

Sheila Ross, Nichols
Trial

nicholsmotions090308[1].txt

1 Q CAN YOU PLEASE STATE YOUR FULL NAME.

2 A SHEILA ANN ROSS.

3 Q AND HOW ARE YOU EMPLOYED?

4 A I'M AN ATTORNEY.

5 Q AND EMPLOYED WITH THE FULTON COUNTY DISTRICT

6 ATTORNEY'S OFFICE?

7 A YES, SIR.

8 Q TELL US WHEN YOU GRADUATED FROM LAW SCHOOL AND

9 WHEN YOU BECAME A MEMBER OF THE BAR?

10 A I GRADUATED FROM LAW SCHOOL IN 1996. I'M ACTUALLY

11 LICENSED TO PRACTICE LAW IN THREE STATES. I BECAME A MEMBER

12 OF THE FLORIDA BAR IN 1996, I BECAME A MEMBER OF THE GEORGIA

13 BAR IN 1998, AND I BECAME A MEMBER OF THE CALIFORNIA STATE

14 BAR IN 2001. I LIKE TO TAKE TESTS.

15 Q OKAY. VERY SUCCESSFULLY.

16 AND CAN YOU TELL US, AS I UNDERSTAND, YOU HAD TWO

17 PERIODS OF EMPLOYMENT WITH FULTON COUNTY DISTRICT ATTORNEY'S

18 OFFICE?

19 A THAT'S CORRECT.

20 Q CAN YOU DESCRIBE THAT?

21 A YES, SIR. I BEGAN MY INITIAL EMPLOYMENT WITH THE

22 FULTON COUNTY DISTRICT ATTORNEY'S OFFICE IN OCTOBER OF 1998.

23 I LEFT THE OFFICE IN JULY OF 2002, AND THEN I WORKED AT THE

24 SAN FRANCISCO DISTRICT ATTORNEY'S OFFICE FROM 2002 UNTIL

25 2004. CAME BACK TO THE FULTON COUNTY DISTRICT ATTORNEY'S

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1 OFFICE IN MAY, I BELIEVE, OF 2004 WHERE I HAVE BEEN EVER

2 SINCE.

3 Q OKAY. SO YOUR EMPLOYMENT OVERLAPPED TO A
4 SIGNIFICANT DEGREE WITH MS. ABRAMSON'S EMPLOYMENT AT THE
5 FULTON COUNTY DISTRICT ATTORNEY'S OFFICE?

6 A I'M NOT SURE WHEN MS. ABRAMSON ACTUALLY JOINED THE
7 OFFICE.

8 Q SO THE 1998, THE TIME THAT YOU JOINED, WAS THAT
9 ABOUT THE SAME TIME, OR YOU'RE NOT THINKING IN TERMS OF
10 THAT?

11 A HONESTLY, I'M NOT SURE. WE WERE NEVER ASSIGNED
12 TO THE SAME UNIT IN THE OFFICE, AND IT'S A RATHER LARGE
13 OFFICE. SO I'M NOT EVEN SURE WHEN I BECAME AWARE OF
14 MS. ABRAMSON'S PRESENCE TO BE HONEST WITH YOU.

15 Q OKAY. WHEN YOU RETURNED TO FULTON COUNTY DISTRICT
16 ATTORNEY'S OFFICE, WAS THAT FOR A SPECIAL ASSIGNMENT? WERE
17 YOU BROUGHT IN FOR A PARTICULAR MISSION?

18 A YES, SIR. I WAS BROUGHT BACK FROM SAN FRANCISCO,
19 CALIFORNIA, TO RUN THE COLD CASE SQUAD.

20 Q OKAY. AND WHEN YOU SAY, "RUN," THERE WERE MEMBERS
21 OF YOUR STAFF, THAT IS, THE DISTRICT ATTORNEY'S OFFICE AS
22 WELL AS OTHER AGENCIES?

23 A YES, SIR, IT'S A MULTI-AGENCY SQUAD. IT CONSISTS
24 OF THE FULTON COUNTY DISTRICT ATTORNEY'S OFFICE, THE ATLANTA
25 POLICE DEPARTMENT, THE FULTON COUNTY SHERIFF'S OFFICE,

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1 FULTON COUNTY POLICE DEPARTMENT, THE EAST POINT POLICE
2 DEPARTMENT.

3 Q DO YOU RECALL IN 2004 WHAT OTHER ATTORNEYS WERE

4 DESIGNATED FULL-TIME IN THAT UNIT?

5 A THERE'S THE RUB. JUST ME, SO I'M IN CHARGE OF
6 JUST MYSELF.

7 Q AND AS I UNDERSTAND IT, YOU HAD THE AUTHORITY OR
8 YOU WERE GIVEN LEAVE TO DRAFT PEOPLE IN TO ASSIST YOU?

9 A ATTORNEYS?

10 Q ATTORNEYS.

11 A NO. THAT COMES AT THE DISCRETION OF THE DISTRICT
12 ATTORNEY. SO I CAN ASK FOR ASSISTANCE, BUT I USUALLY DO NOT
13 GET TO PICK WHO IS ASSIGNED. MR. HOWARD DOES THAT.

14 Q OKAY. IF WE GO TO -- DIRECTING YOUR ATTENTION TO
15 2004 AND THE INVESTIGATION OF THE SCOTT DAVIS MATTER, CAN
16 YOU TELL ME WHETHER OR NOT THAT WAS ONE OF THE FIRST CASES
17 THAT YOUR UNIT TOOK RESPONSIBILITY FOR?

18 A YES, SIR, IT WAS.

19 Q AND THAT WAS A SIGNIFICANT UNDERTAKING?

20 A YES, IT WAS HUGE.

21 Q WITH RESPECT TO MR. RAND CSEHY, CAN YOU DESCRIBE
22 YOUR RELATIONSHIP WITH MR. CSEHY AND HIS RELATIONSHIP TO
23 YOUR UNIT?

24 A MR. CSEHY IS A FORMER COLLEAGUE OF MINE AT THE
25 DISTRICT ATTORNEY'S OFFICE. THAT'S OUR RELATIONSHIP. AND

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1 HIS RELATIONSHIP TO MY UNIT, HE HAD NO RELATIONSHIP TO MY
2 UNIT PER SE. HE ASSISTED IN A WIRE TAP IN THE DAVIS CASE,
3 AND THAT IS THE ONLY TIME HE EVER ASSISTED THE COLD CASE
4 UNIT.

5 Q AND HAVE YOU HAD A CHANCE TO REVIEW ANY PORTION OF
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6 THE DAVIS FILE IN PREPARATION FOR YOUR TESTIMONY THIS
7 MORNING OR THIS AFTERNOON?

8 A NO.

9 Q MORE SPECIFICALLY, HAVE YOU HAD A CHANCE TO -- AT
10 ANY POINT IN THE RECENT PAST, HAVE YOU HAD A CHANCE TO
11 REVIEW INFORMATION AROUND THE WIRE TAP INVESTIGATION IN
12 TERMS OF WHO WAS INVOLVED OR WHEN CERTAIN THINGS TOOK PLACE?

13 A ANY DOCUMENTATION, NO.

14 Q YES, MA'AM.

15 LET ME ASK YOU THIS. IF I WERE TO REPRESENT TO
16 YOU THAT IN APRIL OF 2005, BETWEEN APRIL 16TH, THAT
17 SATURDAY, AND APRIL 24TH, THE FOLLOWING SUNDAY, THAT
18 MR. CSEHY WAS IN PALO ALTO IN CONNECTION WITH THE SCOTT
19 DAVIS INVESTIGATION, DO YOU HAVE A RECOLLECTION OF MR. CSEHY
20 GOING TO SAN FRANCISCO?

21 A I DO HAVE A RECOLLECTION OF HIM GOING TO THE BAY
22 AREA OF CALIFORNIA. I BELIEVE IT WAS IN APRIL OF 2005, BUT
23 I COULD NOT BE MORE SPECIFIC THAN THAT.

24 Q OKAY. WITH RESPECT TO THE GOAL OF THAT TRIP, DID
25 YOU UNDERSTAND THAT MR. CSEHY WOULD BE THERE AS WELL AS RICK

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1 CHAMBERS FROM THE ATLANTA POLICE DEPARTMENT?

2 A THAT WAS MY UNDERSTANDING, YES.

3 Q OKAY. DID YOU GIVE DIRECTION TO MR. CSEHY ABOUT
4 HIS ACTIVITIES IN THE BAY AREA?

5 A I KNOW THERE WERE MEETINGS WHERE -- WHAT WAS TO
6 HAPPEN IN CALIFORNIA. THE WHOLE POINT OF GOING TO

7 CALIFORNIA WAS TO TICKLE THE WIRE, AND THERE WERE MEETINGS
8 PRIOR TO MR. CSEHY'S DEPARTURE WHERE STRATEGIES WERE
9 DISCUSSED. I DON'T THINK I GAVE DIRECTION BECAUSE I DON'T
10 THINK THAT'S REALLY APPROPRIATE. I THINK I PARTICIPATED IN
11 CONVERSATIONS.

12 Q YOU USED THE PHRASE "TICKLE THE WIRE." CAN YOU
13 EXPLAIN WHAT THAT TERM MEANS?

14 A I DON'T THINK IT'S VERY SCIENTIFIC OR A LEGAL
15 TERM. IT'S A LAW ENFORCEMENT TERM WHICH IS USED TO DESCRIBE
16 AN INVESTIGATIVE TECHNIQUE WHICH IS EMPLOYED TO ENCOURAGE
17 CO-CONSPIRATORS TO DISCUSS A CRIME OVER WIRE OR ELECTRONIC
18 COMMUNICATIONS.

19 Q OKAY. AND WITH RESPECT TO THE WIRE THAT HAD BEEN
20 IN PLACE, YOU'RE AWARE THAT -- I BELIEVE MR. HOWARD HIMSELF
21 MAY HAVE GONE TO A SUPERIOR COURT JUDGE IN FULTON COUNTY TO
22 INITIATE THE PROCESS TO HAVE A WIRE TAP IN PLACE; IS THAT
23 RIGHT?

24 A WELL, GEORGIA LAW REQUIRES AN APPLICATION FROM THE
25 DISTRICT ATTORNEY, HIMSELF, AND I BELIEVE THAT WAS DONE IN

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1 THIS CASE, BUT MR. CSEHY HANDLED ALL OF THAT PROCEDURE FOR
2 THE STATE IN THIS PARTICULAR WIRE. SO I BELIEVE THAT THAT
3 WAS DONE, BUT I DON'T HAVE PERSONAL KNOWLEDGE THAT. I KNOW
4 GEORGIA LAW REQUIRES THAT, AND THAT SHOULD HAVE BEEN DONE IN
5 THIS CASE.

6 Q AND IT WAS YOUR UNDERSTANDING THAT THE
7 COMMUNICATIONS PROVIDERS WOULD ACTUALLY DO THE TECHNICAL
8 PART OF MAKING THOSE COMMUNICATIONS TO THE TWO TELEPHONE

9 NUMBERS AVAILABLE TO THE ATLANTA POLICE DEPARTMENT AND TO
10 YOUR UNIT?

11 A THAT'S TYPICALLY HOW IT WORKS, YES.

12 Q OKAY. SO YOUR PEOPLE WOULD NOT BE RESPONSIBLE FOR
13 PHYSICALLY ATTACHING EQUIPMENT TO THE TELEPHONE SYSTEM?

14 A NOT THAT I KNOW OF, BUT I COULD BE WRONG ABOUT
15 THAT. AGAIN, I DID NOT PARTICIPATE IN THE ACTUAL MONITORING
16 OF THE WIRE EITHER. SO I DON'T KNOW HOW THOSE THINGS WERE
17 ARRANGED.

