

1 lawyer for advice before we ask you any questions, to have  
2 him with you during questioning. If you cannot afford a  
3 lawyer, one will be appointed for you before any  
4 questioning if you wish. If you decide to answer any  
5 questions now without a lawyer present, you will still  
6 have the right to stop answering at any time. You also  
7 have the right to stop answering at any time until you  
8 talk to a lawyer." That's the first half of the waiver of  
9 advice of rights.

10 Q. That's the rights themselves?

11 A. Right.

12 Q. And you asked him if he understood those?

13 A. Correct.

14 Q. And he said that he did?

15 A. Correct.

16 Q. Did he appear to understand them to you?

17 A. Yes, he did.

18 Q. Okay, sir. Read the second part, please.

19 A. It's the waiver of rights. "I have read this  
20 statement of my rights and understand what my rights are.  
21 I am willing to make a statement and answer questions. I  
22 do not want a lawyer at this time. I understand and know  
23 what I am doing. No promises or threats have been made to  
24 me and no pressure or coercion of any kind has been used  
25 against me." And it's signed Jeff Havard.

26 Q. Did he appear to understand that?

27 A. Yes, sir.

28 Q. And did he sign it indicating that he would, in  
29 fact, talk with you?

1 A. Yes, sir.

2 Q. And waive his rights. Okay, sir.

3 BY MR. HARPER: May I publish this to the jury,  
4 Your Honor.

5 BY THE COURT: Yes. You'll be allowed to  
6 publish Exhibit 16 to the jury.

7 (Mr. Harper passes Exhibit 16 to the jury.)

8 BY MR. HARPER:

9 Q. After y'all -- I believe you said the next thing  
10 that happened was that he -- you obtained a consent to  
11 search from him; is that correct?

12 A. That's correct. I believe that's the way it  
13 went.

14 Q. When you say a consent to search, why don't you  
15 tell us what that is.

16 A. Consent to search, that's a form similar to that  
17 one right there, and what we were wanting to do is the  
18 last place that the baby was known to be alive was at 33  
19 Montgomery Road. So that was part of the crime scene  
20 also. So what we do is -- it was his trailer. So what we  
21 did was got him -- he signed the consent to search the  
22 trailer, and consent to search was to gather evidence  
23 pertaining to the crime.

24 Q. Okay. And is this a form similar to the one  
25 that you just went over --

26 A. Yes, sir.

27 Q. -- with them, except it deals with --

28 A. Right. Consent to search. Right.

29 BY MR. HARPER: May I approach, Your Honor?

1 BY THE COURT: Yes, sir.

2 BY MR. HARPER:

3 Q. I'm going to hand you another document and ask  
4 if you'll look at that and tell me whether or not you can  
5 identify that, please.

6 A. That's it. Permission to search form.

7 Q. And is this one -- has this one been executed?

8 A. Yes, sir. It has.

9 Q. And do you know -- do you recognize that as  
10 being the one that was executed on that night?

11 A. Yes.

12 Q. How are you able to tell that?

13 A. I know because Major Manley is the one that  
14 filled it out that night.

15 Q. Who, if anyone, signed it?

16 A. Jeffrey Havard.

17 Q. Who witnessed it?

18 A. I did.

19 Q. And John Manley?

20 A. Right.

21 Q. And for what location is this one?

22 A. 33 Montgomery Road.

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

25 BY MR. SERMOS: We request to look at it, Your  
26 Honor.

27 BY THE COURT: All right.

28 (Mr. Sermos reviews document.)

29 BY MR. SERMOS: No objection, Your Honor.

1 BY THE COURT: The Court will allow the consent  
2 to search to be introduced as Exhibit 17 in this  
3 case.

4 DOCUMENT MARKED AS STATE'S EXHIBIT 17

5 BY MR. HARPER: Your Honor, may I publish this  
6 to the jury?

7 BY THE COURT: You will be allowed to publish  
8 that to the jury.

9 (Mr. Harper passes Exhibit 17 to the jury.)

10 BY MR. HARPER:

11 Q. Now, after you got the consent to search  
12 executed, Deputy Frank, did y'all talk to him at that  
13 time?

14 A. Yes, sir. We did. We -- we didn't get -- we  
15 talked to him briefly at that time. I say "briefly," I  
16 don't recall just exactly how long. We got his version of  
17 the events that happened that night.

