

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.

1 Q. You do moze than a few investigations?

2 A. Many investigations.

3 Q. Murder investigations?

4 A. Yes, sir.

5 Q. Death scenes?

6 A. Yes, sir.

7 Q. Major Manley, I'm going to direct your attention

8 back to the last February, the evening of February 21st.

9 I believe you were roused out that night?

10 A. Yes, sir. I was.

11 Q. Would you tell the jury how that came about.

12 A. Yes, sir. I received a call from Deputy Buddy

13 Frank who advised me of a situation at the Natchez

14 Community Hospital. Based on what he told me, I went to

15 the hospital, went to the emergency room. At that point,

16 I contacted Deputy Frank, and he was in the emergency room

17 area. I observed a young six-month-old child that was in

18 the trauma room. The child had been treated by Dr.

19 Patterson, Dr. Cadle, and also Dr. Dar.

20 Q. Okay. And were you able to observe any injuries

21 on this child?

22 A. Yes, sir. I did.

23 (Mr. Sermos moves the easel with Exhibit 1 for a better

24 view of the witness.)

25 Q. What did you see, Major Manley?

26 A. I observed that the baby had some bruises on

27 the forehead, some bruises on the leg area. I observed

28 that there was a clear liquid fluid that was coming from

29 the nose. The baby was still attached to -- still had

1 tubes running into its nose at this time. The diaper had  
2 been removed. The diaper was dirty. It had feces inside  
3 the diaper. The --

4 Q. Were they normal looking feces?

5 A. No, it was not.

6 BY MR. SERMOS: Object, Your Honor. They have  
7 medical experts that can testify to things like that.

8 BY THE COURT: I'll sustain as to the  
9 conclusion. I will allow him to describe what he  
10 saw, but I'll sustain as to him giving any  
11 conclusions as to that.

12 BY MR. ROSENBLATT:

13 Q. Thank you. Go ahead, please.

14 A. Yes, sir. I saw feces in the diaper. Loose  
15 feces. Liquidy. The legs were raised. I observed the  
16 rectum. The rectum was distended to a larger than normal  
17 size, and also I observed what appeared to be a tear in  
18 the rectum.

19 Q. Having observed this child, Major Manley, in  
20 your experience as an investigator, what did you conclude  
21 had happened to the baby?

22 A. It's my conclusion that the victim been  
23 sexually assaulted.

24 Q. When you saw Chloe Madison Britt, I believe she  
25 was dead at that time?

26 A. Yes, sir. She was.

27 Q. What did you do next in the course of your  
28 investigation?

29 A. The coroner was called to the scene. I notified

1 Sheriff Ferrell. We took photographs of the baby. We  
2 retrieved all items that was in the trauma room at that  
3 time, and as a result of that, we -- I had Jeffrey Havard  
4 who was at the hospital, I had him transported to the  
5 sheriff's office pending the outcome of the investigation.

6 Q. What about Rebecca Britt? What did you do with  
7 her?

8 A. Rebecca Britt was also taken to the sheriff's  
9 office for questioning.

10 Q. At that initial stage, was also a suspect?

11 A. Not at that point.

12 Q. What did you do about -- well, let me back up to  
13 Jeffrey Havard. What was your involvement with him at the  
14 sheriff's station?

15 A. Later on when I arrived back at sheriff's  
16 office, we had immediately taken his clothing and took  
17 them away from him. And a later point in time, myself and  
18 Deputy Buddy Frank talked with Mr. Havard.

19 Q. Did you do anything precautionary prior to  
20 talking with him?

21 A. We advised him of his rights.

22 Q. Major Manley, I am going to show what's been  
23 identified as State's Exhibit 16 and ask you what that is.

24 A. This is our standard interrogation advice of  
25 rights form.

26 Q. And at the bottom, what is that?

27 A. This would be waiver of rights.

28 Q. And who signed the waiver of rights?

29 A. Jeffrey K. Havard and it was witnessed by

1 myself and Deputy Buddy Frank.

2 Q. What does it mean by signing a waiver of rights?

3 A. It means that he's willing to speak to us  
4 freely and voluntarily, and that he did not want a lawyer  
5 at that time.

6 Q. Did he?

7 A. I am sorry?

8 Q. Did he?

9 A. No.

10 Q. Did he speak to you?

11 A. I am sorry. Yes, sir.

12 Q. What did he say to you?

13 A. He gave us a verbal statement of what had  
14 occurred that night.

15 Q. And what did he tell you had occurred?

16 A. He told us that he had slept most of that day.  
17 That he had gotten up late that day. I think he told me  
18 around five or maybe six that evening. That Rebecca Britt  
19 and the baby had arrived at home. He stated that at a  
20 later time, he gave Rebecca \$40.00 to go to the Natchez  
21 Market to buy some groceries. He stated that Rebecca left  
22 the baby in his care. The baby was in the swing in the  
23 living room, and that after Rebecca had left, the baby had  
24 started crying. He told me that he thought that maybe the  
25 baby needed a diaper change. He took the baby into the  
26 master bedroom, undid the diaper, and saw the diaper was  
27 okay, and that it did not need changing. He stated that  
28 while he was doing that, the baby had spit up. Had got  
29 some vomit or whatever into his hair, and at that point,

