, THERE WAS AN OFF-THE-RECORD
15 DISCUSSION.)
16 BY MR. HILL:
17 Q MR. HOWARD, YOU'VE HAD A CHANCE NOW TO REVIEW WHAT
18 I'VE DESCRIBED AS NOTES NOW OF MR. MORRIS. YOU'VE HAD A
19 CHANCE TO REVIEW THOSE NOTES OR AN EXCERPT OF THE NOTES?
20 A I HAVE.
21 Q AND HAVING REVIEWED THOSE EXCERPTS, IS YOUR
22 RECOLLECTION REFRESHED AT ALL ABOUT THE CONTENT OF YOUR
23 CONVERSATION WITH MS. ABRAMSON?
24 A NO, IT DOESN'T CHANGE IT AT ALL.
25 Q AND LET ME JUST SORT OF ASK SPECIFICALLY. THERE

115

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1 IS A REFERENCE TO COW PALACE. DOES THAT REFRESH YOUR
2 RECOLLECTION ABOUT ANY CONVERSATION YOU HAD WITH
3 MS. ABRAMSON?
4 A NO. NOW, I BELIEVE YOU'RE ASKING ME ABOUT THE DAY
5 THAT I TALKED WITH HER, AND IT DIDN'T REFRESH MY
6 RECOLLECTION AS TO WHEN I TALKED WITH HER.
7 Q OH, NO, NO. NO. ACTUALLY, I WASN'T SHOWING YOU
8 THE NOTES TO REFRESH ON THE DATE. I'M ASKING YOU TO ASSUME
9 THAT THOSE NOTES WERE FROM THE FIRST CONVERSATION YOU HAD
10 WITH MS. ABRAMSON.
11 A YOU'VE TOTALLY CONFUSED ME.
12 Q FOR RIGHT NOW, I'M NOT ASKING FOR THE DATE.

13 A THAT'S WHAT I THOUGHT YOU WERE ASKING ABOUT.
14 Q WHAT I'M -- THERE WAS NO DATE ON THOSE NOTES;
15 RIGHT?
16 A YEAH, SOME NOTATION SAID SATURDAY, SUNDAY.
17 Q THE QUESTION IS, THE NOTES THAT YOU HAD A CHANCE
18 TO LOOK AT, DO THEY REFRESH YOUR RECOLLECTION ABOUT THE
19 CONTENT OF THE CONVERSATION YOU HAD WITH MS. ABRAMSON THE
20 FIRST TIME YOU TALKED WITH HER ON HER RETURN TO FULTON
21 COUNTY?
22 A NO. I'M REALLY CONFUSED BECAUSE YOU ASKED ME
23 WHETHER OR NOT I SPOKE WITH HER ON MONDAY.
24 Q RIGHT.
25 A I SAID I DIDN'T. YOU ASKED ME TO LOOK AT THE

116

1 NOTES TO REFRESH MY MEMORY. SO I DIDN'T REALLY LOOK AT THEM
2 TO REFRESH MY MEMORY AS TO THE CONTENT OF THE CONVERSATION.
3 Q OKAY. WELL --
4 THE COURT: I THINK THAT'S CORRECT. I THINK
5 HE HAS GOT IT RIGHT. SO JUST SHOW IT TO HIM
6 AGAIN.
7 MR. HILL: SURE.
8 THE WITNESS: MAYBE -- DO YOU WANT TO KNOW
9 WHETHER OR NOT I STILL REMEMBER?
10 BY MR. HILL:
11 Q RIGHT.
12 A IF YOU ASK ME THAT, I'LL TELL YOU.
13 Q DO YOU RECALL WHAT MS. ABRAMSON SAID TO YOU, WHAT
14 YOU SAID TO HER DURING THAT FIRST CONVERSATION?

15 A I REMEMBER A LITTLE ABOUT IT. SHE CAME IN AND
16 REPORTED TO ME THAT SHE WAS, IN FACT, IN SAN FRANCISCO. I
17 BELIEVE WE DISCUSSED THE ALLEGATIONS THAT HAD BEEN RAISED ON
18 THE WIRE TAP. I ASKED HER WHETHER OR NOT THEY WERE TRUE.
19 SHE SAID THAT THEY WERE NOT.

20 I BELIEVE I ASKED SOME QUESTIONS ABOUT HER
21 RELATIONSHIP WITH SCOTT DAVIS. I BELIEVE SHE TOLD ME THAT
22 AT THE TIME THAT SHE MET THE ASSOCIATES OF SCOTT DAVIS AND
23 SCOTT DAVIS, SHE WAS NOT EVEN AWARE THAT SCOTT DAVIS WAS
24 BEING INVESTIGATED IN OUR OFFICE FOR A MURDER CASE. WE
25 TALKED ABOUT SOME OTHER THINGS THAT I JUST DON'T REMEMBER,

117

1 AND THAT WAS ABOUT IT.

2 Q WHEN YOU SAID THAT SHE DENIED THE ALLEGATIONS, DID
3 YOU OR SHE GET SPECIFIC ABOUT THE CONDUCT THAT SHE WAS
4 DENYING?

5 A I BELIEVE I SPECIFICALLY ASKED HER ABOUT THE DRUG
6 INVOLVEMENT. WAS SHE -- BECAUSE THEY HAD RAISED THE SPECTRE
7 OF HER USING DRUGS, AND SHE SAID NO.

8 Q SO IF I COULD BREAK THAT CONVERSATION DOWN, DID
9 SHE AFFIRMATIVELY ACKNOWLEDGE A RELATIONSHIP WITH MR. DAVIS'
10 ACQUAINTANCE IN FULTON COUNTY IN THAT FIRST CONVERSATION?

11 A AND WHEN YOU SAY A RELATIONSHIP MEANING?

12 Q A PERSONAL.

13 A FRIENDSHIP OR ASSOCIATION?

14 Q ROMANTIC RELATIONSHIP.

15 A NOT ROMANTIC. I UNDERSTAND IT WAS JUST A -- I

16 BELIEVE THEY HAD MET AND ATTENDED SOME PARTIES HERE IN
17 ATLANTA. AND THEN SHE HAD SUBSEQUENTLY GONE TO CALIFORNIA
18 TO ATTEND SOME PARTY WITH THOSE SAME ASSOCIATES.

19 Q WELL, DID SHE DENY HAVING A CLOSE, INTIMATE
20 RELATIONSHIP WITH AN ACQUAINTANCE?

21 A I DON'T THINK I ASKED HER ABOUT IT.

22 Q OKAY. SO YOU JUST DIDN'T ASK?

23 A YEAH.

24 Q AND YOU DON'T RECALL HER DESCRIBING THAT
25 RELATIONSHIP?

118

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1 A NO, OTHER THAN GENERALLY IN THE TERMS THAT I'VE
2 DESCRIBED.

