


STATE OF MISSISSIPPI
COUNTY OF PIKE

AFFIDAVIT OF GUS SERMOS, ESQ.

I, Gus Sermos, affiant, being over the age of twenty-one (21) and an adult citizen of the State of Mississippi, being of sound mind and body, and after being duly sworn, states under oath the following:

1. My name is Gus Sermos. I am, and was at all times relevant to the matters herein, a duly licensed attorney in good standing with the State of Mississippi. I am competent to testify to the facts contained in this Affidavit and do so on my own personal knowledge.
2. Pursuant to the apparent homicide of Chloe Britt on February 21, 2002, I was appointed trial counsel for the defendant, Jeffrey Keith Havard, during his capital murder trial.
3. Prior to trial, I was aware that the pathologist who performed Chloe Britt's autopsy, Dr. Steven T. Hayne, found evidence consistent with her having been sexually battered.
4. Further, affiant sayeth not.


GUS SERMOS, ESQ.


NOTARY PUBLIC

Sworn to and subscribed before me, this the 16th day of September, 2014.

My commission expires



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CAPITAL DEFENSE

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AFFIDAVIT OF GUS SERMOS, ESQ.STATE OF MISSISSIPPI
COUNTY OF PIKE

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named Gus Sermos, Esq., who being by me first duly sworn, deposed and said:

1. I am Gus Sermos a practicing attorney in the State of Mississippi. I was admitted to practice in September 1997. I established practice in Pike County Mississippi as a sole practitioner at that time.
2. I was appointed to represent Jeffrey Havard on a capital murder charge at arraignment on June 18, 2002. Robert Clark had been appointed in the court below and was appointed to continue on as my co-counsel. I was appointed to this case because of my death penalty experience in one previous and one pending case.
3. Prior to taking this case I had tried one death penalty case in September 1999, and had attended the Mississippi Public Defender Association death penalty training seminar in May 1999, where I received a copy of a death penalty defense trial manual and as a public defender I have a copy of the MPDA Trial Handbook which includes a section on death penalty defense. I also attended a seminar in Jackson in 1999. At the time of the appointment I had another pending death penalty case. That case was tried in November 2002 and this case went to trial in December 2002.
4. Attached to this affidavit and incorporated herein is an index to my trial file. All the material found in this file was provided by the State of Mississippi through Discovery. I have provided this file to Mr. Havard's current counsel.
5. The State offered Jeffrey Havard a plea to life without the possibility of parole, but he maintained his innocence and was not interested in a plea bargain.

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CAPITAL DEFENSE

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6. We believed that our best defense to the capital murder charge was to challenge the evidence of sexual battery, the underlying felony and to argue that the death of the child was an accident. I believe that a pathologist could have assisted in that aspect of the case but had no funding to hire a pathologist and I did not consult a pathologist. I did consult a registered nurse. Mr. Clark filed a motion for funding but the motion was denied.
7. I have personal knowledge of the matters and facts set forth in this my affidavit, and I am competent to testify thereto.

FURTHER, AFFIANT SAYETH NAUGHT.

This the 28 day of September, 2004.

S. Sernos

SWORN TO AND SUBSCRIBED BEFORE ME, this the 28th day of September, 2004.

Marian P. Stealing
NOTARY PUBLIC

My Commission Expires:
MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 29, 2008
BONDED THRU STEGALL NOTARY SERVICE

INVENTORY SERMOS FILE -- State v. Jeffrey Havard, Adams County

Envelope of pictures- baby and house
Videotape
Indictment
Motion to Amend Indictment
Indictment
Order for body search, 2/22/2002
Interrogation and Video Statement Transcript
Case Report
Handwritten statement- Jeffrey Havard 2-23-02
Witness List
Incident Report Buddy Frank 2/21/2002
Case Report --Darien Smith Grace United Methodist Church Child Care Center--staff interviews
Statement of Katie Thompson 2/22/02 -- no signs of abuse, diaper rash
Grace UMC child development Center 2/21/02-Maddie Britt in 10:30, out 5:30 signed by Rebecca Britt
Jennifer Ishman statement 2-22-02 (handwritten)
Amanda Goodwin 2-22-02 handwritten statement
Handwritten note about child care workers
Case Report RE: surveillance tape at block buster video
Rebecca at store at 2100 hours
Case Report Shelly Smith took baby from mother at hospital
Handwritten list of items removed from residence
Personal Information sheet
Permit by medical examiner for autopsy
Permission to search signed by Rebecca Britt
Right Form Rebecca Britt
Lillian Watson handwritten Statement
Johnny Watson handwritten statement
Scott Bandy, Blockbuster video store clerk, handwritten statement 2/21/02
Rebecca Britt, handwritten notes
Handwritten list of names
Waiver of Rights form Jeffrey Havard
Case Report-items taken to State of Mississippi Crime Laboratory for DNA testing
Phone numbers for Havard's grandparents
Sheriff's Department radio log
Lillian Watson handwritten statement 3/8/02
John Manly's typed notes about items found in trailer and handwritten notes about Rebecca Britt
Arrest report Jeffrey Havard 2/23/02
Handwritten notes Jeffrey Havard
NCIC Jeffrey Havard
Arrest Report
Personal Information sheet

Receipt Blockbuster video
Letter from Dept of Finance to Sheriff's Department 3/12/2002; RE: victim
compensation
Case Report –Sheriff Ferrell
Diagram of trailer 33 Montgomery Road
Case Report-Ray Brown
Handwritten statement Rebecca Britt 3/7/02
Handwritten notes Rebecca Britt 3/7/02
Handwritten statement Rebecca Britt 2/22/02
Waiver of rights form Rebecca Britt
Shelley Smith handwritten statement 2/22/02
Patricia Murphy handwritten statement 2/22/02
Permission to search signed by Jeffrey Havard
Waiver of Rights form Signed by Jeffrey Havard
Case Report Buddy Franks
Case report listing evidence at trailer
Crime scene report officer John Manley
Order for body search
Order for Body search signed by circuit Judge
MS Crime Lab Reports
Transcript of Video Statement
Autopsy Report
NCIC report on Jeffrey Havard
Newspaper articles
Copies of photos
Medical Records Chloe Britt
Manila envelope of photos of bathroom