1 he gave the baby a bath, thinking that would calm her  
2 down. He gave her a bath. He rubbed lotion on her, and  
3 he put another diaper on her at which point he placed her  
4 in her crib in her bedroom and went back into the living  
5 room area. He stated that at a later time that Rebecca  
6 Britt had returned home. That Rebecca had forgotten to go  
7 to the Blockbuster video store to get some videos. He  
8 gave her some more money. She left. Went to the  
9 Blockbuster store, and at that time, he went and he took  
10 the linen off the bed in the master bedroom and stated  
11 that he was going to wash it. After doing that, he went  
12 into the bathroom and at some point in time, Rebecca  
13 Britt arrived at the trailer. She knocked on the door to  
14 let him know that she was there, and a short time later,  
15 he heard Rebecca scream, saying that the baby was blue and  
16 not breathing. He stated that Rebecca did CPR on the  
17 baby, and then they loaded the baby up into the vehicle  
18 and took the baby to the Natchez Community Hospital.

19 Q. Okay. I am missing something, Major Manley.  
20 When he talked to you, he didn't say anything about  
21 dropping the baby on the toilet?

22 A. No, sir. He did not.

23 Q. He didn't mention dropping her in any way  
24 whatsoever?

25 A. No, sir.

26 Q. He didn't say anything about causing any injury  
27 to the baby, did he?

28 A. No, sir.

29 Q. It was a mystery to him what had happened to

1 the baby?

2 A. He did not know what had happened to the baby  
3 and he couldn't understand why we had him at the office  
4 talking to him.

5 Q. What course did your investigation take after  
6 interviewing Mr. Havard?

7 A. We got a consent to search form signed by Mr.  
8 Havard, giving us consent to search his residence at 33  
9 Montgomery Road.

10 Q. Who else occupied that mobile home with him?

11 A. Rebecca Britt.

12 Q. Major Manley, let me show you --

13 (Mr. Rosenblatt shows document to Mr. Sermos and Mr.  
14 Clark.)

15 BY MR. ROSENBLATT:

16 Q. Let me show you a form and ask you to identify  
17 this for me, please, sir.

18 A. This is our standard permission to search form.

19 Q. And who signed that one?

20 A. Signed by Rebecca Britt.

21 Q. So in other words, you got all the occupants of  
22 the trailer to sign a consent to search?

23 A. Yes, sir. I did.

24 Q. All right.

25 BY MR. ROSENBLATT: I ask that this be  
26 introduced as an exhibit at this time.

27 BY THE COURT: Any objection to that?

28 BY MR. SERMOS: No, Your Honor.

29 BY THE COURT: The Court will allow this to be

1 introduced as Exhibit 18.

2 DOCUMENT MARKED AS STATE'S EXHIBIT 18

3 BY MR. ROSENBLATT:

4 Q. Major Manley, having gotten the consent to  
5 search, what did you all do?

6 A. Myself and Deputy Buddy Frank and Deputy Ray  
7 Brown, we went to 33 Montgomery Road and entered a trailer  
8 from the rear.

9 Q. I am going to show you what's been marked as  
10 Exhibit Number 3 and ask you what that is.

11 A. This is 33 Montgomery Road.

12 Q. That's --

13 A. The trailer occupied by Rebecca Britt and  
14 Jeffrey Havard.

15 Q. What time of day were y'all doing this?

16 A. This was approximately 3:00 a.m. if I remember  
17 correctly.

18 Q. That's the mobile home, but it was dark when  
19 y'all were doing this?

20 A. Yes, sir. It was dark and it was raining.

21 Q. I am sorry? Say that again.

22 A. It was raining that night.

23 Q. Cold, dark, and rainy?

24 A. Yes, sir.

25 Q. Deputy Manley, let me show you what's been  
26 marked as Exhibit Number 9 and ask you what that is?

27 A. This would be living room area of the trailer.  
28 This is the baby's swing here, and, of course, the chair  
29 in this area here is the kitchen area. And this area



1 right here is a bundle of clothing that we later took.

2 Q. Okay. And where is that bundle of clothing?

3 A. This bundle of clothing -- this is the stove  
4 right here. This clothing is right next to the stove.

5 Q. Okay. Now, Major Manley, Mr. Sermos moved it  
6 backward, but can you see that diagram of the mobile home.  
7 There's an orange dot on the edge of the kitchen area.

8 Does that --

9 A. I'm sorry. It's a little bit far away for me.  
10 (Mr. Rosenblatt moves Exhibit 1 closer up.)

11 A. Yes, sir. That would be the approximate area  
12 right there.

13 Q. Is that where you found the bundle of clothing?

14 A. Yes, sir.

15 Q. When you say bundle of clothing, what are we  
16 talking about?

17 A. This is the bed linens that had been wrapped  
18 up. Everything had been wrapped up together and wadded  
19 up.

20 Q. Now, when you say wrapped up and wadded up, what  
21 do you mean, Major Manley?

22 A. What I am referring to, there's several items  
23 that are inside this bundle right here. They're all  
24 wrapped up in one big sheet or comforter. I don't  
25 remember exactly what that is.