3 Q OKAY.

4 A MY FOCUS WAS ON THE DRUG USE. I REALLY WASN'T
5 INTERESTED IN WHETHER OR NOT SHE HAD HAD SOME RELATIONSHIP
6 BECAUSE AS I UNDERSTOOD IT, SHE DIDN'T -- SHE WASN'T AWARE
7 THAT SCOTT DAVIS WAS, IN FACT, BEING INVESTIGATED FOR A
8 MURDER CHARGE IN OUR OFFICE.

9 Q WITH RESPECT TO THE DRUG ACTIVITY, DID YOU ASK
10 HER, OR DID SHE SAY TO YOU THAT THERE HAD BEEN DRUGS IN HER
11 CAR -- DRUG USE IN HER -- IN A CAR?

12 A I DON'T RECALL ASKING HER SPECIFICALLY ABOUT A CAR
13 OR A PLACE. MY QUESTIONS SIMPLY HAD TO DO WITH WHETHER OR
14 NOT SHE WAS USING DRUGS AS WAS CONTAINED OR MADE IN THE
15 ALLEGATION MADE IN THE WIRE TAP.

16 Q AND WHAT YOU'RE SAYING IS THAT SHE DENIED
17 UNEQUIVOCALLY THE USE OF DRUGS IN FULTON COUNTY DURING THE

18 TIME PERIOD OF OCTOBER, NOVEMBER, 2004?

19 A I BELIEVE -- YES, SHE DID, AND I THINK MY QUESTION
20 MIGHT HAVE BEEN A LITTLE MORE GENERAL THAN HAVING TO DO WITH
21 WHETHER OR NOT SHE WAS USING DRUGS AT ALL. I THINK THAT
22 PROBABLY WAS MORE THE FOCUS OF MY QUESTION.

23 Q UH-HUH. DO YOU KNOW HOW MANY WITNESSES WERE
24 INTERCEPTED -- HOW MANY TELEPHONE CALLS INVOLVING WITNESSES
25 WERE INTERCEPTED THAT REPORTED ON MS. ABRAMSON'S DRUG USAGE?

1 A I HAVE NO IDEA.

2 Q DID YOU LISTEN TO ANY OF THE WIRE TAPS THAT HAD
3 BEEN TAPED RECORDED?

4 A I THINK I MIGHT HAVE LISTENED TO JUST A COUPLE OF
5 PASSAGES.

6 Q AND DO YOU KNOW WHEN THOSE PASSAGES -- WHEN THOSE
7 TELEPHONE CALLS WERE RECORDED RELATIVE TO THE TRIP THAT
8 MR. CSEHY AND MS. CHAMBERS TOOK IN PALO ALTO?

9 A I BELIEVE THEY WOULD HAVE BEEN RECORDED AFTER THEY
10 WENT TO CALIFORNIA.

11 Q SO IF I UNDERSTAND YOU RIGHT, YOU -- ARE YOU
12 SAYING THAT YOU REMEMBER HEARING TAPE RECORDINGS THAT
13 OCCURRED DURING THAT WEEK IN APRIL OF 2005, DURING THAT WEEK
14 IN 2005, OR LATER?

15 A EXCUSE ME. IT WOULD HAVE BEEN MUCH LATER.

16 Q MUCH LATER?

17 A YES.

18 Q DO YOU REMEMBER IF IT WAS ONE CONVERSATION THAT

19 YOU HEARD, OR MORE THAN ONE CONVERSATION?

20 A WHAT I REMEMBER IS LISTEN TO -- WHAT I REFER TO AS
21 A PASSAGE OR A SMALL SNIPPET OF THE CONVERSATIONS.

22 Q DO YOU RECALL TELLING MS. ABRAMSON THAT THIS
23 MATTER WOULD HAVE TO BE INVESTIGATED BY AN OUTSIDE AUTHORITY
24 -- OUTSIDE PROSECUTORIAL AUTHORITY?

25 A ABSOLUTELY NOT.

120

1 Q HAVE YOU HAD A CHANCE TO REVIEW THE PRESS
2 STATEMENT THAT MS. CSEHY RELEASED RECENTLY?

3 A NO.

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

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

7 BY MR. HILL:

8 Q MR. HOWARD, I'M GOING TO SHOW YOU WHAT'S BEEN
9 MARKED AS DEFENDANT'S EXHIBIT NO. 1 AND ASK YOU TO TAKE A
10 LOOK AT THAT DOCUMENT.

11 A WOULD YOU LIKE FOR ME TO READ THE ENTIRE THING?

12 Q WELL, I'M GOING DIRECT YOUR ATTENTION TO THE
13 SECOND PAGE OF IT.

14 A OKAY.

15 Q AND THE LAST PARAGRAPH ON THAT SECOND PAGE, THE
16 FIRST LINE.

17 A IT SAYS, "MR. HOWARD, ON THIS STATEMENT DID, IN
18 FACT, STATE" --

19 Q YES.

20 A -- "THAT INVESTIGATION MAY OCCUR ONE DAY, IF

21 NECESSARY."

22 Q RIGHT.

23 A "THAT HE WAS MORE CONCERNED ABOUT AN INVESTIGATION
24 INTO THE MEN WHO ASSAULTED HER"?

25 Q UH-HUH.

121

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1 A YEAH.

2 Q HAD YOU SEEN THAT BEFORE?

3 A I HAD SEEN THIS PRESS RELEASE.

4 Q THE PRESS RELEASE.

5 A NO, I HAVEN'T SEEN THE PRESS RELEASE.

6 Q HAVING LOOKED AT THAT PRESS RELEASE, DO YOU HAVE
7 ANY RECOLLECTION OF DISCUSSIONS WITH MR. CSEHY OR WITH MS.
8 CSEHY ABOUT AN INVESTIGATION TO BE CONDUCTED BY EITHER THE
9 ATTORNEY GENERAL'S OFFICE, OR THE U.S. ATTORNEY'S OFFICE?

10 A NO. THAT'S NOT WHAT THIS RELATES TO. WHAT THIS
11 RELATES TO IS THAT -- NOW, THIS IS MY RECOLLECTION OF WHAT
12 HAPPENED. IS THAT WHEN MS. ABRAMSON AND MR. CSEHY RELATED
13 TO ME WHAT HAPPENED TO MS. ABRAMSON WHEN SHE WAS IN
14 CALIFORNIA PRIOR TO THIS INCIDENT, THE FACTS THAT THEY
15 REVEALED TO ME, I ASKED THE QUESTION WHETHER OR NOT SOMEONE
16 IN CALIFORNIA WAS INVESTIGATING WHAT HAD HAPPENED. DID THEY
17 REPORT IT TO THE POLICE? IT DIDN'T HAVE ANYTHING TO DO WITH
18 THE SCOTT DAVIS CASE. IT HAD TO DO WITH SOMETHING THAT HAD
19 HAPPENED TO MS. ABRAMSON BEFORE, AND THAT'S WHAT I BELIEVE
20 IT MIGHT HAVE SAID, "INCUR AN INVESTIGATION, IF NECESSARY,
21 ONE DAY."