18 Q IN TERMS OF THE TICKLING OF THE WIRE AND THE
19 STRATEGY DISCUSSIONS, IT WAS YOUR UNDERSTANDING THAT
20 MR. CHAMBERS AND MR. -- DETECTIVE CHAMBERS AND MR. CSEHY
21 WOULD MAKE THEIR PRESENCE OPEN AND NOTORIOUS TO MR. DAVIS
22 AND HIS ACQUAINTANCES; IS THAT RIGHT?

23 A YES, SIR.

24 Q AND BY THAT, FOR EXAMPLE, MARKED UNITS WOULD BE
25 OBVIOUSLY PROXIMATE TO THE DAVIS HOME?

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1 A YES, SIR.

2 Q AND DETECTIVE CHAMBERS AND MR. CSEHY WOULD MAKE
3 VISITS TO ASSOCIATES AND ACQUAINTANCES OF MR. DAVIS?

4 A YES, SIR.

5 Q AND THEY WOULD TELL THESE ASSOCIATES AND
6 ACQUAINTANCES THAT AN ARREST WAS IMMINENT, NEW INFORMATION
7 HAD BEEN DISCOVERED, AND IT WOULD BE IN THEIR BEST INTERES
8 TO FULLY COOPERATE, WORDS TO THAT EFFECT?

9 A IT IS MY UNDERSTANDING THAT THAT WAS WHAT WAS

10 SUPPOSED TO HAPPEN AND THAT IS WHAT, IN FACT, HAPPENED, BUT
11 I HAVE NO PERSONAL KNOWLEDGE OF WHAT HAPPENED IN CALIFORNIA
12 BECAUSE I WAS HERE IN ATLANTA.

13 Q AND YOU WERE -- WHILE CHAMBERS AND CSEHY WERE IN
14 THE BAY AREA, THE CALLS WERE BEING MONITORED BY ATLANTA
15 POLICE DEPARTMENT STAFF HERE IN ATLANTA; IS THAT RIGHT?

16 A YES, THAT WAS MY UNDERSTANDING.

17 Q AND AS I UNDERSTAND IT, DURING THAT WEEK, AND I'M
18 CALLING IT A WEEK BETWEEN THE 16TH AND THE 24TH, YOU WOULD
19 INTERMITTENTLY BE INFORMED OF THINGS THAT CAME ACROSS THE
20 WIRE?

21 A I DON'T RECALL IF I WAS NOTIFIED OF ANYTHING THAT
22 CAME ACROSS THE WIRE DURING THAT WEEK, BUT I MIGHT HAVE
23 BEEN. MEANING THE INSTRUCTIONS WERE IF ANYTHING SIGNIFICANT
24 OBVIOUSLY CAME UP ON THE WIRE, FOR EXAMPLE, A CONFESSION, OR
25 INDICATION OF A CO-CONSPIRATOR, WHICH IS WHAT WE WERE

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1 LOOKING FOR, THEN SOMEONE WAS SUPPOSED TO TELL ME.

2 NOW, I WAS NOT MONITORING THE WIRE LIVE, NOT
3 AUTHORIZED TO MONITOR THE WIRE LIVE. I WAS GETTING UPDATES.
4 I DON'T KNOW TO BE HONEST WITH YOU IF ANYONE TOLD ME
5 ANYTHING THAT WEEK OR I WAS TOLD AFTER THAT WEEK. I JUST
6 DON'T KNOW.

7 Q WELL, LET ME ASK IF -- LET ME ASK IT THIS WAY.

8 YOU HAD NO INFORMATION THAT MS. ABRAMSON, GAYLE
9 ABRAMSON, WOULD BE ACCOMPANYING MR. CSEHY OR MR. CHAMBERS TO
10 THE BAY AREA?

11 A SHE WAS NOT PART OF THE INVESTIGATIVE TEAM, NO.

12 SO I DON'T KNOW IF MR. CSEHY HAD MENTIONED TO ME AHEAD OF
13 TIME THAT SHE WAS GOING WITH HIM, AS LIKE A LITTLE PERSONAL
14 VACATION HE MIGHT HAVE. IT WOULD HAVE BEEN UNCOMMON FOR HIM
15 TO MENTION THAT TO ME. SHE WAS DEFINITELY NOT PART OF THE
16 INVESTIGATIVE TEAM.

17 Q WERE YOU AWARE AT ANY TIME PRIOR TO THE TRIP TO
18 THE BAY AREA THAT MS. ABRAMSON WAS ACQUAINTANCE OF
19 MR. DAVIS?

20 A NO.

21 Q DID YOU HAVE ANY INFORMATION THAT SHE WAS AN
22 ACQUAINTANCE OF A GOOD FRIEND OF MR. DAVIS?

23 A NO.

24 Q MR. DAVIS?

25 A NO.

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1 Q IF YOU HAD THAT KNOWLEDGE, WOULD THAT HAVE
2 IMPACTED ANY OF YOUR DECISIONS?

3 A IT WOULD HAVE IMPACTED MY REQUEST TO THE DISTRICT
4 ATTORNEY ABOUT WHO SHOULD GO TO CALIFORNIA, SURE, IF I HAD
5 KNOWN THAT. BUT I DID NOT KNOW THAT SHE KNEW HIM OR KNEW
6 ANYONE ASSOCIATED WITH HIM.

7 Q IF YOU ACCEPT MY REPRESENTATION THAT THE 16TH OF
8 APRIL IS A SATURDAY, AND THE 18TH IS A MONDAY -- THE 16TH OF
9 APRIL 2005, WAS A SATURDAY?

10 A OKAY.

11 Q AND THAT MS. ABRAMSON AND MR. CSEHY LEFT FULTON
12 COUNTY FOR THE BAY AREA ON THE 16TH, A SATURDAY, RETURNING

13 SUNDAY, THE 24TH, DOES THAT SOUND CONSISTENT WITH YOUR
14 MEMORY OF THE TRIP?

15 A I WOULDN'T KNOW. I COULDN'T SAY ONE WAY OR
16 ANOTHER. I CERTAINLY RECALL THE DAYS OF THE WEEK.

17 Q DO YOU HAVE A MEMORY AS TO WHEN THE TAP WAS IN
18 PLACE?

19 A NOT AS IN TERMS OF DAYS OF THE WEEK. ALL I CAN
20 TELL YOU IS APRIL OF 2005 SOUNDS CORRECT TO ME.

21 Q AND I WANT TO PUSH YOU TO SEE IF WE CAN NARROW
22 THAT DOWN. IF, IN FACT, CSEHY WAS IN CALIFORNIA BY THE
23 16TH, DO YOU HAVE A SENSE OF WHETHER BY THE SECOND, OR BY
24 THE THIRD DAY THAT HE WAS THERE, THE WIRE WAS IN PLACE?

25 A WHAT DO YOU MEAN BY "IN PLACE"? THAT IT WAS

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1 BEING -- THAT IT WAS TURNED ON OR IT WAS BEING TICKLED?

2 Q FIRST, THAT IT WAS OPERATIONAL, BUT THE TAP WAS
3 OPERATIONAL?

4 A UH-HUH.

5 Q DO YOU HAVE A SENSE IN TERMS OF RELATIVE TO THE
6 TRIP, WHEN THE WIRE BECAME OPERATIONAL?

7 A NO, I DON'T KNOW IF THE WIRE BEGAN TO RUN AND
8 COLLECT PIN REGISTRY INFORMATION PRIOR TO MR. CSEHY
9 DEPARTING OR IF IT WAS TURNED ON WHILE HE WAS OUT IN THE BAY
10 AREA. I REALLY CANNOT RECALL. I WAS NOT MONITORING OR
11 SUPERVISING THE WIRE. MR. CSEHY WAS THE SUPERVISING
12 ATTORNEY OF THE WIRE.

13 THAT WAS THE WHOLE POINT IN BRINGING ANOTHER
14 ATTORNEY IN. I WAS TO BE WALLED OFF FROM ALL OF THAT. I

15 WAS THE LEAD ATTORNEY ON THE THE PROSECUTION SIDE OF THE
16 CASE. SHOULD THERE BE AN INDICTMENT, I KNEW I WAS TRYING
17 THE CASE, AND I DID NOT WANT TO BE INVOLVED IN THE
18 INVESTIGATION AT THAT LEVEL. THAT'S WHY MR. CSEHY WAS
19 THERE. SO THE SPECIFICS ABOUT WHEN IT WAS TURNED ON, IT
20 REALLY WASN'T MY BUSINESS, AND I DON'T RECALL.

21 Q ALL RIGHT. IF WE CAN NOW STEP BACK TO THE
22 STRATEGY SESSIONS ABOUT THE TICKLING OF THE WIRE? WAS THERE
23 DISCUSSION ABOUT WHEN STATEMENTS WOULD BE RELEASED BY THE
24 DISTRICT ATTORNEY'S OFFICE ABOUT THESE ACTIVITIES IN THE BAY
25 AREA?

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1 A I DON'T KNOW. THERE COULD HAVE BEEN. BUT I KNOW
2 THERE WAS A LOT OF MISCOMMUNICATION BECAUSE THINGS WERE SAID
3 IN CALIFORNIA THAT THE DISTRICT ATTORNEY DID NOT AUTHORIZE,
4 AND THE ATLANTA POLICE DEPARTMENT GOT UPSET ABOUT. I DON'T
5 THINK ANY OF THAT WAS COORDINATED TO HAPPEN THAT WAY. SO I
6 KNOW I ATTENDED LEAST ONE STRATEGY SESSION PRIOR TO THE WIRE
7 BEING KICKED OFF. IF THERE WERE OTHER STRATEGY SESSIONS
8 THAT OCCURRED THAT I WASN'T PRESENT FOR, I DON'T KNOW.

9 SO I DON'T KNOW REALLY HOW TO ANSWER YOUR
10 QUESTION. I KIND OF GOT LOST. THERE WERE DISCUSSIONS. I'M
11 NOT SURE IF ANYONE UNDERSTOOD WHAT WAS GOING ON BECAUSE I
12 KNOW ONCE THEY WERE IN CALIFORNIA, THERE WERE
13 MISCOMMUNICATIONS AND PROBLEMS BETWEEN THE DISTRICT
14 ATTORNEY'S OFFICE AND THE ATLANTA POLICE DEPARTMENT.

15 Q OKAY. SO LET ME GO BACK TO THE PLANNING SESSION?

16 A OKAY.
17 Q AT THE PLANNING SESSION, DO YOU RECALL THAT THERE
18 WAS A PLAN FOR A STATEMENT TO BE RELEASED BY MR. FRIEDLY?
19 A FRIEDLY?
20 Q FRIEDLY, ON BEHALF OF THE DISTRICT ATTORNEY THAT
21 WOULD ASSIST THE TICKLING OF THE WIRE?
22 A I DON'T KNOW.
23 Q DO YOU HAVE A RECOLLECTION THAT SOMETHING ALONG
24 THOSE LINES WAS DISCUSSED?
25 A I KNOW THAT THE MEDIA WAS GOING TO BE USED TO HELP

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1 US TICKLE THE WIRE.
2 Q AND THAT THE OFFICE HERE IN ATLANTA WOULD HAVE
3 SOME PARTICIPATION IN THAT TICKLING?
4 A I DON'T KNOW IF THAT WAS PREMEDITATED. IT MAY
5 HAVE OCCURRED ONLY AFTER THE FACT, AFTER THERE WAS A
6 MISCOMMUNICATION BETWEEN THE ATLANTA POLICE DEPARTMENT AND
7 THE DISTRICT ATTORNEY'S OFFICE THAT OCCURRED IN THE BAY AREA
8 SO I DON'T KNOW IF THAT WAS PREMEDITATED.
9 Q IF THE WIRE WAS PUT IN PLACE, THAT IS, OPERATIONAL
10 ON DAY ONE, YOU KNOW, WHATEVER DAY THAT IS, DO YOU HAVE A
11 RECOLLECTION OF WHEN -- COMPARED TO DAY 1, WHEN IF IT CAME
12 KNOWN TO YOU IN ATLANTA THAT MS. ABRAMSON'S NAME HAD COME UP
13 IN THE -- IN THE WIRE TAP?
14 A NO.
15 Q AND IF WE USE DAY 1 AS THE DATE THAT THE WIRE TAP
16 WAS OPERATIONAL, DO YOU HAVE A RECOLLECTION AS TO WHEN ANY
17 STATEMENTS WERE RELEASED BY THE FULTON COUNTY DISTRICT

18 ATTORNEY ABOUT THESE ACTIVITIES?

19 A NO.

20 Q ANY STATEMENTS FROM YOUR OFFICE HERE IN ATLANTA TO
21 TICKLE THE WIRES?

22 A NO.

23 Q ALL RIGHT. CAN YOU TELL US WHETHER WHILE
24 MR. CSEHY AND DETECTIVE CHAMBERS WERE IN THE BAY AREA, DID
25 YOU BECOME AWARE WHILE THEY WERE THERE THAT MS. ABRAMSON HAD

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1 BEEN DESCRIBED ON CONVERSATIONS IN THE WIRE AS A -- AN
2 ACQUAINTANCE OF MR. DAVIS?