26 Q. Now, when y'all went into the trailer, did you  
27 know ahead of time what you were looking for?

28 A. Not at that time. He had told us that he had  
29 stripped the bed when the baby had spit up.

1 Q. Let me show you Exhibit Number 11 and ask you  
2 what that indicates.

3 A. This is a towel that is inside of a sheet, a  
4 fitted bed sheet.

5 Q. Is that typical of what y'all found? Everything  
6 bundled up like that. Is that what you meant?

7 A. Yes, sir.

8 Q. In other words, all the bed linens just rolled  
9 up together sort of?

10 A. Yes, sir.

11 Q. Now, you called that a fitted sheet.

12 A. That's what I would call a fitted sheet.

13 Q. Does the fitted sheet have any distinguishing  
14 characteristics about it?

15 A. It has what appears to be -- it's what we call  
16 sun and clouds diagram.

17 Q. Major Manley, let me show you Exhibit Number 12  
18 and ask you to identify -- it's similar --

19 A. This would be another sheet with the cloud and  
20 sun on it.

21 Q. Be the top sheet?

22 A. Yes, sir.

23 Q. You don't see the elastic around it?

24 A. I don't see it in this photograph.

25 Q. That's that same pattern?

26 A. Yes, sir.

27 Q. What are these sheets made of; do you recall?  
28 I mean, they're not slick.

29 A. I think they may be cotton, but I am not

1 positive of that.

2 Q. Okay. What did you do with all this evidence  
3 that you collected?

4 A. We collected it and we brought it back to the  
5 sheriff's office, and it was placed -- well, it was placed  
6 in the bags and marked as exhibits to be sent to the state  
7 crime lab.

8 Q. Now, just roughly, Major Manley, how many pieces  
9 of evidence did y'all ship up to the crime lab?

10 A. Roughly, I'd think it's twelve or thirteen  
11 items.

12 Q. So basically you tested a lot of stuff? You  
13 sent a lot of stuff up there?

14 A. Yes, sir.

15 (Mr. Rosenblatt shows item to Mr. Sermos and Mr. Clark.)

16 BY MR. ROSENBLATT:

17 Q. Major Manley, do you have any protective  
18 garments?

19 A. Not on me, no.

20 Q. I am going to hand you a bag and ask you to  
21 identify that for me, please, sir.

22 A. This bag is marked with our case number 76725.  
23 It has my initials on it, JAM. It's marked bag number  
24 nine and exhibit number nine. At the top it says "fitted  
25 sheet found in kitchen beside stove." It has white hearts  
26 and suns.

27 Q. Major Manley, would you find a photograph that  
28 corresponds with that physical item.

29 A. This one.

1 Q. Fitted sheet?

2 A. Yes, sir.

3 Q. Okay. The exhibit referring to Exhibit Number  
4 11?

5 A. Yes, sir.

6 Q. Now, Major Manley, before you open that bag, let  
7 me ask you. Did that bag look exactly the way it did when  
8 you first bagged it?

9 A. Yes, sir.

10 Q. Did you have that little computer stickie thing  
11 on there?

12 A. No, sir. This was put on by the state crime  
13 lab.

14 Q. So what's different about that bag now than when  
15 you first bagged everything?

16 A. It has a sticker applied to it with the state  
17 crime lab identification on it.

18 Q. And it also, I see, has some green tape at the  
19 bottom and has been resealed once.

20 A. Yes, sir.

21 Q. Whose green tape is that?

22 A. That's also from the state crime lab.

23 Q. So this item would have been sent to the state  
24 crime lab for examination; is that correct?

25 A. Yes, sir.

26 Q. And how would it have gotten back?

27 A. We went and brought it back.

28 Q. And other than the state crime lab seal on  
29 there, the package is sealed in the way you remember

1 putting the item in there?

2 A. Yes, sir.

3 Q. If you would, if you would carefully open that  
4 bag and examine the contents and see if it's what you  
5 remember putting in that bag.

6 (Witness opens the bag.)

7 BY MR. ROSENBLATT:

8 Q. Major Manley, let me just remind you, if I  
9 could, that we are dealing with possible biological  
10 evidence.

11 A. Yes, sir.

12 BY THE WITNESS: Your Honor, may I stand up?

13 BY THE COURT: Yes. You will be allowed to  
14 stand up.

15 A. Yes, sir. This would be the fitted sheet.

16 Q. Okay. Major Manley, was it whacked up like  
17 that when you submitted it?

18 A. No, sir. It was not.

19 Q. What's the significance of those holes cut out  
20 there?

21 A. These are going to be the samples that the  
22 state crime lab cut out for DNA comparisons.

23 Q. But that is the sun and clouds fitted sheet that  
24 you're referring to?

25 A. Yes, sir.

26 Q. Same one that was found in the mobile home that  
27 evening?

28 A. Yes, sir.

29 Q. Would you repackage that as best you can,

1 please, sir.