18 Q. Did you make a report as to what he told you  
19 happened that night?

20 A. Yes, sir, I did.

21 Q. Do you recall what he said happened that night?

22 A. I recall. What I --

23 Q. Why don't you tell the best you can recall.

24 A. What I recall him saying was that him and the  
25 baby's mother and the baby was at the trailer. The baby  
26 was a bit fussy that night so Rebecca took the baby  
27 riding, which is the baby's mother to calm her down, and  
28 he stayed home to clean the trailer or whatever. And then  
29 when she got back home, he sent Rebecca to the grocery

1 store to pick up some groceries. He said he gave her  
2 \$40.00 to pick up some groceries, and she left, and when  
3 she left, the baby was in the swing asleep. Well, then  
4 the baby woke up and got fussy again. So he said the  
5 baby's diaper, he figured, was dirty. He took the baby in  
6 there and he laid her on the bed, and he pulled the diaper  
7 off of the baby. The diaper wasn't dirty, but then he  
8 said the baby spit up on herself. When --

9 Q. Did he say what bed he put her on; do you  
10 recall?

11 A. In his bed.

12 Q. His bed? Okay.

13 A. Right. And said the baby spit up on herself and  
14 on the bed. So he got the baby, and he took her in there,  
15 and he gave her -- he give her a bath then. And he  
16 said -- you know -- once he gave her the bath, he had  
17 rubbed her down with some lavender baby lotion, and  
18 everything was fine. He just laid her back down in the  
19 bed, and then the mother came home from getting groceries,  
20 and he said the mother went in and checked on the baby.  
21 And then he sent her back to the video store to pick up  
22 some videos to watch. And he said when she came back, he  
23 was in the bathroom, and she came home and he heard her  
24 screaming and Chloe wasn't breathing. He said he got out  
25 of the bathroom, and they went to get in the car and he --  
26 about getting a T-shirt and went back in the house and got  
27 a T-shirt, and he came back to the car and took the baby  
28 to the hospital.

29 Q. That was pretty much the gist of the statement

1 --

2 A. That was pretty much a roundabout way of the  
3 statement he gave us that night.

4 Q. Okay, sir. After you got that statement from  
5 him, what, if anything, did you do at that point in time?

6 A. That's when we went to 33 Montgomery Road.

7 Q. And who, if anyone, went there with you?

8 A. Myself, Major Manley, Deputy Ray Brown, Deputy  
9 Ronnie Coleman. We were all there.

10 Q. What type of residence is located at 33  
11 Montgomery Road?

12 A. It's a house trailer.

13 Q. Okay.

14 A. It's a single house trailer.

15 Q. How did y'all obtain access to the house? Was  
16 it locked?

17 A. No, it was not locked.

18 Q. So you were just able to open the door and  
19 enter?

20 A. Yes, sir.

21 Q. What, if anything, did you do once you got in  
22 the trailer?

23 A. We took photos of the trailer. We took photos  
24 of everything -- you know -- what we thought was pertinent  
25 which was most everything. And we looked for the bed  
26 linens that he said that the baby had spit up on. We  
27 looked in the bathroom. We looked in the bedrooms. We  
28 just more or less processed the crime scene and gathered  
29 evidence.

1 Q. You said you were looking for sheets. Did you  
2 find some sheets?

3 A. Yes. We did.

4 Q. Okay.

5 A. They were laying in the kitchen. Kitchen  
6 meaning -- well, there's a diagram. Kitchen meaning right  
7 as you walk --

8 Q. Why don't you come right down if you would.

9 BY MR. HARPER: Please the Court, Your Honor,  
10 we'd ask that he would be able to come down and show  
11 us on the diagram.

12 BY THE COURT: Certainly. That will be allowed.

13 BY MR. HARPER:

14 Q. Which way did y'all enter the trailer, Deputy  
15 Frank?

16 A. We entered the trailer -- this would be the back  
17 door. We entered the trailer here.

18 Q. Okay. And what did you determine -- or how did  
19 you -- did you determine where the bedroom was that Mr.  
20 Havard and Ms. Britt --

21 A. Right. It's -- this bedroom here was more or  
22 less -- you could tell was a spare bedroom. It had like a  
23 little bed in there if I remember, but it was more or less  
24 junked up like most people's spare bedroom. This room  
25 here had the baby bed in it. This was the baby bed here,  
26 and, of course, you had the master bedroom here.

27 Q. Okay.

28 A. And then the bedroom linens and stuff that we  
29 found were laying here, and, you know, there was clothes

1 here like they were going to be washed.

2 Q. This appears to be the washer and dryer?

3 A. Right. This is the washer and dryer. It's  
4 like a little hallway right here in front of this second  
5 bathroom.

6 Q. And where were the clothes again?

7 A. Right here.

8 Q. And what all -- if you recall, what did you find  
9 there?

10 A. We found like a -- I think it might have been a  
11 comforter and I don't know what they call them. Little  
12 bed covers, mattress covers, or whatever. And sheets if I  
13 recall right. I don't -- I know that was there for sure.