22 Q OKAY. LET'S JUST BE CLEAR ABOUT A COUPLE OF
23 THINGS. ONE IS THE INFORMATION THAT WAS OBTAINED FROM
24 DETECTIVE CHAMBERS FROM THE INDIVIDUALS -- FROM INDIVIDUAL
25 INTERVIEWS ABOUT MS. ABRAMSON THAT REPORTED ON DRUG ACTIVITY

122

1 IN BOTH FULTON COUNTY AND IN CALIFORNIA; IS THAT CORRECT?

2 A WELL, WHEN YOU SAY "FULTON COUNTY," I BELIEVE
3 THEY, ON THE TAPE -- ON THE WIRE TAP SAID ATLANTA. SO WHEN
4 YOU SAY FULTON COUNTY, YOU'RE PROBABLY NOT AWARE OF THIS.
5 PART OF FULTON COUNTY -- PART OF ATLANTA IS ALSO IN ANOTHER
6 COUNTY, DEKALB COUNTY. SO THEY WEREN'T MAKING SPECIFIC
7 REFERENCE TO FULTON COUNTY, BUT I DID UNDERSTAND THAT IT WAS
8 IN ATLANTA AND IN CALIFORNIA.

9 Q I STAND CORRECTED. IT WAS ATLANTA AND CALIFORNIA.
10 YOU UNDERSTOOD ALLEGATIONS WERE MADE WITH RESPECT
11 TO BOTH SITES?

12 A THAT'S CORRECT.

13 Q AND YOU UNDERSTOOD THAT ALLEGATIONS WERE RAISED
14 ABOUT HER RELATIONSHIP WITH A PARTICULAR ACQUAINTANCE OF
15 MR. DAVIS IN BOTH SITES?

16 A CORRECT.

17 Q AND IF I'M UNDERSTANDING YOUR RESPONSE, AND IF I'M
18 UNDERSTANDING THE PRESS RELEASE CORRECTLY, WHAT YOU
19 UNDERSTOOD WAS THE ALLEGATION WITH RESPECT TO CALIFORNIA
20 INVOLVED -- INCLUDED A VICTIMIZATION BY MS. CSEHY -- BY
21 MS. ABRAMSON?

22 A VICTIMIZATION OF MS. ABRAMSON?

23 Q THAT IS CORRECT.

24 A THAT'S CORRECT.
25 Q SO WITH RESPECT TO MS. CSEHY, SHE REPORTED ON

123

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1 HERSELF AS A VICTIM IN CALIFORNIA?
2 A THAT'S CORRECT.
3 Q AT THE TIME THAT SHE WAS A VICTIM IN CALIFORNIA,
4 DID SHE TALK ABOUT ANY DRUG USAGE ON HER PART IN CALIFORNIA?
5 A NO.
6 Q DID YOU ASK HER ABOUT HER DRUG USE IN CALIFORNIA,
7 AT OR ABOUT THE TIME OF HER VICTIMIZATION?
8 A YES, I BELIEVE I ASKED HER ABOUT THAT, AND DRUG
9 USE AT ANY TIME THAT SHE WOULD HAVE BEEN AN ASSISTANT
10 DISTRICT ATTORNEY IN FULTON COUNTY.
11 Q AND WHAT YOU GOT WAS A DENIAL?
12 A THAT'S CORRECT.
13 Q IS THAT WHAT YOU'RE SAYING?
14 GOING BACK TO YOUR EARLIER TESTIMONY ABOUT THE
15 DECISION TO PULL THE WIRE OR TO CEASE THE WIRE TAP ACTIVITY,
16 YOU RECALL WHEN THAT DECISION WAS MADE?
17 A WHEN YOU SAY WHEN, MEANING?
18 Q WHEN A DECISION WAS MADE THIS WIRE TAP IS NOT
19 PRODUCTIVE. SHUT IT DOWN.
20 A WELL, I DON'T REMEMBER THE EXACT TIME OR THE DAY.
21 I JUST REMEMBER THE CIRCUMSTANCE THAT LED US TO CONCLUDE
22 THAT IT WAS -- WE WERE WASTING OUR TIME.
23 Q OKAY. AND IS THAT A MATTER ON WHICH YOU HAVE
24 OFFERED PREVIOUS TESTIMONY?

25 A PREVIOUS TESTIMONY IN THE SCOTT DAVIS CASE?

124

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1 Q IN THE SCOTT DAVIS CASE.

2 A YES.

3 Q OKAY. AND WHAT WAS THE EXPLANATION YOU GAVE
4 PREVIOUSLY FOR THE SHUTTING DOWN OF THE WIRE TAP?

5 A NOW, I DON'T KNOW, BUT IF I COULD REVIEW IT, I
6 COULD TELL YOU.

7 MR. HILL: MAY I APPROACH, YOUR HONOR?

8 THE COURT: YES.

9 BY MR. HILL:

10 Q MR. HOWARD, I'M GOING TO DIRECT YOUR ATTENTION TO
11 PAGE 166.

12 MS. ROSS: I'M SORRY, YOUR HONOR. 166 OF
13 WHAT DOCUMENT? 166 OF WHAT DOCUMENT?

14 MR. HILL: IT'S APRIL 12TH THROUGH 13TH.

15 (WHEREUPON, THERE WAS AN OFF-THE-RECORD
16 DISCUSSION.)

17 BY MR. HILL:

18 Q I BELIEVE IT STARTS AT LINE 15, MR. HOWARD.

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

20 BY MR. HILL:

21 Q DO YOU RECALL NOW THE EXPLANATION THAT YOU
22 TESTIFIED TO PREVIOUSLY ABOUT THE REASON FOR SHUTTING DOWN
23 THE WIRE TAP OPERATION?

24 A WELL, I'M KIND OF -- BECAUSE WHAT YOU SHOWED ME
25 WAS NOT EXACTLY, BUT I RECALL WHY I THOUGHT WE SHUT DOWN THE

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1 WIRE TAP. IT'S JUST THAT THAT -- THAT SECTION THAT YOU
2 SHOWED ME ACTUALLY WAS IN RESPONSE ANOTHER QUESTION. BUT I
3 BELIEVE I DO.

4 Q WELL, LET'S JUST MAKE THE RECORD CLEAR.

5 A RATHER THAN ARGUE ABOUT IT, YES, I DO.

6 Q WELL, LET'S JUST MAKE THE RECORD CLEAR.

7 CAN YOU ASK THE -- READ OUT LOUD THE QUESTION AND
8 THEN THE ANSWER THAT I DIRECTED YOUR ATTENTION TO.

9 A AND THE QUESTION WAS: "WHAT DID YOU LEARN FROM
10 THOSE CONVERSATIONS? WELL, ONE OF THE THINGS THAT I
11 LEARNED," AND IT GOES ON.