3 A I DON'T KNOW. MR. CSEHY IS THE FIRST PERSON WHO
4 TOLD ME ABOUT MS. ABRAMSON BEING AN ACQUAINTANCE OF
5 MR. DAVIS. AND I DON'T KNOW IF HE TOLD ME THAT WHILE HE WAS
6 STILL IN THE BAY AREA, OR IF HE SHARED THAT WITH ME WHEN HE
7 RETURNED TO ATLANTA.

8 Q WHAT WAS YOUR REACTION WHEN YOU HEARD THAT?

9 A I WAS SURPRISED.

10 Q DID YOU DO ANYTHING? DID YOU TAKE ANY ACTION ON
11 HEARING THAT?

12 A I HAD QUESTIONS FOR MR. CSEHY, AND THEN I AM SURE
13 I TOLD MY BOSS, THE DISTRICT ATTORNEY. AT SOME POINT, I'M
14 NOT SURE IF I TOLD HIM THAT DAY OR LATER, AND THEN MY MAIN
15 CONCERN WAS TO LISTEN TO THE WIRE MYSELF TO HEAR WHAT WAS ON
16 THE WIRE. SO TO ANSWER THE QUESTION, I ASKED MR. CSEHY A
17 FEW QUESTIONS. I EVENTUALLY NOTIFIED MY BOSS, AND THEN I
18 MADE MY WAY EVENTUALLY TO THE WIRE TAP ROOM, AND I LISTENED

19 TO ALL 1,500 CALLS ON THE WIRE.

20 Q THERE WERE 1,500 CALLS?

21 A I BELIEVE SO. THEY WEREN'T ALL CALLS. SOME WERE
22 SMS MESSAGES. SOME WERE CALLS. SOME WERE VOICE MESSAGES,
23 BUT I BELIEVE IT WAS SOMETHING LIKE THAT.

24 Q DO YOU HAVE -- AND THIS MAY BE IMPOSSIBLE. DO YOU
25 HAVE ANY -- WHAT'S YOUR BEST RECOLLECTION AS TO WHEN THE

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1 FIRST CALL WAS MADE? ARE YOU ABLE TO GIVE ANY SORT OF
2 RECOLLECTION?

3 A NO.

4 MR. HILL: YOUR HONOR, CAN I HAVE A MOMENT?

5 THE COURT: YES.

6 (WHEREUPON, THERE WAS AN OFF-THE-RECORD
7 DISCUSSION.)

8 MR. HILL: YOUR HONOR, CAN I HAVE JUST ONE
9 ADDITIONAL MOMENT?

10 THE COURT: YES.

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

13 MS. ROSS: YOUR HONOR, JUST FOR THE RECORD,
14 WE'RE HAVING A DISCUSSION OVER HERE BECAUSE -- AND
15 WE BROUGHT THIS TO THE COURT'S ATTENTION
16 YESTERDAY. THIS WITNESS DOES NOT WANT TO DISCUSS
17 ANYTHING THAT IS UNDER SEAL PER COURT'S ORDER
18 REGARDING WHAT IS ON THAT WIRE TAP. AND IT'S OUR
19 POSITION THAT SHE'S ABOUT TO BE QUESTIONED ABOUT
20 THINGS LIKE THAT. THAT IF SHE ANSWERED THEM, SHE
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21 COULD BE VIOLATING A COURT'S ORDER. SHE COULD BE
22 VIOLATING FEDERAL LAW. SO WE'RE -- WE ARE VERY
23 CONCERNED ABOUT THE LINE OF QUESTIONS THAT WE'RE
24 ABOUT TO ENTER WITH HER.

25 THE COURT: OKAY.

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1 MR. HILL: NOW -- YOUR HONOR, AND I
2 UNDERSTAND THE STATE'S CONCERN. I'M OVERWHELMED
3 BY THE NUMBER OF CALLS THAT MS. ROSS JUST
4 DESCRIBED. I'M -- MY THOUGHT WAS THAT I COULD
5 QUESTION HER WITHOUT HAVING HER IDENTIFY OR MOVE
6 IN THE WIRE TAP, SORT OF REFRESH HER RECOLLECTION.

7 I WOULD ASK THE COURT THIS. LET ME ASK JUST
8 A COUPLE OF QUESTIONS. IT MIGHT BE THAT WE --
9 THAT WE'LL HAVE TO STOP THIS AND HAVE SOME
10 ADDITIONAL DISCUSSIONS WITH THE STATE OVERNIGHT.

11 THE COURT: ALL RIGHT. WELL, LET'S JUST SEE
12 IF YOU CAN DO IT WITHOUT -- YOU DON'T HAVE AN
13 OBJECTION, AND YOU DON'T GET INTO THE AREA THAT
14 THEY'RE CONCERNED ABOUT, THEN WE'RE GOOD TO GO.
15 SO YOU'RE UP.

16 BY MR. HILL:

17 Q MS. ROSS, DO YOU KNOW THAT MR. CSEHY ACCOMPANIED
18 DETECTIVE CHAMBERS ON INTERVIEWS WITH ACQUAINTANCES OF SCOTT
19 DAVIS?

20 A I HAVE NO PERSONAL KNOWLEDGE OF THAT, BUT I WAS
21 TOLD THAT.

22 Q AND DID YOU UNDERSTAND THAT WAS PART OF A PLAN IN
23 TERMS OF GOING OUT -- IN TERMS OF MR. CSEHY GOING OUT TO THE
24 BAY AREA?

25 A MR. CSEHY, I BELIEVE, WAS NOT PART OF -- I THOUGHT

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1 IT WAS DETECTIVE CHAMBERS WHO DOES ALL THE TICKLING. I'M
2 NOT SURE THAT MR. CSEHY -- IT WAS PREMEDITATED OR PLANNED
3 THAT HE WOULD ATTEND INTERVIEWS WITH MR. CHAMBERS OR
4 DETECTIVE CHAMBERS. BUT HE WAS THERE TO ASSIST, NOT ONLY
5 DETECTIVE CHAMBERS, BUT THE PALO ALTO POLICE DEPARTMENT IN
6 ANY LEGAL ISSUES THAT AROSE IN CONNECTION WITH THE WIRE THAT
7 WAS BEING OPERATED.

8 Q AND, IN FACT, THERE WAS A PALO ALTO DETECTIVE,
9 NATASHA --

10 A POWERS.

11 Q -- POWERS THAT WAS INVOLVED IN ASSISTING YOUR
12 UNIT?

13 A CORRECT.

14 Q AND YOU KNEW HER BEFORE?

15 A NO, I DID NOT KNOW HER.

16 Q DID YOU BECOME AWARE THAT MR. CSEHY, IN FACT, WENT
17 WITH MR. -- I'M SORRY. MR. CSEHY ACCOMPANIED DETECTIVE
18 CHAMBERS TO INTERVIEWS AND IDENTIFIED HIMSELF AS A FORMER
19 HUSBAND OF MS. ABRAMSON TO THESE INDIVIDUALS?

20 A NO.

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

22 THE COURT: YES.

23 BY MR. HILL:

24 Q I'M GOING TO SHOW YOU A DOCUMENT AND ASK YOU TO
25 READ A PARAGRAPH ON IT FOR PURPOSES OF REFRESHING YOUR

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1 RECOLLECTION. SO JUST READ IT TO YOURSELF.

2 MS. ROSS: I'M JUST GOING TO OBJECT TO THE
3 FOUNDATION. I DON'T BELIEVE THE WITNESS SAID SHE
4 COULDN'T RECALL OR THAT HER RECOLLECTION NEEDED TO
5 BE REFRESHED. SHE SAID SHE WAS NOT AWARE OF IT,
6 SO I MAY HAVE MISUNDERSTOOD.

7 THE COURT: WELL, I'LL LET HER LOOK AT
8 WHATEVER. I DON'T EVEN -- I DON'T THINK WE EVEN
9 NEEDED TO IDENTIFY. I'VE ALWAYS BEEN TOLD YOU
10 COULD BRING A BUCKET OF MANURE UP, AND IF THAT
11 REFRESHED SOMEBODY'S RECOLLECTION, THEN FINE. SO
12 YOU CAN PUT WHATEVER YOU HAVE IN FRONT OF HER, AND
13 THEN YOU CAN JUST SAY, DOES THIS TICKLE YOUR
14 BRAIN, I GUESS; RIGHT?

15 BY MR. HILL:

16 Q AND I'M POINTING YOU TO THIS PARAGRAPH HERE,
17 INCLUDING THE HIGHLIGHTED.

18 A YOU WANT ME TO ONLY READ THE HIGHLIGHTED AREAS?

19 Q WELL, NO, THE PARAGRAPH, THAT ENTIRE SECTION.
20 (WHEREUPON, THERE WAS A PAUSE IN THE PROCEEDINGS.)

21 THE WITNESS: OKAY, I'VE READ IT.

22 BY MR. HILL:

23 Q HAVING READ THAT EXCERPT, DO YOU HAVE ANY
24 RECOLLECTION OF LEARNING THAT MR. CSEHY ACCOMPANIED

25 DETECTIVE CHAMBERS ON THESE INTERVIEWS DURING THAT WEEK?

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1 A NO. I KNOW THAT HE -- I TOLD YOU I HAVE NO
2 PERSONAL KNOWLEDGE OF WHAT WENT ON OUT THERE. EVERYTHING I
3 KNOW WOULD BE HEARSAY THROUGH WHAT I WAS TOLD. I LEARNED
4 THAT MR. CSEHY ACCOMPANIED DETECTIVE CHAMBERS ON INTERVIEWS.
5 THAT IS CORRECT. I KNEW HE HAD DONE THAT. AT SOME POINT, I
6 FOUND OUT ABOUT THAT. BUT YOUR QUESTION WAS EARLIER DID HE
7 IDENTIFY HIMSELF AS MS. ABRAMSON'S EX-HUSBAND? AND MY
8 ANSWER TO THAT IS NO, I WAS NOT AWARE THAT THAT HAPPENED.

9 READING THAT DOCUMENT DOESN'T REFRESH MY
10 RECOLLECTION THAT IT EVER HAPPENED. NO ONE HAS EVER TOLD ME
11 PERSONALLY THAT RAND CSEHY WAS OUT WITH DETECTIVE CHAMBERS
12 REPRESENTING HIMSELF AS BEING A RELATION OF MS. ABRAMSON
13 WHILE IN CALIFORNIA.

14 Q OKAY.

15 MR. HILL: YOUR HONOR, I DO BELIEVE THAT
16 WE'RE GOING TO HAVE TO INTERRUPT THE EXAMINATION.

17 THE COURT: ALL RIGHT. TELL ME HOW MUCH
18 LONGER -- AND WE'RE GOING TO STOP TODAY. TELL ME
19 HOW MUCH LONGER YOU HAVE SO WE CAN TRY TO
20 ACCOMMODATE SCHEDULES, IF POSSIBLE.