14 Q. Okay. Would you take one of these stickers and  
15 put it as best you can recall where you found the clothes  
16 in there.

17 A. The best I recall, I think they were laying  
18 right here.

19 Q. Okay.

20 A. Here in front of the stove right here. And the  
21 stove -- like I say, it's a little wider. It's just a  
22 little narrow hallway right there.

23 Q. Thank you, sir.

24 (The witness returns to the witness stand.)

25 BY MR. HARPER:

26 Q. Now, you mentioned taking photographs of the  
27 inside of the trailer. I want to show you what's been  
28 marked as State's Exhibit 9 and ask if you will look at  
29 that and tell me whether or not you can identify that



1 photograph or not, please, sir.

2 A. Yes. That's the inside of the trailer right  
3 there. Major Manley -- the back door is right this side  
4 of that chair right here. So you come in right here and  
5 then you're looking left down the hall. This is the bed  
6 linens in front of the stove right here.

7 Q. That's one and the same as the ones you marked  
8 on the --

9 A. Correct. Correct. Right here in front of the  
10 stove, and then like I say, this little hall ain't but  
11 about two and a half foot wide. It's small. The washer  
12 and dryer are right here. They're not directly across  
13 from this, but it ain't just a couple of feet and that's  
14 where your washer and dryer are. That's the reason they  
15 were stacked up here.

16 Q. You obviously didn't take this pictures?

17 A. No. Because I'm standing right there --

18 Q. Because you're in them.

19 A. I didn't realize that either.

20 Q. Okay. All right. Thank you very much. This is  
21 what room in the house?

22 A. The living room and the kitchen and the hallway  
23 going into the spare bedroom.

24 BY MR. HARPER: Your Honor, we'd ask that we be  
25 able to publish that photograph. That's Number 9.

26 BY THE COURT: Number 9. You'll be allowed to  
27 publish Exhibit 9 to the jury.

28 (Mr. Harper passes Exhibit 9 to the jury.)

29 BY MR. HARPER:

1 Q. I hand you now what's been marked as State's  
2 Exhibit 10, Deputy Frank, and ask you to tell me what that  
3 is.

4 A. That's the Blockbuster video bag. He said he  
5 had sent her to Blockbuster, and that's showing that she  
6 did go to Blockbuster.

7 Q. Okay.

8 A. And there is some of the baby lotion that he  
9 was talking about that he had rubbed onto the baby.

10 Q. Where was this located in the trailer if you can  
11 recall?

12 A. I am pretty sure it was inside the living room.  
13 Right inside the living room door there, but I need to see  
14 another picture to be sure one hundred percent sure, but  
15 I'm pretty positive that's where it was.

16 BY MR. HARPER: May I publish this to the jury?

17 BY THE COURT: The Court will allow you to  
18 publish Exhibit 10 to the jury.

19 (Mr. Harper passes Exhibit 10 to the jury.)

20 BY MR. HARPER:

21 Q. Deputy Frank, y'all found these bed linens. Did  
22 y'all collect any physical -- any of the clothing --

23 A. We collected all of that. Every bit of it.

24 Q. And I believe you collected some of these  
25 things in these photographs?

26 A. Yes, sir. We did.

27 Q. Okay, sir. And who, if anyone, was the one that  
28 actually took physical custody of them at the trailer?

29 A. Major Manley.

1 Q. Is that pretty much his function. He's --

2 A. Right. He is the head over criminal  
3 investigation at the sheriff's office.

4 Q. So anything that any of y'all would have  
5 found --

6 A. Right.

7 Q. -- that y'all feel was determined to be  
8 pertinent, y'all would have given to him?

9 A. Correct.

10 Q. Okay.

11 BY MR. HARPER: The Court will indulge me just a  
12 moment, Your Honor.

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

14 BY MR. HARPER: Your Honor, we'll tender this  
15 witness at this time. One last question. I am  
16 sorry. Please the Court.

17 BY THE COURT:

18 Q. Deputy Frank, the person that you talked with  
19 that night that gave you that statement that you told the  
20 jury about --

21 A. Correct.

22 Q. And you knew to be Jeffrey Havard, is he present  
23 in the courtroom today?

24 A. Yes, sir. He is.

25 Q. Would you point him out and describe what he's  
26 wearing, please, sir.

27 A. He's standing -- he's sitting beside Robert  
28 Clark. The suit and tie with -- I can't see good -- a  
29 striped shirt on.