12 Q JUST READ YOUR RESPONSE?

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

22 Q OKAY.

23 A YES. GO AHEAD.

24 Q ARE YOU -- I WAS GOING TO RETRIEVE THE --

25 A WELL, I WAS GOING TO KEEP READING BECAUSE I THINK

1 THERE'S SOME OTHER THINGS, BUT...

2 Q NO, NO, IF YOU NEED TO REVIEW FOR COMPLETENESS,
3 PLEASE GO AHEAD.

4 A NO, I DON'T. AS YOU ASKED ME THE QUESTIONS ABOUT
5 IT, THIS HAPPENED, I BELIEVE IN 2006, TWO YEARS AGO, SO I
6 JUST WANTED TO LOOK TO SEE WHETHER OR NOT --

7 Q SURE. JUST LET ME KNOW WHEN YOU'RE --

8 A I'M FINISHED.

9 Q -- WHEN YOU FINISH.

10 A CAN I HOLD ON TO IT WHILE YOU ASK ME?

11 Q IT'S NOT USUAL, BUT AS LONG AS YOU DON'T --

12 A SINCE YOU'RE GOING TO KEEP ASKING ABOUT IT.

13 Q NO, NO, I'M THROUGH WITH THAT DOCUMENT.

14 A ALL RIGHT.

15 Q MR. HOWARD, IF WE TALK ABOUT THE GOAL OF THE WIRE
16 TAP, AND OF MR. CSEHY AND MS. CHAMBERS' (SIC) TRIP TO
17 CALIFORNIA, IT WAS THE STRATEGIC DECISION OF THE UNIT WITH
18 YOUR INPUT THAT THEY WOULD GO TO CALIFORNIA TO STIR UP
19 CONVERSATION; RIGHT?

20 A UH-HUH. YES.

21 Q AND SO THE GOAL WAS FOR THE POLICE PRESENCE TO BE
22 OPEN AND NOTORIOUS TO MR. DAVIS; RIGHT?

23 A AT A CERTAIN POINT.

24 Q AND SO WITH THAT GOAL IN MIND, THERE WERE A
25 CLEARLY MARKED POLICE UNIT OUTSIDE MR. DAVIS' HOUSE, AND

1 MR. CHAMBERS AND/OR MR. CSEHY WENT AROUND STRATEGICALLY
2 CONDUCTING CONVERSATIONS WITH ASSOCIATES OF MR. DAVIS;
3 RIGHT?

4 A AGAIN, AS I'VE SAID TO YOU, I'M NOT REAL SURE
5 ABOUT WHAT MR. CSEHY DID. I SUSPECT THAT'S WHAT
6 MS. CHAMBERS DID.

7 Q BUT THE STRATEGY THAT YOU HAD A PART IN SHAPING,
8 WAS TO SEND FOLKS OUT TO CALIFORNIA TO BEAT THE BUSHES;
9 RIGHT?

10 A NOT REALLY TO BEAT THE BUSHES.

11 Q I THINK IS "TICKLE THE WIRE"?

12 A THAT MIGHT BE A MORE APPROPRIATE TERM.

13 Q SO YOU WERE OUT THERE TICKLING THE WIRE TRYING TO
14 GENERATE TELEPHONE TRAFFIC BETWEEN DAVIS AND HIS ASSOCIATES;
15 RIGHT?

16 A AND DAVIS AND SOMEONE WHO WE THOUGHT MIGHT BE ALSO
17 INVOLVED IN THIS CRIME.

18 Q OKAY. AND YOU, IN FACT, DID STIMULATE THAT
19 CONVERSATION, THOSE CONVERSATIONS, DIDN'T YOU?

20 A NOT ENTIRELY.

21 Q WELL, THE WIRE TAP INTERCEPTED CONVERSATIONS WITH
22 MR. DAVIS WHERE HE WAS RECORDING THE HEIGHTENED POLICE
23 ACTIVITY OUTSIDE OF HIS HOUSE; RIGHT?

24 A I'M NOT SURE.

25 Q IT REPORTED THAT INVESTIGATORS WERE OUT KNOCKING

1 ON THE DOORS, GOING TO THE WORKPLACES OF HIS FRIENDS AND
2 ASSOCIATES?

3 A I DON'T HAVE ANY RECOLLECTION OF THAT.

4 Q BUT DO YOU -- DO YOU RECALL RECEIVING REPORTS FROM
5 EITHER MS. ROSS OR FROM THE TEAM IN CALIFORNIA THAT THE
6 STRATEGY WAS WORKING, THAT PRESSURE WAS BEING PLACED ON
7 MR. DAVIS?

8 A I BELIEVE THAT WE DID PUT SOME THINGS IN MOTION
9 THAT WOULD HAVE TICKLED THE PRINCIPALS IN THE WIRE TAP.

10 Q OKAY. SO EARLY ON, YOU -- YOUR PEOPLE WERE
11 REPORTING BACK SUCCESS IN THE STRATEGY; RIGHT?

12 A AT LEAST SUCCESSFULLY STARTING IT.

13 Q OKAY. AND THEN, YOU KNOW, AS THE STRATEGY
14 CONTINUED, MS. ABRAMSON'S ROLE BECAME APPARENT; IS THAT
15 RIGHT?

16 A WELL, NOT AS IN THAT SEQUENCE, BUT AS SOON AS THE
17 STRATEGY STARTED, THE CONVERSATIONS THAT WE DETECTED WERE
18 CONVERSATIONS THAT WE FELT WERE NOT NATURAL RESPONSES. IN
19 FACT, SOME OF THE CONVERSATIONS OUTRIGHT SAID "DON'T TALK.
20 DON'T -- DON'T TALK ABOUT WHAT'S GOING ON."

21 Q WELL, LATER IN THE WEEK, IT BECAME CLEAR THAT
22 MR. DAVIS WAS IN CONTACT WITH HIS LAWYERS OF 10 YEARS HERE
23 IN FULTON COUNTY; RIGHT?

24 A I DON'T HAVE ANY RECOLLECTION OF THAT.

25 Q YOUR PEOPLE DIDN'T TELL YOU THAT MR. DAVIS WAS

1 CALLING --

2 A WELL, THEY MIGHT HAVE TOLD ME, BUT REMEMBER THIS
Page 123

3 MANY YEARS AFTERWARDS, AND I DON'T HAVE ANY INDEPENDENT
4 RECOLLECTION OF THEM TELLING ME THAT.

5 Q WELL, YOU'VE KNOWN MR. KADISH, FOR EXAMPLE, FOR
6 DECADES; RIGHT, MARK KADISH?

7 A HE IS OLD, YES.

8 Q AND AT LEAST SOME PART OF THAT OVERLAPS WITH YOU?

9 A YES.

10 Q AND YOU KNOW MR. MORRIS?

11 A YES.

12 Q FOR YEARS?

13 A FOR YEARS.

14 Q AND BEFORE THE END OF THAT WEEK, AND I'M SAYING,
15 AGAIN, TRUST ME ON THE CALENDAR, IF FRIDAY OF THAT WEEK IS
16 APRIL 22ND, YOU WERE IN CONVERSATION WITH MR. KADISH ABOUT
17 THESE ACTIVITIES; RIGHT?