21 MR. HILL: YOUR HONOR, I THINK IT'S GOING TO
22 BE IMPORTANT FOR ME TO TALK WITH MS. ROSS, ELEANOR
23 ROSS, AND MR. QUINN ABOUT HOW TO MOST EFFICIENTLY
24 CONCLUDE THIS EXAMINATION. I WOULD THINK
25 ORDINARILY IT WOULDN'T BE MORE THAN 30 MINUTES

□

1 MORE WITH HER, GIVEN WHAT WE'VE ALREADY
2 ACCOMPLISHED.

3 THE COURT: ALL RIGHT. WHY DON'T WE --
4 MS. ROSS, MS. ELEANOR ROSS, WHY DON'T WE JUST
5 CONTINUE TO PLACE MS. SHEILA ROSS ON CALL, AND
6 THEN JUST TRY TO WORK HER IN WHENEVER WE CAN.

7 THE WITNESS: YES, SIR.

8 THE COURT: YOU OKAY WITH THAT? YOU GOING TO
9 BE AT WORK TOMORROW?

10 THE WITNESS: YES, SIR, I WILL BE.

11 THE COURT: ALL RIGHT. SO I'M SORRY THAT WE
12 COULDN'T GET TO YOU TODAY, BUT WE'RE GOING WORK
13 TILL AT LEAST 8:00 TOMORROW NIGHT, BUT WE'RE NOT
14 PLANNING ON -- I DON'T WANT TO SCARE YOU. YOU
15 MIGHT WORK TILL 8:00 EVERY NIGHT.

16 THE WITNESS: WELL, NO, NOT A LOT. NOT SO
17 MUCH.

18 THE COURT: ALL RIGHT. SO WE'LL -- BUT WE'LL
19 TRY TO WORK YOU IN MUCH EARLIER THAN THAT, OKAY?

20 THE WITNESS: YES, SIR. THANK YOU.

21 THE COURT: THANK YOU VERY MUCH.

22 MAY I SEE THE LAWYERS UP HERE JUST A MINUTE,
23 PLEASE.

24 THE WITNESS: AND MAY I BE EXCUSED?

25 THE COURT: YES. THANK YOU.

Vol 4

nicholsmotion090408[1].txt
DIRECT EXAMINATION (RESUMED)

25

Shelie Ross

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1 BY MR. HILL:

2 Q GOOD AFTERNOON, MS. ROSS.

3 A GOOD AFTERNOON.

4 Q MS. ROSS, YESTERDAY WE HAD STARTED A LINE OF
5 INQUIRY REGARDING YOUR SUPERVISION OF THE SCOTT DAVIS
6 INVESTIGATION IN APRIL OF 2005. DO YOU RECALL THAT
7 QUESTIONING?

8 A I DON'T RECALL THE EXACT QUESTION, NO. I RECALL
9 THE LINE OF QUESTIONING IN GENERAL, YES.

10 Q OKAY. AND DURING THE COURSE OF THAT QUESTIONING,
11 WE HAD APPROACHED THAT PART OF THE INVESTIGATION THAT
12 INVOLVED THE IMPLEMENTATION OF A WIRE TAP FOR VARIOUS
13 TELEPHONES OF MR. DAVIS; IS THAT CORRECT?

14 A THAT'S CORRECT.

15 Q AND I BELIEVE IT WAS YOUR TESTIMONY THAT YOU WERE
16 UNABLE -- UNABLE TO RESPOND TO SPECIFIC QUESTIONS ABOUT WIRE
17 TAPS, THE CONTENT OF WIRE TAPS THAT YOU MONITORED; IS THAT
18 CORRECT?

19 A I DON'T BELIEVE THAT WAS MY TESTIMONY.

20 Q IF I RECALL CORRECTLY, YOU TESTIFIED YESTERDAY
21 THAT THERE WERE AT LEAST SOME 1500 COMMUNICATIONS THAT WERE
22 INTERCEPTED BY THE WIRE?

23 A YES, AND LET ME CLARIFY THAT. WHEN I SAY
24 COMMUNICATIONS, I MEAN CALL LINES WHICH COULD BE -- A CALL
25 LINE COULD BE A DROPPED CALL, A CALL LINE COULD BE SOMEONE

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1 CHECKING A VOICE MAIL, A CALL LINE COULD BE A VOICE MAIL OR
2 COULD BE AN SMS MESSAGE. SO THERE'S NOT 1500 CALLS, AND I'M
3 NOT SURE OF THE EXACT NUMBER BECAUSE I HAVEN'T REVIEWED THE
4 TAPE SINCE 2005. THERE WERE NUMEROUS CALLS, OVER 1,000, BUT
5 WHEN I SAY CALLS, I MEAN CALL LINES. ACTUAL COMMUNICATIONS
6 I COULDN'T TELL YOU HOW MANY.

7 YOU KNOW, WHEN YOU SAY COMMUNICATIONS, I GUESS
8 YOU'RE MEANING CONVERSATIONS?

9 Q YES.

10 A I COULDN'T TELL YOU EXACTLY HOW MANY CONVERSATIONS
11 THERE WERE, BUT THERE WERE NUMEROUS, OVER 1,000 CALL LINES
12 FROM THAT WIRE.

13 Q CAN YOU GIVE US SOME ESTIMATE AS TO THE NUMBER OF
14 CONVERSATIONS THERE WERE?

15 A AGAIN, IT'S BEEN OVER THREE YEARS SINCE I'VE
16 REVIEWED THEM. THE BEST I COULD DO IN MY MIND
17 CONVERSATIONS -- AND I WOULD ONLY REMEMBER CONVERSATIONS
18 THAT WERE SIGNIFICANT MEANING CONVERSATIONS THAT HAD TO DO
19 WITH THE CASE, NOT CONVERSATIONS ABOUT WORK, BUT I REALLY
20 COULDN'T TELL YOU. PROBABLY 50. MAYBE A LITTLE MORE; MAYBE
21 A LITTLE LESS, BUT THAT'S A GUESS.

22 Q MS. ABRAMSON, I'M GOING TO SHOW YOU WHAT'S GOING
23 TO BE MARKED AS --

24 MR. QUINN: MS. WHO?

25

1 BY MR. HILL:

2 Q I'M SORRY. MS. ROSS, I'M GOING TO SHOW YOU WHAT'S
3 GOING TO BE MARKED AS I BELIEVE EXHIBIT 3 FOR THIS
4 EXAMINATION, WHICH IS A COLLECTION OF SOME 1600 -- A
5 COLLECTION OF SOME 16 TRANSCRIPTS FROM THE WIRE -- FROM THE
6 WIRE TAPS THAT WERE IN PLACE. I'M GOING TO ASK YOU TO
7 REVIEW THAT COLLECTION OF WIRE TAPS.

8 (WHEREUPON, DEFENDANT'S EXHIBIT 3DM WAS MARKED FOR
9 PURPOSES OF IDENTIFICATION.)

10 BY MR. HILL:

11 Q IS THAT SOMETHING YOU'D BE PREPARED TO DO?

12 A I MEAN I'M PREPARED TO READ IF THAT'S WHAT YOU
13 MEAN. I DON'T UNDERSTAND WHAT YOU MEAN.

14 Q WOULD YOU BE PREPARED TO REVIEW THEM AND RESPOND
15 ABOUT WHETHER IT REFRESHES YOUR RECOLLECTION ABOUT
16 CONVERSATIONS THAT YOU HEARD OR MONITORED?

17 A ARE YOU ASKING ME TO TESTIFY TO THE CONTENTS OF A
18 SEALED WIRE TAP TAPE?

19 Q THAT'S RIGHT.

20 A OKAY. I BELIEVE THAT FEDERAL AND STATE LAW WOULD
21 PROHIBIT ME FROM REVEALING THE CONTENTS OF A SEALED WIRE TAP
22 CONVERSATION. I MEAN I DON'T MIND DOING IT IF THERE'S A
23 COURT ORDER SUPERSEDING JUDGE -- WELL, AT THE TIME IT WAS
24 GINO BROGDON'S ORDER OF FULTON COUNTY SUPERIOR COURT SEALING
25 SAID WIRE TAP. BUT ALSO YOU SHOULD KNOW THAT FEDERAL LAW

1 AND STATE LAW WILL PROVIDE FOR CIVIL AND CRIMINAL PENALTIES
2 FOR INAPPROPRIATE AND UNAUTHORIZED DISCLOSURE OF WIRE TAP
3 MATERIAL.

4 MR. HILL: AND, YOUR HONOR, WE HAD FAIRLY
5 EXTENSIVE CONVERSATIONS WITH THE STATE YESTERDAY
6 EVENING ABOUT THIS VERY SUBJECT AND ABOUT THE VERY
7 PRIVILEGE THAT MS. ROSS HAS NOW JUST TESTIFIED TO.
8 THE POSITIONS ARE IRRECONCILABLE. WHAT I WOULD
9 ASK TO DO IS TO HAVE DEFENDANT'S EXHIBIT NO. 3
10 MARKED AND SUBMITTED INTO EVIDENCE UNDER SEAL FOR
11 THE RECORD.

12 THE COURT: ANY OBJECTION?

13 MS. ROSS: I DO OBJECT, YOUR HONOR. I'M NOT
14 SURE HOW THEY OBTAINED IT. WE JUST -- I JUST
15 CAN'T OBJECT TO -- I JUST CAN'T AGREE TO IT JUST
16 BECAUSE IT IS A PROTECTED WIRE TAP, AND SO I DON'T
17 FEEL COMFORTABLE AGREEING THAT IT SHOULD BE
18 ADMITTED INTO EVIDENCE. ALSO I DON'T UNDERSTAND
19 THE RELEVANCE. SO I OBJECT ON THOSE GROUNDS AS
20 WELL.

21 THE COURT: ALL RIGHT. IS THAT SOMETHING
22 WHEN -- THE FIRST TIME, I GUESS, THAT I SAW IT IS
23 I SAW MR. QUINN GOING THROUGH IT, BUT THAT WAS
24 SOMETHING YOU PROVIDED?

25 MR. HILL: THAT'S CORRECT.

1 MR. QUINN: I'M SORRY.
2 THE COURT: MEANING MR. HILL PROVIDED IT.
3 MR. QUINN: TO WHOM?
4 MR. HILL: TO MR. QUINN.
5 MR. QUINN: I HAVE NOT SEEN THOSE UNTIL JUST
6 NOW.
7 THE COURT: RIGHT. IN OTHER WORDS, THEY
8 DIDN'T COME FROM YOUR OFFICE?
9 MR. QUINN: NO.
10 THE COURT: RIGHT. WELL, THAT'S WHAT -- AND
11 I KNOW --
12 MR. QUINN: OKAY. I JUST WANT TO UNDERSTAND.
13 THE COURT: THEY CAME FROM MR. HILL. SOMEHOW
14 MR. HILL GOT IT.
15 MR. QUINN: RIGHT.
16 THE COURT: ARE YOU PLANNING ON ARRESTING HIM
17 WHEN HE WALKS OUT?
18 MR. QUINN: YOUR HONOR, I HAVE NO IDEA.
19 THE COURT: ALL RIGHT. HERE'S -- I'M WILLING
20 TO DO THIS, MR. HILL, AND I SAY THAT AS A -- YOU
21 DIDN'T LOOK LIKE YOU WERE AMUSED. YOU'RE SUPPOSED
22 TO LAUGH AT THE JUDGE'S JOKES, BUT I SAY THAT
23 JUST -- BECAUSE I DIDN'T KNOW WHERE THEY CAME
24 FROM. SO THERE OBVIOUSLY IS NO AGREEMENT.
25 SHE'S SAYING UNLESS I ORDER HER TO BASICALLY

1 LOOK OVER THERE AND TALK ABOUT THEM, WHICH I'M NOT
2 PLANNING ON DOING, BUT AS A FAIL SAFE FOR YOU,
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3 YOU'RE SAYING, JUDGE, YOU'LL HAVE TO TELL ME WHAT
4 THEY ARE, AND EVEN OVER OBJECTION, I WILL ALLOW
5 YOU TO PLACE THEM IN A PACKAGE, AND WE'LL SEAL IT
6 TODAY.

