

1 Both sides --

2 BY MR. SERMOS: Release her?

3 BY THE COURT: -- release her?

4 BY MR. HARPER: Yes, sir.

5 BY THE COURT: You'll be released from your
6 subpoena. You may go.

7 (Witness steps down.)

8 BY THE COURT: How lengthy is your next witness
9 going to be?

10 BY MR. HARPER: Should be fairly short. We're
11 going to call Reverend Lee.

12 BY THE COURT: Let's go ahead and take Reverend
13 Lee before we take a break.

14 JAMES LEE,

15 having been duly and legally sworn, answered
16 questions on his oath as follows, to-wit:

17 BY THE COURT: Have a seat.

18 BY MR. HARPER: May I proceed, Your Honor.

19 BY THE COURT: Yes, sir

20 DIRECT EXAMINATION

21 BY MR. HARPER:

22 Q. Would you state your name for the record,
23 please, sir.

24 A. James E. Lee.

25 Q. And, Reverend Lee, you're the duly elected
26 coroner of Adams County, Mississippi?

27 A. Correct.

28 Q. How long have you served in that capacity?

29 A. January 1, 2000.

1 Q. And I believe you have some training in the
2 medical field; is that right?

3 A. That's right.

4 Q. Would you tell us what training you have?

5 A. I am emergency medical technician, immediate,
6 and certified respiratory therapist.

7 Q. Okay, sir. Reverend Lee, obviously you were
8 serving in that capacity on February the 21st of 2002; is
9 that correct, sir?

10 A. That's right.

11 Q. Did you have occasion to be called out or have a
12 report made to you about a minor child, infant child,
13 Chloe Madison Britt, on that particular evening?

14 A. I did.

15 Q. Would you tell us about how you received that
16 call and what you did as a result of it? Were you at home
17 that night?

18 A. I was at home that night and was contacted by
19 Natchez Community Hospital emergency room. One of the
20 physicians or supervisors called me.

21 Q. What did you do after you received that call?

22 A. Well, first of all, not to be apprised as to
23 what type of case they had, and the nurse -- the nurse
24 that called me -- the physician that called me said this
25 was a --

26 BY MR. SERMOS: Objection, Your Honor. Whatever
27 the person said. He stated he got to the hospital.
28 We don't need to know what the person said.

29 BY THE COURT: I'll sustain as to hearsay.

1 BY MR. HARPER:

2 Q. Reverend Lee, you won't be able to testify about
3 what anybody told you, but as a result of that
4 conversation, what, if anything, did you do at that time?

5 A. There was a death call.

6 Q. Okay. You were advised that there was a death?

7 A. Yes.

8 Q. And when that happens, what procedure do you
9 follow?

10 A. I immediately went to the hospital.

11 Q. Okay. And would you tell us what happened when
12 you got to the hospital?

13 A. Well, when I got to the hospital, I went through
14 my normal protocol as to what I am going to do as far as
15 investigating the death. Before even seeing the decedent,
16 there's a series of interviews by whoever, whoever has
17 already come in contact with the child. I interviewed
18 them so they can tell me what they seen, what they heard,
19 and then I will make an examination for myself.

20 Q. Okay. Would that include the medical personnel?

21 A. Certainly.

22 Q. And you talked with those that were there?

23 A. I did.

24 Q. Would that include any family or people that
25 were with the child when it came to the hospital?

26 A. I did speak to the grandmother, I think,
27 somewhere before I left the hospital.

28 Q. Did you have occasion to talk to the defendant
29 in this case, Jeffrey Keith Havard, at any point in time?

1 A. Didn't know him. I didn't see him.

2 Q. Was he even there to your knowledge when you
3 were there?

4 A. Not to my knowledge.

5 Q. You said you did then make an examination of the
6 body?

7 A. I did.

8 Q. All right, sir. Would you tell us where that
9 examination occurred?

10 A. In the Natchez Community Hospital emergency
11 room, the last room on the right side. I don't know the
12 number, but it was there.

13 Q. And I assume at this point in time, the baby had
14 already been declared to be deceased; is that right?

15 A. From the interview with the physician, the baby
16 was already pronounced dead.

17 Q. Was anyone in the room with the baby when you
18 observed it?

19 A. When I went into the room, Major Manley was
20 standing at the door. I can't remember if anyone else was
21 in the room, but from the sheriff's department, Major
22 Manley was standing inside of the door.

23 Q. Where was the baby? Was its --

24 A. The baby was lying in the bed on a ventilator.

25 Q. Was anybody trying to treat the baby at that
26 point or --

27 A. You know, there had to have been a nurse there.
28 I think a nurse was there and a respiratory therapist
29 standing by.