18 A I DON'T HAVE ANY RECOLLECTION THAT DURING THAT
19 TIME SPAN THAT I WAS IN IN CONVERSATION WITH MR. KADISH.

20 Q DO YOU HAVE A RECOLLECTION OF BEING IN
21 CONVERSATION WITH MR. MORRIS?

22 A NOT DURING THAT TIME SPAN.

23 Q DO YOU HAVE ANY RECOLLECTION THAT MR. KADISH
24 AND/OR MR. MORRIS WERE CONCERNED THAT GAYLE ABRAMSON WAS
25 ACTING IN AN UNDERCOVER CAPACITY?

130

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1 A NOT DURING THE TIME PERIOD THAT YOU DESCRIBE.

2 Q TELL TUESDAY -- TELL THE COURT WHAT YOUR
3 UNDERSTANDING -- WHEN THAT YOU HAVE AN UNDERSTANDING OF

4 BEING IN CONTACT WITH MR. KADISH OR MR. MORRIS?

5 A AFTER WE INDICTED SCOTT DAVIS, AND AS IT CAME
6 CLOSER TO THE TRIAL, THEN, I THEN REMEMBER THEM DISCUSSING
7 THIS WHOLE MATTER WITH MS. ABRAMSON.

8 Q SO IS YOUR RECOLLECTION DURING THAT -- THOSE
9 DISCUSSIONS THAT MR. KADISH AND MR. MORRIS WERE OF A MIND
10 THAT MS. ABRAMSON WAS -- HAD A ROLE AS AN UNDERCOVER
11 OPERATIVE?

12 A WELL, VERY MUCH LIKE THIS, I REALLY WASN'T CLEAR
13 WHAT THEY WERE TRYING TO IMPLY.

14 Q DID YOU UNDERSTAND FROM THE WIRE TAPS THAT WERE
15 INTERCEPTED THAT MR. DAVIS AND HIS -- HIS ASSOCIATES BY THE
16 END OF THE WEEK WERE SPECULATING THAT ALL OF THIS POLICE
17 ATTENTION THAT WAS OPEN AND NOTORIOUS WAS AS A RESULT OF
18 THIS ASSISTANT DISTRICT ATTORNEY THAT ONE THAT MR. DAVIS HAD
19 A RELATIONSHIP WITH?

20 A NO.

21 Q YOU DIDN'T KNOW THAT FROM THE WIRE TAP --

22 A I DON'T THINK THAT.

23 Q -- REPORTS?

24 A NO, I'M NOT AWARE OF THAT EVER OCCURRING, BUT I
25 CERTAINLY WASN'T AWARE OF IT.

1 Q YOU WERE NOT --

2 A WHAT I --

3 Q I'M SORRY.

4 A -- WHAT I UNDERSTOOD IS THAT THE INFORMATION IN MY
5 OPINION THAT WAS BEING DISCUSSED ON THAT WIRE TAP, THAT IT

6 WAS PHONY, THAT IT WAS FAKE, THAT IT FABRICATED. AND SO I
7 REALLY DIDN'T GIVE A LOT OF CREDIT TO WHAT WAS SAID.

8 Q DID IT OCCUR TO YOU TO HAVE SOMEONE, EITHER AN
9 INVESTIGATOR OR A SUPERVISING ATTORNEY IN YOUR OFFICE TO --
10 TO CONDUCT A FORMAL INVESTI -- A FORMAL INTERVIEW OF MS.
11 ABRAMSON ABOUT THESE ALLEGATIONS?

12 A I DID.

13 Q ARE THERE ANY SORT OF NOTES THAT YOU HAVE, ANY
14 SORT OF MEMORIALIZATION OF THIS FORMAL INTERVIEW?

15 A NONE THAT I RECALL.

16 Q SO IN THEIR FORMAL INTERVIEW, WHEN DID IT OCCUR
17 AND WHO WAS PRESENT?

18 A THE INTERVIEW THAT I'VE DESCRIBED, IT WAS ABOUT
19 THE TOTALITY OF THE FORMAL INTERVIEW THAT I THOUGHT WAS
20 NECESSARY.

21 Q SO WHEN WE'RE USING THE WORD "FORMAL," WHAT
22 SIGNIFICANCE DOES THAT HAVE FOR YOU? WAS THERE -- WAS THERE
23 A --

24 A I'M USING IT AS ONLY --

25 Q OKAY. SO THERE WAS NO INTERVIEW CONDUCTED BY

132

1 EITHER A PROFESSIONAL INVESTIGATOR OR SENIOR STAFF ATTORNEY
2 ON YOUR STAFF?

3 A I SAW NO REASON TO DO THAT.

4 Q DO YOU HAVE A PUBLIC INTEGRITY SECTION IN YOUR
5 OFFICE?

6 A IT DOESN'T INVESTIGATE MY EMPLOYEES, THOUGH.

7 Q IS THERE A SENIOR STAFF MEMBER OR CAPACITY ON YOUR
8 STAFF TO INVESTIGATE MISCONDUCT BY EMPLOYEES?

9 A NO.

10 Q IF THERE IS AN ALLEGATION OF MISCONDUCT, HOW IS
11 THAT HANDLED?

12 A USUALLY, IT'S ASSIGNED TO SOME INVESTIGATOR IN MY
13 OFFICE. AND THEN WE REVIEW IT, AND YOU KNOW, MAKE SOME
14 RECOMMENDATION, OR TAKE SOME ACTION BASED UPON THE -- THAT
15 INVESTIGATION.

16 Q OKAY. NOW, YOU WERE PREPARED TO USE THE FRUITS OF
17 THIS WIRE TAP IN ADVANCE OF A HOMICIDE PROSECUTION AGAINST
18 SCOTT DAVIS; IS THAT RIGHT?

19 A YES.

20 Q OKAY. WHY DID NOT YOU -- WHY DIDN'T YOU THINK IT
21 APPROPRIATE TO USE THE FRUITS OF THIS WIRE TAP TO AT LEAST
22 DESIGNATE THAT STAFF INVESTIGATOR TO INQUIRE OF MS. ABRAMSON
23 REGARDING HER ACTIVITIES IN ATLANTA AND/OR SAN FRANCISCO?

24 A BECAUSE AS I'VE SAID BEFORE, IT WAS MY OPINION
25 THAT THE INFORMATION, THE ALLEGATIONS, THE STATEMENTS MADE

1 ON THAT WIRE TAP, THAT THEY WERE FAKE, THEY WERE CONTRIVED,
2 AND THEY WERE NOT TRUE, AND SO THAT'S WHY I DID NOT.

3 Q DID YOU TALK WITH MS. ABRAMSON ABOUT WHETHER OR
4 NOT HER CONDUCT, AS REPORTED IN THE WIRE TAPS, WOULD HAVE AN
5 IMPACT ON HER EMPLOYMENT WITH YOUR OFFICE?