7 I'M NOT GOING TO LOOK AT IT, BUT THAT WOULD
8 BASICALLY JUST BE -- IT WOULD BE SEALED, AND THEN
9 IF THE APPELLATE COURT, FOR INSTANCE, SAID, WELL,
10 NO, JUDGE BODIFORD SHOULD HAVE GONE ANOTHER WAY
11 AND WHATEVER, THEN THEY'RE THERE, SO YOU CAN ARGUE
12 ABOUT IT. IS THAT WHAT YOU'RE LOOKING FOR TODAY?

13 MR. HILL: IT IS, YOUR HONOR. AND THE ONLY
14 ADDITIONAL REPRESENTATION I WOULD MAKE ABOUT THE
15 DISCUSSIONS WE HAD WITH THE STATE LAST NIGHT IS
16 THAT WE BELIEVE THAT JUDGE BROGDON AND THE ENTIRE
17 FULTON COUNTY BENCH HAS RECUSED ITSELF --

18 THE COURT: I BELIEVE THAT'S CORRECT.

19 MR. HILL: -- FROM DECISIONS RELATED TO THE
20 LITIGATION OF THIS CASE. WE REGARD THIS AS A
21 CENTRAL PART OF THE LITIGATION OF THIS CASE.

22 THE COURT: OKAY.

23 MR. HILL: WE REGARD THIS COURT AS THE ONLY
24 TRIAL WITH JURISDICTION TO RESOLVE THESE ISSUES.
25 WE LOOK AT THIS COURT'S JURISDICTION AS -- ON THE

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1 SAME LEVEL AS THE COURT THAT PLACED THESE RECORDS
2 UNDER SEAL.

3 THE COURT: AND I BELIEVE YOU'RE CORRECT.

4 MR. HILL: AND SO IT'S OUR LEGAL POSITION
5 THAT THIS COURT IS THE APPROPRIATE COURT TO UNSEAL
6 THESE RECORDS FOR THE PURPOSES OF THE LITIGATION
7 OF THIS CASE.

8 THE COURT: I THINK WE HAVE A MORE
9 DIFFICULT -- AND I UNDERSTAND WHAT YOU'RE SAYING,
10 AND I'M GIVING YOU BASICALLY THE SECOND DRAWER. I
11 KNOW THAT YOU WANTED THE FIRST DRAWER, BUT I'M
12 GOING TO ALLOW THEM TO GO INTO EVIDENCE BEING
13 SEALED, AND I'M NOT GOING TO REVIEW IT. AT THIS
14 POINT, I DO NOT BELIEVE THAT IT'S RELEVANT OR
15 MATERIAL, AND WE'VE HEARD -- YES, WE'VE HEARD A
16 LOT ABOUT THE WIRE AND WHY IT WAS DONE, AND
17 PERHAPS WE KNOW SOME THINGS THAT ARE ON THE WIRE.

18 I BELIEVE THAT IF I THOUGHT IT WAS RELEVANT
19 AND MATERIAL, THEN TYPICALLY WHAT I WOULD DO IN A
20 NORMAL CASE, EVEN THOUGH IT WAS SEALED IN ANOTHER
21 CASE, IS I WOULD LET THE JUDGE KNOW IN THE FIRST
22 CASE AS A COURTESY. I'M GETTING READY -- I KNOW
23 YOU'VE SEALED THEM IN YOUR CASE, BUT I'M PLANNING
24 ON UNSEALING THEM IN MY CASE WHICH IS GOING TO
25 UNDO YOUR ORDER.

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1 AND WE WOULD HAVE A DISCUSSION BECAUSE I
2 WOULDN'T WANT A CONFLICT ON THE BENCH. I THINK
3 IT'S IMPORTANT, BUT IF I FELT STRONGLY ENOUGH
4 ABOUT IT, THAT'S WHAT I WOULD DO.

5 AS YOU KNOW -- WELL, IF YOU DON'T KNOW, LET
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6 ME TELL YOU. OTHER THAN SEEING MEMBERS OF THE
7 FULTON COUNTY BENCH, SAY, FOR INSTANCE, AT A
8 RESTAURANT OR IN THE -- USED TO SEE THEM IN THE
9 PARKING DECK TO SAY HELLO OR HOW ARE YOU DOING OR
10 WHATEVER, I DON'T TALK TO THEM ABOUT ANYTHING. IN
11 FACT, I HAVEN'T EVEN -- I DON'T EVEN TALK TO THE
12 CHIEF JUDGE, ALTHOUGH I THINK IT WOULD HAVE BEEN
13 HELPFUL, BUT I'M NOT COMPLAINING, ABOUT, FOR
14 INSTANCE, THE BUDGET MATTERS TO GET OUR JURY BOX
15 FROM SIX TO 18 AND MOVING THE BAR BACK. I'M NOT
16 SO SURE. JUST SO Y'ALL WILL KNOW THAT THEY HAD IT
17 IN THE BUDGET TO MOVE THE BAR BACK, BUT I SAID THE
18 BAR'S GOT TO BE MOVED BACK. SO I DON'T TALK WITH
19 THEM.

20 I THINK WE WOULD HAVE TO CREATE SOME SORT
21 OF -- SOME SORT OF ARENA TO TALK IF I THOUGHT IT
22 WAS RELEVANT OR MATERIAL. I DO NOT BASED UPON
23 WHAT I'VE HEARD.

24 I DO THINK, MR. HILL, ON THE OTHER HAND, YOU
25 HAVE -- ACCORDING TO YOUR MOTION, YOU'VE GOTTEN A

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1 LOT ALREADY IN TESTIMONY, A LOT OF THE THINGS THAT
2 YOU HAVE SAID THAT YOU WANTED TO GET. SO THAT WAS
3 A LONG, LONG WAY OF SAYING I'M NOT PLANNING ON
4 UNSEALING THEM, BUT I WILL ALLOW THEM TO BE PLACED
5 IN AN ENVELOPE AND BE SEALED HERE TODAY, AND I'LL
6 ASK -- I'LL ASK MY STAFF LAWYER TO DO A SEALING

7 ORDER. AND IT'S GOING TO BE OVER BASICALLY
8 MS. ROSS -- MS. ROSS THE PROSECUTOR -- WELL, LET
9 ME PUT IT THIS WAY. MS. -- NOT SHEILA ROSS, BUT
10 OUR PROS -- NOT THE WITNESS ADA ROSS, BUT THE
11 OTHER MS. ROSS HAS OBJECTED FOR THE GROUNDS THAT
12 SHE SAID. OKAY?

13 MS. ROSS: YES, SIR.

14 THE COURT: ALL RIGHT. AND I'M NOT GOING TO
15 LOOK AT THEM BECAUSE I DON'T THINK IT'S
16 APPROPRIATE. ALL RIGHT.

17 MR. HILL: AND JUST ONE FINAL COMMENT. JUST
18 FOR FURTHER RECORD PURPOSES, THE FIRST WIRE TAP
19 APPEARS TO BE DATED APRIL 20TH, TIMED APRIL 20TH.
20 THE LAST APPEARS TO BE TIMED APRIL 24TH.

21 THE COURT: OKAY.

22 MR. HILL: AND FOR PURPOSES OF RELEVANCE, THE
23 ONLY ADDITIONAL MATTER IS I THINK WHAT THE COURT'S
24 ALREADY HEARD THAT THERE WERE CONVERSATIONS HERE
25 THAT CONNECT THE INVESTIGATOR'S CONTACT WITH

cover-up

□

1 WITNESSES WITH MS. ABRAMSON'S ROLE, AND THAT WOULD
2 BE THE PURPOSE THAT WE THINK IT'S RELEVANT TO THIS
3 MOTION.

4 THE COURT: ALL RIGHT.

5 NOW, DO YOU -- AND I'M NOT SUGGESTING THAT
6 YOU -- THAT YOU SHOULD, BUT BASED UPON WHAT WE'VE
7 HEARD -- WE'VE HEARD FROM TWO DIFFERENT PEOPLE
8 TODAY THAT HAVING POSSESSION OF A WIRE TAP -- BY

9 THE WAY, IF I THOUGHT IT WAS RELEVANT AND
10 MATERIAL, I'M NOT WORRIED ABOUT VIOLATING ANY
11 LAWS. I THINK I HAVE THE POWER TO UNSEAL IT FOR
12 THIS CASE EVEN IF IT SHOULD BE SEALED FOR ANOTHER
13 CASE, BUT AS I'VE TOLD YOU THAT I'VE RULED ON
14 THAT. BUT DO YOU THINK -- DO YOU WANT TO SAY --
15 AND I'M NOT ASKING YOU, BUT DO YOU WANT TO SAY HOW
16 YOU GOT THEM OR YOU'RE JUST GOING TO SAY I'VE
17 GOTTEN THEM AND I'M SUBMITTING THEM?

18 MR. HILL: I WOULD JUST SAY I'VE GOTTEN THEM,
19 AND I'M SUBMITTING THEM.

20 THE COURT: ALL RIGHT. THAT'S FINE BY ME.

21 ALL RIGHT. SO WE HAVE THEM UP ON THE BENCH.
22 NOBODY'S GOING TO LOOK AT THEM, INCLUDING THE
23 JUDGE, BUT THEY'LL BE SEALED FOR APPELLATE REVIEW
24 IF EVER NEEDED.

25 (WHEREUPON, DEFENDANT'S EXHIBIT 3DM WAS ADMITTED

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1 INTO EVIDENCE.)

2 THE COURT: YOU MAY CONTINUE WITH MS. SHEILA
3 ROSS.

4 MR. HILL: THANK YOU.

5 BY MR. HILL:

6 Q MS. ROSS, I BELIEVE YESTERDAY I TRIED TO PUSH YOUR
7 MEMORY ON WHEN DURING THE WEEK IN APRIL RELATIVE TO THE
8 INITIATION OF THE TAP, THE TAP BECOMING OPERATIONAL, WHEN
9 RELATIVE TO THAT POINT MS. ABRAMSON'S PARTICIPATION BECAME

10 KNOWN TO INVESTIGATORS. DO YOU RECALL QUESTIONS TO THAT
11 EFFECT?
12 A YES.
13 Q OKAY. SO I BELIEVE THE QUESTION WAS PHRASED IF ON
14 DAY 1 --
15 A UH-HUH.
16 Q -- THE TAP WAS OPERATIONAL, WHEN RELATIVE TO THAT
17 DATE DID YOU BECOME AWARE THAT MS. ABRAMSON HAD SOME
18 INVOLVEMENT WITH SCOTT DAVIS AND HIS ASSOCIATES?
19 A OKAY. I THINK YOUR QUESTION YESTERDAY WAS WHEN AN
20 ASSOCIATION -- WHEN THE TAP BEGAN, DID MR. CSEHY AND
21 DETECTIVE CHAMBERS START INVESTIGATING FOLKS OUT IN
22 CALIFORNIA. BUT NOW THE QUESTION IS WHEN DID I BECOME AWARE
23 THAT MS. ABRAMS WAS IN CALIFORNIA OR KNEW -- YOU LOST ME.
24 Q THE PRESENT QUESTION IS RELATIVE TO THE START OF
25 THE WIRE TAP, WHEN IT BECAME OPERATIONAL, HOW QUICKLY AFTER

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1 THAT DID INVESTIGATORS BECOME AWARE THAT MS. ABRAMSON HAD
2 SOME CONNECTION TO SCOTT DAVIS AND HIS ASSOCIATES?
3 A I HAVE NO IDEA WHEN INVESTIGATORS BECAME AWARE.
4 Q DO YOU KNOW RELATIVE TO WHEN THE TAP BECAME
5 OPERATIONAL YOU BECAME AWARE?
6 A I BECAME AWARE ONLY AFTER MR. CSEHY TOLD ME THAT,
7 AND THAT WAS EITHER WHILE HE WAS STILL IN THE BAY AREA OR
8 IMMEDIATELY AFTER HE RETURNED AND WAS IN ATLANTA, BUT I
9 DON'T REMEMBER IF HE WAS STILL IN CALIFORNIA WHEN HE TOLD ME
10 OR NOT.
11 MR. HILL: YOUR HONOR, I'M GOING TO APPROACH

12 MS. ROSS WITH WHAT'S BEEN MARKED AS DEFENDANT'S
13 EXHIBIT 4.

14 THE COURT: ALL RIGHT. YOU MAY DO SO.

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

17 BY MR. HILL:

18 Q MS. ROSS, I'M SHOWING YOU WHAT'S DEFENDANT'S
19 EXHIBIT 4. DO YOU RECOGNIZE THAT AS A COMPUTER PRINTOUT OF
20 WHAT APPEARS TO BE AN ASSOCIATED PRESS RELEASE?