2 (Witness complies.)

3 BY MR. ROSENBLATT:

4 Q. That's fine. Major Manley, this bag with Case  
5 Number 76725 on it and exhibit number nine and state crime  
6 lab sticker, that's substantially in the same condition it  
7 was when you sent it off and then later retrieved it for  
8 tests?

9 A. Yes, sir.

10 Q. And you have examined the contents of that bag?

11 A. Yes, sir.

12 Q. And except for the sample cut out, the contents  
13 of that bag is what you remember putting in that bag of  
14 what you retrieved from the mobile home that night?

15 A. Yes, sir. It is.

16 Q. The mobile home where Chloe Madison Britt spent  
17 her last living moments?

18 A. Yes, sir.

19 BY MR. ROSENBLATT: Your Honor, at this time I  
20 move to introduce this as an exhibit.

21 BY THE COURT: Any objection?

22 BY MR. SERMOS: Yes, Your Honor. We object to  
23 that. May I state the objection?

24 BY THE COURT: Do what?

25 BY MR. SERMOS: May I state the objection?

26 BY THE COURT: Yes, sir.

27 BY MR. SERMOS: Your Honor, as I remember back  
28 in chambers, we talked about the photograph, and I  
29 could understand certain relevance of that, but as

1 far as the actual item itself, I don't see what the  
2 probative value is of that since that's --

3 BY THE COURT: All right. The Court --

4 BY MR. SERMOS: I don't know what it establishes.

5 BY THE COURT: The Court is going to direct  
6 that it be marked for identification only at this  
7 time as B for identification pending further  
8 testimony in this case.

9 DOCUMENT MARKED FOR IDENTIFICATION AS B

10 BY MR. ROSENBLATT: Thank you, Your Honor. And  
11 we do certainly intend to offer further testimony.  
12 Your Honor, at this time, we would now publish  
13 Exhibit Number 11 which is the picture of the fitted  
14 sheet to the jury.

15 BY THE COURT: You will be allowed to so publish  
16 Exhibit 11.

17 (Mr. Rosenblatt passes Exhibit 11 to the jury.)

18 BY THE COURT: Mr. Rosenblatt, let's do this. I  
19 think we'll take a short recess now. It's getting on  
20 up close to four. This is going to be about a  
21 ten-minute recess, Mrs. Angelethy. The witness,  
22 you're welcome to step down, but the Court is going  
23 to be in recess for approximately ten minutes.

24 (After a short recess, the following was made of record,  
25 to-wit;)

26 BY THE COURT: You may resume with your direct  
27 examination of the witness.

28 BY MR. ROSENBLATT: Thank you, Your Honor.

29 BY MR. ROSENBLATT:

1 Q. Major Manley, I'm now going to show you another  
2 bag marked bag number seven and ask you to identify that  
3 for me, please, sir.

4 A. Once again, this has our case number on it. It  
5 has my initials on it. Has bag number seven, exhibit  
6 number seven, and this is the top sheet found in kitchen  
7 at the stove, and also bears the seal from the state crime  
8 lab and also the seal at the bottom from the state crime  
9 lab.

10 Q. And either you personally or someone in your  
11 office bagged that piece of evidence and transported it to  
12 the crime lab and brought it back for us here today?

13 A. Yes, sir.

14 Q. And that bag other than the crime lab indication  
15 on there is exactly the way it was when you bagged it?

16 A. Yes, sir.

17 Q. Now, if you would, open that bag and see if the  
18 contents are what you remember them to be when you put  
19 them in there.

20 (Witness opens bag.)

21 A. Okay. This would be the top sheet with the sun  
22 and moon -- clouds.

23 Q. And I notice it also has some cut outs in it?

24 A. Yes, sir. It does.

25 Q. All right, sir. And what that -- did you put  
26 those in there?

27 A. No, sir.

28 Q. What do you expect those to have been made by?

29 A. Those would have been made by personnel at the



1 state crime lab.

2 Q. Now, Major Manley, I'm going to ask you to  
3 compare that to the photograph and ask you if that's the  
4 same sheet we're talking about there?

5 A. Yes, sir, it is.

6 Q. That would be Exhibit Number 12 which is the  
7 photograph of the sheet, and you are actually holding the  
8 sheet before us now?

9 A. Yes, sir.

10 BY MR. ROSENBLATT: Your Honor, once this sheet  
11 is repackaged, I'm going to ask that this item be  
12 marked for identification purposes.

13 BY THE COURT: Yes, sir.

14 BY MR. CLARK: What's that number?

15 BY MR. SERMOS: Seven.

16 BY MR. ROSENBLATT: It doesn't have a number  
17 yet.

18 BY MR. SERMOS: It was number seven the Major  
19 said.

20 BY MR. ROSENBLATT: I'm sorry. Excuse me.

21 BY THE COURT: The Court will allow this to be  
22 marked as C for identification.

23 DOCUMENT MARKED FOR IDENTIFICATION AS C

24 BY MR. ROSENBLATT: May I confirm the number  
25 with the court reporter, Your Honor?

26 BY THE COURT: Do what?

27 BY MR. ROSENBLATT: Confirm the exhibit item  
28 with the court reporter?

29 BY THE COURT: Yes, you may.

1 (Mr. Rosenblatt confirms the exhibit number with the court  
2 reporter.)