6 A NO.

7 Q DID SHE TALK WITH YOU ABOUT HER FEELING ABOUT HOW
8 THESE ALLEGATIONS WOULD IMPACT HER TENURE AT YOUR OFFICE?

9 A NO, SHE DIDN'T. WHAT I RECALL IS THAT SHE WAS
10 VERY HURT. SHE WAS CRYING.

11 Q I'M SORRY, DID YOU SAY CURT OR HURT?

12 A HURT BY THE ALLEGATIONS. I GUESS, AS ANY
13 REASONABLE PERSON WOULD, AND SO WE -- WE DID NOT TALK ABOUT
14 IT AS IT RELATED TO EMPLOYMENT IN OUR OFFICE.

15 MR. HILL: YOUR HONOR, IF I COULD HAVE FIVE
16 MINUTES, I'M ESSENTIALLY CONCLUDED WITH MR. HOWARD
17 ON THIS MOTION.

18 HE IS A WITNESS ON ANOTHER MOTION. WHAT I'D
19 LIKE TO DO IS -- SO AS NOT TO INCONVENIENCE
20 MR. HOWARD, TO KEEP HIM ON THE STAND, SHIFT TO THE
21 OTHER AREA. I THINK ON THAT OTHER AREA WOULDN'T
22 TAKE MORE THAN JUST A FEW MINUTES.

23 BUT IT WOULD REQUIRE ME TO CONSULT WITH MR.
24 MCGLASSON AND I THINK IF WE TAKE A RECESS FOR FIVE
25 MINUTES?

134

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1 THE COURT: AS FAR AS THIS MOTION, YOU'D BE
2 READY TO PASS MR. HOWARD?

3 MR. HILL: THAT'S CORRECT.

4 THE COURT: DO Y'ALL -- DO YOU HAVE ANY
5 QUESTIONS?

6 MS. ROSS: YOUR HONOR, JUST BRIEFLY. VERY
7 BRIEFLY.

8 THE COURT: ALL RIGHT, WELL, LET'S GO AHEAD
9 AND FINISH THIS UP, AND THEN I'M WILLING TO TAKE

10

JUST FIVE MINUTES.

11

CROSS-EXAMINATION

12

BY MS. ROSS:

13

Q MR. HOWARD, DOES GAYLE ABRAMSON STILL WORK FOR THE

14

FULTON COUNTY DISTRICT ATTORNEY'S OFFICE?

15

A NO, MA'AM.

16

Q AND WHY IS IT THAT YOU NEVER FELT THE NEED TO

17

INVESTIGATE INTO WHATEVER CAME OUT ON THIS WIRE TAP,

18

WHATEVER THESE PEOPLE WERE SAYING ON THE WIRE TAP?

19

A THERE WERE TWO ESSENTIAL REASONS. ONE WAS WHAT I

20

BELIEVED REGARDING THE CONTENT OF THE WIRE TAP ITSELF. I

21

BELIEVE IT HAD BEEN COMPROMISED. THE STATEMENTS WERE NOT

22

AUTHENTIC OR TRUE.

23

SECONDLY, I WAS WELL AWARE OF THE CHARACTER OF

24

MS. ABRAMSON, MS. CSEHY NOW. SHE WAS AN OUTSTANDING YOUNG

25

WOMAN. WHEN JUST THE MENTION. THE ALLEGATIONS IN HER

1

PRESENCE BROUGHT SUCH A PHYSICAL REACTION, THAT I HAD NO

2

REASON TO QUESTION THE TRUTH OF WHAT SHE REPORTED TO ME.

3

Q ALL RIGHT. AND YOU'VE DESCRIBED HOW YOU PERCEIVED

4

MS. ABRAMSON AS A PERSON.

5

WHAT WAS YOUR FEELING ABOUT HER AS AN ATTORNEY

6

DURING THE TIME THAT SHE WORKED FOR YOU?

7

A I THOUGHT THAT SHE WAS AN OUTSTANDING YOUNG

8

LAWYER. SHE WAS ONE OF OUR MOST SUCCESSFUL LAWYERS IN TERMS

9

OF HER WIN AND LOSS PERCENTAGE, BUT SHE ALSO HAD A GREAT

10

RAPPORT WITH THE VICTIMS IN THE CASES THAT SHE HANDLED.

11

MOST OF OUR VICTIMS ARE PEOPLE WHO ARE

12 ECONOMICALLY DEPRIVED, AND SHE ALWAYS SEEMED TO ESTABLISH A
13 VERY CORDIAL, PERSONAL RELATIONSHIP WITH THOSE VICTIMS. SHE
14 GOT ALONG WELL, NOT ONLY WITH THE LAWYERS IN THE OFFICE, BUT
15 SHE ALSO GOT ALONG WELL WITH THE JUDGES IN OUR COURT, AND AS
16 WELL WITH THE DEFENSE ATTORNEYS WHO PRACTICED IN OUR COURT.

17 Q AND DO YOU HAVE ANY PERSONAL KNOWLEDGE OF MS.
18 ABRAMSON, MS. CSEHY USING -- VOLUNTARILY TAKING ILLEGAL
19 DRUGS?

20 A NO, I DO NOT.

21 Q WITH OR WITHOUT REGARD TO ANY OF THAT KNOWLEDGE,
22 DO YOU HAVE ANY REASON TO BELIEVE THAT SHE ABUSED HER
23 PROSECUTORIAL DISCRETION IN DEALING WITH THE CASES THAT SHE
24 DEALT WITH AS A PROSECUTOR?

25 A I HAVE NO REASON AT ALL TO BELIEVE THAT.

136

1 Q DO YOU HAVE ANY REASON TO BELIEVE THAT SHE TREATED
2 BRIAN NICHOLS UNFAIRLY IN HER PROSECUTION OF HIS RAPE
3 CHARGE?

4 A NO, I DO NOT.

5 Q AND YOU WERE ASKED EARLIER WHETHER YOU HAVE
6 REVIEWED THE SCOTT DAVIS FILE FOR THIS CASE.

7 HOW VOLUMINOUS WAS THAT FILE?

8 A I BELIEVE IT'S PROBABLY -- WITH THE EXHIBITS, IT
9 WOULD BE PROBABLY THE SIZE OF THIS DESK THAT'S BEFORE ME.

10 Q IF YOU HAD ANY REASON TO BELIEVE THAT ANYTHING IN
11 THAT VOLUMINOUS FILE WOULD EXPLAIN WHY BRIAN NICHOLS KILLED
12 FOUR PEOPLE, WOULD YOU HAVE GONE AND REVIEWED IT, OR

13 DIRECTED SOMEONE TO DO SO?

14 A I WOULD HAVE STOPPED THE WHOLE OFFICE TO FIND OUT
15 IF I THOUGHT IT WAS THERE.

16 Q THANK YOU, SIR.

17 THE COURT: ANY REDIRECT ON THIS MOTION?

18 MR. HILL: YES.

19 THE COURT: LET'S GO AHEAD AND FINISH IT UP
20 ON THIS MOTION, AND THEN I'LL GIVE YOU YOUR BREAK.

21 REDIRECT EXAMINATION

22 BY MR. HILL:

23 Q MR. HOWARD, WITH RESPECT TO SOME PORTION OF THE
24 SCOTT DAVIS FILE, AND I'M SAYING THE WEEK BETWEEN THE 16TH
25 AND THE 25TH, DO YOU HAVE ANY SENSE OF HOW VOLUMINOUS THAT

137

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1 PORTION OF THE FILE IS?