21 A I RECOGNIZE IT TO BE AN E-MAIL THAT LOOKS LIKE IT
22 WAS PRINTED FROM YOUR COMPUTER.

23 Q RIGHT.

24 A HENDERSON HILL.

25 Q AND THE SUBSTANCE OF IT, WHAT DOES THAT E-MAIL

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□

1 PURPORT TO CONTAIN?

2 A IT APPEARS TO BE A CLIP FROM THE ASSOCIATED PRESS.

3 Q CAN YOU TAKE A MOMENT TO READ THE CONTENTS OF THAT
4 CLIP?

5 A SURE.

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

7 THE WITNESS: I'VE READ IT.

8 BY MR. HILL:

9 Q AND IF I WERE TO REPRESENT TO YOU THAT APRIL 20TH
10 WAS A WEDNESDAY AND THE CLIP ITSELF REFERS TO A PRESS
11 CONFERENCE THAT WAS HELD ON TUESDAY, WHICH WOULD HAVE BEEN
12 APRIL 19TH, DOES THAT REPRESENTATION AND YOUR REVIEW OF

13 DEFENDANT'S EXHIBIT NO. 4 HELP TO JOG YOUR MEMORY IN TERMS
14 OF THE SEQUENCE THAT I PREVIOUSLY ASKED YOU ABOUT?

15 A NO, AND ACTUALLY IF I READ THIS -- THE WAY THAT I
16 READ IT, IT WOULD BE TUESDAY WOULD HAVE BEEN APRIL 20TH AND
17 THAT THE PROSECUTOR WILL MAKE AN ANNOUNCEMENT WEDNESDAY
18 WHICH WILL BE THE 21ST, BUT THAT'S JUST WHAT I WOULD BE
19 INFERRING FROM READING THE BYLINE THAT'S DATED APRIL 20TH,
20 2005.

21 Q AND I'LL TELL YOU THAT'S A VERY NATURAL
22 PRESUMPTION.

23 A UH-HUH.

24 Q MY BEST EFFORT AT COORDINATING THE CALENDAR AND
25 THAT CLIPPING SUGGEST THAT THE 20TH WAS WEDNESDAY, AND SO

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1 THAT THIS RELEASE WAS 11:32 ON WEDNESDAY.

2 A OKAY.

3 Q AND THAT SOME FURTHER STATEMENT WAS TO BE RELEASED
4 BY MR. HOWARD'S OFFICE IN ATLANTA LATER THAT SAME DAY,
5 WEDNESDAY.

6 A DO YOU KNOW IF THIS 11:32 A.M. IS PACIFIC STANDARD
7 TIME OR EASTERN STANDARD TIME?

8 Q THAT'S THE ENTIRETY OF THE INFORMATION WE HAVE.

9 A OKAY.

10 Q AND THE QUESTION TO YOU IS DOES REVIEWING THAT
11 ASSIST YOU IN RESPONDING TO WHEN EITHER MS. ABRAMSON'S
12 ASSOCIATION WITH DAVIS -- WITH MR. DAVIS AND HIS ASSOCIATES
13 RELATIVE TO THE START OF THE TAP?

14 A NO.

15 Q AND, AGAIN, SINCE -- SINCE YOUR TESTIMONY BEGAN
16 YESTERDAY, YOU HAVE NOT HAD A CHANCE OR YOU'VE NOT REVIEWED
17 ANY MATERIALS IN CONNECTION WITH THIS?

18 A NO.

19 MR. HILL: YOUR HONOR, COULD I HAVE A MOMENT?

20 THE COURT: YES, YOU MAY.

21 (WHEREUPON, THERE WAS AN OFF-THE-RECORD
22 DISCUSSION.)

23 BY MR. HILL:

24 Q AS I UNDERSTAND YOUR TESTIMONY, YOU HAVE NO
25 RECOLLECTION TODAY AS TO WHETHER OR NOT YOU HAD A TELEPHONE

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1 CONVERSATION WITH MR. CSEHY WHILE HE WAS IN THE BAY AREA?

2 A CORRECT.

3 Q IF MONDAY THE 25TH IS THE FIRST DAY THAT MR. CSEHY
4 RETURNED TO FULTON COUNTY, DO YOU RECALL WHETHER YOU TALKED
5 WITH MR. CSEHY ON HIS RETURN?

6 A I KNOW I TALKED TO MR. CSEHY ON HIS RETURN, AND I
7 TALKED TO MR. CSEHY WHILE HE WAS IN CALIFORNIA. I DON'T
8 KNOW WHERE HE WAS WHEN HE INFORMED ME ABOUT MS. ABRAMSON,
9 THOUGH.

10 Q IN THE CONVERSATIONS THAT YOU HAD WITH MR. CSEHY,
11 DID YOU INSTRUCT HIM WITH RESPECT TO ANY FURTHER INVOLVEMENT
12 HE WAS TO HAVE IN THE INVESTIGATION OR WITH THE
13 INVESTIGATION?

14 A NO. THAT WOULD BE MY BOSS' OBLIGATION TO INSTRUCT
15 MR. CSEHY. I DO NOT SUPERVISE HIM. THAT IS WHY I INFORMED

16 MY BOSS OF THE INFORMATION THAT I WAS GIVEN BY MR. CSEHY.
17 Q DID YOU COMMUNICATE TO MR. CSEHY ANY INSTRUCTIONS
18 FROM MR. HOWARD --
19 A NO.
20 Q -- REGARDING HIS ROLE?
21 A NO.
22 Q DID YOU REVIEW THE CONTENTS OF THE WIRE TAP FOR
23 THE PURPOSE OF REPORTING TO MR. HOWARD WHAT ACTION SHOULD BE
24 TAKEN?
25 A I REVIEWED THE WIRE TAP FOR MY OWN PURPOSES AS A

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1 PROSECUTOR IN THE CASE OF STATE OF GEORGIA V. SCOTT DAVIS
2 MEANING MY EYE IN ALL OF THIS WAS ON THE MURDER OF DAVID
3 COFFIN, JR., IN 1996. SO MY FIRST PURPOSE FOR REVIEWING THE
4 WIRE TAP TAPES WAS TO SEE WHAT EVIDENCE OF VALUE IN MY
5 POTENTIAL PROSECUTION -- BECAUSE HE HAD NOT BEEN INDICTED AT
6 THIS TIME. WE WERE STILL INVESTIGATING THE CASE -- WHAT
7 VALUE THERE WAS FOR THE PROSECUTION AGAINST SCOTT DAVIS.
8 A SECONDARY CONCERN FOR THAT WAS WHAT ELSE WAS ON
9 THE WIRE REGARDING MS. ABRAMSON. SO I REVIEWED IT MAINLY
10 FOR THE PURPOSE OF THE PROSECUTION, AND THEN SECONDARILY
11 REVIEWED IT FOR WHATEVER WOULD HAVE BEEN ON THERE ABOUT
12 MS. ABRAMSON.
13 Q DID YOU MAKE THE DECISION TO DISCONTINUE THE WIRE
14 TAP?
15 A NO.
16 Q WERE YOU INVOLVED IN THAT DECISION MAKING PROCESS?
17 A I CAN'T RECALL. IT'S VERY EXPENSIVE TO OPERATE A
Page 113

18 WIRE TAP, AND I DON'T KNOW IF WE HAD DECIDED GOING INTO IT
19 THAT WE WERE ONLY GOING TO OPERATE IT FOR X AMOUNT OF DAYS,
20 OR IF GOING INTO IT, IT WAS JUST DECIDED TO BE SUSPENDED.
21 SO I REALLY DON'T KNOW. I DON'T RECALL.

22 Q DO YOU HAVE ANY MEMORY AS TO WHY IT WAS
23 DISCONTINUED?

24 A BECAUSE IT'S VERY EXPENSIVE TO OPERATE, AND IT WAS
25 NOT PRODUCING ANY EVIDENCE OF VALUE AGAINST SCOTT DAVIS WHO

*No evidence **

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1 WAS THE TARGET.

2 Q YOU SAID THAT THERE WAS A SECONDARY INTEREST THAT
3 YOU REVIEWED THE TAPE FOR, AND THAT RELATED TO
4 MS. ABRAMSON'S CONDUCT. CAN YOU FLESH OUT WHAT THAT
5 SECONDARY PURPOSE WAS?

6 A I WAS GIVEN INFORMATION FROM MR. CSEHY, AGAIN,
7 EITHER WHEN HE WAS IN THE BY AREA OR WHEN HE HAD RETURNED TO
8 ATLANTA THAT MS. ABRAMSON KNEW SCOTT DAVIS WHICH WAS NEWS TO
9 ME BECAUSE I DIDN'T KNOW THAT AND THAT SHE MAY HAVE BEEN
10 MENTIONED ON THE WIRE. SO THAT'S WHY I WOULD HAVE LISTENED
11 FOR THAT AS WELL.

12 Q DID YOU AFTER REVIEWING THE TAPE, DID YOU HEAR
13 MORE THAN ONE WITNESS DESCRIBE AN ASSOCIATION BETWEEN
14 MS. ABRAMSON AND MR. DAVIS AND HIS ASSOCIATES?

15 MS. ROSS: OBJECTION, YOUR HONOR. I THINK
16 THIS GOES TO OUR PREVIOUS OBJECTION ABOUT THE
17 CONTENT OF THE WIRE TAP.

18 THE COURT: ALL RIGHT. NOW, LET ME JUST TAKE

19 A LOOK AT THE QUESTION ON THE SCREEN HERE.
20 (WHEREUPON, THERE WAS A PAUSE IN THE PROCEEDINGS.)
21 THE COURT: AND RESPONSE PLEASE, MR. HILL.
22 MR. HILL: I DO THINK IT'S -- IT IS A
23 FLESHING OUT OF AN ISSUE COVERED BY THE PRIOR
24 QUESTION, YOUR HONOR. I CAN ASK THE NEXT
25 QUESTION.

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1 THE COURT: ALL RIGHT. AND JUST SO WE'RE
2 CLEAR, I WILL SUSTAIN THE OBJECTION. AND YOU MAY
3 GO TO THE NEXT QUESTION, AND WE'LL SEE HOW THAT
4 GOES.
5 BY MR. HILL:
6 Q BY THE END OF APRIL, YOU UNDERSTOOD THAT
7 MS. ABRAMSON HAD ASSOCIATED WITH SCOTT DAVIS AND HIS
8 FRIENDS; IS THAT CORRECT?
9 A YES.
10 Q AND IN APRIL 2005 YOU SECURED THE WIRE TAP FOR
11 PURPOSES OF INVESTIGATING A CONSPIRACY INVOLVING SCOTT
12 DAVIS; IS THAT CORRECT?
13 A ARE YOU ASKING ME WHY WAS THE WIRE APPLIED FOR?
14 Q RIGHT. IN THE APPLICATION, YOU EXPLAINED TO THE
15 JUDGE THAT YOU WERE INVESTIGATING A CONSPIRACY INCLUDING
16 SCOTT DAVIS AND SEVERAL OF HIS ASSOCIATES; IS THAT RIGHT?
17 A WELL, I DID NOT APPLY FOR THE APPLICATION, BUT IN
18 THE APPLICATION WHICH IS ALSO UNDER SEAL, I'M NOT SURE WHAT
19 WAS IN THE APPLICATION, BUT IF YOU'RE -- THERE WAS A
20 CONSPIRACY ALLEGED IN THE SCOTT DAVIS TRIAL PERIOD.

