

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

1 the hospital?

2 A. Yes, I did.

3 Q. Would you tell us, first of all, you were
4 obviously working that night?

5 A. Yes, sir.

6 Q. Where were you when you first got this call?

7 A. We was patrolling the county.

8 Q. Out in the county?

9 A. Yes, sir.

10 Q. Do you remember how far you were from the
11 hospital when you got the call?

12 A. Not to be exact.

13 Q. And once you got the call, what, if anything,
14 did you do at that point in time?

15 A. We received the call and went to the hospital.

16 Q. Were you by yourself or with --

17 A. I was by myself in my patrol car.

18 Q. Okay. And you proceeded directly to the
19 hospital in your patrol car?

20 A. Yes, sir.

21 Q. Who, if anyone, was there when you arrived
22 there from the sheriff's department?

23 A. Officer Frank, he was on his way. We got there
24 basically pretty much the same time.

25 Q. Pretty much the same time?

26 A. Yes, sir.

27 Q. And were any other officers there prior to y'all
28 getting there?

29 A. Yeah. The reason we were going there because

1 the Natchez PD had gave the call to our department in
2 reference to an incident that was at the hospital, and
3 they was on -- was there when we got there.

4 Q. They had responded initially until they found
5 out it might be out in the county; is that right?

6 A. That's correct.

7 Q. And that's when they called y'all in?

8 A. Yes, sir.

9 Q. Okay. And you say you and Deputy Frank got
10 there about the same time. What did y'all do when you got
11 there?

12 A. When we got to the hospital, we met the officer
13 that was on there at that time which I think was Officer
14 Baldwin.

15 Q. Johnny Baldwin, Roosevelt --

16 A. Yes, sir.

17 Q. -- Baldwin.

18 A. Right. And I asked him what was going on, what
19 the situation they had.

20 Q. Of course, you can't testify about what he
21 said, but after you talked to him, what, if anything, did
22 you do at that time?

23 A. Then I obtained -- talked to the mother of
24 the -- the mother, a Ms. Britt.

25 Q. And you talked to her?

26 A. Yes, sir. First, initially.

27 Q. Okay. And did any other officers from the
28 sheriff's department arrive while you were talking with
29 her or subsequent thereto?

1 A. Officer Frank.

2 Q. Did anybody else? Any of the --

3 A. No, sir.

4 Q. Major Manley, did he ever come out there while
5 you were there?

6 A. No, sir.

7 Q. So you talked to Ms. Britt?

8 A. Yes, sir.

9 Q. Now, again, you can't -- well, let me ask you
10 this. Was the defendant, Mr. Havard, present when you
11 talked to her?

12 A.. Not right where we was at, but he was there at
13 the hospital.

14 Q. He couldn't hear what y'all were saying?

15 A. No, sir.

16 Q. So you can't testify about what she told you,
17 but after you talked to her, what, if anything, did you do
18 at that point in time.

19 A. At that point, I went where Mr. Havard was.

20 Q. And did you talk with him?

21 A. Yes, sir.

22 Q. What conversation did you have with him at that
23 point? At this point, he wasn't under arrest or anything,
24 was he?

25 A. No, sir. No, sir. Another officer was there.

26 Q. Who was that?

27 A. I can't recall his name at the moment.

28 Q. One of your deputies?

29 A. No, sir. It was a police officer.

1 Q. Police officer.

2 A. Yes, sir. He was sitting there with him.

3 Q. And just tell us what happened when you went
4 over there where Mr. Havard was.

5 A. I was standing there, talking to the officer in
6 reference to what was going on and given some
7 information -- he give me the information on where they
8 live and stay and this because it was in the county for
9 that purpose --

10 Q. I believe 33 Montgomery Road out in Cloverdale?

11 A. Yes, sir. That's correct.

12 Q. Okay.

13 A. All right. Then after we got through with the
14 conversation, the officer was standing there -- like I
15 said, we just stood there and just talking to the
16 gentleman sitting there.

17 Q. So you were talking with the officer when Mr.
18 Havard was present.

19 A. Right. He was just present. And then I left
20 to go over to -- by the emergency room to find out exactly
21 what was the status of what was going on.

22 Q. Okay. Did Mr. Havard say anything to you when
23 you were over there the first time when you were talking
24 to the officer?

25 A. Not at -- right at the moment. No, sir.

26 Q. So you went over to talk to who after you left
27 that conversation?

28 A. I walked back over toward the emergency room to
29 see what else was going on.

1 Q. Okay.

2 A. And then once the other officer, Frank --
3 Officer Frank was there. He talked to the people that was
4 over there. So I told him I was going to go back over
5 where Mr. Havard was for the time being because of what
6 the situation was at the time.