2 A I HAVE NO IDEA.

3 Q HAVE YOU MADE ANY REQUESTS OF YOUR STAFF TO
4 IDENTIFY THAT PART OF THE FILE?

5 A NO.

6 Q WITH RESPECT TO THE TIME BETWEEN THE 16TH OF
7 APRIL, 2005, AND THE TIME THAT MS. CSEHY LEFT YOUR EMPLOY,
8 WHICH IS THE END OF MAY, 2005, DO YOU HAVE ANY IDEA OF THE
9 VOLUMINOUSNESS OF THE DAVIS FILE INVOLVING THE MATTERS THAT
10 WE'VE BEEN TALKING ABOUT, HOW VOLUMINOUS THAT PART OF THE
11 FILE IS?

12 A NO, NO.

13 Q HAVE YOU ASKED YOUR STAFF TO PULL OUT THAT PART OF
14 THE FILE TO LOOK AT ANY REFERENCES TO MS. ABRAMSON --

15 A NO.
16 Q -- IN THAT PART OF THE FILE?
17 A NO.
18 Q WITH RESPECT TO THE MOTIONS TO DISQUALIFY THAT
19 HAVE BEEN -- YOU'RE AWARE THAT MS. ABRAMSON IS A LISTED
20 WITNESS -- LISTED BY YOUR TRIAL TEAM AS A WITNESS?
21 A THAT'S CORRECT, YES.
22 Q AND THAT SHE IS EXPECTED TO TESTIFY IN THIS
23 CAPITAL TRIAL ABOUT THE CIRCUMSTANCES OF THE PROSECUTION
24 THAT SHE WAS THE LEAD PROSECUTOR ON?
25 A WELL, I'M AWARE THAT SHE IS BEING CALLED AS A

138

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1 WITNESS BY THE STATE.
2 Q AND AS A WITNESS BY THE STATE, YOU'RE AWARE THAT
3 ANY BIAS INTEREST THAT SHE HAS IS PROPER AREA FOR
4 EXPLORATION ON CROSS-EXAMINATION?
5 A IF IT'S RELEVANT.
6 Q RIGHT. SO IF THERE IS BIAS INQUIRY ABOUT HER USE
7 OR HER MISCONDUCT DURING THE TIME THAT SHE WAS A PROSECUTOR
8 IN THIS CASE, MEANING THE SEXUAL ASSAULT CASE AGAINST
9 MR. NICHOLS, DO YOU SEE THAT AS A RELEVANT AREA OF INQUIRY?
10 A ABSOLUTELY NOT. NOW, ARE YOU ASKING MY OPINION?
11 Q RIGHT. DO YOU RECOGNIZE THAT BIAS EXAMINATION IS
12 RELEVANT?
13 A IF IT IS ABOUT THE MATTER AT HAND.
14 Q DO YOU -- DO YOU SEE BIAS?
15 A IN THAT CASE -- YOU WOULD BE DISCUSSING THE BRIAN

16 NICHOLS MURDER INDICTMENT --

17 Q FOR EXAMPLE?

18 A -- WHICH SHE HAD NOTHING TO DO WITH, AND THAT'S
19 WHY I'M TRYING TO UNDERSTAND THE BIAS THAT YOU'RE TALKING
20 ABOUT.

21 Q YOUR OFFICE WOULD BE IN CHARGE OF PROSECUTING ANY
22 PERSON WHO WAS USING OR SHARING DRUGS IN ATLANTA; IS THAT
23 RIGHT?

24 A WE MIGHT.

25 Q THAT WOULD BE A TYPICAL PART OF YOUR JURISDICTION?

139

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1 A CORRECT.

2 Q AND SO IF MS. ABRAMSON IS CALLED AS A WITNESS IN
3 YOUR CASE?

4 A UH-HUH.

5 Q AND IF SHE WAS, IN FACT, IMPLICATED IN THE USE AND
6 THE SHARING OF DRUGS IN ATLANTA, THAT WOULD BE AN ALLEGATION
7 THAT YOUR OFFICE WOULD APPROPRIATELY BE CHARGED WITH
8 INVESTIGATING AND PROSECUTING, IF APPROPRIATE?

9 A IF IT WAS APPROPRIATE.

10 Q SO THAT MS. ABRAMSON AS A WITNESS IN THE CASE, IN
11 THIS CAPITAL PROSECUTION, WOULD BE SUBJECT TO BIAS
12 CROSS-EXAMINATION; RIGHT?

13 A I DON'T THINK SO.

14 Q SHE WOULD BE SUBJECT TO CROSS-EXAMINATION ABOUT
15 HER -- ANY BIAS THAT SHE WOULD HAVE AS A WITNESS, GIVEN THE
16 FACT THAT YOUR OFFICE CONTROLS THE PROSECUTION OF HER FOR
17 ANY ILLEGAL ACTIVITY THAT SHE'S COMMITTED IN ATLANTA?

18 A I DON'T THINK SO.
19 Q BUT THAT WOULD BE?
20 A NOW, I GUESS YOU'RE ASKING ME AS AN EXPERT AS THE
21 DISTRICT ATTORNEY?
22 Q AS AN ISSUE PROVIDING --
23 A BECAUSE I WOULD ANSWER THE QUESTION EMPHATICALLY
24 NO. I THINK IT WOULD BE AS IRRELEVANT AS ASKING ANOTHER
25 WITNESS ABOUT SOME ALLEGATION OF DRUGS THAT THEY HAD --

140

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1 SOMEBODY HAD MADE, OR IF SOME PRISONER AT THE FULTON COUNTY
2 JAIL ACCUSED ONE OF THE DEPUTIES OF USING DRUGS, I DON'T SEE
3 HOW THE COURT WOULD ALLOW A CROSS-EXAMINATION OF ANY
4 NONRELATED KIND OF BIASNESS. NOW, THAT'S MY OPINION.
5 Q OKAY.
6 A AND I THINK THIS IS IN THE SAME CATEGORY.
7 Q AND THAT WOULD BE A LEGAL QUESTION FOR THE COURT
8 TO RESOLVE?
9 A WELL, BUT YOU ASKED ME.
10 Q RIGHT. BUT YOU SAID YOU RECOGNIZE IT AS A LEGAL
11 QUESTION THAT THE COURT WOULD HAVE TO RESOLVE.
12 A WELL, YOU ASKED ME, AND I THOUGHT AS AN EXPERT,
13 AND THAT'S MY OPINION. I THINK IT WOULD BE HIGHLY UNLIKELY
14 THAT THE COURT WOULD DO IT BECAUSE IT SIMPLY DOESN'T HAVE
15 ANY RELEVANCE TO THE CASE AT HAND, WHICH WOULD BE THE BRIAN
16 NICHOLS MURDER CASE.
17 Q RIGHT. AND THAT POSITION SPOKEN AS AN ADVOCATE IS
18 DIFFERENT FROM THE POSITION TAKEN BY MR. NICHOLS' ADVOCATE;