21 Q OKAY. AND SO IT'S FAIR TO SAY THAT YOUR
22 INVESTIGATION, THE INVESTIGATION OF THE COLD CASE UNIT WAS
23 INVESTIGATING A CONSPIRACY INVOLVING SCOTT DAVIS AND HIS
24 ASSOCIATES; CORRECT?
25 A CORRECT, BUT LET ME BE CLEAR IN THE TIME FRAME.

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1 IT WOULD HAVE BEEN SCOTT DAVIS' ASSOCIATES IN 1996 BECAUSE
2 THAT'S WHEN OUR HOMICIDE OCCURRED, AND THAT IS WHEN WE
3 BELIEVE THAT HE HAD ASSISTANCE IN THE HOMICIDE. SO WE WERE
4 LOOKING FOR PEOPLE WHO HE WAS ASSOCIATING WITH IN 1996.

5 Q AND DID YOU REGARD IT RELEVANT TO THAT
6 INVESTIGATION TO TALK WITH PEOPLE WHO HE WAS ASSOCIATING
7 WITH AT THE PRESENT TIME IN 2004 AND 2005?

8 A I WOULDN'T SAY IT WOULD BE RELEVANT, BUT WHEN I
9 CONDUCT AN INVESTIGATION, I LIKE TO TALK TO ANYONE I CAN.

10 Q DID YOU TALK WITH GAYLE ABRAMSON ABOUT HER
11 ASSOCIATION WITH SCOTT DAVIS AND HIS ASSOCIATES?

12 A NO.

13 Q DID YOU DIRECT ANY OF YOUR INVESTIGATORS TO TALK
14 WITH MS. ABRAMSON ABOUT HER ASSOCIATION WITH SCOTT DAVIS AND
15 HIS ASSOCIATES?

16 A NO. THAT WAS NOT MY PLACE. I REPORTED THAT
17 INFORMATION TO THE DISTRICT ATTORNEY, MY BOSS, PAUL HOWARD

18 Q WHY DID YOU REGARD IT AS NOT YOUR PLACE --

19 A BECAUSE --

20 Q LET ME JUST FINISH --

21 A GO AHEAD.

22 Q -- THE SENTENCE.
23 -- TO EITHER INTERVIEW OR DIRECT THAT MS. ABRAMSON
24 BE INTERVIEWED BY INVESTIGATORS ON YOUR STAFF?
25 A BECAUSE THAT WOULD BE GOING OUTSIDE OF THE CHAIN

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1 OF COMMAND. IT'S -- I DO GO AND INTERVIEW CIVILIANS ON THE
2 STREET, BUT LAWYERS OF ALL TYPES ARE TREATED DIFFERENTLY,
3 AND I WOULD NOT SEND AN ATLANTA HOMICIDE DETECTIVE TO GO
4 INTERVIEW MS. ABRAMSON WITHOUT FIRST TELLING MY BOSS THAT OR
5 AT LEAST CLEARING IT WITH MY BOSS OR LETTING HIM KNOW. AND
6 I'D ALREADY HAD A DISCUSSION WITH PAUL HOWARD ABOUT THE
7 SITUATION, WHAT I HAD LEARNED ABOUT THE SITUATION, AND THEN
8 I LEFT IT UP TO HIM.

9 Q DID YOU ASK MR. HOWARD FOR PERMISSION TO INTERVIEW
10 OR TO HAVE MS. ABRAMSON INTERVIEWED?

11 A I DON'T BELIEVE SO.

12 Q TELL US HOW YOU PRESENTED THE QUESTION TO
13 MR. HOWARD AND WHAT -- WHAT THE RESPONSE WAS.

14 A I CAN'T TELL YOU VERBATIM BECAUSE IT'S BEEN OVER
15 THREE YEARS SINCE I'VE HAD A CONVERSATION WITH PAUL HOWARD
16 ABOUT THIS SITUATION.

17 I TOLD HIM WHAT I WAS TOLD BY MR. CSEHY. I TOLD
18 HIM THAT I WAS GOING TO LISTEN TO THE WIRE BECAUSE THE FIRST
19 TIME I EVER TALKED TO HIM ABOUT IT I HAD NOT HEARD WHAT WAS
20 ON THE WIRE.

21 AND I'M SURE WE DISCUSSED ABOUT -- WELL, I THOUGHT
22 IT WAS RATHER IRONIC THAT SHE KNEW HIM. SO I'M SURE I WOULD
23 HAVE DISCUSSED WITH HIM HOW IRONIC THAT WITH ALL THE PEOPLE

24 IN THE COUNTRY THAT SHE KNEW HIM, AND I WAS GIVEN A TIME
25 FRAME FOR WHICH SHE KNEW HIM WHICH I BELIEVE WOULD HAVE BEEN

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1 THE FALL BEFORE THE WIRE TAP IS WHEN SHE EITHER MET HIM OR
2 BECAME ASSOCIATED WITH HIM, AND I DON'T KNOW IF MR. HOWARD
3 GAVE ME THAT ASSOCIATE OR MR. CSEHY HAD GIVEN ME THAT
4 INFORMATION, AND WE JUST HAD A GENERAL CONVERSATION ABOUT
5 IT.

6 Q AND IN TERMS OF CONDUCTING OR HAVING AN INTERVIEW
7 CONDUCTED OF MS. ABRAMSON FOR PURPOSES OF YOUR
8 INVESTIGATION, DID MR. HOWARD GIVE INSTRUCTION OR GIVE A
9 RESPONSE ABOUT WHETHER THAT SHOULD BE DONE?

10 A I'M NOT SURE WE EVER DISCUSSED IT. IT WAS PRETTY
11 APPARENT FROM THE INFORMATION THAT I HAD BEEN GIVEN FROM
12 MR. CSEHY THAT MS. ABRAMSON DID NOT KNOW ANYTHING ABOUT THE
13 MURDER OF DAVID COFFIN, JR. APPARENTLY, YOU KNOW, MR. DAVIS
14 WASN'T OUT THERE IN CALIFORNIA BRAGGING ABOUT KILLING A MAN
15 10 YEARS PRIOR OR 11 YEARS PRIOR WHEN THEY SPENT TIME
16 TOGETHER. AND TO BE HONEST WITH YOU, I DIDN'T EVEN KNOW HOW
17 MUCH TIME SHE EVEN SPENT WITH MR. DAVIS. SO IT WAS PRETTY
18 APPARENT TO ME THAT SHE DID NOT HAVE ANY INFORMATION
19 REGARDING THE HOMICIDE OF DAVID COFFIN, JR. *no*

20 Q WHEN YOU SAY PRETTY APPARENT, THE WAY TO SORT OF
21 NAIL THAT DOWN IS FOR YOU OR AN INVESTIGATOR TO INTERVIEW
22 HER; CORRECT?

23 A SURE.

24 Q AND THAT WOULD BE THE TYPICAL WAY THAT YOU WOULD

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1 INFORMATION RELEVANT TO YOUR INVESTIGATION; RIGHT?

2 A SURE.

3 Q AND IF MS. ABRAMSON WAS NOT A LAWYER OR NOT A
4 CO-EMPLOYEE OF YOUR OFFICE, YOU WOULD HAVE EITHER
5 INTERVIEWED HER OR HAD HER INTERVIEWED FOR THAT PURPOSE;
6 RIGHT?

7 A I PROBABLY WOULD HAVE, YEAH. I'M THOROUGH LIKE
8 THAT. I WOULD PROBABLY HAVE TALKED TO HER.

9 Q DID YOU YOURSELF RECOGNIZE ANY ETHICAL TENSION IN
10 YOUR INVESTIGATION OF MS. ABRAMSON?

11 A I DIDN'T INVESTIGATE MS. ABRAMSON.

12 Q OR IN THE QUESTION OF HOW OR WHETHER TO CONDUCT AN
13 INVESTIGATION OF MS. ABRAMSON'S ASSOCIATION WITH MR. DAVIS?

14 A NO. HER ASSOCIATION WITH MR. DAVIS IS NOT
15 CRIMINAL.

16 Q RIGHT. BUT DID YOU -- DID YOU FEEL OR RECOGNIZE A
17 TENSION IN CONDUCTING AN INVESTIGATION OF THAT ASSOCIATION?

18 A NO.

19 Q SO THE ONLY THING THAT RESTRICTED YOU FROM DOING
20 THAT WAS HER STATUS AS A LAWYER AND AS AN EMPLOYEE OF THE
21 OFFICE?

22 A NOTHING RESTRICTED ME FROM DOING IT. I GUESS IF I
23 REALLY HAD WANTED TO DO IT, I GUESS I COULD HAVE DONE IT. I
24 COULD HAVE ASKED MY BOSS TO DO IT. I'M NOT SURE IF I ASKED
25 MY BOSS TO DO IT BECAUSE, AGAIN, I WOULDN'T HAVE ON MY OWN

1 GONE AND HAULED OFF WITH AN ATLANTA POLICE HOMICIDE
2 DETECTIVE AND PULLED AN ATTORNEY OFF TO THE SIDE AND
3 INTERVIEWED HER. I WOULD HAVE HAD TO GONE THROUGH THE
4 APPROPRIATE CHAIN OF COMMAND IN OUR OFFICE. IT WOULD HAVE
5 BEEN APPROPRIATE TO PUT THAT REQUEST THROUGH TO THE DISTRICT
6 ATTORNEY AND THEN HAVE HIM TAKE IT FROM THERE.

7 I'M NOT SURE I EVER REQUESTED THE DISTRICT
8 ATTORNEY TO ASK HER WHAT SHE KNEW OR DIDN'T KNOW ABOUT THE
9 MURDER OF DAVID L. COFFIN, JR. I MIGHT HAVE AND DON'T
10 REMEMBER IT. IT BECAME VERY APPARENT TO ME THAT SHE DIDN'T
11 HAVE ANY INFORMATION REGARDING THE HOMICIDE. YOU KNOW, SHE
12 CERTAINLY WAS NOT HANGING OUT WITH SCOTT DAVIS IN THE TIME
13 IN QUESTION WHICH IS DECEMBER OF 1996. SO WE KNOW SHE
14 DIDN'T HAVE ANY INFORMATION FROM BACK IN '96. THE ONLY
15 INFORMATION SHE COULD HAVE HAD REASONABLY WOULD BE IF SCOTT
16 DAVIS BRAGGED TO HER THAT HE HAD KILLED SOMEONE IN ATLANTA
17 IN 1996.

18 IN MY CONVERSATIONS WITH MR. CSEHY AND WITH
19 MR. HOWARD EVENTUALLY -- AND I DON'T KNOW IF MR. HOWARD HAD
20 SPOKEN TO GAYLE PRIOR TO MY CONVERSATION WITH HIM OR NOT --
21 IT WAS PRETTY APPARENT TO ME THAT THAT HAD NOT HAPPENED,
22 MEANING SCOTT DAVIS HAD NOT MADE ANY ADMISSIONS TO
23 MS. ABRAMSON ABOUT THE HOMICIDE OF DAVID COFFIN.