7 Q. What happened when you went back over there
8 where he was?

9 A. Then after -- which once we after -- not
10 determined what had happened, but actually what was going
11 on, and I told Mr. Havard that we were going to have to
12 take him to the office.

13 Q. To talk to him?

14 A. Yes, sir.

15 Q. Okay.

16 A. And he asked the question was he going to be
17 under arrest. I told him, no. He's not under arrest.
18 We're just detaining you, and in the process he said I
19 need to go home before we go down to the -- where you're
20 going to take me. And I said, well, no. You can't go
21 home at the moment. He said, "I need to go and take a
22 shower first before I go down there." I said not at this
23 time.

24 Q. He wanted to go take a shower?

25 A. Yes, sir.

26 Q. So you told him he couldn't do that at that
27 point.

28 A. So I told him he couldn't do it. I said, well,
29 we're going to take you to the office, and he got kind of

1 upset about it that we were going to take him to the
2 office and wanted to know why we was detaining him and
3 what was going on, but I just told him for now, we're just
4 going to detain you. And I, myself, and Officer Frank
5 took him to my car, and we put him in the car. Didn't
6 arrest him, but we put him in the car.

7 Q. Okay. And then who took him to the sheriff's
8 office?

9 A. I did.

10 Q. And did he say anything to you while you were
11 riding to the sheriff's office?

12 A. He kept asking the question what was going on,
13 is something wrong with the baby, or why I am being
14 detained, and he kept saying he wanted to go home to --
15 back to where he was living at.

16 Q. Did he --

17 A. I told him I couldn't take him back there.
18 I'll have to take you to the sheriff's department.

19 Q. Did he say anything else about taking a shower?

20 A. Yeah. He mentioned about the shower --

21 Q. Again?

22 A. He wanted -- because he was nasty, and he wanted
23 to clean up before he go down to the office. I said that
24 wouldn't be necessary.

25 Q. That seemed to be the most important thing on
26 his mind, taking a shower?

27 A. At that moment.

28 Q. Once you got to the station, what did you do at
29 that point?

1 A. We put him in a room where we detained him. We
2 just kept him under observation.

3 Q. Did you stay there with him, or did you do
4 something else at that point?

5 A. At that point, I went over to the other side to
6 start on the report and contact superiors in reference to
7 what was going on, what we had. Before we left --
8 actually before we left the hospital, we contacted a
9 superior to advise what steps we need to take at the
10 moment, and that's the reason why we detained him.

11 Q. Were you sent to do anything else in this
12 particular case after you had transported Mr. Havard, and
13 I think you said you were over there doing -- working on
14 your reports. Did you have anything else that you did
15 that night?

16 A. Yes, we did. I sat in on the investigation
17 with the -- Ms. Britt.

18 Q. In the interview.

19 A. Yes, sir.

20 Q. Okay.

21 A. And after --

22 Q. Who conducted that interview that you sat in
23 on?

24 A. The sheriff and John Manley.

25 Q. Okay. And what happened after that?

26 A. After that, we got permission to go to the
27 residence of the location where the incident occurred.

28 Q. That's 33 Montgomery Road.

29 A. That's correct.

1 Q. Did you go to that address yourself?

2 A. Yes, I did.

3 Q. And that was on that same evening --

4 A. Yes.

5 Q. -- or early morning hours?

6 A. Early morning hours. Correct.

7 Q. And what did you find at that address? What's
8 located there?

9 A. It was a trailer at that location.

10 BY MR. HARPER: May I approach the witness, Your
11 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 Number 3, Deputy Brown, and ask if you can
16 identify what's in that photograph.

17 A. That's the trailer that we went to that early
18 morning.

19 Q. 33 Montgomery Road.

20 A. Yes, sir.

21 Q. That's the one you went to?

22 A. Yes, sir.

23 Q. Okay, sir. And what, if anything, did you do
24 once you arrived at that trailer?

25 A. Well, first, basically it come to be somewhat of
26 a crime scene and to go in to collect evidence.

27 Q. Okay. Now, do you have any special duties that
28 you perform for the sheriff's department that some of the
29 others don't do?

1 A. That's correct.

2 Q. What would that be, Deputy Brown?

3 A. I have a background in architect engineering,
4 which is drafting. Upon approaching the scene, I took a
5 couple of pads to draw a diagram of the crime scene.