3 BY MR. ROSENBLATT: This will be Identification  
4 C, Your Honor?

5 BY THE COURT: That's correct.

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

7 BY THE COURT: Yes, you may.

8 BY MR. ROSENBLATT:

9 Q. Major Manley, I'm going to show you three items  
10 as a group, and let you look at those, and as a group if  
11 you would explain to the jury with those items are.

12 A. Yes, sir. This envelope here marked Exhibit  
13 Number 18, it bears our case number. It's one purple top  
14 tube drawn from Rebecca Britt. It bears my initials and  
15 as I say, it's marked Exhibit 18.

16 Q. All right, sir.

17 A. And it also bears the label from the state  
18 crime lab and the sticker at the bottom that was applied  
19 by the state crime lab.

20 Q. I am going to ask that you leave those sealed,  
21 but just go through the other two and tell us what they  
22 are.

23 A. One marked as Exhibit 16, this is a sexual  
24 assault kit. It was taken from the defendant, Jeffrey  
25 Havard. It was drawn by Brian Rabb, I believe, the name  
26 is, from the Natchez Regional Hospital.

27 Q. Okay.

28 A. This was also submitted to the state crime lab.

29 Q. And the last?

1           A.    This once again is a sexual assault kit. It's  
2 got the name Chloe Britt. This was taken by the state  
3 medical examiner, and this was also submitted to the state  
4 crime lab.

5           Q.    Now, Major Manley, explain to the jury what's  
6 the point of having the three blood samples from these  
7 three individuals?

8           A.    It's to compare with any possible blood that we  
9 had found at the crime scene.

10          Q.    So in other words, compare and testing these  
11 items is of no value if you don't have anything to compare  
12 them to; is that right?

13          A.    That's correct.

14                BY MR. ROSENBLATT: Your Honor, I would ask that  
15 these items be introduced as a composite exhibit at  
16 this time.

17                BY THE COURT: All right. Is there objection to  
18 these?

19                BY MR. SERMOS: We would ask them marked for  
20 identification, Your Honor.

21                BY THE COURT: All right. The Court will so  
22 order at this time. The Court will direct that the  
23 first item which is the vial of blood from Rebecca  
24 Britt will be marked as D for identification. Let  
25 the record show that the exhibits numbered that were  
26 just testified to by the witness are not the exhibit  
27 numbers in this case, but --

28                BY MR. ROSENBLATT: Thank you, Your Honor.

29                BY THE COURT: -- were in the investigation. So

1 that will be marked for D for identification. The  
2 sexual assault kit of the defendant, one Jeffrey  
3 Keith Havard, will be marked as E for identification,  
4 and then the sexual assault kit of the alleged  
5 victim will be marked as F for identification.

6 BY THE COURT: Thank you, Your Honor.

7 BLOOD SAMPLES MARKED FOR IDENTIFICATION AS D, E, AND F  
8 RESPECTIVELY

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

10 BY MR. ROSENBLATT:

11 Q. Now, Major Manley, because of the Court's  
12 ruling, let me get a little more information from you on  
13 these items that which have now been marked for  
14 identification as D, E, and F. First of all, Exhibit D.  
15 That's actually your markings and writing on that exhibit?

16 A. Yes, sir. It is.

17 Q. So you would have obtained that sample. Your  
18 department would have obtained that sample?

19 A. Yes, sir. We did.

20 Q. Your department would have transported that  
21 sample to the crime lab?

22 A. That's correct.

23 Q. And then your department would have retrieved  
24 that envelope that we have before us today.

25 A. That's correct.

26 Q. Okay. Now, then on Exhibit Number E, that's a  
27 sexual assault kit that your department directed to be  
28 drawn from the defendant?

29 A. Yes, sir. Per court order.

1 Q. Right. And then your department oversaw the  
2 taking of that sample?

3 A. Yes, sir. The defendant was taken to the  
4 hospital by Deputy Frank Smith, and he observed the test  
5 being drawn.

6 Q. So he was actually present?

7 A. Yes, sir.

8 Q. Someone from your department, and your  
9 department then transported that sample to the state crime  
10 lab?

11 A. That's correct.

12 Q. And your department retrieved that sample from  
13 the state crime lab?

14 A. That's correct.

15 Q. Now, then with Exhibit Number F, we have a  
16 little different situation in that your department didn't  
17 actually draw that sample, did it?

18 A. No, sir. We did not. This was drawn by the  
19 state medical examiner.

20 Q. That would be Dr. Stephen Hayne.

21 A. That's correct.

22 Q. But your department did retrieve that sample  
23 from the state crime lab.

24 A. That's correct.

25 Q. And your department has kept that sample in its  
26 custody?

27 A. Yes, sir.

28 Q. Thank you.

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

1 BY MR. ROSENBLATT:

2 Q. Major Manley, the suspect in the case that you  
3 dealt with on the night of February 21st and subsequently  
4 thereafter and obtain these samples, do you see him in the  
5 courtroom here today?