1 BY MR. HARPER: Your Honor, we would ask that  
2 the record reflect the witness has identified the  
3 defendant, Jeffrey Keith Havard.

4 BY THE COURT: Let the record so reflect.

5 BY MR. HARPER: We tender the witness.

6 BY THE COURT: Cross-examination.

7 CROSS-EXAMINATION

8 BY MR. CLARK:

9 Q. Deputy Frank, did you ever go back out to 33  
10 Montgomery Road after that particular morning again?

11 A. I don't recall if I've even been back out there  
12 since then.

13 Q. Was that crime scene taped off at any time that  
14 you know about? Was it secured?

15 A. After we left that night?

16 Q. Yes.

17 A. I don't believe so. No.

18 Q. In other words, was the trailer left open when  
19 y'all left?

20 A. Yes, sir. It was left just like we found it.

21 Q. Okay.

22 A. You're -- Jeffrey Havard says that's the way he  
23 left. We left it open.

24 Q. Well, yeah. They left in a rush, didn't they?

25 A. Right. Right.

26 Q. Going to the hospital. All right. Now, in  
27 your search of this house --

28 A. Uh-hum.

29 Q. -- for evidence and other items, did you find or

1 did you take any evidence of any type of blunt objects or  
2 anything like that?

3 A. Blunt objects meaning?

4 Q. Blunt objects.

5 A. I am sorry?

6 Q. Blunt objects.

7 A. We took a lot of stuff into evidence that  
8 night. We took -- like I say, we took the lotion. We  
9 took stuff like what he explained to us. We took dirty  
10 diapers--

11 Q. Right.

12 A. -- out of the --

13 Q. Bed linens.

14 A. Bed linens.

15 Q. Mattress covers.

16 A. Mattress --

17 Q. Comforters?

18 A. Yeah.

19 Q. Things like that?

20 A. Things like that.

21 Q. Did you take any type of blunt objects?

22 A. No.

23 Q. Did you find any type of --

24 A. Not that I -- not that I recall. It's according  
25 to what you're calling a blunt object. I don't have the  
26 evidence list in front of me. I am not --

27 Q. You weren't told to look for any blunt objects.

28 Is that what you're saying?

29 A. It's not what I am saying at all.

1 Q. But you say you did not even look for any or you  
2 didn't find any? I am trying to get an understanding as  
3 to what you were looking for?

4 A. We were collecting evidence. What we thought  
5 was evidence, we collected. Whatever it was, we collected  
6 it. Anything we thought at all was pertinent to the  
7 investigation, we collected. That's the reason we were  
8 there.

9 Q. And you didn't take any blunt objects into  
10 your --

11 A. Like I say, I don't recall whether there was a  
12 blunt object or not.

13 BY MR. CLARK: Thank you.

14 BY MR. HARPER: Just a couple of questions, Your  
15 Honor.

16 REDIRECT EXAMINATION

17 BY MR. HARPER:

18 Q. Deputy Frank, if you got out the blunt objects  
19 in that trailer, you'd just about have to hook a truck to  
20 it and carry it home, wouldn't you?

21 A. That's correct.

22 BY MR. CLARK: Objection, Your Honor --

23 BY MR. HARPER: That's all I have.

24 BY MR. CLARK: -- to the form of the question.

25 BY THE COURT: I sustain the objection.

26 Any further redirect? You may step down.

27 (Witness steps down.)

28 BY THE COURT: Who does the State call as your  
29 next witness?

1 BY MR. HARPER: Your Honor, we would ask that  
2 Deputy Frank be finally released from our subpoena.

3 BY THE COURT: He'll be released from his  
4 subpoena.

5 BY MR. ROSENBLATT: Your Honor, the State would  
6 call Major John Manley. All right.

7 BY MR. SERMOS: Yes, sir. We'll agree to that.

8 BY MR. CLARK: We will release him, too, Your  
9 Honor, because we had him under subpoena also.

10 BY THE COURT: He'll be released also. Major  
11 John Manley.

12 JOHN MANLEY,  
13 having been duly and legally sworn, answered  
14 questions on his oath as follows, to-wit:

15 BY MR. ROSENBLATT: May I proceed, Your Honor?

16 BY THE COURT: You may proceed.

17 DIRECT EXAMINATION

18 BY MR. ROSENBLATT:

19 Q. What's your name and rank?

20 A. My name is Major John Manley.

21 Q. With whom are you employed?

22 A. Adams County Sheriff's office.

23 Q. In what capacity?

24 A. I'm a supervisor with the sheriff's office. I  
25 am in charge of criminal investigations.

26 Q. How long have you been doing that, Major  
27 Manley?

28 A. I've held this title approximately six years  
29 now.