6 Q. And did you subsequently prepare a diagram of
7 the trailer?

8 A. That's correct.

9 Q. And you see on this easel here, this is what's
10 marked as State's Exhibit 1. Is that, in fact, the
11 diagram that you made of the trailer layout?

12 A. That's correct.

13 Q. Okay. And you have the dimensions on it. Would
14 it be exactly to scale or --

15 A. It is just to scale.

16 Q. Okay. Now, while y'all were at the trailer, you
17 said y'all did collect some evidence. Who was primarily
18 doing that?

19 A. Myself, Officer Frank, John Manley, and Officer
20 Coleman was there, who all was there.

21 Q. Who was taking custody of what y'all --

22 A. Officer Manley basically.

23 Q. Okay. So he would have been the one that
24 handled whatever y'all collected there?

25 A. That's correct.

26 Q. Okay, sir. Now, you testified involving one
27 Jeffrey Havard, Jeffrey Keith Havard. Is he present in
28 the courtroom today, the person that you talked about?

29 A. That's correct. He is.

1 Q. Would you point him out and describe what he's
2 wearing for me, please, Deputy Brown.

3 A. Wearing a blue suit.

4 BY MR. HARPER: Your Honor, we'd ask that the
5 record reflect that the witness has identified the
6 defendant, Jeffrey Keith Havard.

7 BY THE COURT: Let the record so reflect.

8 BY MR. HARPER: The Court will indulge me just a
9 moment.

10 (Mr. Harper and Mr. Rosenblatt confer.)

11 BY MR. HARPER: We'll tender this witness at
12 this time, Your Honor.

13 BY THE COURT: Cross-examination.

14 CROSS-EXAMINATION

15 BY MR. SERMOS:

16 Q. Yes. Deputy, you made that -- you went to that
17 scene at 33 Montgomery Road; is that right?

18 A. That's correct.

19 Q. Did you take any photographs there?

20 A. I didn't.

21 Q. All right. When you drew this to scale, is that
22 based on information you personally gathered when you went
23 throughout that mobile home.

24 A. That's correct.

25 Q. And when you were there doing this, did you do
26 any, shall we say, collecting evidence or searching around
27 yourself?

28 A. I assisted.

29 Q. You assisted. All right. Did you yourself --

1 did you look for any particular items? In other words,
2 did anybody tell you to look for any particular items?

3 A. Basically at the crime scene, it's whatever is
4 obvious. I'll put it that way. A lot of things that they
5 look for due to circumstances.

6 Q. Do you remember going in the bathroom at the far
7 end of the trailer which would be on the right as you face
8 that diagram? Do you remember going through the bathroom.

9 A. I went in the whole part of the house.

10 Q. Okay. Did you ever make a determination if
11 anybody in that bathroom had ever taken a bath in the
12 previous few hours?

13 A. No, I didn't.

14 Q. And also you said that Mr. Havard asked about
15 wanting to go home and take a shower. He didn't get to go
16 take a shower, did he?

17 A. No, sir. He didn't.

18 Q. Thank you.

19 BY MR. SERMOS: Nothing further, Your Honor.

20 BY THE COURT: Any redirect?

21 BY MR. HARPER: None, Your Honor.

22 BY THE COURT: You may step down.

23 (witness steps down.)

24 BY MR. HARPER: Your Honor, we'd ask that this
25 witness be released.

26 BY THE COURT: He'll be released on the
27 subpoena. All right. Who does the State call as
28 your next witness.

29 BY MR. HARPER: Call Deputy Buddy Frank, Your

1 Honor.

2 BY THE COURT: Deputy Buddy Frank.

3 BUDDY FRANK,

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

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

7 BY THE COURT: Yes, sir.

8 DIRECT EXAMINATION

9 BY MR. HARPER:

10 Q. Would you state your name for the record,
11 please, sir.

12 A. Buddy Frank.

13 Q. And, Deputy Frank, with whom are you employed,
14 sir?

15 A. Adams County Sheriff office.

16 Q. How long have you worked at the sheriff office,
17 Deputy?

18 A. Since the '98.

19 Q. Okay, sir. And in what capacity are you
20 employed there?

21 A. I'm deputy sheriff.

22 Q. Now, I want to direct your attention, Deputy
23 Frank, back to the evening of February 21 of 2002, and ask
24 if you had occasion to be working on that night, on that
25 evening.

26 A. I did.

27 Q. And what type of work were you doing?

28 A. I was on patrol work that night.

29 Q. Would ask whether or not you received a call or