6 A. Yes, sir. I do.

7 Q. What's his name?

8 A. His name is Jeffrey Keith Havard.

9 Q. Would you point him out to us, please, sir.

10 A. Yes, sir. He's sitting at the end of the table  
11 next to Robert Clark, his attorney.

12 BY MR. ROSENBLATT: Would the record please  
13 reflect that this witness has identified the  
14 defendant.

15 BY THE COURT: Let the record so reflect.

16 BY MR. ROSENBLATT:

17 Q. In the course of your investigation, did you  
18 have an opportunity to collect any personal data on Mr.  
19 Havard?

20 A. As far as date of birth and all, yes, sir. I  
21 did.

22 Q. Do you know how old he is?

23 A. Yes, sir. He's twenty-three -- he was  
24 twenty-three years of age when we talked to him.

25 Q. And you got all that information when you booked  
26 him in?

27 A. Yes, we did.

28 Q. And how did you get that information?

29 A. Through him, and we also had other records

1 checked.

2 Q. Okay. And what's his date of birth as far as  
3 you know, or do you have that?

4 A. His date of birth is November 11th, 1978.

5 BY MR. ROSENBLATT: Thank you, Major Manley. I  
6 tender the witness, Your Honor.

7 BY THE COURT: Cross-examination.

8 CROSS-EXAMINATION

9 BY MR. SERMOS:

10 Q. Major Manley, you're essentially, other than the  
11 sheriff, you're the chief officer that was responsible for  
12 this investigation; is that right?

13 A. Yes, sir. I oversaw the investigation.

14 Q. And on one of your reports you have got, stated  
15 at the top of it says "Crime scene report, capital murder"  
16 and it talks about being at the hospital and everything.  
17 What actually do you consider in your parlance here the  
18 crime scene?

19 A. Well, what I consider to be a crime scene is  
20 that we first got the report at the hospital. I observed  
21 the baby which would have been a part of the crime scene,  
22 and then at a later point in time, I went to the residence  
23 which would also be considered the crime scene.

24 Q. All right.

25 BY MR. SERMOS: One moment, please, Your Honor,  
26 and let me get one thing.

27 BY THE COURT: Certainly.

28 (Mr. Sermos retrieves document.)

29 BY MR. SERMOS:

1 Q. When you went to 33 Montgomery Road, you went  
2 with several other deputies; is that right?

3 A. Yes, sir. I did.

4 Q. Did you walk in at the same time the other  
5 deputies did? I believe it was Mr. Smith or Brown -- I am  
6 sorry -- was there also. Were you there when he was  
7 there?

8 A. Yes, sir. We were all present there.

9 Q. When you went there and you left, did you secure  
10 the scene with any yellow tape or anything?

11 A. No, sir.

12 Q. And why didn't you do that?

13 A. Because at that point, I thought that I was  
14 through with the crime scene.

15 Q. Okay. When you went there, you had already  
16 talked to one or two of the doctors; is that right?

17 A. Yes, sir.

18 Q. Had you talked to Dr. Patterson?

19 A. Yes, sir. I did.

20 Q. And had Dr. Patterson told you that she thought  
21 from her professional view and opinion of seeing Chloe  
22 Britt's rectum that it had looked like it had been torn.  
23 Did she tell you that?

24 A. Yes, sir. It appeared to be a tear.

25 Q. Did she tell you it looked like maybe some  
26 blunt object did that?

27 A. She told me something had been inserted. She  
28 never mentioned anything about a blunt object.

29 Q. Okay. So something had been inserted which



1 could be a lot of different things, right?

2 A. That's correct.

3 Q. When you were at the mobile home there and you  
4 had those consent searches because Mr. Havard voluntarily  
5 signed the consent search and so did Rebecca; isn't that  
6 right?

7 A. That's correct.

8 Q. When you went there, at any time in your  
9 investigation when you looked around in that mobile home,  
10 were you looking for any kind of device or object that  
11 could have caused that wound to the baby?

12 A. That's one of the thing I looked for. Yes, sir.

13 Q. And we have all this evidence here, but I  
14 don't -- I haven't seen on any of the lists that anything  
15 that was found. Was it -- did you ever find anything that  
16 you thought might have caused that?

17 A. When I talked about something of that nature, I  
18 am thinking in terms of a sex toy is what I am thinking  
19 of. Nothing of nature was found.

20 Q. Did you ever -- did you ever look around for any  
21 hair brush handles? That's a blunt object. Did you ever  
22 look around for any of those?

23 A. She never told me that it was a blunt object,  
24 but --

25 Q. But an object then. We'll say object.

26 A. She said something had been inserted, but when  
27 she said something had been inserted, in my mind that  
28 could be a penis. It could be digital. It could be a sex  
29 toy.

1 Q. And as you've stated earlier, Jeffrey Havard was  
2 taken to Natchez Regional Medical Center where a Dr.  
3 Barrons and a Nurse Rabb did a sexual assault kit on him;  
4 isn't that right?