1 Q. And just tell us what observations, if any, you
2 made of the body at this time?

3 A. Well, when it was determined that the baby had
4 been declared or pronounced dead, I then went into the
5 room fully to look at the child. And what I saw in this
6 child was very unusual for a child this age, and then I
7 knew that a more thorough investigation was necessary.
8 Because there was bruising in the face of the child and
9 also there --

10 BY MR. HARPER: May I approach the witness,
11 Your Honor?

12 BY THE COURT: Yes, sir.

13 BY MR. HARPER:

14 Q. I'll show you what's been marked as State's
15 Exhibit 6, which is a photograph of the child taken
16 shortly after its death. Is this indicative of what you
17 saw that night?

18 A. That's exactly what I saw that night.

19 Q. Okay, sir. And you saw those bruises. What, if
20 anything, else did you see?

21 A. You know, we do a head to toe examination so
22 we -- although the baby was being ventilated at the time,
23 they were other areas such as the arm and the abdomen and
24 the lower trunk that were available for examination and
25 begin to look -- at the inner thigh, there also were some
26 bruising on the baby.

27 BY MR. HARPER: May I approach again, Your
28 Honor?

29 BY THE COURT: Yes, sir.

1 BY MR. HARPER:

2 Q. Did you attempt to have any photographs yourself
3 made on that particular evening?

4 A. Certainly.

5 Q. Okay, sir. I am going to show you what's been
6 marked as State's Exhibit 4 and ask if you recognize that
7 photograph?

8 A. That's my finger and that's me pointing --

9 Q. This is you right here?

10 A. That's me. That's me pointing at those bruises
11 on the -- which is very uncommon for a child that age.

12 Q. Okay, sir. What else, if anything, did you
13 observe about the baby?

14 A. Well, in the interview with the physician and
15 the interview that I had with the physician are secret in
16 which we talk about the case, there were some injuries to
17 the rectum of the child. And at this point, I made the
18 decision after I saw the rectum or the perineum which is
19 the surrounding around the rectum that something terribly
20 wrong is here. I made that decision, and at that time I
21 ordered everyone out of the room. No one else touched the
22 baby except me.

23 Q. Okay, sir. And just briefly tell us what you
24 observed about that rectal area?

25 A. It's -- it appeared that something had
26 penetrated the baby's anus.

27 Q. And that was your visual observations --

28 A. On my visual observation.

29 Q. Okay. What, if anything, did you do after you

1 had cleared the room and dealt with the baby yourself?

2 What, if any, decision did you --

3 A. There was some decision about whether or not
4 this child would be an organ donor. I then called in Dr.
5 Chris Hancock who is a sworn deputy coroner, and I asked
6 for Chris' opinion as to whether or not we should allow
7 this child to be a donor and we did not --

8 BY MR. SERMOS: Objection, Your Honor. This is
9 not probative to the matter that's at hand here
10 before the Court about organ donation.

11 BY THE COURT: I sustain as to relevancy as to
12 that.

13 BY MR. HARPER:

14 Q. Did you make a decision as to what, if anything,
15 to do as far as investigating --

16 A. We made a decision to have an autopsy done.

17 Q. Okay, sir. When you did that, what steps did
18 you take to assure that would take place?

19 A. First of all what we had to do to make sure
20 that everything that was surrounding the child was
21 carefully packaged with the child and that the child was
22 packaged and sealed, and when I say sealed, I mean covered
23 and taped and making sure everything that came in with the
24 child, went to the autopsy with the child. I personally
25 did that myself.

26 Q. Okay, sir. And after you had done that, who did
27 you determine to have this autopsy performed by?

28 A. I called Dr. Stephen Hayne who is a forensic
29 pathologist in Jackson.

1 Q. I believe he works with the state medical
2 examiner's office.

3 A. He is one of the state designated pathologists
4 who do most of the autopsies in the State of Mississippi.

5 Q. And he's in -- is he in Hinds County?

6 A. He works in Rankin County Hospital, but he does
7 autopsies at Pearl, Mississippi, at the morgue.

8 Q. Okay, sir. And how was the baby transported to
9 the morgue?

10 A. The baby was -- first of all, the baby left the
11 hospital in the coroner's van, and, again, it's very
12 important at this point that nobody handle bodies that are
13 going to be autopsied except the coroner, not EMT's, not
14 doctors, but the coroner. I transported the baby to the
15 morgue myself and placed the baby in the morgue cooler.
16 Called Mississippi Mortuary Service for Dr. Hayne to have
17 the baby transported to Jackson.

18 Q. Was the baby transported there?

19 A. It was. There is documentation all the way as
20 to when the baby was released from the morgue, who picked
21 the baby up, and who brought the baby back.