24 Q AND YOU KNOW THAT HOW?

25 A FROM WHAT MR. CSEHY HAD TOLD ME.

1 Q AND DID YOU AT THAT TIME UNDERSTAND THAT MR. CSEHY
2 HAD A PERSONAL RELATIONSHIP WITH MS. ABRAMSON?

3 A YES. *!!*

4 Q AND IN THE ORDINARY COURSE OF YOUR INVESTIGATIONS,
5 WOULD YOU ORDINARILY RELY ON A PERSON WITH A CLOSE PERSONAL
6 RELATIONSHIP TO CHARACTERIZE ANOTHER WITNESS' KNOWLEDGE *ds*
7 ABOUT A TARGET THAT YOU WERE INVESTIGATING?

8 A IF I BELIEVED THEM, I WOULD.

9 Q AND YOUR BELIEF IN MR. CSEHY'S REPORT WAS BASED ON
10 YOUR RELATIONSHIP WITH MR. CSEHY?

11 A AS A COLLEAGUE, YES.

12 Q AS A FELLOW EMPLOYEE OF THE FULTON COUNTY DISTRICT
13 ATTORNEY'S OFFICE?

14 A CORRECT.

15 Q DID YOU MAKE -- DID YOU COME TO A CONCLUSION AT
16 ANY POINT DURING YOUR INVESTIGATION OF THE DAVIS MATTER THAT
17 MS. ABRAMSON'S CONDUCT HAD COMPROMISED THE INVESTIGATION
18 AND/OR THE PROSECUTION IN ANY WAY?

19 A THAT'S A HARD QUESTION. I CAN SAY IN RETROSPECT,
20 NO, BECAUSE SINCE APRIL OF 2005, MR. DAVIS HAS BEEN
21 INDICTED, AND HE HAS BEEN FOUND GUILTY OF THE MURDER OF
22 DAVID L. COFFIN, JR., BY A FULTON COUNTY JURY.

23 ALL OF THIS EXTRANEOUS ASSOCIATION WITH
24 MS. ABRAMSON WAS NOT EVEN ADMISSIBLE, RELEVANT, OR ADMITTED
25 INTO THAT TRIAL. SO, NO, THAT DID NOT COMPROMISE THE CASE.

1 Q IF WE -- AND I HEARD -- I HEARD YOUR RESPONSE IN
2 RETROSPECT. IF WE WERE TO GO BACK TO THE TIME PERIOD OF
3 APRIL, MAY, AND JUNE OF 2005 DURING THE ACTIVE INVESTIGATION
4 OF THE CASE, DID YOU CONCLUDE THAT MS. ABRAMSON'S CONDUCT
5 HAD COMPROMISED YOUR INVESTIGATION IN ANY WAY?

6 A IT DIDN'T COMPROMISE THE INVESTIGATION AT ALL, SO
7 NO. IT CREATED AN ISSUE THAT I THOUGHT THE DEFENSE
8 ATTORNEYS MIGHT TRY TO RAISE AT TRIAL, AND THAT'S JUST A
9 PROBLEM. SO IT CREATED A PROBLEM THAT I THOUGHT I WOULD
10 HAVE TO DEAL WITH EVENTUALLY AT TRIAL.

11 Q AND, IN FACT, IT DID CAUSE AN ISSUE -- IT DID
12 CAUSE YOU TO TAKE ACTION WITH RESPECT TO HER -- THE
13 INFORMATION ABOUT HER CONDUCT, DIDN'T IT?

14 A WHAT DO YOU MEAN BY TAKE ACTION? IN RELEVANCE TO
15 WHAT?

16 MR. HILL: YOUR HONOR, IF I MAY?

17 THE COURT: YES.

18 (WHEREUPON, THERE WAS AN OFF-THE-RECORD
19 DISCUSSION.)

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

22 BY MR. HILL:

23 Q MS. ROSS, I'M SHOWING YOU WHAT'S BEEN MARKED AS
24 DEFENDANT'S EXHIBIT NO. 5. DO YOU RECOGNIZE THAT?

25 A I DO.

1 Q WHAT IS DEFENSE 5?

2 A DEFENDANT'S -- DEFENSE EXHIBIT 5 IS A MOTION, A
3 STATE'S MOTION IN LIMINE IN THE STATE OF GEORGIA V. SCOTT
4 WINFIELD DAVIS THAT I FILED ON THE 6TH DAY OF OCTOBER 2006
5 BEFORE JUDGE CAMPBELL.

6 Q AND THAT MOTION WAS DIRECTED TOWARDS WHAT -- WHAT
7 CATEGORY OF EVIDENCE?

8 A WELL, I'LL JUST READ IT VERBATIM: "THIS COMES NOW
9 THE STATE OF GEORGIA, BY AND THROUGH THE UNDERSIGNED
10 ASSISTANT DISTRICT ATTORNEYS, AND MOVES THIS HONORABLE COURT
11 TO EXCLUDE IRRELEVANT AND INFLAMMATORY ALLEGATIONS PROCURED
12 FROM THE DEFENDANT AND HIS FRIENDS INTERCEPTED ON A STATE
13 WIRE TAP REGARDING FULTON COUNTY EMPLOYEES."

14 Q OKAY. AND THAT MOTION, WAS THAT DIRECTED TO
15 THE -- TO THE EVIDENCE REGARDING MS. ABRAMSON'S ASSOCIATION
16 WITH SCOTT DAVIS?

17 A IT WAS DIRECTED AT TWO PRONG. IT WAS -- IT WAS
18 DIRECTED AT MR. DAVIS -- MR. DAVIS' WITNESSES FROM SAYING
19 ANYTHING IRRELEVANT AND INFLAMMATORY ABOUT MS. ABRAMSON, AND
20 IT WAS ALSO DIRECTED AT ANY CONVERSATIONS WHICH MAY HAVE
21 BEEN INTERCEPTED ON THE WIRE ABOUT HER.

22 Q AND THIS MOTION IN LIMINE, WAS THIS LITIGATED IN
23 OPEN COURT?

24 A NO. IT WAS A SEALED, CLOSED HEARING.

25 Q OKAY. AND WHY WAS THIS MOTION LITIGATED UNDER

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1 SEALED CONDITIONS?

2 A WELL, IT WAS MADE AT THE REQUEST OF THE STATE.

3 THE DEFENSE ATTORNEYS IN THAT MATTER HAD NO OBJECTION TO IT,
4 SO IT WAS DONE IN CHAMBERS, AND I ASKED THAT IT BE DONE IN
5 CHAMBERS BECAUSE THE SCOTT DAVIS TRIAL WAS COVERED BY THE
6 NATIONAL MEDIA. I FELT THAT IT WAS UNFAIR TO SCURRILOUSLY
7 ATTACK A YOUNG ATTORNEY UNDER THOSE CIRCUMSTANCES WHERE IT
8 WAS NOT RELEVANT AT ALL IN OUR TRIAL. SO IT WAS A WAY TO
9 FLESH OUT THE ISSUES BY PROTECTING THE REPUTATION OF A YOUNG
10 ATTORNEY.

11 IF JUDGE CAMPBELL HAD DECIDED THAT THAT WAS GOING
12 TO BE ADMISSIBLE AND RELEVANT EVIDENCE IN THE SCOTT DAVIS
13 TRIAL, THEN, YOU KNOW, OBVIOUSLY WE WOULD HAVE DEALT WITH IT
14 IN OPEN COURT, BUT HE DECIDED TO RULE IN FAVOR OF THE STATE,
15 AND THAT EVIDENCE WAS EXCLUDED FROM HIS TRIAL.

16 Q WOULD YOU HAVE REGARDED THE ALLEGATIONS AS
17 SCURRILOUS IF YOU WERE PERSUADED THAT THE ALLEGED CONDUCT
18 WAS ACTUALLY TRUE THAT SHE HAD ENGAGED IN THAT CONDUCT?

19 A WELL, I THINK BY DEFINITION IF IT'S TRUE, THEN IT
20 WOULDN'T BE SCURRILOUS, NO.

21 MR. HILL: YOUR HONOR, THOSE ARE MY
22 QUESTIONS.

23 THE COURT: ALL RIGHT.

24 MS. ROSS: NO QUESTIONS. THANK YOU, JUDGE.

25 THE COURT: LET ME ASK YOU, AND JUST SO YOU

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1 WILL KNOW THAT I'M NOT TRYING TO SET YOU UP. I'M
2 JUST -- AND THIS IS FROM TALKING YESTERDAY TO MARK
3 KADISH.

4 AND I TOOK IT JUST BASED ON SOME THINGS THAT
5 MARK KADISH SAID THAT HE DID NOT PURSUE I'M GOING
6 TO CALL IT THE ABRAMSON LINK. HE DID NOT PURSUE
7 IT BECAUSE IT WASN'T RELEVANT. SO MY FIRST
8 QUESTION IS YOU FILED A MOTION IN LIMINE. DID
9 THEY CONTEST IT OR DID THEY AGREE?

10 THE WITNESS: THEY CONTESTED IT BECAUSE
11 UNFORTUNATELY MR. KADISH BECAME VERY ILL PRIOR --
12 IMMEDIATELY PRIOR TO MR. DAVIS' TRIAL, AND
13 SUBSTITUTE COUNSEL WAS PROVIDED AT THE LAST
14 MINUTE. BRIAN STEEL ENDED UP TAKING OVER
15 MR. KADISH'S REPRESENTATION OF MR. DAVIS, AND SO I
16 BEGAN TO DEAL WITH BRUCE MORRIS AND BRIAN STEEL ON
17 THIS ABRAMSON ISSUE AT TRIAL. THEY NEVER REALLY
18 GAVE US A CLEAR INDICATION OF WHERE THEY WERE
19 GOING TO GO WITH THIS MATERIAL WHICH IS WHY I
20 DECIDED TO JUST FILE A MOTION IN LIMINE, BRING IT
21 TO THE COURT'S ATTENTION, SEE WHERE JUDGE CAMPBELL
22 STOOD ON THE ISSUE, AND WE JUST AIRED IT OUT IN
23 CHAMBERS. AND THEY NEVER REALLY GAVE ME A REAL
24 INDICATION OF WHERE THEY WERE GOING. YET THEY DID
25 NOT CONSENT TO MY MOTION IN LIMINE.

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1 THE COURT: ALL RIGHT. THAT CASE, WE'VE
2 HEARD A LITTLE BIT ABOUT IT. SEE IF I -- SEE IF
3 I'VE GOT IT RIGHT. ARE YOU IN THE NEW TRIAL
4 STAGE?

5 THE WITNESS: WE ARE AWAITING JUDGE CAMPBELL
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6 TO RULE ON THE MOTION FOR NEW TRIAL.
7 THE COURT: IF YOU CAN REMEMBER, WAS THE --
8 WAS YOUR SUCCESSFUL MOTION IN LIMINE, WAS THAT
9 PART OF THE COMPLAINT THAT THE DEFENSE HAD FOR A
10 NEW TRIAL?
11 THE WITNESS: I DON'T RECALL, BUT TO THE BEST
12 OF MY MEMORY, NO. THEY RAISED MANY OTHER ISSUES.
13 THE COURT: OKAY. AND WAS -- WAS SCOTT
14 DAVIS, WAS THAT A DEATH PENALTY CASE?
15 THE WITNESS: NO, SIR.
16 THE COURT: THOSE ARE THE ONLY QUESTIONS I
17 HAVE. MAY SHE BE RELEASED, MR. HILL?
18 MR. HILL: YES, YOUR HONOR. WE HAVE NO
19 FURTHER QUESTIONS.
20 MS. ROSS: STATE HAS NO QUESTIONS.
21 THE COURT: THANK YOU FOR COMING BACK.
22 APPRECIATE YOU COMING BACK FOR AT LEAST TWO DAYS.
23 THE WITNESS: THANK YOU, SIR. AND I AM
24 EXCUSED?
25 THE COURT: YOU ARE EXCUSED.

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1 THE WITNESS: THANK YOU.
2 THE COURT: YOU ARE EXCUSED.
3 (WHEREUPON, THERE WAS A PAUSE IN THE PROCEEDINGS.)
4 THE COURT: IS MR. CROSS REPRESENTING YOU,
5 MS. ROSS?
6 THE WITNESS: NO.