

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

1 report concerning an incident involving a child at the  
2 hospital on that particular evening.

3 A. That's correct.

4 Q. Do you recall where you were when you received  
5 that report?

6 A. I really don't recall.

7 Q. Were you in the car --

8 A. I was in my car, but I don't recall what part  
9 of the county.

10 Q. Okay, sir. And where was the report indicating  
11 that this child was?

12 A. At Community Hospital.

13 Q. And what, if anything, did you do after you  
14 received the call?

15 A. I went to the call, myself and Deputy Brown and  
16 once --

17 Q. When you say you went with him, were y'all in  
18 the same car?

19 A. No, we weren't. No, we weren't.

20 Q. But you responded?

21 A. Right. I responded along with Deputy Ray  
22 Brown.

23 Q. And do you recall which one, if either one of  
24 you, got there first, or did both of you get there --

25 A. We both got -- if I recall right, we got there  
26 about the same time.

27 Q. Okay. And what, if anything, did you find when  
28 you got there?

29 A. Found Officer Johnny Baldwin. He was the PD

1 officer that they told us to contact at Natchez Community,  
2 and once we got there, he explained --

3 Q. You can't testify about what he told you --

4 A. Okay.

5 Q. He told you what the situation was?

6 A. Right. He gave me a run down on what the  
7 situation was at the time.

8 Q. What, if anything, did you do after you talked  
9 with him?

10 A. I don't understand.

11 Q. After you talked with him, did you do anything  
12 in regard to this investigation?

13 A. Sure.

14 Q. Okay.

15 A. I mean, once we talked with him, we went inside  
16 and found out who the mother was. We found out -- you  
17 know -- where everybody lived and to that matter, and then  
18 when the doctors came out and advised us that the baby was  
19 dead, then we took the -- Jeffrey Britt into -- we just  
20 detained him for questioning because --

21 Q. You said Jeffrey Britt. You mean Jeffrey  
22 Havard.

23 A. Jeffrey Havard. I am sorry. We detained him  
24 because he was supposed to have been alone with the baby  
25 last.

26 Q. Did you see Mr. Havard at the hospital when you  
27 got --

28 A. Yes. He was in the waiting room.

29 Q. Did you have occasion to talk with him at the

1 hospital?

2 A. We didn't really talk to him at the hospital.  
3 Once we found out that the baby had deceased, we detained  
4 him immediately.

5 Q. What, if anything, did you do at the hospital,  
6 if anything, at that point in time?

7 A. After we had detained him?

8 Q. Right.

9 A. I contacted Major Manley and made sure the  
10 coroner was on the way. Once the coroner got there, we  
11 took photos of the baby and -- (pause)

12 Q. You assisted in taking those photos at the --

13 A. Right. Correct.

14 Q. -- hospital. Okay. Mr. Havard, you said he had  
15 been detained. Did y'all detain him at the hospital?

16 A. Yes. We detained him at the hospital. Deputy  
17 Ray Brown brought him back to the sheriff's office.

18 Q. Where were you when Deputy Brown brought him  
19 back to the sheriff's office?

20 A. I stayed at the hospital.

21 Q. Did any other officers arrive out there after  
22 you --

23 A. Major Manley arrived out there. Sheriff Ferrell  
24 arrived out there.

25 Q. Okay. Did you do anything else out there other  
26 than just basically secure --

27 A. I secured the scene and just helped take  
28 photos.

29 Q. Okay. And you took photographs --

1 A. Right. I took Polaroids of the baby. The 35's  
2 and all that stuff was taken by Major Manley.

3 Q. Now, after you had completed what you did at the  
4 hospital, what, if anything, did you do at that point in  
5 time?

6 A. We went back to the sheriff's office, and I got  
7 back to the sheriff's office, and the sheriff advised us  
8 to remove the clothing off of Mr. Havard, which we did.  
9 Myself and Deputy Coleman and Deputy Brown and secured it  
10 for evidence, and myself and Major Manley questioned Mr.  
11 Havard just to kind of get a brief overview of the events  
12 that taken place that night in his words and --

13 Q. Okay. Now, when you talked to him, first of  
14 all, did -- just tell me how that went down. What did  
15 y'all do at that point in time?

16 A. We took him into the office, and we read him his  
17 Miranda rights, and if I'm not mistaken, the next thing we  
18 did was we got a consent to search of his trailer which  
19 was at 33 Montgomery Road.

20 Q. When you say you read him his Miranda rights,  
21 would you tell me what you mean by that?

22 A. Miranda rights. That's the -- what I know as  
23 what you got in your hand. What it is we read them their  
24 rights. You have a right to remain silent. Anything you  
25 say can and will be -- all the way down, and then you have  
26 a waiver of your rights at the end. You know, if you wish  
27 to talk right now, you can. You know, if you don't, you  
28 don't have to. It's entirely up to you.

29 BY MR. HARPER: May I approach the witness, Your

1 Honor?

2 BY THE COURT: Yes, you may.

3 BY MR. HARPER:

4 Q. I hand you a copy of a document and ask if  
5 you'll look at that and tell me whether or not you can  
6 identify that, please, sir.

7 A. That's your Miranda rights.

8 Q. And is that a particular Miranda right? It's a  
9 form?

10 A. Right. Right.

11 Q. It's got some writing --

12 A. Right. It's signed by Jeffrey Havard. That's  
13 the form we read to him that night.

14 Q. Did he, in fact, sign he understood it?

15 A. Yes, sir. He did.

16 Q. And signed that he would waive it and talk to  
17 you?

18 A. Yes, sir.

19 Q. Who, if anyone, else signed that form?

20 A. Major John Manley.

21 Q. Who else?

22 A. Jeffrey Havard, myself, and Major John Manley.

23 BY MR. HARPER: Your Honor, we'd move at this  
24 time to introduce this into evidence.

25 BY THE COURT: Any objection?

26 BY MR. SERMOS: I just want to see what he's  
27 exactly holding there. We've got copies.

28 (Mr. Sermos reviews document.)

29 BY MR. SERMOS: No objection.

1 BY THE COURT: The Court will allow the waiver  
2 of rights to be introduced as Exhibit 16 in this  
3 case.

4 DOCUMENT MARKED AS STATE'S EXHIBIT 16

5 BY MR. HARPER: May I approach again, Your  
6 Honor?

7 BY THE COURT: Yes, sir.

8 BY MR. HARPER:

9 Q. I'm now going to hand you what's been marked as  
10 State's Exhibit 16 and ask again, if you'll identify that  
11 for me, please, sir.

12 A. It's interrogation. It's advice of rights.

13 Q. Okay.

14 A. It's the rights that you have.

15 Q. Would you tell me when you talked to Mr. Havard  
16 that night exactly what you did with that form. How do  
17 y'all go about doing that?

18 A. We lay the form on the table, and then we'll  
19 read it to him. We'll read the first part, and we'll ask  
20 him do you understand your rights, and they'll -- do you  
21 have any questions. They'll ask. He didn't have any  
22 questions. So we read the bottom half of it.

23 Q. That says what?

24 A. That's the waiver --

25 Q. Read the top half for us.

26 A. The top half says, "Before we ask you any  
27 questions, you must understand your rights. You have the  
28 right to remain silent. Anything you say can be used  
29 against you in court. You have the right to talk to a