22 Q. And to your knowledge was an autopsy performed
23 by Dr. Hayne?

24 A. An autopsy was performed.

25 Q. Do you know the date of that autopsy?

26 A. I would have to refer to my notes.

27 Q. Do you have them with you?

28 A. Yes, sir.

29 Q. You can do that if you would.

1 BY THE COURT: You'll be allowed to refer to
2 your notes.

3 A. The autopsy was done on the evening -- autopsy
4 was done on the evening of the 22nd.

5 Q. So it would have been the next day?

6 A. Right.

7 Q. Actually by the time everything was done, it
8 would have been the same day just later that day.

9 A. Later that day. Right.

10 BY MR. HARPER: The Court will indulge me just
11 a moment? We'll tender this witness at this time.

12 BY THE COURT: Cross-examination.

13 BY MR. SERMOS: Yes, sir.

14 CROSS-EXAMINATION

15 Q. Yes. Dr. Lee, you state that you
16 investigate --

17 A. I'm not a doctor.

18 Q. Oh, they called you that.

19 BY MR. HARPER: I think I may have inadvertently
20 done that.

21 BY MR. SERMOS:

22 Q. I was just trying to go along with the
23 promotion. Thank you. Anyway, Coroner Lee, you said you
24 investigate and one of the ways you do that is interview
25 people, right?

26 A. Sure.

27 Q. Did you ever -- and you also go to the scenes
28 where people are killed or crime scenes or if you think
29 there's a crime?

1 A. Ninety-nine point nine percent of the time.

2 Q. Did you go to the mobile home at 33 Montgomery
3 Road?

4 A. I did not.

5 Q. You did not go there?

6 A. No, sir.

7 Q. Why didn't you go there?

8 A. That's not my job. That's for law enforcement.

9 Q. I thought you just said you did go to the crime
10 scene?

11 A. Well, I go to the crime scene if the body is
12 there.

13 Q. Oh, okay. So, in other words, if you
14 investigate something, you investigate where the body is,
15 not where you think something might have happened.

16 A. It depends on the situation. Every case is
17 different.

18 Q. And this case is different enough, then, that
19 you saw no reason or had no authority to go to the mobile
20 home at 33 Montgomery Road?

21 A. Not after I had talked with Major Manley who is
22 a representative of the sheriff's department who told me
23 that that is the part of their job, and it is part of
24 their job to make that investigation.

25 Q. Okay. So then you investigate with limitations
26 then; is that right?

27 A. My job is to make a decision on the manner and
28 the cause of death.

29 Q. So then your investigation ends once you

1 determine that, right? The manner and cause --

2 A. Basically what the State allows me to do. To
3 make a determination on the manner and the cause of death.

4 Q. So if there's other facts there, then it's up
5 for someone else to find out, right?

6 A. Who do you mean by somebody else?

7 Q. The sheriff's department or somebody else?

8 A. That's a good agency.

9 BY MR. SERMOS: Thank you. No further any
10 questions.

11 BY THE COURT: Any redirect?

12 BY MR. HARPER: No, Your Honor. I believe
13 that's all we have.

14 BY THE COURT: Would this witness be released by
15 both sides?

16 BY MR. HARPER: Yes, sir.

17 BY MR. CLARK: Yes, sir.

18 BY MR. SERMOS: Yes, sir.

19 BY THE COURT: All right. Reverend Lee, you'll
20 be released under your subpoena.

21 (Witness steps down.)

22 BY THE COURT: Ladies and gentlemen, it's about
23 time to take a break. Let's take about a ten to
24 fifteen minute break. Keep in mind what the Court
25 said previously about no contact with anybody. So
26 court will be in recess.

27 (After a short recess from 2:45 until 2:55, the following
28 was made of record, to-wit:)

29 BY THE COURT: Who does the State call as your

1 next witness?

2 BY MR. HARPER: Your Honor, we would call Deputy
3 Ray Brown with the sheriff's department.

4 BY THE COURT: Deputy Ray Brown.

5 RAY BROWN,
6 having been duly and legally sworn, answered
7 questions on his oath as follows, to-wit:

8 BY THE COURT: You may have a seat.

9 BY MR. HARPER: May I proceed, Your Honor?

10 BY THE COURT: Yes, sir.

11 DIRECT EXAMINATION

12 BY MR. HARPER:

13 Q. Would you state your name, please, sir.

14 A. Ray Brown.

15 Q. And, Deputy Brown, with whom are you employed,
16 sir?

17 A. Adams County Sheriff's Department.

18 Q. Okay. I believe you're also one of the three
19 constables for Adams County, duly elected; is that right,
20 sir?

21 A. That's correct.

22 Q. Now, how long have you worked with the sheriff's
23 department, Deputy Brown?

24 A. Thirteen years.

25 Q. You were obviously working with the sheriff's
26 department back in February of this year, more
27 specifically on February the 21st of 2002?

28 A. That's correct.

29 Q. Did you have occasion to respond to a call to