19 RIGHT?

20 THE COURT: MR. HILL, YOU'RE NOT GOING TO GET
21 HIM TO AGREE WITH YOU. AND YOU'RE ASKING HIM
22 SOMETHING YOU KNEW WHAT THE ANSWER WAS GOING TO
23 BE. THAT WOULD BE AN ARGUMENT TO ME AT A LATER
24 TIME. BUT I DON'T UNDERSTAND YOU -- YOU'RE
25 JUST -- YOU'RE JUST GIVING HIM AN OPPORTUNITY TO

141

1 TELL YOU TO MAKE AN ADDITIONAL ARGUMENT TO ME THAT
2 WHEN I FACE THIS ISSUE, EITHER TOMORROW OR THREE
3 WEEKS DOWN THE ROAD, HE'S NOT GOING TO AGREE WITH
4 YOU. HE DOESN'T THINK IT'S RELEVANT OR MATERIAL.
5 THEY FILED THE MOTION TO QUASH. THAT'S WHAT WE
6 WERE DOING HERE AT 6:08 LAST NIGHT. WE'RE NOT
7 MAKING ANY PROGRESS HERE.

8 MR. HILL: YOUR HONOR, I DON'T EXPECT
9 MR. HOWARD TO AGREE WITH OUR LEGAL THEORY.

10 THE COURT: OKAY.

11 MR. HILL: SIMPLY THAT ONE ADVOCATE TAKES A
12 POSITION DIFFERENT FROM THE OTHER ADVOCATE. ONE
13 ADVOCATE SEEKS DISCOVERY TO ADVANCE HIS POSITION
14 AND THAT THE COURT RESOLVES IT.

15 THE COURT: ALL RIGHT, AND WHICH IS WHAT I
16 DID LAST NIGHT.

17 BY MR. HILL:

18 Q WITH RESPECT TO THE ISSUES OF RELEVANCE, A SIMILAR
19 INTERPLAY HAPPENS WITH ANY RELEVANCE THAT THIS -- THAT
20 MS. ABRAMSON'S IMPAIRMENT MIGHT HAVE ON ANY OF THE ISSUES AT

21 THE SENTENCING PHASE OF A CAPITAL PUNISHMENT CASE; IS THAT
22 RIGHT?

23 A NO.

24 Q THAT THE ADVOCATES WOULD TAKE A POSITION ON
25 RELEVANCE TO BE DECIDED BY THE COURT?

142

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1 A NO. I JUST THINK IT IS EXTREMELY REACHING THAT
2 MS. ABRAMSON HAS ANYTHING TO DO WITH THE SENTENCING IN THIS
3 BRIAN NICHOLS CASE. I JUST -- I DON'T SEE AT ALL WHAT THE
4 CONNECTION IS.

5 MR. HILL: YOUR HONOR, I BELIEVE THOSE ARE
6 THE QUESTIONS I HAVE FOR THIS WITNESS.

7 THE COURT: ALL RIGHT. NOW, LET ME JUST --
8 LET ME FINISH IT UP, AND I BELIEVE THAT I KNOW THE
9 ANSWER. BUT I'M GOING TO TRY TO CONCISE IT, AND
10 SOMETIMES I'M NOT VERY CONCISE. BUT I'M GOING TO
11 TRY TO CONCISELY JUST WRAP UP THIS.

12 IT APPEARS THAT MR. HILL WAS FOCUSING ON THE
13 ALLEGED USE OF DRUGS BY MS. ABRAMSON, MS. CSEHY AT
14 THAT TIME. OF COURSE, ANYBODY -- THE COURT
15 REALIZES ANYBODY CAN SAY ANYTHING ABOUT ANYBODY
16 ELSE, WHETHER TRUE OR NOT TRUE. I BELIEVE FROM
17 WHAT I'VE HEARD FROM YOU, MR. DISTRICT ATTORNEY,
18 THAT WHEN YOU FIRST HEARD THIS, THIS ALLEGED USE
19 OF DRUGS BY A -- AT THAT TIME, AN ASSISTANT
20 DISTRICT ATTORNEY OF YOURS, IT'S YOUR BELIEF THAT
21 THAT -- THAT INFORMATION THAT YOU HEARD WAS

22

UNTRUE.

23

THE WITNESS: THAT'S CORRECT, YOUR HONOR.

24

THE COURT: AND DO YOU STILL BELIEVE, AS OF

25

TODAY, THAT THAT -- THE INFORMATION THAT YOU HEARD

143

1

ON THE WIRE TAP ABOUT MS. ABRAMSON AND ABOUT

2

ALLEGED USE OF DRUGS IS UNTRUE?

3

THE WITNESS: YES, SIR.

4

THE COURT: ALL RIGHT. ALL RIGHT. WELL,

5

LET'S -- LET'S TAKE -- AND I TAKE IT YOU ASKED FOR

6

FIVE MINUTES. IS MR. NICHOLS COMFORTABLE JUST

7

SITTING THERE? BECAUSE IF NOT, WE NEED 15

8

MINUTES.

9

MR. HILL: YOUR HONOR, I THINK WE WOULD LIKE

10

THE LONGER BREAK.

11

THE COURT: ALL RIGHT. SO HERE'S WHAT WE'VE

12

GOT BECAUSE OF THE PROMISE THAT I MADE. YOU SEE I

13

EXTENDED A PROMISE WHEN MR. KADISH WANTED A

14

DEPOSITION IN HIS HOME, AND I SAID NO. BUT I SAID

15

THAT WE WOULD TAKE HIM. AND SO I MADE HIM A

16

PROMISE THROUGH MR. MCGLASSON IN OPEN COURT. AND

17

WE HAVE SAID THAT AT 2:30. SO I WANT TO KEEP MY

18

PROMISE. SO THAT MEANS WE WOULD GO TO LUNCH AT

19

1:30. SO LET'S SEE IF WE CAN COME IN AND FINISH

20

UP THIS LAST MOTION WITH MR. HOWARD, IF POSSIBLE.

21

LET'S SEE IF WE CAN DO THAT BEFORE 1:30 BECAUSE I

22

DO NOT WANT TO HAVE THE STAFF NOT GO WITHOUT

23

LUNCH, INCLUDING THE JUDGE.