5 A. Yes, sir. He was taken for a sexual assault  
6 examination.

7 Q. Did you ask Dr. Barrons what all he looked at  
8 on Mr. Havard?

9 A. No, sir. I never spoke to Dr. Barrons.

10 Q. Okay. As far as any other objects, there's no  
11 objects in evidence? In other words, there's no mop  
12 handles, broom handles, hair brush handles. Nothing like  
13 that, is there? In evidence.

14 A. Nothing like that was taken in evidence. No,  
15 sir.

16 Q. And nothing that was submitted to a crime lab  
17 or anything else to see if it had any tissue, blood, feces  
18 or DNA of Chloe Britt on it; isn't that right.

19 A. You're talking about a blunt object?

20 Q. I'm talking about any kind of object. Nothing  
21 that had any feces, blood, fluid, or DNA from Chloe Britt.  
22 You haven't had anything like that, do you?

23 A. I know we sent several items to the state crime  
24 lab and they did their examination. I know that there  
25 were some items found that had all three samples --

26 Q. But those things are like a sheet or something  
27 like that, but no objects, nothing that could have caused  
28 that rectal **tearing**, right?

29 A. I did not take any objects and send it to the

1 crime lab and get a return on it.

2 Q. Thank you.

3 BY MR. SERMOS: May I approach, Your Honor?

4 BY THE COURT: Yes, sir.

5 BY MR. SERMOS:

6 Q. Major Manley, these are the photographs that I  
7 got from -- apparently taken by you all in the bathroom.

8 Do you remember that or seeing that?

9 A. We have several photos. I don't remember this  
10 one in particular, but I wouldn't dispute you that this is  
11 one.

12 Q. Okay. All right. And this is another one right  
13 here.

14 A. Yes, sir.

15 Q. All right. Do you recall any of those at all?

16 A. Yes, sir. I recall this one specifically.

17 Q. Thank you, sir.

18 BY MR. SERMOS: Your Honor, could we have these  
19 marked for identification?

20 BY MR. HARPER: We have no objection to them  
21 being introduced, Your Honor.

22 BY THE COURT: Will you be seeking to introduce  
23 them into evidence?

24 BY MR. SERMOS: I believe so, Your Honor.

25 BY THE COURT: Okay. Do you care to do that  
26 now, or you'd rather wait about that?

27 BY MR. SERMOS: No, sir. I'll tell you. We'd  
28 ask to go ahead and have them marked and introduced.

29 BY THE COURT: There's no objection by the

1 State?

2 BY MR. HARPER: No, sir.

3 BY THE COURT: Then the Court will allow these  
4 two photographs to be introduced as Exhibit 19 and  
5 Exhibit 20.

6 PHOTOGRAPHS MARKED AS DEFENDANT'S EXHIBIT 19 and 20

7 BY MR. SERMOS:

8 Q. Mr. Manley, did you or one of the deputies go  
9 into the bathroom in the mobile home where the tub is and  
10 see if anybody even -- if you could find any signs that  
11 anybody had been given a bath or taken a bath?

12 A. When we went into the bathroom area, I observed  
13 the baby tub that was leaning up against the wall. I  
14 observed the shower, but this was approximately six hours  
15 after the incident had occurred. So if anyone had taken a  
16 shower, it's my belief that whatever residue had been left  
17 would have been dry by that time.

18 Q. Okay.

19 BY MR. SERMOS: One moment, please, Your Honor.

20 (Mr. Sermos and Mr. Harper confer.)

21 BY MR. SERMOS: Your Honor, may I approach  
22 again?

23 BY THE COURT: Certainly.

24 BY MR. SERMOS:

25 Q. Major Manley, do you recall that being --

26 A. The bathtub. The baby bath. Yes, sir.

27 Q. Was that standing there like when your officers  
28 took the picture of it?

29 A. Yes, sir.

1 Q. And that's what you remember seeing in there?

2 A. Yes, sir.

3 BY MR. SERMOS: Your Honor, we would ask to have  
4 this marked for identification and admitted into  
5 evidence.

6 BY THE COURT: All right. Is there any  
7 objection to this photograph?

8 BY MR. HARPER: No, sir.

9 BY THE COURT: The Court will allow that to be  
10 introduced as Exhibit 21.

11 PHOTOGRAPH MARKED AS DEFENDANT'S EXHIBIT 21

12 BY MR. SERMOS:

13 Q. Officer Manley, when you were there and you all  
14 went through the house, of course, and you talked about  
15 all these sheets and everything that were in a bag down at  
16 the end of the hall, and that was in one of the  
17 photographs that the district attorney showed you. All  
18 that stuff was stacked up there but it hadn't been washed,  
19 had it?

20 A. No, sir.

21 Q. So -- and I believe, of course, it will come out  
22 later that Mr. Havard told you that he had put that down  
23 there to wash it, though, didn't he?

24 A. That's what he told us. He was going to wash  
25 those items.

26 Q. But he hadn't washed it, had he?

27 A. No, sir. He had not.

28 Q. And he had gone to the hospital voluntarily;  
29 isn't that right?

1 A. To my understanding, yes, sir.

2 Q. In other words, of his own free will?

3 A. Yes, sir.

4 Q. So when he left that mobile home and he left it  
5 unlocked also apparently; isn't that correct?

6 A. Yes, sir. He did.

7 Q. And nobody made him leave. He went of his own  
8 free will and left those clothes and those bags by the  
9 machine just like you showed them, correct?

10 A. Correct.

11 Q. Now, as far as those things that you looked at  
12 that were on the side of tub in there, those things were  
13 all there when you got there. So is it fair to say or  
14 would you agree that all those things were on that tub  
15 just like that when Jeffrey Havard went to the hospital  
16 with Rebecca to take the baby?

17 A. I can only testify, Mr. Sermos, that those  
18 items were there when I got there.

19 Q. But it's certainly fair to say that Mr. Havard  
20 couldn't have gotten back there to those items, could he?

21 A. That's correct.

22 Q. As far as any sexual assault kits that were done  
23 -- let me ask you this. I am sorry. Did you review or  
24 read any reports on any sexual assault kit that were done  
25 on the baby, Chloe Madison Britt?

26 A. Yes, sir. I saw a report from the crime lab in  
27 reference to that.

28 Q. Okay. And that report stated from the crime lab  
29 person that the crime lab did not find on or in Chloe

1 Britt any DNA or any residue or specimen from Jeff Havard;  
2 is that right?

3 A. It's my understanding no DNA was found.

4 BY MR. SERMOS: Your Honor, I need to review a  
5 note. May I have the Court's permission to publish  
6 these or hand them to the jury so they can and pass  
7 them around?

8 BY THE COURT: All right. That will be allowed..

9 BY MR. SERMOS: These are just these three in  
10 evidence, Your Honor.

11 BY THE COURT: That will be allowed.

12 (Mr. Sermos passes exhibits to the jury.)

13 BY MR. SERMOS: Okay. Your Honor, I have no  
14 further questions of this witness.

15 BY THE COURT: Okay.

16 BY MR. SERMOS: I will --

17 BY THE COURT: Yes, sir.

18 BY MR. SERMOS: I am sorry, sir. I would  
19 request that on a lot of the witnesses we've release  
20 them, but I would ask that we do not release Major  
21 Manley from his subpoena. That he be on standby  
22 somewhere.

23 BY THE COURT: Let the record show that you do  
24 reserve that right.

25 BY MR. ROSENBLATT: I have one or two --

26 BY THE COURT: Certainly. You'll be allowed  
27 redirect.

28 REDIRECT EXAMINATION

29 BY MR. ROSENBLATT:

1 Q. Major Manley, Mr. Sermos asked you at length  
2 about looking for a blunt object, looking for a blunt  
3 object. Did Dr. Patterson ever identify to you what the  
4 object was that penetrated this baby?

5 A. No, sir. She never made any indication as to  
6 what type of item had been inserted into the baby. She  
7 never mentioned a blunt object.

8 Q. If Mr. Havard had used his fingers, he rather  
9 wouldn't have left them at the mobile home, would he?

10 A. No, sir.

11 Q. If Mr. Havard had used his penis, he wouldn't  
12 have left it at the mobile home, would he?

13 A. No, sir.

14 BY MR. ROSENBLATT: Thank you.

15 BY THE COURT: You may step down, but keep in  
16 mind, you will remain under subpoena and be available  
17 to the Court if called by the other side.

18 (Witness steps down.)

19 BY THE COURT: All right. Would counsel  
20 approach the bench.

21 (After a bench conference about length of witnesses, the  
22 following was made of record, to-wit:)

23 BY THE COURT: All right. Who does the State  
24 call as your next witness?

25 BY MR. HARPER: Deputy Frank Smith, Your Honor.

26 FRANK SMITH,

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

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



1 BY THE COURT: You may.

2 DIRECT EXAMINATION

3 BY MR. HARPER:

4 Q. State your name, please, sir.

5 A. Frank Smith.

6 Q. Deputy Smith, with whom are you employed, sir?

7 A. Adams County Sheriff's office.

8 Q. In what capacity?

9 A. As a deputy sheriff.

10 Q. How long have you been working with the  
11 sheriff's office in that capacity?

12 A. Almost twelve years.

13 Q. I'd like to direct your attention, Deputy Smith,  
14 to an investigation involving the murder of a child, Chloe  
15 Madison Britt, that was initiated on the evening of  
16 February 21st, 2002, and ask first of all, were you  
17 involved in the investigation on that particular day?

18 A. Yes, sir, I was.

19 Q. What, if anything, did you do on the 21st?

20 A. Myself and Major Manley conducted an interview  
21 with the defendant. Obtained both a written and a video  
22 statement from him.

23 Q. Was that on the 21st, the night of the murder,  
24 or was that subsequent to that?

25 A. That was on the 23rd.

26 Q. Were you involved at all on the 21st?

27 A. Nothing prior to that day. No, sir.

28 Q. So on the 23rd is the first time you had any

29 involvement?